

PDF SCRIPT – Misuse of Position and Other Government Resources

Hello, my name is Don Lobeda and I am an ethics advisor in the USDA Office of Ethics. This training video will address specific ethics rules on the misuse of your official position and the misuse of other government resources.

The principles at the heart of this video include, do not use your office for private gain and protect Federal property and only use it for authorized activities. All executive branch employees are required to conduct themselves in accordance with these two basic principles which are explained and elaborated on in 5 CFR 2635, Subpart G. I will be explaining the basic rules that assist us to implement these principles in our lives.

The provisions of subpart G address four areas of emphasis. I will explain restrictions on the use of:

1. your public office;
2. nonpublic information;
3. Government property; and
4. employee official time.

An employee shall not use his or her Government to coerce or induce another person, including a subordinate, to provide any benefit to the employee.

Not surprisingly this prohibition extends to benefiting our family, friends, organizations we are affiliated with in a nongovernmental capacity, and persons we seek employment with.

The listed prohibitions set forth in 5 CFR 2635.702 are not exclusive.

For instance, as employees of the executive branch we should not be exercising our position and authority when such action is motivated purely by personal, non-official reasons.

And of course, as I will discuss on the next slide, federal employees may not endorse any product, service or enterprise in their official capacity.

Endorsements are a common area where federal employees may be confronted with the opportunity to misuse their position. An employee shall not use or permit the use of his Government position or title or any authority associated with his or her public office to endorse their personal activities or any product, service or enterprise. There are some exceptions to this rule, such as statutory authority.

Do not assume you have statutory authority to give an endorsement. If you think there might be statutory authority to officially endorse something, you should engage in some research and confirm that there is a specific law, implementing regulation, directive, or other policy document that provides you and your agency with the authority to endorse the nonfederal product, service or enterprise.

If you are teaching, speaking, or writing in a personal capacity, you may refer to your official title or position only if that fact is part of a larger biography, or you provide a disclaimer that the views you are expressing are yours and not the USDA's.

Letters of recommendation are a common form of endorsement that may be permitted.

Of course, employees may always write a letter of recommendation in their personal, unofficial, capacity. However, employees may use their official titles on letters of recommendation or character reference when when:

1. They are responding to a request for an employment recommendation or character reference, AND
2. They have personal knowledge of the requesting applicant's ability or character, AND EITHER:
 - a. The author has dealt with the applicant in the course of Federal employment,
 - OR
 - b. The letter will be used by the applicant in the pursuit of Federal employment.

An employee may not use nonpublic information to further his or her own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure of the nonpublic information. Probably the most well-known example of this is engaging in financial transactions using nonpublic information, sometimes known as "insider trading." But it encompasses much more. As USDA employees, we may not knowingly and without authority release nonpublic information to anyone, including the media, contractors and vendors, or advocacy groups.

As USDA employees we have a duty to protect and conserve Government property and must not use it, or allow its use, for other than purposes authorized by law or regulation. Government property includes any form of real estate or personal property that the Government owns or leases. It includes any right or other intangible interest that is purchased with Government funds.

Examples of government property include office supplies, Information Technology & communication equipment, government records, Government Owned Vehicles, the services of contractor personnel, even intellectual property and software.

There is a prominent exception to this rule at the USDA. USDA employees may be permitted by their supervisory chain, pursuant to rules set out by the USDA Chief Information Officer, to use the agency's telecommunications and Internet resources for personal matters on an occasional basis provided that the use involves minimal expense to the Government and does not interfere with official business or violate Federal law.

As an employee it is usually a good idea to limit your use to a reasonable duration and frequency, and also to limit the use to your personal time-, after work or during lunch perhaps.

And of course there are some things that are never permitted. Such as business activities, or activities that may be inappropriate or offensive to fellow employees or the public.

You've heard the saying "Put in an honest day's work for an honest day's pay." The Federal government has memorialized this excellent advice in an ethics regulation. Unless authorized in accordance with law or regulations to use official time for other purposes, an employee shall use official time in an honest effort to perform their official duties.

This basic rule extends to supervisor's management of their subordinate's time. Supervisors and managers may not encourage, direct, coerce, or request a subordinate to use official time for anything other than official duties or authorized uses. Your supervisor may permit you to make limited and occasional personal use of official time provided this use does not affect the performance of your official duties.

For example, it would be appropriate for a supervisor to authorize you to make a five or ten-minute phone call to your spouse to coordinate the pickup of your dog or your child. However, listed on this slide are some examples of inappropriate use of official time: spending several hours during your work day on a personal phone call, or using a subordinate to type or copy personal correspondence, or if you're researching a new job on official time. Remember use of official time for personal purposes is not a right. It is provided at the discretion of your supervisor.

If you have questions about the ethics rules discussed in this video, or if you are confronted with any ethics issue, please do not hesitate to contact office by finding your designated ethics official on our website.

The Office of Ethics hopes you have found this presentation useful.

Thank you for your attention and have an ethical day!