

From the CDC/ATSDR Ethics Program Activity Office

The mission of the CDC/ATSDR Ethics Program Activity Office is “Maintaining the Public’s Trust”. The CDC/ATSDR Ethics Program Activity is responsible for interpreting standards of conduct regulations, reviewing financial disclosure reports, and offering continuing ethics training and counseling services to ensure that CDC and ATSDR employees avoid situations that could violate ethics laws and undermine the public's trust in Government.

Employees are subject to statutes and regulations commonly referred to as "ethics" standards. The two basic sources of these standards are the criminal conflict of interest statutes and the administrative standards of ethical conduct.

The conflict of interest statutes at Chapter 11 of Title 18, United States code, prohibit a Federal employee from engaging in certain types of activities that would place the employee's own personal interests above the Federal Government's interests.

The standards of conduct regulation at 5 Code of Federal Regulations Part 2635 establishes principles of ethical conduct for employees of the executive branch.

If you have any questions on any ethics matter, please contact our office via email at ethics@cdc.gov or by calling 770-488-8970. In speaking to one of our dedicated staff members you will know that “Maintaining the Public’s Trust” is more than just a mission statement, it is our daily goal.

Thank for your cooperation with the CDC/ATSDR Ethics Program Activity Office.



New Employee Ethics Training: HHS Initial Ethics Orientation

All new employees are required to complete the HHS Initial Ethics Orientation (IEO) within 90 days of joining CDC. This orientation will provide an overview of the basic ethical principles, rules and the ethics program. The IEO is provided online at the HHS Learning Portal: <https://lms.learning.hhs.gov/> and listed under HHS Initial Ethics Orientation.

All new CDC employees are required to take to satisfy the IEO requirement.

If you have further questions on IEO, please contact our office via email at ethics@cdc.gov, or by speaking to one of our dedicated staff members by calling 770-488-8970.

Outside Activities: The Ethics Rules for CDC Employees

If you want to take on a second job in addition to your Federal employment or engage in certain outside activities, you should be aware of the ethics rules covering those activities. Depending upon the type of activity you have in mind, you may be required to seek prior approval. If there is a conflict with your official duties or other legal restriction, you may not be allowed to undertake the activity. In 2005, the Department addressed concerns over conflicting outside activities by making substantial amendments to strengthen the HHS Supplemental Ethics Standards. For activities requiring prior approval, the new rules state that before undertaking the outside activity an affirmative determination must be made that the activity will not involve conduct prohibited by statute or regulation.

The outside employment prohibitions and the prior approval requirements apply to all employees of the CDC and HHS with the exception of special Government employees. If you have further questions on outside activities, please contact our office via email at ethics@cdc.gov, or by speaking to one of our dedicated staff members by calling 770-488-8970.

Official Duty: Participation in Outside Organizations

Official Duty Activities are those activities performed by an employee as part of, or an extension of, regular official responsibilities. Any official work performed with an outside organization must also be consistent with the authority and mission of the CDC. This discussion refers to official duty activities with an outside organization. The Standards of Ethical Conduct for Employees of the Executive Branch (at 5 CFR 2635) provide the basic guidelines for official duty activities, and the CDC/ATSDR Ethics Program Activity Office sets the policy for implementing the guidelines at the CDC. An employee may participate in such activities with advance approval, in some instances, of only their immediate supervisor. But participation as a **Federal Liaison, Voluntary Consensus Standards Organization Member, Advisory Committee or Editorial Board Member, and Officer, Director, or Trustee (Waiver Required)** requires an official duty memo approved by the Deputy Ethics Counselor (DEC) of CDC.

If you have further questions on official duty, please contact our office via email at ethics@cdc.gov, or by speaking to one of our dedicated staff members by calling 770-488-8970.





CODE OF ETHICS

Principles of Ethical Conduct for Government Officers and Employees

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting, activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

SUMMARY OF WORKPLACE RULES FOR NEW HHS EMPLOYEES

CAUTION: Many executive branch employees enter the federal workforce with prior experience gained in academia, advocacy groups, businesses, charitable organizations, and government institutions in other branches and levels. These employees may be accustomed to rules and practices that govern workplace conduct and employment perquisites and privileges that differ markedly from the requirements in a federal executive department. Accordingly, this summary warns that the use of government time, property, equipment, funds, and personnel for other than authorized purposes is a violation of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, Subpart G (Misuse of Position), and provides examples of misuse that may subject HHS employees to disciplinary action. This list is not intended to be exhaustive, rather its purpose is to highlight several “traps for the unwary.”

Use of Subordinates for Personal or Political Activities. An employee cannot encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized by law or regulation. 5 C.F.R. § 2635.705(b). For example, a supervisor cannot ask his secretary to run personal errands or type his personal correspondence during duty hours. Further, directing or coercing a subordinate to perform such activities during non-duty hours constitutes an improper use of public office for private gain in violation of 5 C.F.R. § 2635.702(a). Supervisors also have been disciplined for soliciting and accepting loans from subordinates. *Vargas v. U.S.P.S.*, 83 M.S.P.R. 695 (1999). The Hatch Act prohibits supervisors from asking subordinates to volunteer their services for any political purpose, even when the services will be performed off-duty and even where both the supervisor and the subordinate are political appointees. 5 C.F.R. § 734.302(a)(3).

Use of Official Time. An employee shall use official time in an honest effort to perform official duties and shall account for time expended on personal or other non-duty activities by obtaining approval for leave or other excused absence. 5 C.F.R. § 2635.705(a). Conducting personal business while on duty, *Cohen v. Department of Treasury*, 7 M.S.P.R. 57 (1981); “wasting time,” *Pitts v. Department of Navy*, 7 M.S.P.R. 208 (1981); and even “reading the newspaper on the job,” *Cook v. Department of Navy*, 34 M.S.P.R. 26 (1987), have been the subject of adverse personnel actions. The Hatch Act bars using official duty time for any partisan political purpose whatsoever. 5 C.F.R. § 734.306(a)(1). Gambling while on duty or at work and engaging in conduct prejudicial to the Government are also prohibited. 5 C.F.R. §§ 735.201 and 735.203.

Use of Government Property and Funds. An employee cannot use Government property or expend appropriated funds for other than authorized purposes. 5 C.F.R. § 2635.704(a). Disciplinary action may be initiated for unauthorized or improper use of: **“government franked” envelopes or official mail**, *Lauren v. Veterans Administration*, 4 M.S.P.R. 66 (1980); **government credit cards** for personal purchases, *Baracker v. Department of Interior*, 70 M.S.P.R. 594 (1996); **agency vehicles or government rental cars** for personal trips, detours, or transportation of family members or friends, *Campbell v. Department of Health and Human Services*, 40 M.S.P.R. 525 (1989); and **agency phone systems for long distance personal calls**, *Lewis v. General Services Administration*, 82 M.S.P.R. 259 (1999). **NOTE:** Statutory changes now permit **frequent flyer miles** derived from official travel to be accumulated in individual accounts and used for personal trips.

Personal use of **government computers, word processors, printers, telephones, cellular phones, copiers, fax machines, and internet access** generally is not authorized, subject to agency-specific policies, if any, regarding minimal, infrequent usage for non-governmental purposes. For example, the Department now permits personal use of information technology when such use involves minimal additional expense to the Government, is performed on the employee’s non-work time, does not interfere with the HHS mission or operations, and does not violate the Standards of Ethical Conduct, the Hatch Act, or other applicable law. HHS-OCIO-2006-0001: HHS OCIO Policy for Personal Use of Information Technology Resources (2/17/06). Employees should consult a supervisor in their operating divisions for guidance on non-governmental use of computers and other technology resources. Excessive personal use of a government computer and printer remains a disciplinary matter, *Rush v. Department of Air Force*, 69 M.S.P.R. 416 (1996), as well as misuse of **agency e-mail** to send notes inappropriate to the workplace, *Bishop v. Department of Air Force*, 75 M.S.P.R. 33 (1997).

Standards of Ethical Conduct for Employees of the Executive Branch

5 CFR Part 2635

Subpart A General Provisions

Explanations of the basic obligations of public service and the responsibility to safeguard the public's trust. Rule on ethics advice.

Subpart B Gifts from Outside Sources

Rules against accepting gifts offered from certain sources or for certain reasons. Exceptions for accepting appropriate items in specified cases. Rules against soliciting or coercing gifts.

Subpart C Gifts between Employees

Rules limiting the circumstances in which employees may give one another gifts, especially gifts to higher-ranking employees. Rules against soliciting contributions for certain gifts.

Subpart D Conflicting Financial Interests

Rules barring employees from participating in particular matters in which they have financial interests. Rules against acquiring or continuing to hold certain financial interests.

Subpart E Impartiality in Performing Official Duties

Rules requiring employees to take specific measures to guard against the appearance of losing impartiality.

Subpart F Seeking Other Employment

Rules requiring employees to disqualify from particular matters affecting the financial interests of potential employers with whom they are seeking employment.

Subpart G Misuse of Position

Rules against the use of an employee's title, time, or authority and against the use of Government information and resources for private purposes.

Subpart H Outside Activities

Rules limiting outside activities, including outside employment, teaching, speaking, and writing. Rules addressing personal financial obligations of employees.



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Selected Criminal Conflict of Interest Provisions

A Quick Reference Guide

18 U.S.C. § 201

Bribery and Gratuities

Prohibits public officials from accepting bribes or gratuities to influence their Government actions

18 U.S.C. § 203

Representation of Others for Compensation

Prohibits compensation for representational activities involving certain matters in which the United States is a party or has a direct and substantial interest. Significantly, the prohibition applies to compensation in exchange for the representational activities of either the employee or another individual.

18 U.S.C. § 205

Representation of Others with or without Compensation

Prohibits an employee from certain involvement in a claim against the United States or representing another before the Government in matters in which the United States is a party or has a direct and substantial interest

18 U.S.C. § 207

Post-employment Restrictions

Imposes restrictions on an employee's activities after leaving the Government. Most restrictions are limited to communications with or appearances before the Government on behalf of another, but some restrictions cover behind-the-scenes activities.

18 U.S.C. § 208

Conflicting Financial Interests

Prohibits employees from participating in certain Government matters affecting their own financial interests or the interests of certain persons with whom they have ties outside the Government

18 U.S.C. § 209

Supplementation of Salary

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



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