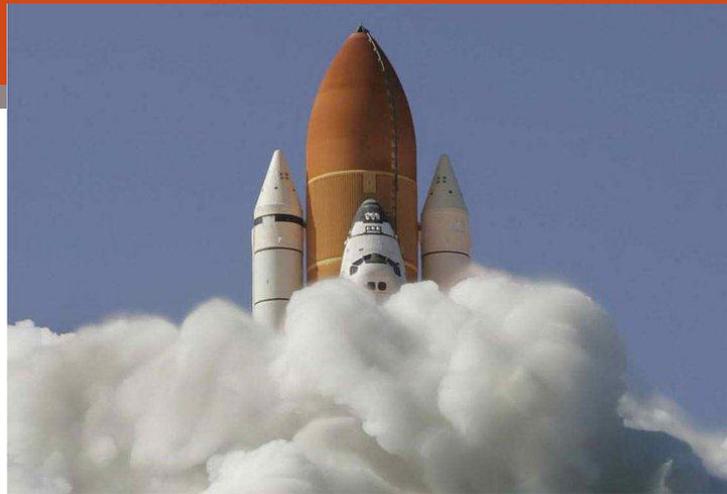


2012 Annual Ethics Briefing



Office of the Chief Counsel
NASA Kennedy Space Center

Ethics Officials at NASA

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- Michael C. Wholley (General Counsel and DAEO)

- Adam F. Greenstone (Alternate DAEO)

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NASA Core Values

- Safety
- Teamwork
- Integrity
- Mission Success

Integrity

- NASA is committed to an environment of trust, built upon honesty, ethical behavior, respect, and candor. Building trust through ethical conduct as individuals and as an organization is a necessary component of mission success.

Why Ethics?

“When a man assumes a public trust, he should consider himself as public property.”

- Thomas Jefferson

Public service is a public trust.

Sources of Ethics Rules

- Statutes, Regulations, etc.
- Executive Order 12674
 - 14 general principles that broadly define the obligations of public service. Underlying these 14 principles are two core concepts:**
 - don't use public office for private gain, and
 - act impartially and don't give preferential treatment to any private organization or individual.

General Principles of Public Service

DO:

- Place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Act impartially to all groups, persons, and organizations.
- Give an honest effort in the performance of your duties.
- Protect and conserve Federal property.
- Disclose fraud, waste, abuse, and corruption to appropriate authorities.
- Fulfill in good faith your obligations as citizens, and pay your Federal, State, and local taxes.
- Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or disability.

Public service is a public trust.

General Principles of Public Service

DO NOT:

- Use your public office for private gain.
- Use nonpublic information to benefit yourself or anyone else.
- Solicit or accept gifts from persons or parties that do business with or seek official action from NASA (unless permitted by an exception).
- Make unauthorized commitments or promises that bind the government.
- Use Federal property for unauthorized purposes.
- Take jobs or hold financial interests that conflict with your Government responsibilities.
- Take actions that give the appearance that they are illegal or unethical.

Executive Order 12674

- Although the focus of the Federal ethics program is on the rules, mere technical compliance is not enough to maintain the confidence of the public.
- The Executive Order also requires that Federal employees avoid even the appearance of impropriety.

5 C.F.R. Part 2635

- Standards of Ethical Conduct for Employees of the Executive Branch
- American citizens have a right to complete confidence in the integrity of their government. The way to ensure that integrity is for all employees to place loyalty to the Constitution, laws and ethical principles above private gain. Because ours is a rules-based system of ethics, public employees fulfill the trust placed in them by adhering to general principles of ethical conduct as well as specific ethical standards--that is, by obeying the rules.

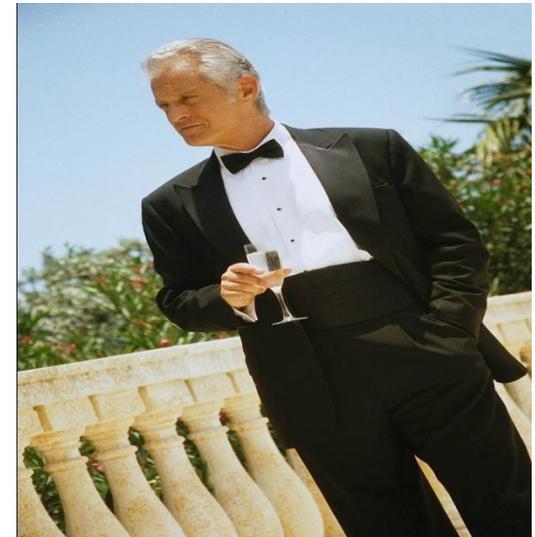
This presentation will cover the rules contained in the Standards of Ethical Conduct for Employees of the Executive Branch.

- **Gifts from Outside Sources**
- **Gifts Between Employees**
- **Conflicting financial interests**
- **Impartiality**
- **Seeking Employment**
- **Outside Activities**
- **Misuse of Position**
- **Post Employment Restrictions**
- **Political Activity**

Gifts

You've been invited to a formal dinner to honor individuals instrumental to the success of the space program. The dinner is hosted by Delaware North, the KSC Visitor Complex concessioner. Around 500 guests from NASA-KSC, state and local government, colleges, major aerospace contractors, and the community have been invited. The face value of the ticket is \$75 a person, but Delaware North is not charging NASA employees. Your official duties do not require you to work on any matters involving Delaware North.

Can you accept the invitation?



You've been invited to a formal dinner hosted by Delaware North. 500 guests from NASA-KSC, state and local government, colleges, major aerospace contractors, and the community have been invited. The ticket is valued at \$75 a person but Delaware North is not charging NASA employees. Your official duties do not require you to work on any matters involving Delaware North. **Can you accept the invitation?**

- A. Yes. Because you do not work on matters involving Delaware North in your official capacity, there is no conflict of interest and you may accept the offer of free attendance.**
- B. No. The value of the gift is more than \$20.**
- C. Yes, if you pay \$55 to bring the gift within the \$20 de minimis gift exception.**

NO. Generally, you may not accept or solicit a gift from a “prohibited source” or given to you because of your official position. Because Delaware North is a party to an agreement with NASA, it is a prohibited source.

Same scenario as before. The Chief Counsel has determined this event is a widely-attended gathering.



True or **False**: You may accept free attendance at the event.

Widely Attended Gatherings (WAGs)

True. When the Chief Counsel has determined an event will be attended by a large number of people who represent a broad spectrum of interests, and there is an Agency interest in having NASA employees present, you generally may accept free attendance.

The Standards of Conduct allow the Chief Counsel to issue a “blanket WAG determination” covering all employees *except those who have duties that may affect the sponsor*. If you have duties that affect the sponsor, you may accept free attendance **only if you obtain an “individual determination”** that NASA’s interest in your attendance outweighs the concern that the gift may appear to improperly influence you in the performance of your duties.

Gifts

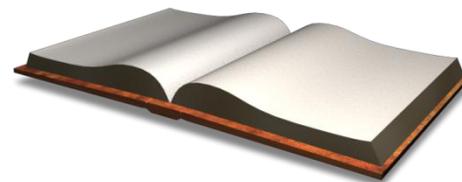
Same scenario. Delaware North will also hand out commemorative items to the attendees. These items include a pen worth \$22, a crystal paperweight worth \$45, and a book highlighting major events in the history of the space program at KSC worth \$8.

May you accept these items?

- A. Yes. Because the event falls under the WAG exception, you may accept commemorative items given out as part of the event.
- B. No on the pen and paperweight, but you may accept the book because it has educational value.
- C. You may accept only the book because it is worth less than \$20.



A WAG determination does not typically permit acceptance of commemorative or trinket items provided as part of the event. Employees may, however, use the de minimis exception to the gift rule to accept this type of gift, provided they only accept items worth \$20 or less. The aggregate value of all items accepted on a particular occasion must be worth \$20 or less. Also, employees may not accept more than \$50 of gifts in a year from the same source. In this case, the only item valued at \$20 or less is the book.



Other Common Exceptions/Exemptions

- Gifts based on a personal relationship.
- Awards and honorary degrees.
- Gifts based on outside business or employment relationships.
- Social invitations from other than a prohibited source.
- Snacks (such as coffee and donuts).
- Anything for which you paid fair market value.
- Anything paid for by the government.
- Any benefits or prizes open to the public or to all Government employees.

It is never inappropriate, and is frequently prudent, to decline a gift, even if it falls within one of the gift exceptions.

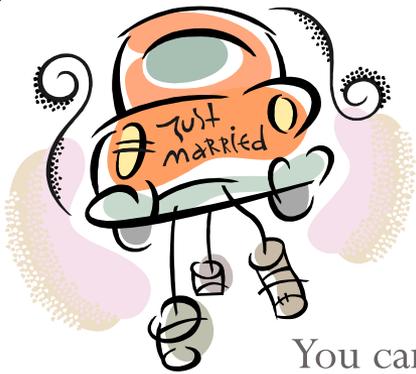
Gifts Between Employees

You are a good friend with your supervisor, Alex, who is getting married soon. Knowing Alex loves fast cars, you intend to give the happy couple a five-year subscription to Hot Rods & More magazine as their wedding present. The subscription will cost you \$49. In addition, you would like to collect donations from others in the office to buy Alex an expensive coffee table book on the history of hot rods in America. You have a small office and would like to push for maximum contributions from everyone because Alex is a great guy.

What can you do?



- A. Because gifts to supervisors must be less than \$10, you should switch to an \$8 fuzzy steering wheel cover and suggest a congratulatory card from the group, since cards are not considered gifts.
- B. Not worry about the ethics rules because Alex is a personal friend. Really push hard and tell everyone they have to contribute to the gift even if they haven't been in the office long enough to get to know Alex.
- C. Give Alex and the lucky lady the subscription and suggest a \$5 contribution towards the group gift, but explain that any contribution is voluntary and employees may contribute any amount they wish, or nothing at all.



You can give Alex and the lucky lady the subscription and collect and contribute towards the group gift. Generally, you may not give gifts to a supervisor or accept gifts from employees who receive less pay than you. There is an exception, however, for special and infrequent occasions such as marriage, birth of a child, or illness. These occasions are also one of the few times solicitation of contributions for group gifts is permitted (so long as they are voluntary and nominal.) You should not try to force people to contribute enough for a certain gift, but should instead make any gift decisions based on how much money you collect voluntarily from the group.

Although not necessary, you could also switch to a fuzzy steering wheel cover and decline to contribute towards the group gift.

Note regarding contractor donations:

Employees must refrain from soliciting contractors for donations. However, contractors may chip in of their own accord. Any donations from contractor employees should comply with the limitations on gifts from outside sources (i.e., fall under the \$20 gift exception).

On your way to Alex's wedding, you stop off at Barnes & Noble for a quick cup of coffee. As you walk past the New Release section, you see *History of Hotrods* in hardback for only \$24.99. You remember Alex's birthday is next month and know he would love this as a present. You may give Alex this book for his birthday present.

True or False?



False. Occasionally, particularly at times when gifts are traditionally exchanged, you may give your supervisor a gift worth up to \$10. Although a birthday present for Alex is permissible, the \$24.99 book exceeds the \$10 cap.

After you remember there is a \$10 cap, you develop a crafty solution. If you get two of your co-workers who are also friends of Alex to go in on the book with you, it will only be \$8.33 a person.

True or False: The gift is now allowed.



False. Although splitting the gift would keep you under \$10, it would also mean you have to solicit two co-workers for the contribution. Solicitation of contributions for a group gift is only permitted on special, infrequent occasions like marriage, illness, and birth of a child, or on occasions that will end the subordinate-official superior relationship like retirement or transfer.



Conflicting Financial Interests

You have been assigned to be the technical monitor on a production contract with the Space is Great Company (SIG). In your new position, you will make inputs to the Performance Evaluation Board evaluating SIG's work on the contract. Your spouse works for SIG in a division that supports Department of Defense work, but does no NASA work. Your spouse also owns \$25,000 worth of stock in SIG through his retirement plan.

May you serve as the technical monitor for this contract?

- A. No, you cannot serve as the technical monitor because owning any amount of the contractor's stock creates a conflict of interest that cannot be remedied.
- B. Maybe, if you work with an ethics official to sell an appropriate amount of stock and to determine that your NASA duties could not affect your spouse's salary and/or benefits.
- C. Yes, you can work as the technical monitor on the SIG contract without any changes because you are sure that you will not show any favoritism toward your spouse's employer. Your spouse is always complaining about SIG anyway.



General Rule – Conflicts of Interest

The general rule is located in a criminal statute, 18 U.S.C. § 208.

An employee may not participate

- Personally and substantially
- In a particular matter
- In which he has an interest or an imputed interest
- If the particular matter will have a direct and predictable effect on the interest.

Interests imputed to the employee (i.e., considered to be the employee's own interests) include those of a:

- Spouse
- Minor Child
- General Partner
- Organization or entity for which the employee serves as officer, director, trustee, general partner or employee
- A person with whom the employee is negotiating for or has an arrangement concerning prospective employment

De Minimis Securities Exemption:

- An exemption exists in the Federal regulations for aggregate interests in publicly traded securities (i.e., stocks, bonds, etc.) with a total value less than \$15k. However, NASA policy prohibits employees from participating in either proposal evaluation or source selection activities if they own or have any imputed interests in any amount in any company competing for a procurement. This is often referred to as NASA's Zero Tolerance Policy.

Disqualification/Recusal:

- If you think you may have a conflict of interest, you should immediately recuse yourself and not participate in the matter. The best practice is to put your recusal in writing. You should talk with your local ethics official to determine if there is a way to participate in the matter.

Divestiture:

- Often, an employee may divest himself of the conflicting financial interest.

Waivers:

- In certain rare and compelling circumstances, a waiver of the conflict of interest signed by the Administrator may be available that would allow participation.

Consult with your Ethics Official. While there is a conflict of interest, there may be things you can do to resolve it. Selling part of the stock could eliminate the conflicting interest in the securities. An ethics counselor could also advise whether your spouse's employment in a division of the company that does no NASA work would create a disqualifying conflict of interest. A conflict based on spousal employment typically requires a very fact-specific analysis to determine whether the matter in which the employee is involved could have an impact on the spouse's employment generally or the spouse's pay or benefits (e.g., affecting the level of bonus the spouse may receive). Because of the complexity of this scenario, it is important to work with a local ethics official to help avoid the many potential ethical pitfalls.

Remember, this rule comes from a **criminal** statute.

Impartiality

Your boyfriend, who just graduated with an engineering degree, calls with good news that he has found a job. The company wants to hire him to work on an engineering support contract it holds with NASA. This opportunity has made him realize he wants the two of you to move in together. While mulling over ways to lose or irreparably damage his prized ceramic kitten collection in the move, you realize your duties require you to review systems safety documents submitted by the company and provide award fee input on this contract.

You should...



The company wants to hire your boyfriend to work on an engineering support contract it holds with NASA. The two of you wish to move in together. You realize your duties require you to review the company's systems safety documentation and provide award fee input.

You should:

- A. Tell him you have to hold off on the decision to move in together. Immediately inform your supervisor and KSC Ethics Official that you might have an impartiality issue and follow the advice you receive.
- B. Make brunch reservations at your favorite place for you and your three best friends to discuss possible decorating schemes. After all, you know you can remain objective in the performance of your duties.
- C. Plan one last night out before you break up with him. The Standards of Conduct prohibit you from working on contracts that can affect your boyfriend's employer. You love your job and do not want to do anything that will jeopardize it.



Consult with your Ethics Official. Federal employees are required to avoid situations that could give the appearance of wrongdoing. Further, the Standards of Conduct prohibit federal employees from participating in a particular matter involving specific parties in the following circumstances:

(1)(a) An employee knows the matter is likely to have a direct and predictable effect on the financial interests of a member of his/her household, or

(1)(b) An employee knows that a person with whom he/she has a “covered relationship” is or represents a party in the matter; **and**

(2) A reasonable person (with knowledge of the facts) would question the employee's impartiality.

A "**covered relationship**" includes:

- a person with whom the employee has or seeks a business, contractual or other financial relationship that involves other than a routine consumer transaction;
- a member of the employee's household;
- a relative with whom the employee has a close personal relationship;
- a person for whom the employee's spouse, parent or dependent child is serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;
- a person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; and
- an organization in which the employee is an active participant.

Depending on the circumstances, a waiver of this restriction may be granted by the Center Director. Otherwise, recusal may be necessary.

Seeking Employment

Lou is a manager who is thinking of retiring after a rewarding career at NASA. Alpha Corporation provides contract support for Lou's office. When the manager of Alpha Corp. hears that Lou is thinking about retirement, she asks Lou if he would like to discuss potential opportunities with Alpha. Lou is interested, but is unsure how to respond.

Is it okay for Lou to discuss employment with Alpha?

- A. Lou may engage in employment negotiations because everyone knows he is about to retire, and who knows more about the skills Alpha Corporation needs than he does?
- B. Lou may begin employment discussions if he recuses himself immediately from his Alpha Corporation related duties.
- C. Since Lou has NASA duties related to Alpha Corporation, he may never discuss employment with this company. Never. Ever.



Conflicting Financial Interests/Seeking Employment

18 U.S.C. § 208 makes it a crime to knowingly participate personally and substantially in contracts and other particular matters in which a **person or company with whom you're negotiating for or have an arrangement concerning prospective employment** has a financial interest. Once a federal employee has engaged in a conversation with a contractor about potential employment, he is considered to be seeking employment with that company and should recuse himself from all NASA work concerning that contractor.

- For purposes of this rule, a prospective employer **includes a person or company that uses an agent or other intermediary** if the agent identifies the prospective employer to the employee. A prospective employer also includes a person or company contacted by your agent or intermediary.
- Once you have engaged in a conversation with a contractor about potential employment, you are considered to be seeking employment and you are considered to have a financial interest in the company.
- If you want to consider the offer, you must immediately disqualify yourself and stop working on any matters at NASA that might affect the company. Talk to your supervisor and an ethics official.
- If you want to continue participation in matters that might affect the company, or you aren't interested, you must clearly reject the prospect of potential employment.
- You're still seeking employment if you make a response other than a rejection to an unsolicited communication regarding prospective employment. (e.g. "I'll think about it and get back to you.")
- A response that simply defers discussions until the foreseeable future is not a rejection of prospective employment.

NOTE: Pursuant to the STOCK Act, all Public Financial Disclosure (OGE 278) filers must notify their local ethics official within three business days of beginning employment discussions with any non-Federal entity. This notice must include the name of the non-Federal entity. In addition to the notification, the filer must execute a disqualification if required by the ethics rules.

Misuse of Position

You have recently become active in the Space Coast Foundation for Education. The Foundation focuses primarily on raising money to ensure children living on the Space Coast receive a good education. The Foundation has no business dealings with NASA. In January, the Foundation will host its Annual Winter Ball. This event is \$150 a head and is usually the Foundation's biggest fundraiser. You want to make sure it is a success.

What can you do?

- A. Promise your subordinates 59 minutes of excused leave every Friday for the rest of the year if they will buy a ticket.
- B. Threaten your subordinates with poor marks on the outreach objective in their performance plan if they do not buy a ticket.
- C. Ask the Government purchase card holder in your division to buy 20 tickets on the purchase card for your employees. After all, this is for education and aren't we all about education? Really, education ultimately benefits NASA.
- D. Find a more ethical way of making the fundraiser successful.



Finding a more ethical way of making the fundraiser successful is the correct answer. First, you may not use your position to coerce any individual into providing a benefit to a person or organization with whom you are affiliated in a non-Governmental capacity. Second, except for the CFC, federal regulations prohibit the solicitation of funds from federal employees on behalf of a charitable organization. Finally, this would be an unauthorized purchase and would constitute misuse of the Government purchase card.

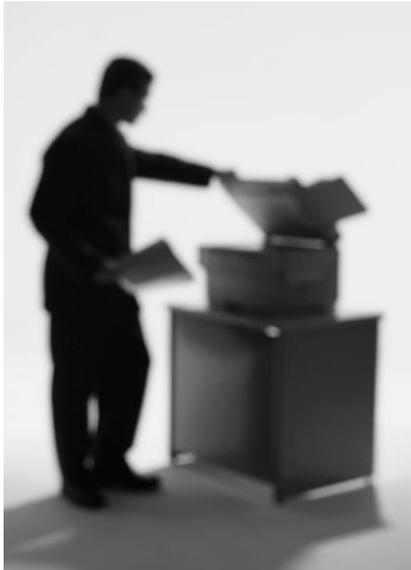


Same scenario as before except you decide to send a packet of materials about the Foundation and the Winter Ball to a select group of acquaintances you believe will be interested.

True or False: You may use the office printer and copier to prepare these materials as long as you make less than 20 copies of 15 pages a piece.



False. Government office equipment may only be used for authorized purposes. Preparation of fundraising materials for an outside organization is not an authorized purpose.



Misuse of Position

- Misuse of Position contains four standards
 - Use of Nonpublic Information
 - You CANNOT engage in a financial transaction using nonpublic information or allow the improper use of nonpublic information to further your own private interests or those of another.
 - Use of Government Property
 - It is your duty to protect and conserve Government property. DO NOT use it or allow it to be used for unauthorized purposes.
 - Use of Official Time
 - You are required to honestly use official time to perform official duties UNLESS a law/regulation authorizes the use of such time for other purposes
 - Use of Public Office for Private Gain
 - You may not use your official title or position to imply that NASA or the Government sanctions or endorses your personal activities or those of another or endorses any product, service, or enterprise
 - You may not use or permit the use of your Government position/title/authority to coerce or induce another person to offer any benefit, financial or otherwise, to yourself or others.

Impermissible Personal Uses

Impermissible personal use of Government office equipment includes use for:

- Viewing or producing sexually explicit materials;
- Conducting a business, earning outside income or otherwise obtaining financial gain;
- Making remarks or materials ridiculing others on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation;
- Doing anything that interferes with Government work;
- Doing anything that results in more than minimal expense to the Government.

NOTE: Travel credit cards may be used ONLY for official Government purposes – NOT for personal purchases.

Some examples of misuse of official time include:

- Making extended personal phone calls during work time;
- Making phone calls regarding an outside activity (e.g., calls pertaining to an outside business venture);
- Running personal errands during duty hours;
- Taking unauthorized extended lunches or breaks from work; and
- Encouraging, directing, coercing, or requesting a subordinate to use official time to perform activities other than those required in the performance of official duties.



Endorsement

James is a NASA employee who works in the area of video technology. NASA recently purchased new software that James uses to enhance Agency videos. James is very impressed with this new software, and feels it will revolutionize the industry. The software vendor is aware of James' enthusiasm about this new product and has asked James to provide a testimonial about how NASA uses this software and James' opinion as a NASA user about the software's benefits. The vendor wants to use this testimonial in its company brochure that it will distribute at an upcoming industry conference. James is excited about this opportunity to spread the word about this exciting new technology and hopes that it will become the new industry standards. However, James vaguely remembers that during his last annual ethics training, the speaker said something about endorsements....

May James participate in the testimonial?

- A. James may participate in the testimonial because NASA benefits if this great new product becomes the industry standard and he will give an honest assessment of the software.
- B. James may not participate because he is prohibited from using his official NASA title, position, or any authority associated with his public office to endorse any non-Federal product or service.
- C. James is only providing his personal opinion based on his observations, so it is totally okay for him to participate.



James may not use or permit the use of his Government position, title or any authority associated with his public office to endorse any non-Federal product, service or enterprise.

Although James may make factual statements about the nature of the agreement with the vendor and the kind of work it performs for the Agency, it would not be appropriate to provide a testimonial in what clearly is a marketing brochure.

James should contact his local ethics official for advice.



You are elected treasurer of the Space Coast Foundation for Education.



True or False: You are not required to obtain approval for this outside activity.



True. Provided the Foundation has no official dealings with NASA, prior approval of this activity is not necessary.

Employees must only obtain approval for:

- Teaching, speaking, writing, or editing unless it pertains to private interests;
- The practice of a profession or professional consulting services;
- The management of a business in which you or your spouse have an ownership interest;
- Holding State or local public office;
- Employment with a NASA contractor, subcontractor, grantee, or party to a NASA agreement;
- Serving as an officer, trustee, or member of a board, of a for profit organization or for a non-profit organization that is a prohibited source;
- Employment that involves the practice of a NASA-owned invention.

Outside Activities

Employees may not engage in outside activities that conflict with their official duties. A conflict exists if

- a. the activity is prohibited by law, or
- b. the employee's ability to perform his or her duties would be materially impaired.

NASA regulations prohibit outside employment:

- With a NASA contractor, subcontractor, grantee on work performed by that entity for NASA.
- With a party to a Space Act agreement in connection with the work performed under that agreement.

Post Government Employment

Omega, Inc. has two contracts with NASA (Omega 1 and Omega 2). Audrey is a NASA GS manager who has served as a fee determining official for the Omega 1 contract. In the last year, she has approved award fees of \$6 million to Omega. This is the only personal involvement she had regarding Omega. However, one of her subordinates, Laura, serves as the COTR for the Omega 2 contract.

Audrey is considering retirement, and has always been impressed with Omega. She is interested in speaking to them about possible future job opportunities. After consulting with her local ethics official, Audrey executes a disqualification letter, recusing herself from all NASA duties affecting Omega.

Now that she is free to speak with Omega, what post-employment restrictions will impact her after she leaves NASA?

- A.** Because Audrey has executed a disqualification memorandum, she will not have any post employment ethics restrictions if she accepts a position with Omega.
- B.** Audrey may accept a position with Omega, but will never be able to work on any of Omega's NASA contracts for the rest of her life.
- C.** Audrey may accept a position with Omega and may make communications or appearances back to the Government about any particular matters in which she had no involvement while a federal employee. Audrey will have representational restrictions on the Omega 1 and Omega 2 contracts.
- D.** Restrictions? What restrictions? Audrey will no longer be a federal employee, so the rules will no longer apply to her. People do this all the time.



Post Government Employment Restrictions

1. Procurement Integrity Restrictions. An employee may not accept compensated employment with a company for one year if he:
 - Worked on a NASA contract in excess of \$10 million awarded to that company in one of the following roles:
 - Procuring Contracting Officer
 - Source Selection Authority
 - Member of the Source Evaluation Board
 - Chief of Financial or Technical Evaluation Team
 - Program Manager, Deputy Program Manager, or administrative contracting officer
 - Decision maker to award the contract, modification, subcontract, task order or delivery order, or establish rates, authorize payment, or settle a claim in excess of \$10 million

Note that the one year time limit starts from when the employee last participated in one of the above roles, not from when the employee left public service.

2. Representational Restrictions
 - Lifetime Ban: Former employees are permanently barred from communicating to or appearing before government personnel on behalf of someone else (e.g., their new employer), on any particular matter in which they were personally and substantially involved as a government employee. This prohibition lasts for the lifetime of the particular matter.
 - Two year Ban: Former employees are barred from communicating and/or representing a non-Federal entity back to the Government on particular matters that were pending under their official responsibility during their last year of Government service. This bar applies even if the employee did not work on the matter himself, but merely oversaw subordinates who were assigned to the matter. This ban lasts two years from the date of separation.
 - One Year “Cooling Off” Period for Senior Employees: Certain senior employees (e.g., PAS, SES, SL, ST) are barred from representational activities on behalf of another before personnel of their former agency with respect to any issue, initiative, or matter on which they seek official action, regardless of whether they participated in or had official responsibility for that issue or matter. This “cooling off” period applies to senior employees whose rate of basic pay is equal to or higher than 86.5% of the rate of basic pay for Level II of the Executive Schedule (\$155,440.50 in 2012).

Audrey may accept a position with Omega any may make communications or appearances back to the Government about any particular matter in which she had no involvement and were not pending under her official responsibility. She will have representational restrictions on both contracts.

Specifically, there will be a “lifetime ban” on representing Omega’s interests back to the Federal government (not just NASA) regarding any matter she was personally and substantially involved in while at NASA . Thus, she will have a ban on communicating to the Government regarding the Omega 1 contract for the life of the contract (until it expires or is recompleted). Even though she was not personally and substantially involved in the Omega 2 contract, it was pending under her official responsibility (her subordinate was the COTR) within the last year. Therefore, she may not represent any entity back to the United States about the Omega 2 contract for a period of two years after leaving Federal service. Audrey will not be subject to the one year “cooling off” period as a GS employee and her duties do not trigger the Procurement Integrity Act’s restrictions (under \$10M).

Note: Because the restrictions are complex, a Federal employee should consult with an ethics official to discuss his or her specific factual situation. Upon request, and ethics official can provide a written post-government employment opinion.





Political Activity

Pam is a NASA supervisor and a GS employee. Her friend Roz is running for mayor of Spacetown in a partisan election. On her personal Facebook page, Pam “likes” Roz’s campaign website. Pam has also posted a link to Roz’s fundraising page on her wall. Although Pam never uses her NASA computer to access her personal Facebook page, some of her NASA subordinates are her Facebook “friends.” She also has Facebook friends that are not tied to NASA.

Is Pam in violation of the Hatch Act?

- A. No, this involves Pam’s personal Facebook page and not an official NASA website.
- B. No, because posting a link to a fundraising website is not the same as soliciting campaign contributions.
- C. Yes, because Pam is prohibited from soliciting contributions for partisan political candidates, even in her personal capacity.



Pam is prohibited from posting a fundraising link for a partisan candidate on her personal Facebook page. Although most federal employees (other than career SES) can engage in many political activities outside of work and on their own time, they are prohibited from soliciting, accepting or receiving political contributions at all times. They may not post a link to the contribution page of a candidate's or partisan political group's website on their Facebook page and may not forward invitations to campaign fundraising events.

As a GS employee, it may be permissible for Pam to “like” Roz’s campaign home page, so long as there is no direct link to a fundraising site. This would not be true for “further restricted employees,” such as career SES employees. Pam may never use Government resources or official time to engage in political activity. Additionally, she may not specifically direct political statements to her NASA “friends” through a Facebook message or target a political message to her subordinates in any way.

The Hatch Act

- The Hatch Act prohibits Federal employees from engaging in partisan political activity while on official duty or allowing their official titles to be used in connection with fund raising activities.
- Political activity is also prohibited in any room or building in which Federal employees or officers perform official work, while wearing a uniform or official insignia, or while using any vehicle owned or leased by the Government.

Default penalty for Hatch Act violation is removal. Minimum penalty is 30 day suspension without pay.

Hatch Act

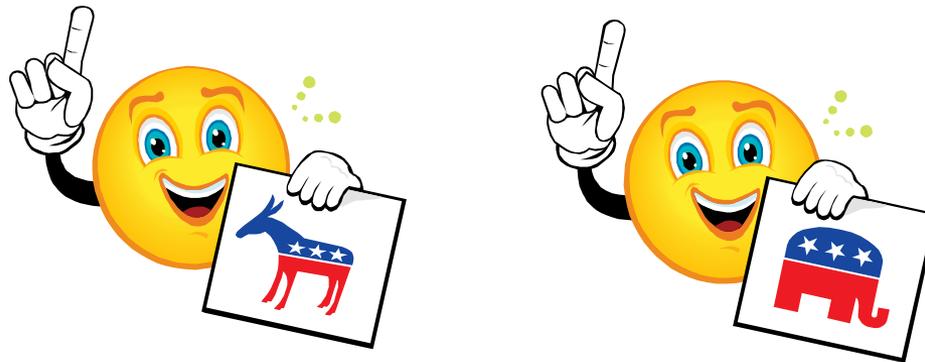


In addition, employees may not:

- Use official authority or influence to interfere with an election
- Solicit, accept, or receive political contributions
- Knowingly solicit or discourage the political activity of someone who has business before the Agency
- Be a candidate for public office in partisan election

What is Political Activity?

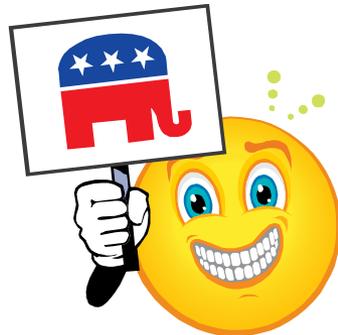
- Any activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.



Hatch Act and SES

Career SES employees also may not work on campaigns where any of the candidates are running as representatives of a political party.

For example, a Career SES employee may not campaign for or against a candidate in a partisan election.



Examples of Prohibited Political Activity



- Using official email to send partisan political emails
- Making partisan political posts to personal blog while on duty
- Soliciting political contributions (even on own time, from own blog, at home, or anonymously, etc.)
- Making an online political contribution using a government computer or while on duty
- Forwarding invitations to campaign fundraisers or other political campaign material
- Displaying a picture of a candidate for partisan public office in the federal workplace, unless:
 - The picture is an official photograph, or
 - The picture is an employee's photograph and
 - Was on display in advance of the election and for a non-political purpose,
 - The employee is in the photograph with the candidate, and
 - The photograph is a personal one.



Ethics and Integrity

- **Washington Post Test:**
 - Always act in such a way that you would have no problem fully disclosing all actions to everyone.



“Relativity applies to physics, not ethics.” - Albert Einstein

“There is no such thing as a minor lapse of integrity.” - Tom Peters

Wisdom from Dumbledore

- “It is not our abilities that show what we truly are. It is our choices.”
- “Dark and difficult times lie ahead. Soon we must all face the choice between what is right and what is easy.”
- “It takes a great deal of courage to stand up to your enemies, but a great deal more to stand up to your friends.”





Congratulations!

**You Have Completed
Ethics Training!**