

## INFORMATION PAPER

SUBJECT: Standards of Conduct for Federal Employees

1. Purpose. To provide a refresher on the general standards of conduct and references applicable to all Federal employees.

2. Facts.

a. All Federal employees are expected, as part of their status as government employees, to follow certain ethical standards. These standards apply to all types of jobs and positions, regardless of whether you are civilian or military, or what rate you are paid at.

b. Principles of Ethical Conduct. The most basic, and probably most important, statement of these standards is the "Principles of Ethical Conduct for Government Officers and Employees," Executive Order 12674, which we have placed on our website for you. There are fourteen of these principles, and they provide the framework for your ethical conduct and decision making throughout your Federal career. These principles also appear in Title 5 of the Code of Federal Regulations, section 2635.101, and are reprinted in The Joint Ethics Regulation (JER). You will find that if you know and understand these principles, you will know what to do most of the time when you have "ethical" situations, or know when you need to contact your ethics counselor for guidance.

c. The Joint Ethics Regulation. In 1993, the Department of Defense published the JER. It fixes a single set of standards for all the uniformed services (including their civilian employees), so that we in the Army are "playing by the same rules" as the Navy and the other services. That regulation superseded the Army's individual regulation, AR 600-50. The JER provides more detailed guidance for everyday situations, and is a primary reference for standards of conduct questions. It is very comprehensive, and covers almost any ethical subject, from who are and what ethics counselors do, to how to avoid ethical problems when looking for another job. You can access the JER online at <http://www.afmc-pub.wpafb.af.mil/HQ-AFMC/JA/lo/lojaf/ethics/jer/jer.htm>. You should take a few moments during this training to access the JER and familiarize yourself with it. Note that portions of the JER are punitive, meaning that violating the standards can lead to UCMJ action for soldiers, and administrative action against civilian employees.

d. Conflict of Interest Statutes. Besides the general principles and JER discussed above, certain Federal criminal statutes apply to ethical violations. The main conflict of interest statutes are contained in Title 18 of the United States Code, sections 201-209.

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These statutes are discussed in Chapter 5 of the JER. Of particular interest to FJ personnel is Title 18 U.S.C. § 205. This statute prohibits any government employees from representing others to the government:

“a. Prohibition Under 18 U.S.C. 205 (reference(c)). 18 U.S.C. 205 (reference(c)) prohibits DoD employees, other than enlisted members, whether or not they are employed for compensation, from personally acting as an agent or attorney for anyone else before a department, agency, or court in connection with any covered matter in which the United States is a party or has a direct and substantial interest or from prosecuting any claim against the Federal Government or receiving any gratuity or interest in such claim for assistance in prosecuting the claim. Covered matter means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.”

While there are a few exceptions to the statute, it can apply to some fairly common situations where an employee may unwittingly violate the law. For example, an employee may not request to use government resources on behalf of his church, child's school, or other off-post organization not composed primarily of DOD personnel.

Other statutes concerning ethical conduct, such as those prohibiting bribery and graft, are also discussed in Chapter 5 of the JER.

e. Ethics Counselors. The JER requires that ethics counselors be appointed in writing to serve in that capacity. Ethics counselors provide advice on standards of conduct questions, laws, and regulations, train employees, and manage the financial disclosure process. Ethics counselors do not, however, form an attorney client relationship with employees, and communications with ethics counselors are not confidential. At Fort Jackson, contact the Office of the Staff Judge Advocate, Administrative Law Division, telephone 751-6525, to speak with an ethics counselor.

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