

GOVERNMENT ETHICS



Presented by the Office of the Staff
Judge Advocate

JOINT ETHICS REGULATION

“JER”



- ⌘ Provides a single source of guidance on all relevant ethical issues
- ⌘ Promotes consistent conduct within the various federal agencies
- ⌘ Applies to Army, Navy, Air Force, and Marine Corps personnel

DUTIES OF ETHICS COUNSELOR



- ⌘ Advise, counsel, and assist designated commands and employees
- ⌘ Seek answers for ethical dilemmas that cannot be solved locally
- ⌘ Maintain current JER
- ⌘ Remain current on DOD ethics policies
- ⌘ Review financial disclosure reports

ISSUES FOR ETHICS COUNSELOR



- ⌘ Gifts and gratuities
- ⌘ Ethics training
- ⌘ Private organizations
- ⌘ Post-government employment
- ⌘ Use of government resources

WHY CONSULT ETHICS COUNSELOR?

- ⌘ Avoid potential problems before they occur
- ⌘ Correct actual problems
- ⌘ JER provides protection for person who seeks Ethics Counselor opinion



PRINCIPLES OF GOVERNMENT SERVICE



- ⌘ Do not use nonpublic information to further private interest
- ⌘ Do not solicit or accept gifts
- ⌘ Do not use public office for private gain
- ⌘ Do not make unauthorized commitments
- ⌘ Protect and conserve federal property
- ⌘ Perform duties honestly and faithfully
- ⌘ Disclose waste, fraud, and abuse

PRINCIPLES CONTINUED



- ⌘ Avoid the appearance of impropriety
- ⌘ Refrain from engaging in conflicting outside employment
- ⌘ Satisfy citizen obligations
- ⌘ Refrain from holding conflicting financial interests
- ⌘ Provide equal opportunity

USE OF GOVERNMENT RESOURCES



⌘ Official government business

⌘ Legitimate governmental purpose

PROBLEM AREAS WITH GOVERNMENT RESOURCES

- ⌘ Personnel
- ⌘ Vehicles
- ⌘ Telephones
- ⌘ Computers
- ⌘ Supplies and equipment



GIFTS



⌘ What is a gift?

⌘ When are gifts allowed?

⌘ How do you dispose of unauthorized gifts?

WHAT IS A GIFT?

⌘ Any item of monetary value including services, transportation, lodging, or food

⌘ Examples:

☑ gratuity

☑ favor

☑ discount

☑ entertainment/hospitality

☑ loan or forbearance

GIFT RULES



⌘ Two areas of concern

☑ Gifts from outside sources

☑ Gifts between employees

GIFTS FROM OUTSIDE SOURCES



⌘ General Rule: No Gifts . . .

☑ From prohibited sources

☑ Because of official position

PROHIBITED SOURCES



- ⌘ Person seeking official action from government agency
- ⌘ Person seeking to do business with a government agency
- ⌘ Person whose activities are regulated by a government agency
- ⌘ Person with an interest that might be influenced by a government employee's duties

ANALYSIS FOR GIFTS - OUTSIDE SOURCES



⌘ Is it a gift?

⌘ Is there an exception?

⌘ Would using exception undermine government integrity?

NON-GIFT ITEMS



- ⌘ Coffee, donuts, or other similar items
- ⌘ Greeting cards, plaques, certificates
- ⌘ Rewards and prizes in contests open to the public
- ⌘ Commercial discounts available to public
- ⌘ Commercial loans and pension benefits
- ⌘ Items obtained by paying market value
- ⌘ Items obtained or secured by government

EXCEPTIONS TO GIFTS FROM OUTSIDE SOURCES



- ⌘ Unsolicited gifts with a market value of \$20.00 or less
- ⌘ Gift is based on a family relationship or personal friendship
- ⌘ Legitimate award
- ⌘ Food, refreshment, and entertainment for DoD employees
- ⌘ Certain educational scholarships or grants

GIFTS BETWEEN EMPLOYEES



⌘ General Rule: No Gifts . . .

☑ To or from superiors or senior ranking personnel

☑ To or from subordinates or junior ranking personnel

EXCEPTIONS TO GIFTS BETWEEN EMPLOYEES



⌘ "Occasional basis" exception

⌘ "Special infrequent occasion" exception



OCCASIONAL BASIS EXAMPLES



The following items are permitted to be exchanged on an occasional basis:

- ☑ Non-cash items valued at not more than \$10.00
- ☑ Food and refreshments shared among employees
- ☑ Personal hospitality items



SPECIAL INFREQUENT OCCASION EXAMPLES

- Marriage
- Illness
- Birth of a child
- Transfer
- Retirement



On your retirement...



RULES FOR SOLICITING CONTRIBUTIONS

Permissible to solicit nominal amount (not more than \$10.00)

- From fellow employees
- To obtain an appropriate gift
- Contributions must be voluntary
- Cannot maintain list of contributors

ANALYSIS FOR GIFTS BETWEEN EMPLOYEES

- Is it a gift?
- Does the gift rule apply?
- Does one of the two exceptions exist?

DISPOSITION OF UNAUTHORIZED GIFTS

- ⌘ Return the gift
- ⌘ Pay the fair market value
- ⌘ In the event of embarrassment, accept the gift and return or pay for it after the event
- ⌘ If gift is perishable, share item with office, give to charity, or destroy item
- ⌘ Turn in gift for disposal
- ⌘ When in doubt, consult with Ethics Counselor





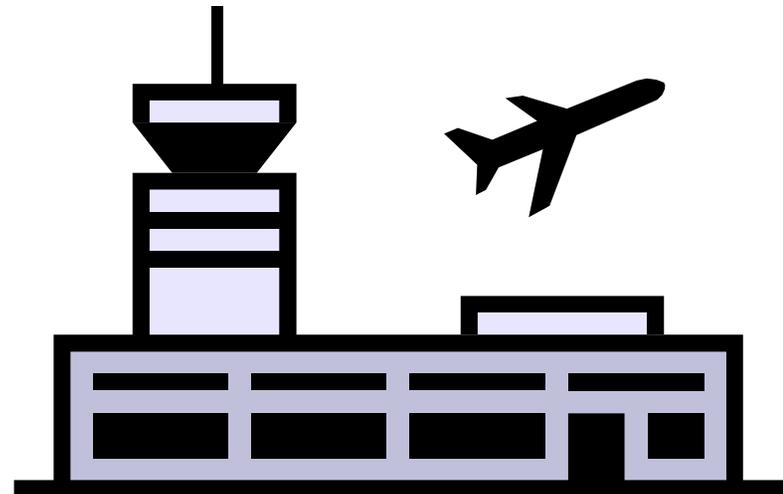
AIR TRAVEL



☑ First class

☑ Premium class

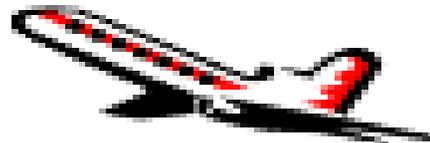
☑ Coach



COACH CLASS AIR TRAVEL

- ⌘ Preferred method of air travel for government employees. Government will usually not pay for first class or premium class travel.
- ⌘ Applies to all DoD civilians and military personnel

↓ You are here



INCIDENTAL TRAVEL BENEFITS



- ⌘ Move over, Mama, we're flying uptown!!
- ⌘ Frequent flyer miles earned from official government travel used to belong to the government – Now, they're Yours!!
- ⌘ Frequent flyer miles may be used to upgrade from coach to premium class, or hey, even to first class!
- ⌘ If government miles are commingled with private miles, all miles belong to government
Not anymore, by golly. . .

TRAVEL UPGRADES



- ⌘ Remember, the government only pays for coach, absent special circumstances.
- ⌘ Unsolicited on-the-spot upgrades may be permitted, or can use frequent flyer miles, but
- ⌘ Cannot travel first class in uniform
- ⌘ **Cannot manipulate travel to get better benefits if more costly or not mission essential**

DISPOSITION OF GIFTS WHEN BUMPED



- ⌘ Involuntarily bumped from travel
 - ☑ Benefits belong to the government

- ⌘ Voluntarily bumped
 - ☑ Benefits belong to the individual
 - ☑ Delay must not interfere with mission
 - ☑ No additional cost to the government
 - ☑ Adjust travel claims accordingly

HOME TO DUTY TRAVEL

- ⌘ Cannot use government vehicles to and from work
- ⌘ Very few exceptions for enumerated personnel – not likely to apply



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IMPAC CREDIT CARDS



Major problem areas:

- Failing to account for purchases
- Unauthorized purchases
- Splitting of purchases
- Conflict of interest

DISCLOSURE REPORTS



⌘ SF 278 Public Financial Disclosure Report

⌘ OGE 450 Confidential Financial Disclosure Report

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