

# ETHICS EXPRESS

U.S. DEPARTMENT OF THE INTERIOR

## DIRECTOR'S CORNER

Welcome to the first edition of the "Ethics Express." The purpose of this newsletter is to enhance ethics communications with all DOI employees and to disseminate information in an effort to maintain a positive ethical culture. Secretary Salazar has made it his priority to enhance integrity and ethics within the Department by implementing Secretarial Order 3288 that provides Department-wide leadership and direction to promote an ethical culture. This is critically important to reaffirm the Department's commitment to ensure public confidence in the integrity and impartiality of our programs and services.



The Departmental Ethics Office has already made great strides in improving communications with our new computer splash screens and posters that increase employee awareness of the ethics guiding principles and provide contact information to increase the Office's visibility. You may also contact us via e-mail at [DOI\\_Ethics@ios.doi.gov](mailto:DOI_Ethics@ios.doi.gov). Please visit our website at [www.doi.gov/ethics](http://www.doi.gov/ethics) where you will find the most current contact information, ethics rules, and regulations.

This newsletter is released quarterly. If you have suggestions for content, or if you have any questions or comments, please email us.

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### WHY IS ETHICS IMPORTANT?

All of us face ethical choices every day in the conduct of our business. The American people, whom we all serve, have a right to expect that all employees of the Department place loyalty to the Constitution, public laws, and applicable ethical policies and principles above private gain. We fulfill this trust by adhering to our own standards of personal and professional integrity, as well as specific ethical regulations, and by being fully accountable for our conduct.—Secretary, Kenneth Salazar

# 'TIS THE SEASON

Every year before the start of each holiday season, the Departmental Ethics Office receives many questions from employees and their business clients on the rules that govern holiday and social events. In anticipation of this year's wave of inquiries, we list the most frequently asked questions on the topics below.

## GIFTS AND FUNDRAISING

### Gifts from non-Federal Sources

As a general rule, Department employees may not, directly or indirectly, solicit or accept a gift from a prohibited source (e.g., person or organization that has or seeks business dealings with the Department, is regulated by the Department, or could be affected by the performance or non-performance of an employee's official duties); or given because of the employee's official position.

There are exceptions to this rule. For example, employees may accept a gift from a prohibited source having a market value of \$20 or less per occasion, provided that the aggregate market value of individual gifts received from any one entity does not exceed \$50 in a calendar year. Employees should never accept cash however.



Employees may accept gifts under certain circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the employee's official position. When the donor of the gift is a personal friend or family member who is also a prohibited source, it is appropriate to seek specific advice from the ethics counselor as to whether the gift should be accepted. In making this determination, the ethics counselor will look to the history of the relationship and who is paying for the gift (the individual or the company).

There are other exceptions to the gift rule. For additional information about exceptions to the general prohibitions regarding gifts from non-Federal sources, employees should refer to the Department's Ethics website at: [www.doi.gov/ethics](http://www.doi.gov/ethics).

Employees may also accept the gift of free attendance to a widely attended holiday event, with prior supervisory and ethics approval

(document on Form DI-1958), when it has been determined that the employees' attendance at the event will be in the interest of the Department because it will further enhance the Department's programs and operations.

An event is considered widely attended if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a wide range of views.

Ethics Counselors approving an employee's Form DI-1958 should ensure that the employee's acceptance of a gift of free attendance to a widely attended event from a non-sponsor of the event does not exceed \$335 and that more than 100 people are expected to attend the event. The form DI-1958 may be downloaded from the Departmental Ethics Office Website at: [www.doi.gov/ethics](http://www.doi.gov/ethics).

### Gifts between employees

Generally, the gift rules prohibit an employee from:

Giving, donating to, or soliciting contributions for, a gift to an official superior; and

Accepting a gift from another employee who receives less pay.

There are exceptions to this rule, such as when the two employees are not in an official subordinate-superior relationship, or when there is a personal relationship between the two employees that would justify the gift. Also, a gift may be accepted if there is an official subordinate-superior relationship and it is ending due to retirement, resignation, or transfer.

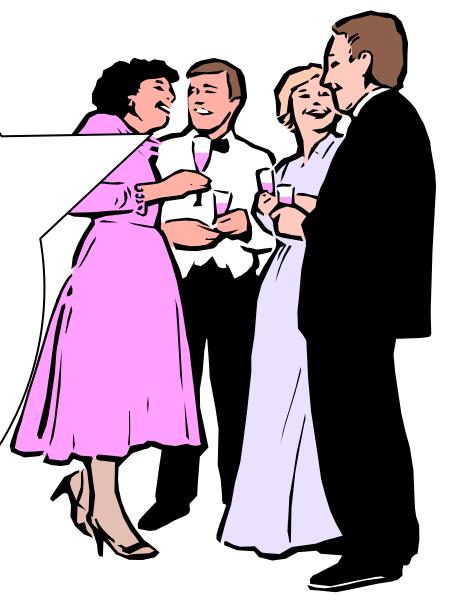
There also is an exception for occasional gifts, such as a nominal gift at the holiday season given to an official superior or accepted from a subordinate or other employee receiving less pay, if the gift is not cash or other form of money and has a market value of \$10 or less per occasion.

## HOLIDAY EVENTS

### **Contractor's Parties**

During the holiday season, some employees may be invited as guests to parties or related events that are sponsored by persons or organizations that have or seek to have business dealings with the Department. In such cases, employees may attend the party or related event if the gift of food, beverage, and entertainment does not exceed \$20 in value for the event.

*Did you know that the Secretary has the authority to permit the use of alcohol in the Main Interior, or the South Interior buildings. The Secretary has delegated this authority to the NBC's Division of Facilities Management Services (DFMS). Contact DFMS at 202 208-4412, or the NBC Special Events Office at 208-7182 to request a waiver of the alcoholic beverage prohibition.*



### **Soliciting Contributions**

Employees may solicit voluntary contributions of nominal amounts from fellow employees in the office on an occasional basis for items such as food and refreshments to be shared within the office. It is important to note that a contribution is not voluntary unless it is made in an amount determined by the contributing employee. Regulations issued by the U.S. Office of Government Ethics require a statement that an employee may choose to contribute less, or not at all, to accompany any recommendation of an amount to be contributed.

Remember, such contributions must be voluntary, and an employee who declines to contribute should not be excluded from a holiday celebration that is held in the office during business hours. Contact your ethics counselor for additional assistance in this regard.

### **Special Issues Relating to Contractor and other Non-Governmental Personnel**

While employees working side by side with contractors in the Federal workplace have become increasingly common, it is important to remember that contract employees are not subject to the same ethics rules as are Federal employees. Federal employees must maintain an appropriate relationship with contract personnel even during the holiday season.

Contract personnel may attend Government employee social functions provided that the contract personnel do not bill the Government for the hours spent at the social gathering. If contract personnel use their own time to attend a Government employee social gathering, or if the underlying contract does not include hourly billing, then contract personnel may attend Government employee social functions.

Federal employees should remember that contractors are considered a prohibited source for purposes of the ethics rules and therefore all applicable regulations concerning the employees' interaction with a prohibited source, as mentioned above, should be followed.

# KNOW THE RULES



## Ethics Pledge

The Ethics Pledge is contained in an Executive Order that was signed by President Obama on January 21, 2009. This Executive Order requires every full-time, political appointee appointed on or after January 20, 2009, to sign an Ethics Pledge. The Pledge applies without regard to the salary level of the political appointee.

Under the Executive Order, political appointees must pledge to:

- not accept gifts or gratuities from registered lobbyists or lobbying organizations (subject only to a limited number of the exceptions provided in the OGE Standards of Ethical Conduct, as well as other exceptions that OGE may authorize in the future for situations that do not implicate the purpose of the gift ban)
- recuse themselves for two years from any particular matter involving specific parties in which a former employer or client is or represents a party, if the appointee served that employer or client during the two years prior to the appointment
- if the appointee was a registered lobbyist during the two years prior to appointment,
  - recuse themselves for two years after appointment, from any particular matter on which he or she lobbied during the two years prior to appointment (or any particular matter that falls within the same specific issue area)
  - not to seek or accept employment with an agency or department that he or she lobbied during the two years prior to appointment
- if the appointee is subject to the senior employee post-employment restriction in 18 U.S.C. § 207(c), to abide by such restriction for two years after termination of the appointment
- not to lobby any covered executive branch official (as described in the Lobbying Disclosure Act) or any noncareer SES appointee for as long as President Obama is in office
- agree that any hiring or other employment decisions will be based on the candidate's qualifications, competence, and experience.

## Post-Employment Restrictions on all Former Employees

Executive branch employees may be subject to certain restrictions on their activity after they leave Government service. Two of the restrictions apply with respect to particular matters involving specific parties that they were involved with while in Government service. If the employee's involvement in such a matter was personal and substantial, then the employee is permanently barred from representing anyone back to any Federal department, agency, or court on that same matter. If the matter was under the employee's official responsibility during the last year of Government service, then the employee is barred for two years after leaving Government service from representing anyone back to the Government on that same matter.

In addition, certain high level officials are subject to a so-called one-year "cooling off" period. For a period of one year after leaving a "senior" position, these officials may not make any appearance before or communication to their former agencies on behalf of any person (other than the United States), with the intent to influence them on any matter in which that person seeks official action.

A former "very senior" employee may not make any communication to or appearance before certain high level executive branch officials, in addition to employees of his former agency, during the first year after he has left Government.

Former senior and very senior employees also are restricted for one year after leaving Government service from representing, aiding, or advising foreign governments or foreign political parties before an agency or department of the United States. Employees who participated personally and substantially in an ongoing trade or treaty negotiation are subject to additional restrictions.

**“Senior Employees.”** Senior employees are all positions included in Levels II through V of the Executive Schedule and those whose basic rate of pay (not including locality pay) is at or above 86.5% of level II of the Executive Schedule (\$153,105 for CY 2009).

**“Very Senior Employees.”** Very senior employees are those appointed to level I of the Executive Schedule.

For additional information on Post-Employment, please visit our website at: [www.doi.gov/ethics](http://www.doi.gov/ethics)

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*Public service is a  
public trust.*

[www.doi.gov/ethics](http://www.doi.gov/ethics)

## FINANCIAL DISCLOSURE REPORTS

All DOI employees, including special Government employees, are subject to conflict of interest restrictions and may be required to file either a public or confidential financial disclosure report. Depending on your official position, grade, and employment status, you may be required to file either a public financial disclosure report (SF 278), or a confidential financial disclosure report (OGE 450).

**Who files an SF 278 Report?** For DOI , the following categories of employees are required to file the SF 278 Public Financial Disclosure Report:

- Senate Confirmed (PAS) Presidential Appointees
- Senior Executive Services (SES) Employees
- Schedule C Employees
- Certain Special Government Employees (SGEs)
- Certain Intergovernmental Personnel Act (IPA) Employees



### Who files an OGE FORM 450 Report?

- Employees whose positions are designated by their bureau or office because they have certain duties and responsibilities related to contracting, procurement, administering or monitoring grants, licenses, audits, etc. or to avoid a conflict of interest.
- Intergovernmental Personnel Act (IPA) employees and special Government employees (SGEs) who are not required to file an SF 278.

## ETHICS EXTRA

### ETHICAL ILLUSIONS: WHEN GOOD PEOPLE DO BAD THINGS AT WORK



#### Department of Veterans Affairs Employee Misuses Credit Card

A former Department of Veterans Affairs employee recently pled guilty to one count of theft of Government property. The former employee used her Government credit card to purchase expensive items (TVs were a favorite), which she then resold or kept for herself. The judge sentenced her to five years probation and ordered her to pay \$170,000 in restitution.

### FOOD FOR THOUGHT

Kim's Caramel Surprise

#### **Ingredients:**

- 20 mini-twist pretzels
- 20 pcs. of chocolate caramel candies
- 20 pecans halves or 20 candy coated chocolates

#### **Directions:**

1. Preheat oven to 300°
2. Place 20 pretzels on a cookie sheet
3. Place a candy on top of each pretzel
4. Place in oven for 5min., or just until chocolate starts to melt.
5. Remove from oven & press one pecan half or candy coated chocolate onto each caramel smashing it down a little, making the chocolate spread out
6. Remove to wax paper immediately
7. Cool completely before eating.