

# Ethics

## What **ALL** Federal Employees Should Know

## Gifts from Outside Source

The Federal Regulation governing this is 5 CFR Part 2635, Subpart B (Acceptance of Gifts from Outside Sources). This regulation provides that you, as a Federal employee, may not solicit or accept, directly or indirectly, a gift from any prohibited source. Further, you may not accept a gift because of your official position. This rule applies whether you are on or off duty. This regulation is based on two criminal statutes, 18 U.S.C. § 201 (prohibiting bribes and illegal gratuities) and 18 U.S.C. § 209 (prohibiting compensation by outside sources for the performance of your government duties – "Supplementation")

## Gifts from Outside Source cont.

- A "prohibited source" is any person, company, or organization that:
- Is seeking official action from your agency.
  - Has business with your agency.
  - Seeks to do business with your agency.
  - Conducts operations regulated by your agency.
  - Seeks to influence your agency's policies or regulations.
  - Has interests that may be affected by your official duties.
  - Is an organization, a majority of whose members are prohibited sources.
  - These prohibitions protect you and USDA from undue criticism and protect you from potential prosecution or disciplinary action.

## Gifts from Outside Source cont.

- A "gift" may be any tangible or intangible item of value, such as:
- Cash.
  - Service.
  - Entertainment, hospitality, gratuity, or favor.
  - Travel or travel-related expenses.
  - A discount, loan, or forbearance (forgiveness) of a loan, offered as a result of your official position.

## Gifts from Outside Source cont.

- A "gift" is not:
- Snacks such as coffee or donuts that are not part of a meal.
  - Greeting cards or items of little intrinsic value such as plaques, certificates, and trophies.
  - Loans or credits from banks or other financial institutions at rates available to the public.
  - Anything for which you paid fair market price.

## Gifts from Outside Source cont.

- There are a few exceptions to the gift prohibitions that apply to most Federal employees. You may accept:
- Unsolicited gifts valued at \$20 or less, per occasion, per source, with an aggregate value of \$50 per year. (This means that during the calendar year, you may not accept gifts totaling more than \$50 from any one source.) (FSIS employees covered under the Meat Inspection Act are not permitted to accept gifts under this exception. See your Ethics Advisor for more information.)
  - Gifts given based on a personal relationship and it is the giver, not the giver's company, that pays for the gifts.
  - Gifts based on outside affiliations, outside work, or clubs (provided the gift is not being given because of your Federal official position).

## Gifts from Outside Source cont.

### You may also accept:

- Non-cash awards valued at \$200 or less or honorary degrees from sources not affected by your performance or non-performance of duties. (Cash awards, or other awards valued at more than \$200, are permissible under special circumstances; but they require prior approval from your Ethics Advisor.)
- A waiver of conference fees or acceptance of meals when you are speaking in your official capacity or attending a widely-attended event. (See also our training module entitled "Invitations from Outside Entities.")
- Gifts, in the form of travel expenses or admission fees, in connection with permissible political activity.

## Gifts from Outside Source cont.

- It is never inappropriate and frequently prudent for you to decline a gift if you believe it would give the appearance of favoritism or loss of impartiality — even though it meets the exception criteria.
- Agency, not personal, acceptance: Once you have accepted a gift on behalf of your Agency, you must turn it in to your property officer as it is Federal property. Your property officer may allow you to be custodian of the item and display it in your office or it may be displayed in a public showcase.

## Gifts Between Employees

Federal laws and regulations govern gifts between Federal employees:

5 U.S.C. § 7351: Gifts to Superiors

5 C.F.R. § 2635: Gifts between Employees

Both statute and regulation address gift-giving between employees who are in a subordinate to official-superior relationship.

An official-superior is not limited to your immediate supervisor. This includes any employee who directs or evaluates you or your supervisor.

These regulations prohibit any action on your part that may influence, or appear to influence, an official-superior's impartial conduct toward you.



## Gifts Between Employees cont.

### You may NOT:

- Give a gift to your official-superior, directly or indirectly.
- Donate money for a gift to official-superiors, even voluntarily.
- Solicit a contribution from another employee for a gift to an official-superior (either yours or theirs).
- Coerce the offering of such a gift.

## Gifts Between Employees cont.

### On an occasional basis, you MAY give:

- A gift to one making more than you if there is a personal relationship justifying the gift and the recipient is not your "official-superior."
- Items, other than cash, with an aggregate market value up to \$10.00 per occasion.
- Food and refreshments to be shared at the office.
- Hospitality gifts.
- Leave under an approved Agency leave sharing plan except to an immediate supervisor.

## Gifts Between Employees cont.

### Also, gifts suitable to the occasion may be given or exchanged:

- In recognition of infrequently occurring occasions of personal significance such as marriage\*, illness, or the birth or adoption of a child.
- For occasions that end a subordinate/official-superior relationship, such as retirement, resignation, or transfer.

## Gifts Between Employees cont.

- You may not accept a gift from an employee receiving less pay than you **UNLESS**:
- There is no subordinate-official relationship; **and**,
- There is a personal relationship between you and the less-paid employee that would justify the gift.

USING GOVERNMENT PROPERTY AND TIME  
(OR: MAY I FAX MY PARTY INVITATIONS FROM THE OFFICE?)

**Long Ago, in the 20th Century...**  
Rules forbade use of...  
**(1) Government time and**  
**(2) Government Equipment**  
for other than approved purposes.



USING GOVERNMENT PROPERTY AND TIME Cont.

## In the New Day of the 21st Century

The rules still forbid use of Government time and equipment for other than approved or authorized purposes. \*

\* But with a twist...

USING GOVERNMENT PROPERTY AND TIME Cont.

## The Following Policies and Rules Apply To Use of Government Office Equipment and Time:

- Executive Order 12674 of April 12, 1989 (as modified by E.O. 12731)
- Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635
- Departmental Regulation (DR) 3300-1 of the USDA Chief Information Officer (CIO)

USING GOVERNMENT PROPERTY AND TIME Cont.

**Executive Order 12674 of April 12, 1989**  
(as modified by E.O. 12731), § 101(e)

**Employees shall put forth honest effort in the performance of their duties.**

This means, as a minimum, that employees are required to work during their official duty hours (i.e., put in an honest hour of work for an hour's pay).

USING GOVERNMENT PROPERTY AND TIME Cont.

**Executive Order 12674 of April 12, 1989**  
(as modified by E.O. 12731), § 101(e)

**Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.**

Don't throw your PC out a window. It is not authorized.

USING GOVERNMENT PROPERTY AND TIME Cont.

**The Office of Government Ethics (OGE)  
Governmentwide rules:**

**5 CFR § 2635.704, Use of Government Property**

An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than official purposes.

USING GOVERNMENT PROPERTY AND TIME Cont.

**The Office of Government Ethics (OGE)  
Rules continued:**

**5 CFR § 2635.705, Use of Official Time**

Unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties.

USING GOVERNMENT PROPERTY AND TIME Cont.

**USDA Policy**

**The Office of the Chief Information Officer (OCIO) has published:**

**Departmental Regulation (DR) 3300-1, Telecommunications & Internet Services and Use, dated March 23, 1999.**

From the DR, we will focus on rules on tele and internet use by employees.



USING GOVERNMENT PROPERTY AND TIME Cont.

**What Office Equipment?**

**The rules on use of Government office equipment refer to items to which an employee may have daily access on the job, including but not limited to:**

- Copiers and Printers
- Fax Machines
- Computers
- Telephones



USING GOVERNMENT PROPERTY AND TIME Cont.

**What Government Official Time?**

**Government official time is the time for which you are paid.**



USING GOVERNMENT PROPERTY AND TIME Cont.

**When is "Personal Use" of Telephones Authorized?**

- Doesn't prevent an employee from performing his/her duties;
- Reasonable duration and frequency;
- If on official time, could not reasonably be done at another time; or
- Is a privilege provided by collective bargaining.

USING GOVERNMENT PROPERTY AND TIME Cont.

**Telephones: "Authorized Uses" Include**

- Scheduling doctors appointments.
- Notifying family of a schedule change while traveling on Government business.
- One call home per day while traveling on Government business.
- Calls to make alternate transportation or child care arrangements.

USING GOVERNMENT PROPERTY AND TIME Cont.

**Telephones: "Authorized Uses" Include**

- One call daily to check on those with whom the employee has a "family relationship."
- Brief calls in the local commuting area to local government agencies, physicians, car repair shops, or home repair companies.
- Long distance calls that are not charged to the Government.
- **Prohibited: Any calls that significantly interfere with Government business.**

USING GOVERNMENT PROPERTY AND TIME Cont.

**What Is "Acceptable Use" for the Internet?**

- Limited personal use that:
- Does not affect performance of official duties by the employee;
- Is of reasonable time and frequency, whenever possible on personal time;
- Is not of a commercial nature (e.g., no day trading);

USING GOVERNMENT PROPERTY AND TIME Cont.

**What Is "Acceptable Use" for the Internet?**

- Limited personal use that:
- Does not reflect adversely on USDA or you (such as pornography and games); and
- Does not overburden the telecommunications system (as with large group mailings).

USING GOVERNMENT PROPERTY AND TIME Cont.

**Impermissible Personal Use of Government Office Equipment**

- Sexually explicit materials
- Remarks or materials ridiculing others on the basis of race, creed, religion, color, sex, handicap, national origin, or sexual orientation.
- Use that interferes with Government work.
- Use that results in more than minimal expense to the Government.
- Use that is more than "limited."

USING GOVERNMENT PROPERTY AND TIME Cont.

**Impermissible Personal Use of Government Office Equipment (cont.)**

- Use that is more than "occasional."
- Illegal activities.
- Fundraising.
- Lobbying.
- Political activities.

USING GOVERNMENT PROPERTY AND TIME Cont.

**Impermissible Personal Use of Government Office Equipment (cont.) Use to earn outside income or otherwise to obtain financial gain. For example:**

- Stock trading
- Real estate activities
- Loan applications

USING GOVERNMENT PROPERTY AND TIME Cont.

**Fax Machines and Photocopiers Apply the policies in the Department Regulation.**

- No interference with official business
- Minimal additional expense to the Government
- Employee's personal time

