



# OGE ETHICS AWARDS

## DOI and OSM Receive Awards at the Recent National Government Ethics Conference:

The Department of the Interior and the Office of Surface Mining (OSM) were recognized for their outstanding ethics programs at the National Government Ethics Conference held in Orlando, FL, September 13-15, 2011. Both programs received the 2011 Program Excellence and Innovation Award, a recognition by the Office of Government Ethics of DOI's and OSM's accomplishments in ethics program management. The award acknowledges the outstanding efforts by the Departmental Ethics Office to raise awareness among employees through town hall meetings, regional employee meetings, interactive training, the *Ethics*

*Express* newsletter, the recent *Ethics Skits* video, and organizational changes within the Departmental Ethics Office that have improved the Department's program management. The Office of Government Ethics also awarded the Department of the Interior for having an "Ethics Campaign to Build Organizational Integrity." In honoring DOI with this recognition, OGE confirms that the Department of the Interior has gone above and beyond the call of duty in building awareness of its ethics agenda and making DOI's program an excellent example for other agencies to follow. In addition, the Federal ethics community at the

national conference honored the Department of the Interior's ethics program. Conference participants were asked to vote on the best aspects of various Federal ethics programs and the Department of the Interior won for Best Ethics Event (town hall meetings and the OSM "ethics road show") and Best Products to Raise Awareness (such as the employee ethics guide and the *Ethics Express Newsletter*).



## Ethics Training for Regional Assistant Ethics Counselors

The Departmental Ethics Office (DEO) and the Office of Government Ethics (OGE) provided ethics training to 36 regional assistant ethics counselors (AECs) in Denver from 24 to 26 May, 2011. Of the AECs in attendance, over half had never received

formal ethics training to serve as ethics officials. Most had only received DOI-sponsored annual ethics training which is intended to familiarize employees with the ethics rules, but does not provide in-depth training for ethics officials. To ensure that the AECs are equipped

to handle their ethics duties, OGE and DEO attorneys taught in-depth sessions on conflicts of interest, remedies to conflicts of interest, how to review and certify a confidential financial disclosure form, service on outside boards, and gifts analysis.

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# Ethics Training for Regional Assistant Ethics Counselors—Cont'd.

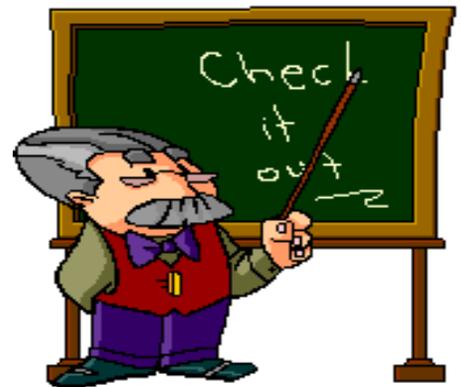
The response to the training was overwhelmingly positive and highlighted the importance of specialized training for regional AECs so that they can provide ethics support to DOI employees and supervisors in their regions. One AEC from Yosemite National Park left the training saying, "I had no idea ethics was so interesting. I can't wait to get back to work and put this training to use." Another AEC from Anchorage, AK (FWS) remarked that her ethics responsibilities had been assigned as collateral duties and she wondered after the training how she was supposed to continue performing ethics work as mere collateral duties when ethics issues are so important to maintaining the Department's integrity. The AECs in attendance realized the complexity of ethics laws and regulations and the importance of training in order to

provide sound ethics support in what is for most a part-time collateral duty.

In addition to the AECs, five bureau deputy ethics counselors (DECs) were on hand to provide specific bureau information and insight. The DECs met with their bureau AECs during a breakout session, allowing the DECs to understand better the needs of field personnel. Combined with the training, these meetings helped establish a support network for AECs and a sense of mission and community among all the attendees.

All AECs are strongly encouraged to attend these training events. While budgets and time are limited, there is a real and tangible benefit to attendance for AECs. Providing ethics support requires a thorough understanding of the rules, which can be complex and difficult to

interpret in some situations. The public's trust in the integrity and impartiality of each bureau, the Department, and the Federal Government as a whole rests with ethics officials "getting it right." So join us next time and share the fun!



## Fundraising for CFC

The mission of the annual Combined Federal Campaign (CFC) is to promote and support philanthropy through a program that is employee focused, cost-efficient, and effective in providing all federal employees the opportunity to improve the quality of life for all. It is also intended to reduce disruptions in the workplace by consolidating all approved solicitations into a single, annual officially supported campaign. The Department has many dedicated employees who work diligently to raise awareness of the campaign and are challenged to be creative and innovative in their fundraising techniques. Below is general guidance on fundraising for CFC as well as guidance on some specific fundraising techniques.

1. All contributions are voluntary, there is no coercion, and individuals have the option of disclosing their contribution or keeping it confidential.
2. Donors are encouraged to designate their gifts to the charity(ies) of their choice.
3. Personal solicitation of funds or other support from subordinate employees or from sources with which

you might have an ethical conflict is never permissible.

4. Non-Federal personnel, such as contractors or retired Federal employees may make a voluntary contribution to the CFC via cash, check, or money order. While they may make voluntary contributions, they may not be solicited. In addition, they may voluntarily participate in various fundraising efforts, such as purchasing raffles.
5. Department employees may not solicit merchandise from local businesses as an incentive to increase contributions to the CFC. Such gifts to Federal employees are prohibited.
6. CFC special fundraising events should be undertaken in the spirit of generating interest in the CFC and be open to all individuals without regard to whether an individual participates in the CFC.
7. Proceeds from special events will be processed as a pledge. Employee groups can decide whether to designate or leave

*The CFC is governed by Title 5, Part 950 of the Code of Federal Regulations.*

this pledge undesignated.

8. CFC lotteries or raffles must comply with gambling regulations. To be considered gambling, a game must have three elements: (a) the furnishing of consideration (betting something of value—usually money), (b) in a game of chance, (c) that offers a reward or prize.

Here are some fun fundraising suggestions:

1. Have a baby shower for newborns to six-year olds to go to a CFC agency.
2. Sell daily clues to a mystery location where a treasure is hidden. The first employee to guess the location wins the treasure.

# HATCH ACT—FAQS

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The Hatch Act prohibits Federal executive branch employees from engaging in political activity while on duty, in any room or building occupied in the discharge of official duties by an individual employed or holding office in the U.S. government, while wearing a uniform or official insignia identifying the office or position of the employee, or using any vehicle owned or leased by the government. Political activity has been defined as activity directed toward the success or failure of a political party, candidate for a partisan political office or partisan political group.

## **Frequently Asked Questions**

### **1. Can I put a campaign sign in my front yard?**

#### ***Answer (\*Less Restricted employees):***

*Yes. A Less Restricted employee may place in his or her front yard a sign or banner supporting a partisan political candidate.*

#### ***Answer (\*\*Further Restricted employee):***

*Yes. A Further Restricted employee may place in his or her front yard a sign or banner supporting a partisan political candidate.*

### **2. Can I volunteer for someone's campaign?**

***Answer (\*Less Restricted employees):*** Yes, Less Restricted employees may volunteer for a partisan candidate's campaign. Less Restricted employees are permitted to participate in political activities to the extent not expressly prohibited by the Hatch Act. Examples of permitted activities that constitute political campaigning include: initiating or circulating nominating petitions; canvassing votes in support of or in opposition to a partisan political candidate; endorsing a partisan political candidate; attending and being active at political rallies and meetings; distributing campaign literature; and taking an active part in managing

*a partisan candidate's political campaign. Less Restricted employees (except certain employees appointed by the President with the advice and consent of the Senate and those paid from an appropriation for the Executive Office of the President), however, are prohibited from engaging in political activity while on duty, in a federal room or building, while wearing an official uniform or insignia, or while using a government vehicle. Likewise, Less Restricted employees may not use their official authority or influence to interfere with the result of an election or solicit, accept, or receive political contributions at any time. Hence, Less Restricted employees must be mindful that the above-listed activities could violate the Act if the employees engaged in the activities at the wrong time, or in the wrong place or manner. If a Less Restricted employee has a question about a specific political activity, he or she can contact Office of Special Counsel to obtain further guidance.*

***Answer (\*\*Further Restricted employees):*** No. The Hatch Act expressly prohibits Further Restricted employees from taking an active part in partisan political management or political campaigns. Accordingly, Further Restricted employees may not campaign for partisan candidates in concert with a political party, candidate for partisan political office or a partisan political group.

### **3. Can I make a contribution to the campaign of a partisan candidate, or to a political party or organization?**

***Answer:*** Yes. A federal employee may contribute to the campaign of a partisan candidate, or to a political party or organization, provided the employee does not do so while on duty or in the federal workspace.

### **4. I am a federal employee and a supervisor. May I invite my subordinates to a fundraiser for a partisan political candidate or political party?**

***Answer:*** No. Inviting subordinate employees to a political fundraiser would violate at least two provisions of the Hatch Act. First, inviting other individuals to a political fundraiser would violate the Act's prohibition against soliciting, accepting, or receiving political contributions, even if the supervisory employee does not expressly ask the individuals to contribute money. Second, inviting subordinate employees to any political event would violate the Act's prohibition against using one's official authority or influence to affect the result of an election. Such conduct is inherently coercive, and violates the Act even if the supervisory employee does not threaten to penalize subordinates who do not attend or promise to reward those who do attend. Finally, inviting subordinates to a political fundraiser while at work would violate the Act's prohibition against engaging in political activity while on duty or in a federal building or vehicle.

### **5. I received an invitation to a political fundraising event, and I think some of my friends would like to go, too. May I e-mail them the invitation I received?**

***Answer:*** No. The Hatch Act prohibits employees from soliciting or accepting political contributions, which includes inviting individuals to political fundraisers. Therefore, the Hatch Act would prohibit you from inviting your friends to a political fundraiser by e-mailing them an invitation to the event.

### **6. Can my name appear on invitations to a political fundraiser as a sponsor or point of contact?**

***Answer:*** No. An employee's name may not be shown on an invitation to such a fundraiser as a sponsor or point of contact.

## HATCH ACT—FAQs— Cont'd.

### 7. Can I display a picture of a candidate for partisan political office in my workspace?

**Answer:** Because section 7324 of the Hatch Act prohibits federal employees from engaging in political activity while on duty or in a federal building, the Act generally would prohibit employees from displaying pictures of candidates for partisan public office in the federal workplace. See 5 C.F.R. § 734.306, Example 16. However, we advise that an employee would not be prohibited from having a photograph of a candidate in his office if all of the following apply: the photograph was on display in advance of the election season; the employee is in the photograph with the candidate; and the photograph is a personal one (i.e., the employee has a personal relationship with the candidate and the photograph is taken at some kind of personal event or function, for example, a wedding, and not at a campaign event or some other type of partisan political event). Of course, an employee must not have a political purpose for displaying the photograph, namely, promoting or opposing a political party or a candidate for partisan political office.

### 8. Can I wear a partisan political button or t-shirt while I am at work or display such items in my office?

**Answer:** No. Employees may not engage in political activity while on duty, in a government office or building, in uniform, or in a government vehicle. Wearing or displaying candidate, political party or political group materials while on duty or in your work space qualifies as political activity. This prohibition extends to wearing or displaying such items in, for example, the cafeteria, lobby or on-site gym of a federal building.



### 9. Can I have a screen saver on my computer or a picture in my office with a political message (e.g., a campaign sign, campaign logo, etc.)?

**Answer:** No. Employees may not engage in political activity while on duty, in a government office or building, in uniform, or in a government vehicle. Displaying campaign material qualifies as political activity.

### 10. If I have a bumper sticker on my

personal car, am I allowed to park the car in a government lot or garage, or in a private lot/garage if the government subsidizes my parking fees?

**Answer:** Yes. An employee is allowed to park his or her privately owned vehicle with a bumper sticker in a government lot or garage. An employee may also park the car with a bumper sticker in a private lot or garage for which the employee receives a subsidy from his or her agency.

### 11. If I am on duty and/or in my government workspace, can I login to my non-government e-mail account and from that account, send or forward a partisan political e-mail?

**Answer:** No. You cannot send a partisan political e-mail from your non-government e-mail address while you are on duty and/or at work.

**\*(Less Restricted employees):** GS and WG Employees

**\*\* (Further Restricted employees):** Career SES, Administrative Law Judges, Contract Appeals Board Members, and Administrative Appeals Judges

## BUREAU HIGHLIGHTS

### FAREWELL

It is with great sadness that on September 9, 2011, we bade farewell to Kim Hintz (former, Deputy DAEO). Kim has relocated to Huntsville, AL with her husband and is embarking on a new career as an Attorney Advisor for the Missile Defense Agency. Kim was a superb Deputy who served DOI employees with distinction. While we miss Kim's smile and sense of humor, we look forward to seeing her again as she continues to work with the ethics community.

### NEW ETHICS OFFICIAL

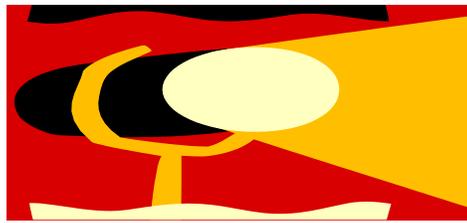
Connie L. Johnson is the new Deputy Ethics Counselor for OSMRE. Prior to joining

us, Ms. Johnson served as Legal Counsel and an Ethics Counselor in the Office of the General Counsel for the Secretary of the Air Force in the Pentagon. Before joining Air Force civil service, Ms. Johnson worked as a Legislative Consultant and Legal Counsel for Service Employees International Union. Ms. Johnson was a State Representative for the State of Missouri from 2000-2009. Ms. Johnson also has extensive litigation experience having served as Of Counsel at the law firm of Armstrong Teasdale, LLP in St. Louis, Missouri.

Ms. Johnson has a Bachelor of Science in Communications/Radio/TV/Video and a minor in Psychology from Bradley University. Ms. Johnson received her Juris Doc-

torate from Saint Louis University School of Law and holds a Master's in Health Administration from Saint Louis University School of Public Health. Ms. Johnson is a member of the bar for the State of Missouri and the District of Columbia Court of Appeals.

Ms. Johnson is eager and ready to assist you with your ethics issues. She is located in SIB Rm. 227. Her phone number is 202-208-2704. If you have any issues or concerns, please feel free to e-mail her directly at [cljohnson@osmre.gov](mailto:cljohnson@osmre.gov) or you may send an e-mail to the confidential ethics mailbox at [osmethics@osmre.gov](mailto:osmethics@osmre.gov).



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Mr. Ed McDonnell, a retired U.S. Marine Corps judge advocate, received his Bachelor of Science degree (cum laude) in Physics from California State University, Northridge, in 1984, and was commissioned a second lieutenant in the U.S. Marine Corps. In 1988, he was selected for the Marine Corps Funded Law Education Program and received his Juris Doctor degree from University of California, Hastings College of the Law, San Francisco, California, in 1991. He is a member of the California bar.



From 1991 through 1992, Ed served in legal assistance and as a trial counsel in Okinawa, Japan. From 1993 to 1995, he served as senior trial counsel, military justice officer, and Special Assistant U.S. Attorney at Marine Corps Air Station, Cherry Point, North Carolina. From 1995 to 1996, still at Cherry Point, he served as Assistant Civil Law Officer, practicing installation law and ethics. From 1996 to 1999, he served with the Administrative Law Division (Code 13), Office of the Judge Advocate General of the Navy, first in the Military Affairs Branch, and then the Standards of Conduct and Government Ethics Branch. From 1999 to 2002, he served as Deputy Head, Research and Civil Law Branch, Judge Advocate Division, Headquarters, U.S. Marine Corps, where he practiced administrative law and ethics. From July 2002 until his retirement from the U.S. Marine Corps in 2004, he again served at Code 13, this time as Head of the Military Affairs and Personnel Law Branch and as Head of the Regulations and Legislation/FOIA/Privacy Act/Federal Register/Disability Branch. After retiring from the U.S. Marine Corps, he served, as a civilian employee, as the Manager for the Marine Corps Ethics Program from May of 2004 until March of 2007.

Mr. McDonnell joined the Departmental Ethics Office on March 5, 2007. Stop by room 7348 to meet Ed and have a “wicked good” (Massachusetts) talk with him. If you are lucky you may catch him strumming a few notes on his guitar!

## Ethics Extra

### OSC Brings Hatch Act Enforcement Action Against GSA Employee

An investigation conducted by Office of Special Counsel found evidence that the GSA employee engaged in prohibited political activity, including soliciting political contributions and e-mailing promotional material in association with the 2008 Presidential election. The e-mails were sent to other federal employees and federal contractors and, among other things, included information about volunteer opportunities for then-Presidential candidate Barack Obama’s campaign. The GSA employee engaged in this activity while on duty and while in a government building.

Thus, OSC’s investigation found evidence that the GSA employee violated three Hatch Act prohibitions – the prohibition against soliciting, accepting or receiving

political contributions from any person, the prohibition against engaging in political activity while on duty, and the prohibition against engaging in political activity while in a room or building occupied in the discharge of official duties by an individual employed in the Government of the United States. Accordingly, OSC has filed a complaint with the MSPB, seeking disciplinary action with respect to the GSA employee for knowingly violating the Hatch Act.

### Interior Official Altered Reports and Leaked Confidential Information

The Interior Department’s Inspector General found that a senior official had repeatedly altered scientific field reports to lessen the protections for imperiled species and ease the impact on landowners. The investigation also revealed the official,

who works in Fish and Wildlife Service, misused her position by disclosing confidential information to private groups seeking to affect policy decisions. The Inspector General referred the case to the Department Head for “potential administrative action.”

**The Law:** 18 U.S.C. § 201(b) (2003) forbids Federal employees from (among other things) seeking or receiving anything of value in return for being influenced in the performance of an official act or to commit or to assist the commission of any fraud against the United States. It mandates fines, imprisonment for up to 15 years, or both, along with disqualification from holding “any office of honor, trust, or profit under the United States.”

