



2020 ANNUAL ETHICS TRAINING



[Insert Presenting Office Name]



DISCLAIMER

Welcome to 2020 Annual Ethics training. This training will not cover all the Ethics rules or exceptions. However, this training should assist your understanding of the rules, and help you make value-based judgment calls. In turn, this training should help you avoid inadvertent violations of the rules that, in many cases, carry civil or even criminal penalties. **This training is not a substitute for legal advice. When in doubt, contact your ethics counselor!**

This training should not exceed an hour, and satisfies the 2020 Annual Ethics Training requirements for financial disclosure filers. By completing this module, you will have satisfied the annual ethics training requirement, as an Office of the Secretary of Defense (OSD) personnel. This module is not meant to be used by anyone other than OSD personnel, unless specifically authorized by your agency. If that is the case, your POC for ethics questions is your agency's ethics official.

TAKE AWAY: If you have questions on how the ethics rules apply to a particular situation, contact an ethics counselor **before** taking action. Even with the best intentions, it is more prudent **in advance** to avoid violating any of the ethics rules.



PURPOSE

The intent of this module is to help DoD personnel better understand their responsibility to foster and encourage an ethical workplace. Specifically, you are encouraged to think about the ethical culture in your organization and your contributions towards that culture.

In the spirit of maintaining an ethical workforce, Secretary of Defense Mark Esper issued a Memo in 2019, *“Reaffirming Our Commitment to Ethical Conduct”* and another in 2020, *“Ethical Conduct and Political Activities.”* Please double-click on the PDF on the next slide to read the Secretary’s messages.



Secretary Esper's February 2020 Letter



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

2/5/2020

MEMORANDUM FOR ALL MILITARY PERSONNEL AND DOD EMPLOYEES

SUBJECT: Ethical Conduct and Political Activities

Ethical conduct is fundamental to our Department's ethos and to the success of our National Defense Strategy. Each of us must be unwavering in our personal commitment to exemplary ethics and living by core values grounded in duty and honor. The guidance and direction I issued last year, "Reaffirming Our Commitment to Ethical Conduct" (attached), is enduring.

All Department of Defense personnel must be steadfast in our commitment to defend the Constitution and our Nation's democratic principles. As citizens, we exercise our right to vote and participate in government. However, as public servants who have taken an oath to defend these principles, we uphold DoD's longstanding tradition of remaining apolitical as we carry out our official responsibilities. Maintaining the hard-earned trust and confidence of the American people requires us to avoid any action that could imply endorsement of a political party, political candidate or campaign by any element of the Department. *Leaders will review the rules governing participation by DoD personnel in political activities and direct widest dissemination of the guidance in this memorandum to their teams.*

To ensure we are ready to do what is right when ethical dilemmas arise, we must continuously train and prepare. I am pleased with the reports I received about leader involvement in annual ethics training last year, and I expect leaders to continue to lead scenario-based ethics training for their organizations. DoD personnel who are required by regulation to complete annual ethics training must do so by November 30th of each calendar year. Additionally, military and civilian leaders should regularly discuss ethics and values with their teams in the normal course of leading and decision-making.

Lead by your example. I am proud to serve with each of you who uphold the values and high standards of our Nation and the Department of Defense. Together, we will remain the most ready and capable military force that our Nation expects and deserves.

Matt. Esper

Attachment:
As stated



Secretary Esper's March 2020 Ethics Video



**Defense Secretary Dr. Mark T. Esper delivers a message on ethics at the Pentagon, March 25, 2020.
Video by Petty Officer 3rd Class Manuel Najera**



CRIMINAL ETHICS STATUTES

- 18 U.S.C. 201, Bribery and Gratuities.

Prohibits personnel from seeking, receiving or agreeing to accept anything of value to influence their Government actions or as a result of their Government actions.

- 18 U.S.C. 203, Representation of Others (Compensated).
Prohibits personnel from receiving compensation derived from representation of another before the executive branch or the courts when the United States is a party or has a direct and substantial interest)



CRIMINAL ETHICS STATUTES

- **18 U.S.C. 205, Representation of Others (Uncompensated).**

Prohibits personnel from involvement in a claim against the U.S. or representing another before the Government in matters in which the U.S. is a party or has a direct and substantial interest, even if uncompensated.

- **18 U.S.C. 207, Post-Government Employment**

Places certain restrictions on former Federal personnel against representing the interests of others back to the Federal government after leaving Federal employment.



CRIMINAL ETHICS STATUTES

- **18 U.S.C. 208, Financial Conflict of Interest**

Bars Federal personnel from participating personally and substantially in an official capacity in any particular Government matter that would have a direct and predictable effect on the employee's actual or imputed financial interests.

- **18 U.S.C. 209, Dual Compensation**

Prohibits Federal personnel from being paid by someone other than the United States for doing their official Government duties.



ETHICS REGULATIONS

- **14 ETHICAL PRINCIPLES (Executive Order & CFR):**
These establish basic obligations and ethical values and goals for Federal employees and form the foundation for most ethics laws and regulations.

- **STANDARDS OF CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH:**
The Federal-wide regulations that implement the conflict of interest laws and governs ethical conduct of all Federal employees.

- **DOD SUPPLEMENTAL STANDARDS OF CONDUCT:**
Provides additional DoD-specific Federal ethics regulations in the CFR.

- **DOD JOINT ETHICS REGULATION:**
Provides additional DoD-specific Department ethics regulations in DoD issuances.



The Federal Standards of Ethical Conduct

The Standards of Conduct regulations address the following:

- **Conflicting Financial Interests.**
- **Impartiality.**
- **Gifts from outside sources and between employees.**
- **Seeking Non-Federal Employment.**
- **Misuse of Official Position: Use of public office for private gain; nonpublic information; Government property; official time.**
- **Outside Activities: Outside Employment; Fundraising; Teaching, Speaking, Writing; Providing Expert Testimony.**



DoD Supplemental Ethics Regulation

The DoD Supplemental Ethics Regulation addresses additional issues specific to DoD personnel such as:

- **Monetary limit on value of group gift (currently no more than \$300) from subordinates to supervisor for special, infrequent occasions.**
- **Requirement to use a disclaimer when providing unofficial speeches.**
- **Prior approval by the supervisor for compensated outside employment with a prohibited source if the DoD employee is a financial disclosure filer.**
- **Prohibition on making solicited sales to DoD personnel (or their families) who are more junior in rank, grade, or position.**



DOD PRIMARY ETHICAL VALUES

Found in [DoD 5500.07-R](#), Chapter 12

- **Honesty**
- **Integrity**
- **Loyalty**
- **Accountability**
- **Fairness**
- **Caring**
- **Respect**
- **Promise Keeping**
- **Responsible Citizenship**
- **Pursuit of Excellence**



LEARNING OBJECTIVES

- General Principles of Public Service
- Conflicts & Impartiality
- Financial Disclosure
- Misuse
- Political Activities
- Post-Government Employment
- Additional Ethics Guidelines



Basic Obligations of Public Service

DO:

- Place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Put forth honest effort in performing duties.
- Act impartially to all groups, persons, and organizations.
- Protect and conserve Federal property.
- Disclose waste, fraud, abuse, and corruption to appropriate authorities.
- Fulfill in good faith your obligations as a citizen, 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 handicap.

DON'T:

- Hold financial interests or positions that conflict with your Federal duties.
- Use or allow use of nonpublic information for private interests.
- Solicit or accept gifts from persons or parties that do business or seek official action from DoD (unless an exception applies).
- Make unauthorized commitments or promises that bind the Government.
- Use public office for private gain.
- Use Federal property for other than authorized activities.
- Take actions that give the appearance that they are illegal or unethical.



CONFLICTS OF INTEREST



CONFLICT OF INTEREST STATUTE

18 U.S.C. § 208 Acts Affecting Personal Financial Interest

An employee may not participate personally and substantially in a particular matter that would have a direct and predictable effect on his or her financial interest or the interest of the spouse, minor child, general partner, or organization in which he or she is serving as an officer, director, trustee, general partner or employee, or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment.



CONFLICT OF INTEREST STATUTE

Definitions:

- Participate: decision, approval, recommendation, investigation or rendering of advice
- Personally: directly - includes the participation of a subordinate directed by the Government employee
- Substantially: of significance to the matter (not administrative or ministerial)
- Particular Matter: matter focused upon the interests of specific persons, or a discrete and identifiable class of persons.
 - Key: Can you identify who is involved?



CONFLICT OF INTEREST REMEDIES

- Disqualification/Recusal
 - Must be in writing to supervisor with copy to ethics counsel.
- Regulatory exemptions – Most common are:
 - \$15,000 for stocks
 - \$50,000 for sector mutual funds
- Waiver
 - Extremely rare and requires coordination with Office of Government Ethics
- Reassignment/change of duty
- Divest financial interest



CONFLICTS OF INTEREST: INVESTING

Federal personnel are prohibited from participating in any particular matter that would have a direct and predictable effect on their actual or imputed financial interests.

- Example 1: You are assigned to participate in an acquisition for artificial intelligence technology for unmanned vehicles. You cannot do so if you, or someone whose interests are imputed to you, hold stock in one of the interested vendors.
- Example 2: Same as above, but you hold shares in a technology sector mutual fund that concentrates artificial intelligence. You cannot participate if any of the holdings in the fund are interested vendors. (Note: Participation in any matter affecting the sector is risky as holdings can change without notice).



INVESTING (Cont.)

- Diversified Mutual Funds – Diversified funds are those not concentrated in any one geographic or market sector (e.g., S&P 500 Index Fund, Capital Growth Fund, Capital Appreciation Fund, etc., etc.)
 - No potential conflicts
 - Alleviates need for constant monitoring to avoid conflicts

- Stocks – Employees choosing to invest in stocks can minimize risk by avoiding stocks in entities that have any involvement with the employee’s organization (*e.g., if you work in IT, it is unlikely you would have a conflict with an energy or pharmaceutical company*).

- Managed Accounts - If you choose to have a broker manage your accounts or select portfolios (asset management accounts), please note that you are still responsible for identifying and managing the conflicts issues, to include listing them on financial disclosure reports, even if you don’t have a choice in what is purchased or sold.



REGULATORY “IMPARTIALITY” STANDARD

5 CFR 2635.502 –Impartiality

- Even if there is no criminal conflict of interest, if a reasonable person with knowledge of the relevant facts would question the employee’s impartiality, the employee may still need to recuse from the matter.
- Employees are prohibited from participating in particular matters if a person with whom they have a covered relationship is a party to the matter or represents a party to the matter.



REGULATORY “IMPARTIALITY” STANDARD

Covered Relationship

- Business or a financial relationship (other than a routine consumer transaction);
- Members of employee’s household & close relatives;
- Employers and clients of employee’s parents, dependent children, and spouse;
- Former non-Federal employers and clients for a one-year period (two years if received an extraordinary severance payment); and
- Organizations in which the employee is an active participant (other than political organizations).



IMPARTIALITY: REMEDIES

- Disqualification/Recusal
 - Must be in writing to supervisor with copy to ethics counsel.
- Reassignment/change of duty
- Authorization to Participate
 - An agency designee may, **after consulting with an ethics counselor**, authorize an employee to participate in a matter in which there is an impartiality issue **if** it is determined that the Government's interest in the employee's participation in the matter outweighs the concern that a reasonable person may question the integrity of DoD's programs.



FINANCIAL DISCLOSURE

Electronic Filing Required:

OGE 278s – Integrity.gov system



OGE 450s – FDM system





FINANCIAL DISCLOSURE

Purpose: Assist employees, supervisors, and ethics counselors identify and resolve actual and potential conflicts of interest.

Supervisor Role:

- Determine which employees should file confidential financial disclosure reports (OGE 450) based on regulatory standards.
- Ensure their employees file in a timely manner.
- Perform conflicts reviews and sign reports in a timely manner – notify ethics counsel of potential conflicts via comments in report or direct contact.
- Ensure employees are not assigned to work on matters in which they have a conflict of interest.



FINANCIAL DISCLOSURE

OGE 278-T Periodic Transaction Reports

- Who: All OGE 278 Public Financial Disclosure Report filers are covered immediately upon appointment.
- When: Must file earlier of (a) 45 days after the transaction; or (b) 30 days after notification of the transaction.
- What: Report each individual purchase/sale/corporate exchange of securities for filer, spouse, and dependent child that meet reporting threshold (valued >\$1,000).
 - Do not report: cash accounts, real estate, excepted investment funds, Treasury bills, notes, and bonds, life insurance or annuities, or assets in a Federal retirement program (e.g., TSP).



MISUSE

Misuse includes improper:

- Use of public office for private gain;
- Use of nonpublic information;
- Use of government property & resources;
- Use of official time;
- Use of official title; and
- Endorsement.



MISUSE: Public Office, Position, & Title

- General Rule: Personnel shall not use public office for their own private gain, for the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.
- Endorsement: Personnel are prohibited from using their position, title or any authority associated with their position to endorse or imply endorsement of a non-Federal entity, its services, or products.
- Nonpublic Information: An employee shall not use or permit use of nonpublic information to further his own private interest or that of another. Nonpublic information is information gained by reason of Federal employment that the employee should know has not been made available to the general public.



MISUSE: Public Office, Position, & Title

Teaching, speaking, & writing:

- You must use a disclaimer if:
 - You use your official title or position in any biographical data; or
 - The subject deals in significant part with any ongoing or announced DoD policy, program, or operation and you have not been authorized by the appropriate authority to present that material the official DoD position.
- The disclaimer should:
 - Indicate that the views expressed are your own and do not represent the views of the Department of Defense;
 - Be in a prominent position;
 - Can be verbal if there are no written materials.



MISUSE: Resources

- Property of the Federal Government, including communications and electronics, may only be used for authorized purposes.

- Subject to supervisor approval, personal use of Government resources may be authorized IF the use:
 - Does not adversely affect the performance of official duties;
 - Is of reasonable duration and frequency;
 - Serves a legitimate public interest (such as keeping the employee at their desk);
 - Does not reflect adversely on or pose additional cost to DoD.

*****WARNING: You should also check other regulations applicable to particular categories of resources (e.g. – JTR, IT regulations, etc.). Even though personal use may not violate the ethics rules, it may violate other rules.***



MISUSE: Subordinates & Time

- Subordinates: Use of personnel for other than official purposes, to include personal errands, is never permitted.
 - Example – A supervisor serving on the board of his homeowners association may never request that his administrative staff prepare copies of documents for an upcoming association meeting.
- Time: While short breaks may be permitted, use of official time for other than authorized purposes is never permitted.
 - Example – The supervisor above may not use official time to review and edit the documents for the association meeting.

*****WARNING: This is a high risk area. Use of subordinates for personal errands (e.g., meal or dry cleaning pick up) is always a bad idea. Cases involving misuse of subordinates represent a significant portion of DoD OIG substantiated cases. *****



TEST YOUR KNOWLEDGE

Use of Subordinates Scenario:

Jeff is a senior official. He is so busy that he asks his MA to drive him to work, pick-up his dry cleaning and bring dinner to him in the office. Is this permitted?

- a) Yes, the MA may perform both personal and official tasks for a PAS.
- b) Yes, because having the MA drive Jeff to work, ensures that he will arrive on time and can continue to work in the car.
- c) No, Jeff cannot misuse his official position by having a subordinate to perform personal tasks for him.



Use of Subordinates Scenario Answer:

- a) This is incorrect. Jeff can only have his MA perform tasks that are for official business.



Use of Subordinates Scenario Answer:

- b) This is incorrect. Jeff can only have MA perform tasks that are for official business.



Use of Subordinates Scenario Answer:

- c) Correct. Jeff can not misuse his official position by asking a subordinate to perform non-official activities.



TEST YOUR KNOWLEDGE

Use of Resources Travel Scenario:

Jeff's closest friend is getting married in Australia – an expensive trip! So, Jeff asks his staff to see if they can set up some meetings and gin up an agenda. They are able to set up two meetings with the Australian MOD for the week he will be there. Has Jeff done something wrong?

- a) Jeff did nothing wrong as he looked for work to do. It's not his fault only two meetings could be arranged.
- b) Jeff did nothing wrong since he will have two meetings during the week and can telework the rest of the week.
- c) Jeff absolutely did something wrong by using Government resources to fund personal travel.



Government Travel Scenario Answer:

- a) This is incorrect. Official travel cannot be used as a means to fund personal trips. While leave in conjunction with TDY is permissible, the origination of the trip must be official, with the personal time additive. Not the other way around. Additionally, the official agenda must support the expense and duration of the trip.



Government Travel Scenario Answer:

- b) This is incorrect. Official travel cannot be used as a means to fund personal trips. While leave in conjunction with TDY is permissible, the origination of the trip must be official, with the personal time additive. Not the other way around. Additionally, the official agenda must support the expense and duration of the trip.



Government Travel Scenario Answer:

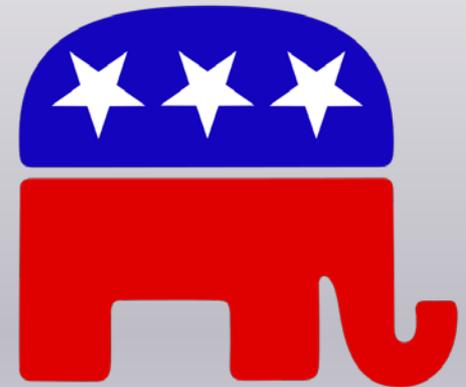
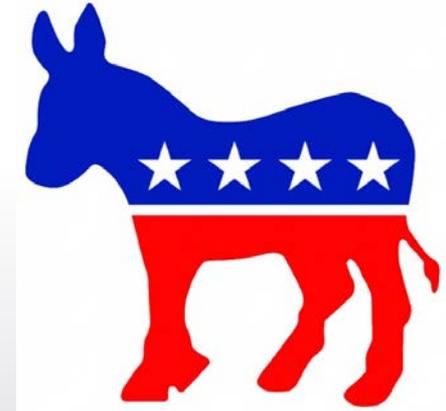
- c) Correct. Official travel cannot be used as a means to fund personal trips. While leave in conjunction with TDY is permissible, the origination of the trip must be official, with the personal time additive. Not the other way around. Additionally, the official agenda must support the expense and duration of the trip.



POLITICAL ACTIVITY

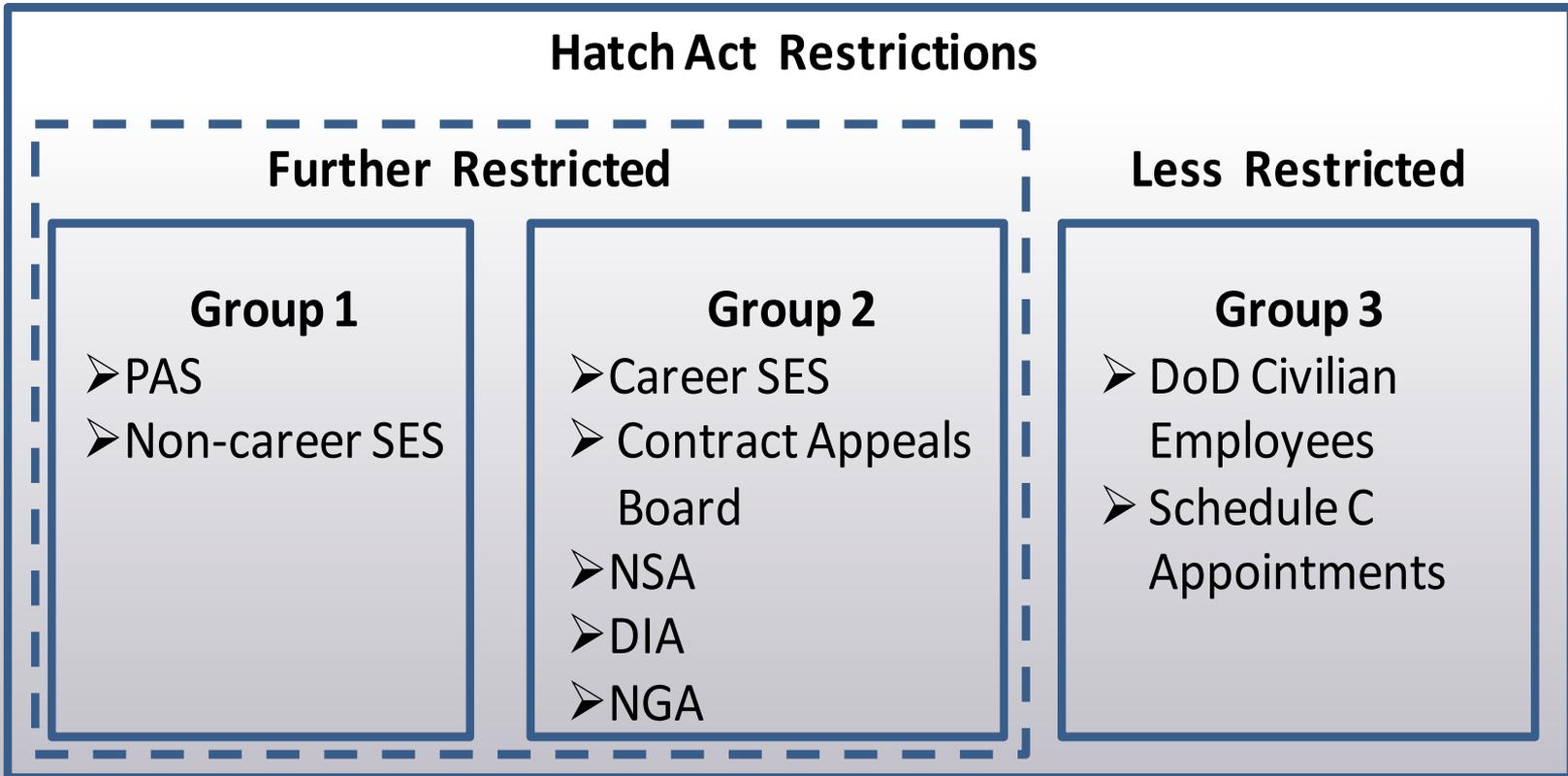
Political Activity is –

- An activity directed toward the success or failure of a:
 - Political Party
 - Candidate for Partisan Political Office, or a
 - Partisan Political Group





POLITICAL ACTIVITY





POLITICAL ACTIVITY

Hatch Act Restrictions

Further Restricted

Group 1

- PAS
- Non-career SES

Group 2

- Career SES
- Contract Appeals Board
- NSA
- DIA
- NGA

Employees in Groups 1 and 2 are prohibited from taking an active part in partisan political management or political campaigns and are referred to as “further restricted” employees.



POLITICAL ACTIVITY

Hatch Act Restrictions

Less Restricted

Group 3

- DoD Civilian Employees
- Schedule C Appointments

Less restricted employees (employees in Group 3), while in their personal capacities and outside of a Federal building, may engage in certain types of political activity with a political campaign or political organization.



POLITICAL ACTIVITY

DoD Civilian and Schedule C employees are permitted to engage in political activity if all three of the below are met:

- Not on Government time
- Not on Government property (owned or leased)
- Not using Government equipment, title, uniform

PAS officials, non-career SESs, and members of the military may not engage in partisan political activities.

No political activity is allowed in a Federal buildings by any personnel.

This prohibition includes political activity on social media.

Political campaign paraphernalia must not be displayed in a Federal building.

These rules apply even when teleworking.



TEST YOUR KNOWLEDGE

Political Activity Scenario:

Susan is a career SES employee (further restricted). She has been invited to attend a fundraiser for a partisan candidate. May she attend?

- a) No, she may not attend. Further restricted employees are prohibited from taking an active part in all partisan activities.
- b) Yes, she may attend but she may not volunteer or work for the candidate at the fundraising event.
- c) Yes, she may attend and do whatever she wants.
- d) No, she may not attend or do anything involving a partisan candidate or political party during election season.



Political Activity Scenario Answer:

- a) This is incorrect. The correct answer is b. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation.

BUT - She may not solicit, accept, or receive political contributions.



Political Activity Scenario Answer:

- b) Correct. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation.

BUT - She may not solicit, accept, or receive political contributions.



Political Activity Scenario Answer:

- c) This is incorrect. The correct answer is b. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation.

BUT - She may not solicit, accept, or receive political contributions.



Political Activity Scenario Answer:

- c) This is incorrect. The correct answer is b. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation.

BUT - She may not solicit, accept, or receive political contributions.



Political Activities Involving Military Members & Installations

Military Members:

- Authority: Military members are governed by [DoD Directive 1344.10](#).
- Restriction: Active duty members are prohibited from engaging in partisan political activity.

Military Installations:

- Candidates for public office may not engage in campaign or election-related activities while on a United States military installation:
 - Prohibited activities include: public assemblies, town hall meetings, speeches, fund-raisers, press conferences, post-election celebrations, and concession addresses.



TEST YOUR KNOWLEDGE

Military Political Activity Scenario:

May a member of the armed forces attend a campaign event, in her personal capacity, for a candidate running for partisan political office?

- a) Yes, a member of the armed forces may attend a campaign event in her personal capacity and while out of uniform.
- b) Yes, a member of the armed forces may attend a campaign event either in or out of uniform.
- c) No, a member of the armed force may never attend a partisan political event either in or out of uniform.
- d) Yes, if he is in his personal capacity wearing his uniform.



Military Political Activity Scenario Answer:

- a) Correct. A member of the armed forces may attend campaign events (partisan and nonpartisan), including fundraisers, rallies, debates, conventions, or activities as spectators (no formal speaking role) when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn.



Military Political Activity Scenario Answer:

- b) Incorrect, while a member of the armed forces may attend a campaign event, she may not attend such event while in uniform. A member of the armed forces may attend campaign events (partisan and nonpartisan), including fundraisers, rallies, debates, conventions, or activities as spectators (no formal speaking role) when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn.



Military Political Activity Scenario Answer:

- c) Incorrect, a member of the armed forces may attend a campaign event, she may not attend such event while in uniform. A member of the armed forces may attend campaign events (partisan and nonpartisan), including fundraisers, rallies, debates, conventions, or activities as spectators (no formal speaking role) when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn.



Military Political Activity Scenario Answer:

- d) Incorrect, he or she cannot wear the uniform. A member of the armed forces may attend campaign events (partisan and nonpartisan), including fundraisers, rallies, debates, conventions, or activities as spectators (no formal speaking role) when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn.



TEST YOUR KNOWLEDGE

Elected Official Scenario:

A member of the House Armed Services Committee's office reaches out to Public Affairs and requests to visit a Naval shipyard in his district. The Congressman has announced his candidacy for reelection and has been endorsed by the shipbuilder unions. While at the shipyard, the Congressman would like to have a town hall with shipyard workers. As luck would have it, the Chief of Naval Operations plans to be at the shipyard on the same day, and the Congressman would like to meet with CNO to talk about the Navy's shipbuilding program.

May the CNO meet with the Congressman?

- a) Yes
- b) No



Elected Official Scenario Answer:

- a) Correct. Elected officials may engage in official business on military installations, even when running for reelection. Therefore, CNO may meet with the Congressman.



Elected Official Scenario Answer:

- b) Incorrect. Elected officials may engage in official business on military installations, even when running for reelection. Therefore, CNO may meet with the Congressman.



POST-GOVERNMENT EMPLOYMENT (PGE)



PGE: SEEKING EMPLOYMENT

General: If you are seeking **non-Federal employment** you may not do Government work on a **particular matter that will affect the financial interests of your prospective employer(s)**.

- If entity interacts with your organization, you must provide your supervisor with a written recusal and copy ethics counsel.

Seeking: You are seeking employment if you:

- make unsolicited employment contact (e.g., send a resume);
- respond to unsolicited employment contact with anything other than unequivocal rejection.
- Cannot just “defer” the discussion (e.g., “can we talk in 6 months?”).

Remember: When in doubt, always consult ethics counselor.



STOCK Act Notice

Public Financial Disclosure filers (278e filers) are required to file a written notice of *negotiation* with their ethics counselor within 3 days of commencing negotiations for employment or completing an arrangement for employment.

Negotiating is any discussion with an organization, or its agent, with the mutual view of reaching an agreement regarding possible employment.

- It is not limited to just discussing specific terms and conditions of employment in a specific position.



PGE: REPRESENTATIONAL BANS

18 U.S.C. § 207

After leaving the Federal Government, former employees are subject to additional **CRIMINAL** restrictions that may limit their interactions with the Federal Government when representing the interests of another person or entity.

Remember: Always consult your ethics counselor before separating from the Government unless you plan to just “go fishing.”



PGE: REPRESENTATIONAL BANS

18 U.S.C. § 207 - Prohibits representing another before U.S. Government with intent to influence. Bans that most often apply include:

- Lifetime ban – if you participated personally & substantially in a particular matter involving specific parties, can never represent back for life of that matter.
- Two-Year ban – similar to above, if you supervised others who participated in the matter during your last year, can not represent back for two years.
- One-Year Cooling-off – Senior employees cannot represent back to former agency for one year.



Section 1045 of FY-18 NDAA

- Prohibits senior officials from engaging in lobby activities with respect to the DoD. For more information see DoDI 1000.32.
 - Military officers in grades O-9 and O-10 and “civilian equivalents” are prohibited for two years after date of retirement or separation; most senior “civilian equivalents” are Tier 3 (and above) SES (career and non-career) and DISES, and all PAS.
 - Military officers in grades O-7 and O-8 and “civilian equivalents” prohibited for one year period after date of retirement or separation; less senior “civilian equivalents” are Tier 1 and 2 SES (career and DISES).



TEST YOUR KNOWLEDGE

Post-Government Employment Scenario:

Jeff has retired from government service. He establishes a corporation. He will represent the corporation before the government on a particular matter he worked on when he served in the Government. Is this permissible?

- a) No
- b) Yes



PGE Scenario Answer:

- a) Correct. Jeff cannot represent his corporation before the Government on any particular matter involving specific parties that he worked on personally and substantially while he was a government employee.



PGE Scenario Answer:

- b) Incorrect. Jeff cannot represent his corporation before the Government on any particular matter involving specific parties that he worked on personally and substantially while he was a government employee.



ETHICAL DECISION MAKING

Evaluate the Big Picture

- ✓ Is it legally sound?
 - ✓ *Can* I do it?
 - ✓ *Should* I do it?
- ✓ Is it *right for the government*?
- ✓ How will it be perceived?

Remember your duty as a public servant



QUESTIONS

- DoD Ethics Counselors within the *[insert legal office]* are available to answer any questions you may have. Please call us at *[insert number]*, or e-mail *[insert email]*.
- For additional information, please visit our website: *[insert if applicable]*

