

## INFORMATION PAPER

SUBJECT: Annual Ethics Training 2002: Relationships with non-Federal Entities

1. Purpose. To provide information regarding government employees' relationships with non-Federal entities.

2. Facts.

a. How you may or may not participate in the activities of "non-Federal entities" is a frequently occurring ethical problem for government employees. Actually, Army and other uniformed service personnel probably face these questions more than anyone else in the Federal government. Because many of us live, work, and socialize in the same place, our organizations tend to "blur." That is, sometimes we do not stop and think whether our group is part of the Army or not, and what that means. This information paper will help you sort out what is (and is not) a "private" group, and what that means in terms of your participation and support. Many rules exist designating what is and is not lawful. Some of the restrictions are statutory, meaning that improper activities with a non-Federal entity can be punishable as criminal offenses.

b. What is a "non-Federal entity?" As the term implies, a non-Federal entity (NFE) is any group, organization, association, or other collection of people or organizations that is not part of the Federal government. These non-Federal entities are usually further described as either "private organizations" (POs) or "non-affiliated organizations," which are all non-Federal entities that are not POs. "Private organizations" are a special category of NFEs. They are groups that have permission to operate on a military installation, and are usually comprised of all or mostly DOD employees or their dependents. Specific regulations govern PO activities and the support the Army may extend to POs. Examples of POs are spouses' clubs, regimental associations, professional associations (such as AUSA and NCOA), and special interest clubs, like riding clubs, chess clubs, and so forth.

c. Why is knowing about relationships with NFEs important? Because almost everyone has some kind of relationship with NFEs, and not understanding restrictions may cause an employee to commit an ethical violation. Almost everyone belongs to a church or club or civic group of some kind. And, particularly, military personnel will come into contact with POs almost from the day they enter the service, since many such groups operate on installations and have many members, sometimes even world-wide.

d. What kinds of relationships may employees have with NFEs? There are two distinct ways that employees can participate in NFEs: either in their official capacities, or in their personal capacities.

(1) Official capacity. Participating in NFE activities in your official capacity means that you are doing so as a representative of the Army. Your actions are part of your official duties, and your responsibility is to protect the Army's interest with regard to the NFE concerned. The most common situation is when an employee represents Fort Jackson for communication purposes. That employee's job is to ensure that Fort Jackson is aware of and can communicate with an NFE about matters of mutual interest. The employee is acting as a liaison. A number of Fort Jackson employees perform liaison duties, e.g., to commercial groups, such as the Chamber of Commerce, and to local government groups that share common interests with Fort Jackson. Since you are on duty while performing as a liaison, you may use duty time for these activities, and the government will pay for any travel or meal expenses. But, since you are working for the Army, you may not become personally involved with or endorse the NFE. You may not participate in the NFE's management or raise funds for or promote membership in the organization, nor may you be an officer, director, or employee of the organization.<sup>1</sup>

(2) Personal capacity. Generally speaking, Federal employees are free to join clubs and associations in their "personal capacities," meaning that they are acting as "private citizens," not in conjunction with their Army duties. So long as you are operating strictly in your personal capacity, you may join, become an officer in, raise funds for, and promote membership in NFEs, including POs on the installation. The trick is to make sure that your "personal capacity" doesn't spill over to your "official capacity." You cannot do anything to officially endorse or promote the organization. You may not use your official position in conjunction with the organization, such as being listed as "Commander" or "Staff Judge Advocate, Fort Jackson" on the organization's letterhead or in its correspondence. It means you may not solicit subordinates to join or support any particular NFE, even those that are very closely related to an Army group, such as regimental associations. You may not direct or solicit subordinates to contribute to or raise funds for a specific organization. You may not make any official decisions regarding an NFE in which you are an officer, director, or active member. This means that if you are an active member in a professional association, and that association requests to use space or facilities

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<sup>1</sup> Like most rules, this one has a few exceptions. However, they are narrow, so if you think you should be actively participating in the internal operations of an NFE to which you are a liaison, contact your ethics counselor for specific guidance.

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that you normally control, you may not act on that request. Also, in many cases, you may not represent your organization before the government.<sup>2</sup> This means that if your church wants to use a Fort Jackson facility for a youth event, you may not ask on your church's behalf. You also may not use government resources for your NFE's business. This means that you may not use your government duty time (or that of other employees) to do your regimental association's bookkeeping or use government equipment to make copies of the spouses' association fundraising flyers. While many examples you can think of may seem harmless, the fact remains that some of the prohibitions against conflicting interests and representation of NFEs are criminal statutes. You should therefore be sure that your action is legal before you take it.

d. Other resource materials. The primary reference for most ethics guidance, including about relationships with NFEs, is the Joint Ethics Regulation. We recommend that you use the link on our website to access it and read through Chapter Three. We will also post additional information papers and other resources concerning this subject from time to time. We have provided links to a number of other sites that contain good ethics materials as well. If you have any questions about this subject or other ethics matters, please contact Ms. Gargrave at 4-6525, or LTC Logue at 4-7323.

Ms. Gargrave/4-6525

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<sup>2</sup> Again, this rule has some exceptions, the most relevant one being for certain organizations where the majority of the members are Federal government employees or dependents. Since this is a criminal statutory prohibition, you should check with your ethics counselor to be sure your representation would be legal.