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**U.S. Fish and Wildlife Service
PARTIAL GOVERNMENT SHUTDOWN
ETHICS FAQs FOR EMPLOYEES**

The U.S. Fish and Wildlife Service (Service) has received a number of ethics questions from employees furloughed during the partial government shutdown. The following guidance is provided to help employees comply with the ethics laws when seeking non-Federal employment and/or when offered gifts from non-Federal sources.

In addition, a summary of the ethics rules can be found on the Department of the Interior (DOI) Ethics Office website at <https://www.doi.gov/ethics>, and the Service Ethics website at: <https://www.fws.gov/program/ethics/home>. The Service Ethics Office is available with very limited staffing. If you have an urgent ethics question, please send your question to: ethicsoffice@fws.gov. If you are concerned that you may violate the ethics statutes, standards of conduct, or the DOI supplemental ethics regulations, it is best to refrain from taking action until you can seek the necessary guidance or authorization.

Outside Employment

Can I seek and/or accept a job with a non-Federal employer while I am on furlough?

It depends upon the potential non-Federal employer, and your official duties and responsibilities as a Service employee. You are required by the ethics laws to avoid “conflicts of interest” and the appearance of a “lack of impartiality” between your work for the Service and a potential non-Federal employer.

Additional ethics rules apply to non-Federal employment for a “prohibited source,” which is defined for Service employees as any person, company, or organization that does business with the Service, is seeking to do business with the Service, conducts operations that are regulated by the Service, or has any interests that might be affected by the performance or non-performance of your official duties, or is an organization a majority of whose members are described above. Examples of prohibited sources include non-profit friends groups and other organizations, groups that do or seek to do business with the Service, contractors, concessionaires, partners, and entities that receive permits, grants, or other assistance from the Service, etc. Examples of entities that generally are not prohibited sources include restaurants, retail stores, construction companies, etc.

If your potential employer is not a “prohibited source” you may seek/accept a job without receiving ethics advice or supervisor approval. Positions such as these generally will not conflict with your Service duties. Please remember, however, that the Federal ethics rules, including those regarding non-public information and use of your Federal title and position still apply while you are working for your non-Federal employer. When the furlough ends, please consult with your servicing ethics office about whether any recusal or other ethics-related requirements result from your non-Federal employment.

If your potential employer is a "prohibited source," then, according to a DOI supplemental ethics regulation, you may not begin work without receiving ethics review and supervisor approval. Please fill out an out an **DI-7010 "Request for Ethics Approval to Engage in Outside Employment and Activities"** Then, please submit this form to the Service Ethics Office at: ethicsoffice@fws.gov. An Ethics Counselor will review your form and respond as quickly as possible.

May I use my official title or position in connection with my non-Federal employment?

No. Other than on a resume or to explain your qualifications, you may not use your official status, title, or position with the Service in order to obtain any non-Federal employment, nor may you use your official status, title, or position to benefit your non-Federal employer.

May I volunteer to continue to carry out my Service duties during a partial government shutdown?

No. Employees deemed non-expected may not volunteer their services and may not continue working on Service business during the partial government shutdown.

May I volunteer for a partisan political campaign or candidate during the partial government shutdown?

It depends. Remember under the Hatch Act (5 U.S.C. § 7321–7326), employees have different restrictions on their political activities based upon their positions at the DOI. Please refer to the Office of Special Counsel’s website (www.osc.gov). If there is a risk that your contemplated activity violates the Hatch Act, then we recommend that you refrain from participating in the activity. If you have question about the applicability of the Hatch Act, please contact the DOI Departmental Ethics Office at: doi_ethics@sol.doi.gov.

What happens if I take an outside job and the partial government shutdown ends?

If you do accept a job with a non-Federal employer, you should be aware that you must return to your Service position on the next regular work day after being notified about the end of the partial government shutdown. Additionally, please consult with your servicing ethics office about whether any recusal or other ethics-related requirements result from your non-Federal employment.

Gifts

Do the gift rules apply during the partial government shutdown?

Yes. All of the ethics rules continue to apply to employees during a partial government shutdown. Employees may not accept a gift during a furlough that he or she could not accept during regular Federal government operations. The general rule concerning gifts from an outside or non-Federal source (versus gifts between employees) is that a Federal employee may not

accept a gift from a “prohibited source” or given because of his or her official position with the Service. A gift is considered to be given because of your official position when the circumstances make it clear that you would not have received the gift, but for your employment status with the Federal government generally and/or the Service specifically.

As discussed above, a “prohibited source” for Service employees, is any person, company, or organization that does business with the Service, is seeking to do business with the Service, conducts operations that are regulated by the Service, or has any interests that might be affected by the performance or non-performance of your official duties, or is an organization a majority of whose members are described above, including non-profit friends groups and other organizations, groups that do or seek to do business with the Service, contractors, concessionaires, partners, and entities that receive permits, grants, or other assistance from the Service, etc.

How do I determine whether I can accept a gift from a non-Federal source during the partial government shutdown?

It will depend upon the value of the gift and who offers it to you. The general rule is that you may not solicit or accept gifts given because of your official position or offered by a “prohibited source.” A “gift” is anything that has monetary value which you obtain for less than “market value.” A gift may include, but is not limited to, a gratuity, favor, discount, cash, gift certificate, gift card, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services, training, transportation, travel, lodging, and meals. “Market value” is the retail price that you, the recipient of the gift, would have to pay to purchase it. However, the ethics regulations provide a few exceptions and exclusions to the general rule and those that have been asked about most frequently by furloughed employees are discussed below.

Can I accept a meal offered only to furloughed employees and valued at \$15 from a local organization that works with the Service?

Yes. Although the organization is a “prohibited source” because it works with the Service, you may accept tangible, non-cash gifts (such as a meal, hat, book, ticket to a movie, etc.) with a retail market value of \$20 or less, per occasion from that organization so long as the total value of gifts given to you from the organization does not exceed \$50 in a calendar year, and you do not accept gifts so frequently from this organization that a reasonable person would question your impartiality. If the gift has a retail market value in excess of \$20, you may not pay the difference in order to accept the gift, but rather you must pay the entire value of the gift to the donor in order to accept it.

A local restaurant is offering free sandwiches to furloughed workers. Can I accept a sandwich?

Yes, if the sandwich is being offered to all Federal government employees or to anyone who is impacted by the partial government shutdown, and the offer is not limited only to certain Federal employees, such as those employed by DOI, the Service or only to furloughed employees.

Alternatively, if the sandwich is valued at \$20 or less (retail market value), then you may accept the sandwich so long as the total value of gifts given to you from the restaurant in question does not exceed \$50 in a calendar year, and you do not accept gifts so frequently from the restaurant that a reasonable person would question your impartiality.

Please remember that you may never accept cash, cash gift cards issued by a credit card company or other financial institution (Visa, Mastercard, American Express, etc.) or checks made out to you, in any amount, given because of your official position (in this case because you are a furloughed employee) under any circumstances.

Can I accept a Visa cash gift card from an organization that does business with the Service?

No. You may never accept cash, cash gift cards issued by a credit card company or other financial institution (Visa, Mastercard, American Express, etc.) or checks made out to you, in any amount, from a “prohibited source” or if given because of your official position, under any circumstances.

Can I accept an American Express cash gift card offered to only furloughed employees by a local organization that has no business before the Service?

No. You may never accept cash, cash gift cards issued by a credit card company or other financial institution (Visa, Mastercard, American Express, etc.) or checks made out to you, in any amount, given because of your official position (in this case because you are a furloughed employee) under any circumstances.

Can I accept a grocery store gift card that is offered to me by a local organization that does business with the Service?

In this case, it generally will depend on the donor and the amount of the gift card offered to you. The ethics regulations distinguish between gift cards issued by a credit card company or other financial institution, which are viewed as the equivalent of a gift of cash and may not be accepted, and gift cards issued by specific stores such as restaurants and grocery and retail stores, which may be accepted in certain circumstances. In the question above, although the local organization is a “prohibited source” because it does business with the Service, you may still accept a gift card to a grocery store offered to furloughed employees and valued at \$20 or less per occasion, so long as the total value of these gifts to you from the local organization does not exceed \$50 in a calendar year, and you do not accept gifts so frequently from the local organization that a reasonable person would question your impartiality.

Additionally, if an organization was handing out packets of gift cards issued by specific stores or restaurants to all Federal employees, all Federal employees in a specific geographic area (e.g., all Federal employees in Oakland County), or anyone impacted by the partial government shutdown (and the offer is not limited only to certain Federal employees, such as those employed by DOI, the Service or only to furloughed employees), then you can accept the packet of gift cards even if the total amount of the various gift cards exceeds \$20.

Also, if a local organization offers packets of gift cards issued by specific stores or restaurants to any family or individual in need in the community, you could accept the packets of gift cards. Under the gift rules, any opportunities and benefits, including favorable rates and commercial discounts, available to the general public or to a class consisting of all Federal employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations is not considered a prohibited gift and may be accepted.

Can I accept a commercial discount or benefit offered by a local business?

Yes, you may accept commercial discounts or benefits available to the general public, to all Federal government employees, or to anyone impacted by the partial government shutdown (so long as the offered discount or benefit is not limited only to certain Federal employees, such as those employed by DOI, the Service or only to furloughed employees). Additionally, there is no limit on the value/amount of the discount or benefit offered, so long as it is offered as described above. Please note that the discount can be limited to all Federal government employees in a specific geographic area.

A local non-profit friends group or other partner organization has offered to provide Service employees with interest free loans of \$1,000 during the partial government shutdown. Can I accept this offer?

In almost all circumstances, no. If you accepted any such offered loan, then you would be required under 18 U.S.C. § 208, a criminal statute, and 5 C.F.R. § 2635.502, to recuse yourself from any official matters involving that entity when you return from furlough until the loan was completely repaid. Finally, beware of entering into financial transactions with entities that are not accredited or licensed financial institutions.

If an accredited or licensed financial institution, such as a credit union, offers low or no interest loans, can I accept such a loan?

It will depend on the terms of the loan offer. The ethics regulations exclude from the definition of gifts “loans from banks and other financial institutions on terms generally available to the public.” Additionally, you may accept opportunities and benefits, including favorable loan rates and commercial discounts, available to the general public or to a class consisting of all Federal employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations. The ethics regulations also permit you to accept opportunities and benefits, including favorable loan rates and commercial discounts, offered to members of an organization, such as an employee association or credit union.

Can I or my spouse set up a GoFundMe page or other online fundraising request to help with expenses?

Generally, not without a high likelihood of violating the ethics rules.

First, you cannot use your position for your own private gain or the private gain of another under the misuse of position rules. Therefore, any such online solicitation could not reference your employment with the Service or your employment status with the Federal government.

Second, you are prohibited from soliciting or accepting gifts given from “prohibited sources”, or given because of your official position unless an exception or exclusion applies. This includes both direct and indirect solicitation and acceptance of gifts. A gift which is solicited or accepted indirectly includes a gift given with the employee's knowledge and acquiescence to the employee's parent, sibling, spouse, child, dependent relative, or a member of the employee's household because of that person's relationship to the employee. Therefore, if you are aware of and acquiesce to the solicitation and the acceptance of gifts given to your spouse or another person because of your position with the Service, you would potentially be in violation of the gift rules as a result of their solicitation.

As a result, you would need to ensure that no donors provide gifts in violation of the rules about gifts from prohibited sources and the established dollar limits. Due to the high likelihood of violating the ethics rules, we recommend that employees and others refrain from engaging in personal online fundraising related to the furlough.

May I present my Federal government identification badge to receive a permissible discount or benefit offered to all Federal employees?

Yes. Employees may show their Federal government ID to prove they are eligible for an existing discount or benefit. Please remember that you may not use your Federal government ID to solicit or encourage a gift or special treatment - this is a misuse of position.

Can I donate money and other items to help out other co-workers impacted by the furlough?

Yes, but the limits on gifts between employees, on fundraising for charitable organizations, and on fundraising in the Federal workplace, including those on gifts between supervisors and subordinates continue to remain in effect. You may give gifts of cash or non-cash gifts to employees who are not above you in your supervisory chain or who do not make more money than you. However, you may not give cash gifts in any amount or non-cash gifts in excess of \$10, to your supervisor(s) or to a DOI employee who makes more money than you, with the exception gifts of personal hospitality which can be of the value normally given in such situations. Please note that the furlough does not qualify for the “special, infrequent occasion” exception to the ethics rules on gifts between employees.

Social Media

May I comment/blog about the partial government shutdown on social media sites?

Generally, yes, you may comment about the partial government shutdown in your personal capacity. However, be aware that if your official title, position, or affiliation with the Service or DOI is referenced or listed on your social media platform, you must be careful not to make comments that would appear to be official Service or DOI statements. Also, please remember

that information that is not appropriate for disclosure by employees while in work status continues to be inappropriate for disclosure during the partial government shutdown. Finally, please remember that the requirements of the Hatch Act continue to apply to you during the partial government shutdown and you should continue to comply with the Hatch Act social media and e-mail guidance issued by the Office of Special Counsel. This guidance can be found at: <https://osc.gov/Pages/Hatch-Act-Social-Media-and-Email-Guidance.aspx>

May I continue to conduct Service business during the partial government shutdown using my personal email or social media sites?

No. You may not continue to conduct Service business using your personal email or social media sites during the partial government shutdown. If you are deemed non-excepted, then you may not volunteer your services and may not continue working on Service business during the partial government shutdown even on personal email or social media sites. However, supervisors may use personal email addresses to send notices to employees, particularly return-to-work notices.