



Department of Defense

Education Activity

Employee Standards of Conduct and Ethics Handbook

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**Office of the General Counsel
4800 Mark Center Drive
Alexandria, VA 22350
(571) 372 5751**

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WHOM TO CALL FOR ADVICE

The DoDEA General Counsel is the Deputy Designated Ethics Official (DAEO) for DoDEA employees. Additionally, HQ and each area office have an assigned ethics official to assist you.

Please direct your ethics and standards of conduct questions to your local legal office.

At HQ: (571) 372 0971
generalcounsel@hq.dodea.edu

At DoDDS-E: 011 49 143 545 1593
generalcounsel@eu.dodea.edu

At DoDDS-P: 011 81 98 953 5695
generalcounsel@pac.dodea.edu

At DDESS: (678) 364-6462
generalcounsel@am.dodea.edu

IMPORTANT ADVICE

If you are not positive that what you are about to do is appropriate, ask your ethics official. One mission of OGC is to advise DoDEA personnel and assist them in accomplishing their goals without violating the standards of conduct.

In fact, disciplinary action for violating the standards of conduct will not be taken against you if you act in good faith reliance upon the advice of your ethics official, provided you have made full disclosure of the relevant circumstances.

This Handbook provides a general summary of the rules. It does not include every exception, every requirement, or all the factors that must be considered in making certain decisions. If you are unsure of your actions, call your ethics official before you act.

GENERAL PRINCIPLES OF PUBLIC SERVICE

<u>Do's</u>	<u>Don'ts</u>
 Place loyalty to the Constitution, the laws, and ethical principles above private gain	 Don't use nonpublic information to benefit yourself or anyone else
 Act impartially to all groups, persons, and organizations	 Don't solicit or accept gifts from persons or parties that do business with or seek official action from DoD (unless permitted by an exception)
 Give an honest effort in the performance of your duties	 Don't make unauthorized commitments or promises that bind the Government
 Protect and conserve Federal property	 Don't use Federal property for unauthorized purposes
 Disclose waste, fraud, abuse, and corruption to appropriate authorities	 Don't take jobs or hold financial interests that conflict with your Government responsibilities
 Fulfill in good faith your obligations as a citizen, and pay your Federal, State, and local taxes	 Don't take actions that give the appearance that they are illegal or unethical
 Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or handicap	

Remember: Violating ethics principles may result in disciplinary or corrective action, including criminal prosecution. Protect yourself from disciplinary action by seeking the advice of your DoDEA ethics official.

Gifts

Gifts From Outside Sources

Rule: You may not accept a gift given:

- Because of your **official position**, or
- By a **prohibited source**

Regardless of any exceptions that allow accepting gifts, it is **always impermissible** to:

- Accept a gift in return for being influenced in the performance of an official act. This is a bribe!
- Solicit or coerce the offering of a gift
- Accept gifts from the same or different sources so frequently that a reasonable person would think you're using your office for private gain
- Accept a gift in violation of a statute

What's a Prohibited Source?

A prohibited source is any person who is, or any organization a majority of whose members are:

- Seeking official action by DoD (always includes parents and students serviced by DoDEA schools)
- Doing or seeking to do business with DoD
- Regulated by DoD, or
- Substantially affected by the performance of your official duties

What's a Gift?

Generally, anything of monetary value, including real and personal property, travel, conference fees, etc. 5 C.F.R. 2635.203(b) contains a more detailed definition.

Patty, a DoDEA procurement employee, meets informally every week with different representatives of DoDEA contractors, who treat her to a small breakfast.

Although an exception might permit acceptance of these small breakfasts from different parties, Patty should either pay for her own breakfast or meet with the individuals at another time when a meal will not be consumed. Patty's recurring practice of accepting a weekly free breakfast gives the appearance that she is using her government position for private gain.

Joe, a representative of Internetresearch.com, is seeking to do business with DoDEA. He invites several faculty and staff members from a DoDEA high school to play in a golf tournament, with the green fees to be paid for by his company.

DoDEA personnel cannot accept the gift of free greens fees unless an exception to the gift rule applies (unlikely). Internetresearch.com, in seeking to do business with DoDEA, is a prohibited source.

What's Not a Gift?

Examples of items that are not defined as "gifts":

- Modest items of food and refreshments (like coffee and donuts) when not served as a meal
- Prizes in contests open to the public
- Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, intended only for presentation
- Commercial discounts available to the public or to all Government civilian or military personnel
- Anything the Government acquires by contract or otherwise legally accepts
- Anything for which you pay market value

Gifts That You May Keep

Remember, you don't have to accept a gift. It may be smart, depending on the circumstances, to decline a gift, even when it is allowed by the exceptions below.

1. Gifts valued at \$20 or less, **but**:
 - not cash or investment interests
 - not more than \$50 in total from one source in a year
2. Gifts motivated by personal relationships.
3. Certain discounts and similar benefits offered:
 - by professional organizations
 - to groups unrelated to Government employment (such as AARP)
 - to groups in which membership is related to Government employment, if the same benefits are available to other, similar organizations. (e.g.: discounted loans to Gov't. credit union members.)
 - by a non-prohibited source to any group as long as not discriminatory on basis of position, type of responsibility, or pay.
4. Gifts resulting from your or your spouse's outside business activities.

You may accept cups of coffee offered by a contractor. If you enter your business card in a drawing sponsored by a DoD contractor that is open to the public, you may keep the prize – **BUT BE CAREFUL**, many conferences and trade shows are not open to the public. If you are not sure, ask!

On each of his quarterly visits, a sales representative of Overpriced Computers Inc. gave Bonnie, a DoDEA contract specialist, a company T-shirt, valued at \$10 each. During that period, Bonnie's brother, Steve, who also works for Overpriced Computers Inc., purchased for her a birthday present valued at \$60.

Bonnie may keep all of the gifts given to her. The T-shirts don't exceed the \$50 annual limit from one source, and the gift from her brother is the result of a personal and not a business relationship.

Tom, is a DoDEA administrator, and is offered two tickets valued at \$30 each to a baseball game by a DoDEA contractor.

Since the price of each ticket exceeds the \$20 limit, Tom may only accept the tickets if he pays the contractor \$60, the full market value of the tickets. (Paying only \$40 is not permissible.)

5. Free attendance provided by a state, local government, or tax exempt civic organization when there is a community relations interest.
6. Gifts accepted under specific statutory authority, such as certain gifts from a foreign government.
7. Certain educational scholarships and grants (consult a DoD ethics official).
8. Free attendance, food, and entertainment (not travel) *when provided by a sponsor*:
 - of an event on the day that you are speaking or presenting information, **or**
 - of a widely attended gathering, provided that your supervisor determines that your attendance is in the agency's interest. (If the sponsor has interests that may be affected by you, an additional conflict of interest determination is required.)
9. Free attendance, food, and entertainment (not travel) *provided by a person other than the sponsor* of a widely attended gathering, if:
 - the market value of the gift of free attendance is \$335 or less and more than 100 persons are expected to attend, **and**
 - your supervisor determines that your attendance is in the agency's interest. (If the person has interests that may be affected by the employee, an additional conflict of interest determination is required.)
10. Meals, lodging, transportation, and other benefits in connection with employment discussions
11. Awards for meritorious public service or achievement, and honorary degrees – see your ethics official.
12. Travel benefits and free attendance from political organizations in connection with certain political activities.
13. Food and entertainment (not travel and lodging), at social events, if: (1) the invitation is not from a prohibited source, **and** (2) the event is free to all attendees.

A representative from the Association of School Administrators (a non-federal entity) invites Jared, a DoDEA principal, to an industry-wide, one-day seminar sponsored by the association, a \$200 value. Jared is invited to attend because the topics are relevant to his DoDEA position. He is also invited to attend, at no cost, a \$100 per person dinner with several industry executives taking place at a local restaurant after the seminar.

Jared may accept the seminar invitation, provided his supervisor determines that his attendance furthers DoDEA's interests. Jared may not accept the free dinner invitation, which is not part of the seminar and is closed to other participants.

An annual national dinner is held by the Teachers of Math and Science Association at a cost of \$125 per person. Representatives from educator groups, Congress, and the media will attend. Several DoDEA teachers are given free tickets by Math Skills, Inc, a for profit corporation. At the dinner, a speaker will discuss the latest math teaching methods.

The DoDEA employees may be able to accept the free tickets if there is an agency interest in doing so, however, a DoDEA ethics official must determine that the event meets the requirements of the "widely attended gathering" exception. Because the tickets are provided by an organization that is not the sponsor of the event, additional rules apply.

14. Gifts of food and entertainment (not to exceed the per diem rate) at meetings or events attended in an official capacity in foreign areas, when (1) *not* provided by a foreign government **and** (2) non-U.S. citizens participate in the meeting or event.

Foreign Gifts

Rule: Federal employees may accept gifts from foreign governments if the gift is below the “minimal value” which is \$335. Check with your ethics official about appraising the gift or what the current threshold is.

Disposition of Improper Gifts

Rule: If you are offered a gift that you cannot accept, you should:

- Decline the gift
- Return the gift, **or**
- Pay the donor the gift’s market value

Subsequent reciprocity is not a solution

Gifts Between Employees

Rule: You may not accept a gift from an employee who earns less than you (unless you have an off duty personal relationship with the employee, and you are not in the supervisory chain of command).

Rule: You may not give, make a donation toward, or solicit a gift for someone superior to you in the supervisory chain of command.

Exceptions to the Rule

1. On an occasional basis, such as holidays or birthdays, you may give to a superior or receive from a subordinate:

- Non-monetary gifts of up to \$10
- Personal hospitality provided at a residence (or an appropriate host/hostess gift)
- Food or refreshments shared in the office

DoDEA personnel serving overseas may be offered a customary gift from foreign school officials or other dignitaries. Check with your ethics official to determine whether you may keep this gift. You will need to tell your ethics official whether the gift was given on behalf of a foreign government.

Under certain circumstances, perishable items may be:

- donated to charity
- destroyed
- shared within the office
- (check with your ethics official)

Bill asks his 4 coworkers each to pitch in \$20 to purchase a \$100 golf putter for Dana, their boss, for Christmas.

Dana invites the office to a New Year’s party, serving meals valued at \$25. Bill brings a \$20 bottle of wine.

- When considering a gift for their boss, Bill may not solicit, and he and his coworkers may not contribute, to a group gift or individual gifts at Christmas that exceed \$10.
- The dinner and the wine are both acceptable.

2. On special, infrequent occasions:

- of personal significance, such as marriage, illness, or birth or adoption of a child
- that terminate the chain of command, such as retirement, resignation, or transfer



you may:

- solicit voluntary contributions up to \$10/person for a group gift
- give an appropriate gift to a superior
- accept appropriate gifts and group gifts that do not exceed \$300 from subordinates (See your ethics official for exceptions).



Gifts to Schools

The Director, DoDEA or designee may accept gifts to schools on behalf of DoDEA.

Gifts to DoDEA may be accepted if used for any purpose that will benefit the schools, dormitories and other DoDEA activities. For accounting purposes, gifts are accounted for as “conditional” or “unconditional.” If there is any doubt about the offer being conditional or unconditional, and if clarification cannot be obtained from the donor, the gift will be classified as a conditional gift.

Unless expressly authorized by the DoDEA General Counsel, gifts will not be accepted if the acceptance of the gift presents or gives the appearance of a conflict of interest, or is offered by prohibited sources as defined by DoD Directive 5500.7, DoD 5500.7-R (paragraph 1-127), and Section 423 of Title 41.

DoDEA will not use gift funds for activities benefiting individuals or small groups that are not part of an authorized DoDEA activity.

DoDEA incurs no obligation to make special arrangements or to grant special privileges or concessions to a donor.

DoDEA personnel will not solicit gifts from potential donors or engage in fundraising on behalf of DoDEA in violation of DoD Directive 5500.7, DoD 5500.7-R, and installation regulations. However, students may participate in fund raising activities in accordance with DoDEA regulation 7240.1, and DoDEA personnel may respond to specific inquiries from potential donors seeking guidance on how they may best assist the DoDEA community.

Gifts of cash may not be used to employ personnel.

Conflicts of Interest

Conflicting Financial Interests

Criminal Rule: You may not do government work on a particular matter that will affect the financial interest of:

- You
- Your spouse
- Your minor children

Your general partner

- Organizations with which you're negotiating or have arrangements for future employment, **or**
- Any organization for which you serve as an employee, officer, director, trustee, or general partner
- If you think you may have a conflicting financial interest, consult your DoD ethics official immediately to determine the appropriate remedy.

A DoDEA school wishes to fundraise in order to provide the school band with better music stands and orthopedic chairs. Administrators and teachers wanting to help their school, plan to start collecting funds directly from the community by selling pies.

The Principal must say no to this method of fundraising but faculty and staff may donate their homemade pies to the student body so that they may raise funds on their own for the school's band equipment. The students must abide by DoDEA and installation regulations governing fundraising.

Bryan, a DoDEA contracting officer, is about to award a contract for new computers. His wife, Deanna, owns a computer sales business, which has bid on the contract. Bryan may not participate in the contract award decision, since the decision will affect his wife's financial interests.

Bribery and Graft

Rule: You may not seek or accept anything of value, other than your salary, for being influenced in your official duties.

Commercial Dealings Between DoD Employees

Rule: You may not knowingly solicit or make solicited sales to personnel who are junior in rank, grade, or position (or their families). This includes insurance, stocks, real estate, cosmetics, household supplies, and other such goods and services.

Representation of Others in Matters Affecting Government

Rule: You generally may not represent anyone outside the Government before a Federal agency or court, or share in any compensation for such representations made by anybody else, if the Government is involved in the particular matter.

- There are limited exceptions.
- There are special exceptions for consultants.
- Check with your ethics official.

Supplementation of Federal Salary

Rule: You may not accept compensation from any source except the Government for your services as a Government employee.

This rule does not apply, if:

- you are a “special Government employee” – i.e., a consultant, or
- you serve without compensation, or
- your supplementation is a result of a public service award

Sue operates a cosmetics sales business out of her home after hours. During the day she is a supervisor in a DoDEA area headquarters. She may not make solicited sales to her DoDEA subordinates and she may not use government resources or time to conduct business related to cosmetics sales.

She also may not make any sales while on duty.

John is a DoDEA school teacher. A parent of one of his students offers to pay John to tutor the student after school hours. John must decline this offer. John receives a federal government salary for teaching this student.

Accepting additional compensation for teaching in this instance would be an unlawful supplementation of his salary.

Impartiality in Performing Official Duties

Rule: Maintain your impartiality. Don't participate in any particular DoD matter if:

- the matter is likely to affect the financial interest of a member of your household, or a person with whom you have a "covered relationship" is involved in the matter, and
- a reasonable person with knowledge of the relevant facts could question your impartiality.

Who may be in a "covered relationship"?

- A member of your household or a relative with whom you're close
- Someone with whom you have or seek to have a business relationship, other than a routine consumer transaction
- An organization (other than a political party) in which you actively participate
- Someone with whom you had, within the last year, a close business relationship, such as partnership or employment, **or**
- Someone with whom your spouse, parent, or dependent child has (or seeks to have) a close business relationship, such as partnership or employment.

A senior VP from Text Books, LLC recently resigned to become a senior official in DoDEA. Shortly after his arrival, the official's office is tasked to decide whether or not to renew Text Book, LLC's contract with DoDEA.

The senior official may not make that decision. His former employment with Text Book, LLC brings his impartiality into question.

Misuse of Position – Letters of Recommendation - Unlawful Endorsement

Rule: You may not use, or permit the use of, your Government position, title, or any authority associated with your office:

- To induce or coerce another person to provide any benefit to you or anyone with whom you are affiliated.
- To imply that DoDEA, DoD, or the Government endorses personal activities.
- To endorse any product, service, non-Federal entity, or event.
- To sign a letter of recommendation, unless in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual with whom the employee has dealt with in the course of Federal employment, or whom he is recommending for Federal employment.

A DoDEA Superintendent has been asked by his college to serve on the Alumni Association.

He may serve in his personal capacity, but may not allow his position as Superintendent to be used on the college letterhead or other promotional literature.

A DoDEA art teacher has been asked by a next door neighbor to write a letter of recommendation for her as she (the neighbor) is applying for a position teaching in the local public school system. The art teacher may not use official DoDEA letterhead or otherwise imply the endorsement of DoDEA in preparing the recommendation.

If, however, the neighbor decides to apply for a DoDEA (Federal) position, then the art teacher may use official letterhead to prepare the recommendation.

USE OF GOVERNMENT RESOURCES

Rule: Use Federal Government equipment and property, including communications systems, only for official purposes or authorized purposes as approved by your supervisor.

Rule: Use official time in an honest effort to perform official duties and don't ask subordinates to perform tasks outside their official duties.

FUNDRAISING

Rule: You may raise funds for organizations in your personal capacity, but you may not use your official title, position, or authority to fundraise, nor may you solicit subordinates or prohibited sources.

TEACHING, SPEAKING, AND WRITING

Rule: You may accept payment for teaching, speaking, or writing that is unrelated to your official duties and that was not prepared on official time.

- If your employment by DoDEA is identified, you must make a disclaimer.
- You are not prohibited from accepting compensation when speaking on a subject matter within your area of expertise, based on educational background or experience, even when the teaching, speaking, or writing deals generally with subjects related to your work, but you still may not be compensated for speaking specifically about your DoDEA duties.

Sharon, an elementary school secretary, was asked by the school's vice principal to plan a retirement dinner for the school's principal. Sharon immediately sets about reserving a restaurant and preparing the invitations.

A retirement dinner is not an official function. Sharon may volunteer to coordinate the dinner but may not be tasked to do so. Sharon may not devote her duty day to making preparations. Sharon may not use DoDEA supplies to prepare the invitations.

Oscar, a DoDEA principal, is in charge of raising funds for his son's Little League team. Oscar may not ask his subordinates to contribute. Additionally, Oscar may not conduct fundraising activities in the workplace.

Carmen is employed as a biology teacher in a DoDEA high school. She is offered an honorarium to demonstrate an innovative teaching technique she developed for DoDEA.

Carmen may not accept honorarium for teaching a technique related to her official duties. She may obtain approval to speak without accepting the fee.

If, however, she is asked to be on a panel of speakers to discuss science topics she studied in college, she may accept the honorarium.

OUTSIDE ACTIVITIES

Rule: If you file a financial disclosure report (450 or SF 278), you need your supervisor's prior written approval before you engage in business activity or employment with a DoD "prohibited source" (page 2). Supervisors should consult their ethics official for assistance in responding to such requests.

Rule: You may not have outside employment or activities that would materially impair your ability to perform your duties.

Jill, who tests new computers for a DoDEA middle school, wants to work on weekends for the vendor of those computers. Since her outside employment would cause a conflict of interest with her Government duties, she may not accept the job.

POLITICAL ACTIVITIES

Most Federal civilian employees may actively participate in political campaigns and other partisan activities. However, they may not engage in such activities on duty, or in any Federal workplace, vehicle, or while in uniform. Federal employees may not hold a partisan political office while employed by the Government.

While the Hatch Act loosened restrictions on political activity for most Federal civilian employees, if you plan to actively engage in any partisan political activity, you should know the rules. Your ethics official is available for consultation.

EMPLOYMENT ISSUES

Seeking Employment

Rule: If you are seeking non-Federal employment (e.g., sending resumes to select employers), you may not do Government work on a particular matter that will affect the financial interests of any of your prospective employers. You must give a written disqualification statement to your supervisor. Your ethics official maintains examples of disqualification statements should you need assistance.

Post-Government Employment

Rule: Always consult your ethics official before separating from the Government. He or she will advise you on the restrictions that will apply to your activities in the private sector in light of your specific duties and level of responsibility as a Government employee.

Janelle, a procurement specialist, is doing work as a DoDEA employee on a DoDEA contract. She is offered an interview for a job by the contractor.

Janelle must disqualify or recuse herself and inform her supervisor and ethics official.

Post-Government Employment

Rule: Always consult your ethics official before separating from the Government. He or she will advise you on the restrictions that will apply to your activities in the private sector in light of your specific duties and level of responsibility as a Government employee.

Official Travel Benefits

You may keep promotional items such as frequent flyer miles that are awarded for official travel that is funded by the Government. If Government travel is funded by a non-Federal entity, you may keep promotional items that are awarded for that travel if the non-Federal entity does not object.

You may also keep promotional items given to compensate you for being voluntarily bumped from a flight. You may voluntarily surrender your seat **ONLY** if doing so does not adversely affect the performance of your official duties and does not result in additional cost to the Government.

You may not keep promotional items given to compensate you for being involuntarily bumped from a flight.

SOURCES OF FURTHER INFORMATION

If you have further questions, consult a DoDEA ethics official by one of the means described on page iii.

Additional information is available in:

1. Standards of Conduct for Employees of the Executive Branch

The U.S. Office of Government Ethics has developed a comprehensive set of regulations to assist Federal employees with their ethics questions. This is a primary source of guidance on ethics and standards of conduct. It may be found on the Office of Government Ethics website: www.usoge.gov.

2. DoD 5500.7-R, the Joint Ethics Regulation (“JER”)

The JER contains supplemental regulations for DoD employees.

Department of Defense Education Activity Office of the General Counsel

Mission Statement

The Department of Defense Education Activity (DoDEA) Office of the General Counsel facilitates DoDEA's global educational mission by providing high quality and timely legal advice and counsel, effective advocacy, and creative problem-solving.

Vision Statement

To be a premier Defense Legal Services Agency legal office composed of talented, trained, and dedicated professionals located world-wide and working together to support DoDEA's educational mission.

Core Values

Integrity - Commitment to honesty, fairness, and high ethical standards and being accountable for everything we do.

Excellence - Commitment to proactive customer-focused service of the highest quality.

Continuous Improvement - Commitment to personal and professional growth of each individual and improvement of processes and practices.

Team - Commitment to working collaboratively and valuing the diversity of members to maximize team synergy.