



2015 ETHICS TRAINING WORKSHOP PROBLEM ANSWER SHEET
COMMERCIAL LAW DEVELOPMENT PROGRAM

You've decided to get more involved in the local community but are interested in using some official time for these activities (with supervisory approval). You are considering a few options, such as joining the Board of the local American Chamber of Commerce, teaching at a local university, or serving as a guest lecturer at a trade policy think tank where your spouse currently works. What ethics rules do you need to keep in mind as you contemplate engaging in these activities in either your personal or official capacities?

Rules on service in an official capacity:

- allowed if the activity is authorized as supporting the agency mission
- no need to take leave to engage in organization activities in an official capacity
- can and should use official Government title when engaging in activity in official capacity
- no compensation to the employee
- to serve as an officer or member of a governing board, the organization must be a non-profit organization
- payment of travel would be a gift to the Department
- personal gift rules apply if any food or beverages are provided in connection with service
- cannot engage in partisan political activities in connection with service with a non-Federal organization in an official capacity
- cannot engage in fundraising for a non-Federal organization when serving in an official capacity
- service with outside organizations should be on a non-preferential basis
- cannot work on any matters that are purely internal to the organization
- various Federal laws may apply with regard to organization activities, documents, and information, including:
 - Anti-Lobbying Act (contacting the public to contact Congress)
 - Federal Advisory Committee Act
 - Freedom of Information Act
 - Paperwork Reduction Act
 - Privacy Act
 - Records Retention Act.

Rules on service in a personal capacity:

- service with an outside organization will require disqualification from working on matters at the Department of Commerce in which the organization is a party (if an active member of the organization) or that will affect the organization's financial interests (if service is as an officer or member of the organization's governing board); if this will interfere with the employee's ability to perform important agency duties, the service is not allowed
- must engage in organization duties when on leave or otherwise during non-duty hours (although administrative leave (excused absence) may be allowed in some cases)
- cannot use Government resources for organization activities
- cannot use Government title in connection with organization activities
- cannot contact a Federal agency on behalf of the outside organization to influence Government actions
- can receive payment of travel expenses as a personal payment (not a travel gift to the agency)

Reporting requirements:

- employees who file public financial disclosure reports (OGE Form 450 or OGE Form 278) must report positions held outside the Federal Government in a personal capacity on the reports
- there is no reporting requirement for positions held in an official capacity, except current guidelines are for notice of such positions to be provided to the Ethics Law and Programs Division (for purposes of maintaining a centralized record of all such positions in the Department).

*Prepared by the Ethics Law and Programs Division, Office of the General Counsel,
United States Department of Commerce – 202-482-5384 – ethicsdivision@doc.gov –
June 23, 2015*