ETHICS FOR PROPERTY MANAGERS

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ETHICS FOR PROPERTY MANAGERS

This presentation is designed specifically for property managers and custodians to fulfill property manager training requirements. This online program does not satisfy any live ethics training requirement you may have this year.

You may print out the final slide if you need proof of your completion of this presentation.

The Summary of Ethics Rules…

is a handy reference source giving an overview of the most important ethics rules and is available on the Office of the General Counsel web site (follow link below). You do not need to be your own lawyer. Our telephone number and e-mail address are on the summary. Please call or e-mail if you have a question. The website is also a source for ethics-related forms, as well as summaries of various ethics rules. (follow this link)

INTRODUCTION

This module will cover five ethics subject areas:

- **GOVERNMENT RESOURCES**
- **GIFTS**
- **CONFLICTS OF INTEREST**
- **OUTSIDE ACTIVITIES**
- **POST EMPLOYMENT ACTIVITIES**

Visit our website (www.commerce.gov/ethics) to obtain a copy of the summary of ethics rules.

GOVERNMENT RESOURCES

Use Government resources only for authorized purposes. You may access e-mail or the Internet for personal uses except NOT for:

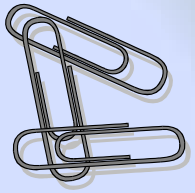
- viewing sexually explicit material;
- partisan political activities;
- business or profit-making purposes;
- uses that result in additional costs; or
- other uses barred by law or policy or that would discredit the Department.

GOVERNMENT RESOURCES

There are really two aspects of misuse of Government resources important to property managers:

- The first is the general rule from the previous slide that you should not use any Government resource for an unauthorized purpose.
- The second, less obvious rule is the requirement to preserve and protect property.

Property managers are specifically charged as part of their duties to preserve and protect Government property. This means that you could be held personally liable for missing or damaged property or its misuse by others, including contractors as well as employees. You must establish systems for tracking property and you must follow the appropriate procedures to ensure that those to whom property is entrusted follow the appropriate procedures.



THEFT AND CONVERSION

What most people think of with regard to misuse of resources is theft and conversion–physically stealing Government property. Obviously, that is a violation of ethics rules and, more importantly, criminal laws.

THEFT AND CONVERSION

There is not only an obligation not to steal or misuse resources, but to report to the appropriate officials fraud, waste, or abuse by others. This is set forth in the Ethics Principles (Number 11) and in the Department Administrative Order for the Inspector General. Doing nothing when presented with evidence of improper actions by others may get you in trouble. This rule is particularly important for property managers.

USE OF GOVERNMENT COMPUTER AND INTERNET AND E-MAIL

A computer is like any other piece of Government equipment and can only be used for authorized purposes. However, some personal use has been authorized. Under the Department's internet policy, you may use your Government computer to access the internet, and your e-mail account, for personal purposes, with a few exceptions. The exceptions are important ones.

COMMERCIAL PURPOSES -- MISUSE OF GOVERNMENT RESOURCES

Employees may not use the Internet to operate a business or for commercial purposes. This rule can be described this way: you can buy things on E-Bay® using your office computer, but not sell things on E-Bay®. This is may be a slight exaggeration of the restriction, but it is a good rule to follow. Buying items is personal; selling items is business.

POLITICAL PURPOSES -- MISUSE OF GOVERNMENT RESOURCES

You may not use any Government resources for partisan political purposes, including your office telephone, fax machine, and computers. A number of employees have gotten into trouble by sending e-mails to friends or colleagues inviting them to a political event. Don't do it! Any violation must be referred to the Office of Special Counsel for investigation and action.

PORNOGRAPHY -- MISUSE OF GOVERNMENT RESOURCES

Another restriction on use of your office computer concerns accessing pornographic websites. That is not allowed. Incidentally, not only is it not allowed, but tolerating others to do it may create a hostile work environment and lead to charges of sexual harassment.

DO NOT DO IT AND DO NOT LET OTHERS DO IT.

MISUSE OF A GOVERNMENT CREDIT CARD

A Government credit card may only be used for authorized purchases. Employees may think that because they are personally liable for paying off the balance, there is no problem with charging some personal items on the card, but that is wrong; it is a misuse of the card. (You can think of it as a misuse of the Government's line of credit or credit rating; the Government is being used to basically co-sign a loan.)

GOVERNMENT EMPLOYEES GONE WILD: TRUE TALES OF IMPROPRIETY

A DEA agent whose responsibilities included fleet management and authorization of repairs of Government vehicles, attempted to obtain free repair services for his personal vehicles from two vendors. The agent also insinuated to the vendors that the cost of repairing his personal vehicles could be recouped as part of the charges for repairs to Government vehicles. After these allegations were substantiated, the agent was dismissed from DEA.

GOVERNMENT EMPLOYEES GONE WILD: TRUE TALES OF IMPROPRIETY

A former supervisor in the Bureau of Indian Affairs used a Government-issue credit card to purchase excessive quantities of overpriced light bulbs from a North Dakota company. In exchange for his act as a poor shopper, he accepted $21,000 in bribes. For his savvy purchasing, he was sentenced to one year and nine months in prison and ordered to pay $72,000 in restitution.

QUESTION 1

Property managers are responsible for reporting fraud, waste, and abuse of equipment to the Office of Inspector General.

TRUE **FALSE**

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Property managers are responsible for reporting fraud, waste, and abuse of equipment to the Office of Inspector General.

TRUE

FALSE

General Ethics Principles Number 11, Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities. Summary of Ethics Rules at page 2.

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Property managers are responsible for reporting fraud, waste, and abuse of equipment to the Office of Inspector General.

TRUE

FALSE

General Ethics Principles Number 11, Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities. Summary of Ethics Rules at page 2.

QUESTION 2

An employee may use a Government-issued credit card for personal shopping, provided that the employee pays the full balance by the due date.

TRUE **FALSE**

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An employee may use a Government-issued credit card for personal shopping, provided that the employee pays the full balance by the due date.

FALSE

You may only use Government resources for authorized purposes. Summary of Ethics Rules at page 3.

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TRUE

FALSE

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QUESTION 3

Viewing adult web sites on an office computer is permitted provided it is during non-duty hours, it is not child pornography, and no files are saved to the office computer.

TRUE **FALSE**

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Viewing adult web sites on an office computer is permitted provided it is during non-duty hours, it is not child pornography, and no files are saved to the office computer.

FALSE

You may not use office access to the Internet for obtaining or viewing sexually explicit material. Summary of Ethics Rules at page 3.

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TRUE

FALSE

You may not use office access to the Internet for obtaining or viewing sexually explicit material. Summary of Ethics Rules at page 3.

QUESTION 4

While on travel, you may buy souvenirs with a Government credit card, as long as you spend less than the *per diem* and pay the bill early.

TRUE **FALSE**

QUESTION 4

While on travel, you may buy souvenirs with a Government credit card, as long as you spend less than the *per diem* and pay the bill early.

FALSE

You may only use Government resources, including a Government credit card, for authorized purposes. Summary of Ethics Rules at page 3.

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TRUE

FALSE

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GIFTS

There are three types of gifts, each of which has different rules.

I. Gifts to the Government.

II. Personal gifts from sources outside the Government.

III. Personal gifts between co-workers.

GIFTS TO THE GOVERNMENT

Commerce has statutory authority to accept gifts to support its mission. Department policy is to not accept gifts from agency contractors; grantees; licensees; or those seeking a contract, grant, or license; or anyone with interests in controversial matters before the agency receiving the gift.

GIFTS TO THE GOVERNMENT

Of particular interest to property managers is that sometimes a gift is a loan of property. We may receive use of a piece of equipment–a satellite phone, a computer, a Blackberry®–for a set period of time. Even though this is not Government property, the Department is responsible for returning it. If it is lost, we are liable for paying for it. Therefore, it is just as important to keep track of loaned equipment.

GIFTS TO THE GOVERNMENT:

TRAVEL GIFTS

Most often, a gift to an agency is in the form of travel– transportation, a hotel room, a meal. The main difference between gifts of travel and other gifts is that travel gifts may not be solicited and must be reported on a semi-annual report. This report is compiled by the Office of the General Counsel and is available to the public for review.

PERSONAL GIFTS FROM OUTSIDE SOURCES

Generally, personal gifts to employees from outside sources may not be accepted, unless an exception applies. The most common exceptions are:

- gifts of $20 or less;
- gifts based on a personal relationship (a gift from a friend or relative);
- invitations to “widely-attended gatherings”; and
- discounts available to all Federal employees.

PERSONAL GIFTS FROM OUTSIDE SOURCES

You may accept gifts of $20 or less (other than cash), up to $50 per year from the same donor.

You may also accept gifts from relatives or friends, if they are based on a personal relationship.

PERSONAL GIFTS FROM OUTSIDE SOURCES: Invitations To Widely-attended Gatherings

This exception is used mainly to attend receptions and meals where more than 40 persons are present. An invitation to a widely-attended gathering must be approved by a supervisor based on a determination that the agency benefits from the employee going to the event. Approval is not appropriate if the event is entertainment, such as a show or ball game. Ethics officials will supply a form that may be used by a supervisor to approve an invitation.

PERSONAL GIFTS FROM OUTSIDE SOURCES: Discounts
Another exception is for discounts available to Federal employees. Thus, you may use a Government discount rate for hotels or rental cars, even when on a personal vacation, provided that the hotel or car rental company does not require you to be on official travel. The only time a discount will raise a question is if it offered to only a certain category of employee–senior employees or employees with specific job duties.

PERSONAL GIFTS FROM CO-WORKERS

You may not accept a gift from a subordinate or give a gift to a supervisor, unless it is valued at $10 or less or it is for a major life event.

- Exceptions for gifts from outside sources do not apply.
- If you have a holiday gift exchange in your office, you should keep the value to $10 or less.

PERSONAL GIFTS FROM CO-WORKERS

It is important that there be no coercion for gifts. Thus, if your office is collecting money to send flowers to a sick co-worker, the head of the office should not ask for donations; it should be handled by an employee who is not a supervisor.

GOVERNMENT EMPLOYEES GONE WILD: TRUE TALES OF IMPROPRIETY

An employee of the Maritime Administration oversaw contracts for ship repairs. He also saw a contractor in his office providing him with nice gifts to reward his work, including a large-screen TV and a VCR. The U.S. Attorney then delivered another gift: a four-month prison sentence, to be followed by one year of probation, and an order for restitution in the amount of $7,460.

QUESTION 5

An employee may accept a $25 lunch offered by a contractor who is a co-worker in the employee's office.

TRUE

FALSE

QUESTION 5

An employee may accept a $25 lunch offered by a contractor who is a co-worker in the employee's office.

FALSE

You may not accept a personal gift from anyone who has business with the Department, except gifts of $20 or less (other than cash) (up to $50 per year from the same donor). Summary of Ethics Rules at page 4.

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TRUE

FALSE

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QUESTION 6

An office can have a holiday “Secret Santa” inexpensive gift exchange that includes everyone in the office, including the supervisor.

TRUE

FALSE

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TRUE

FALSE

You may not offer a gift to a supervisor or accept a gift from a subordinate except items of $10 or less, given occasionally. Summary of Ethics Rules at page 5.

QUESTION 6

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TRUE

FALSE

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QUESTION 7

All the employees in an office may chip in $5 each to take their boss to lunch on her birthday.

TRUE **FALSE**

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All the employees in an office may chip in $5 each to take their boss to lunch on her birthday.

FALSE

A gift to a supervisor given on occasion must be valued at $10 or less. The total value of the gift, not the individual contributions, must be $10 or less. Summary of Ethics Rules at page 5.

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TRUE

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CONFLICTS OF INTEREST

A conflict of interest is a situation in which an employee's personal interests are in conflict with the obligations to the Government as his or her employer. The appearance of such a conflict can also undermine public confidence in Government actions so such appearances are also covered by ethics rules.

There are two types of conflicts under this definition:

- conflicts based on financial interests; and
- conflicts based on personal relationships (or non-financial interests).

FINANCIAL CONFLICTS OF INTEREST

The basic rule regarding financial conflicts of interest is that if you (or your spouse or minor child or household member) has a financial interest in something, you should not work on that matter as a Federal employee.

FINANCIAL CONFLICTS OF INTEREST

As a practical matter, the most common situations in which a conflict arises are in the form of stock holdings. However, there are some exceptions regarding financial interests consisting of publicly traded stock.

You do not need to disqualify yourself from working on a matter affecting a company in which you have stock if the stock is $15,000 or less in value.

FINANCIAL CONFLICTS OF INTEREST

An exception also applies to:

- holdings in a diversified mutual fund, regardless of its value; or
- a fund that invests in a specific industry sector or state or foreign country, if the holding is $50,000 or less in value.

FINANCIAL CONFLICTS OF INTEREST

If it is not practical for you not to work on a matter because it is an important part of your Government job, you may have to sell the interest. You should contact the Ethics Law and Programs Division at 202-482-5384 or ethicsdivision@doc.gov for advice in such a case.

NON-FINANCIAL CONFLICTS OF INTEREST

The other type of conflict of interest is based on personal relationships, rather than money.

You may not work as a Government official on a matter if one of the parties is someone with whom you have a close personal or business relationship (a “covered relationship”). (Exceptions are sometimes allowed based on agency needs.)

NON-FINANCIAL CONFLICTS OF INTEREST

"Covered relationships" include:

- close relatives;
- household members;
- persons with whom you have business dealings;
- recent former employers;
- employers of your parents or immediate family members; and
- organizations in which you are active.

NON-FINANCIAL CONFLICTS OF INTEREST

Note that friends are not listed, so working on a matter in which a friend is a party does not present a legal problem. However, it does present a management issue so you should disclose it to your supervisor who can then decide whether or not to reassign the matter.

NON-FINANCIAL CONFLICTS OF INTEREST

If is not practical for you to disqualify yourself from working on the matter in question, there are procedures for waiving the restriction based on the needs of the Government. You should contact the Ethics Law and Programs Division at 202-482-5384 or ethicsdivision@doc.gov in such a case.

GOVERNMENT EMPLOYEES GONE WILD: TRUE TALES OF IMPROPRIETY

A senior employee of the National Security Council had been advised to divest his shares of petroleum and other energy-producing stocks. During this time, he was involved in his official capacity in matters that may have had a direct and predictable effect on a petroleum company. The official agreed to pay the Department of the Treasury $23,043, which represented the increased value of the stocks, to settle the matter.

GOVERNMENT EMPLOYEES GONE WILD: TRUE TALES OF IMPROPRIETY

An offshore safety inspector found much of the Government's equipment to be in need of repairs to meet safety standards. He referred the business to his brother-in-law's repair shop. The FBI discovered that, in return for each referral, the brother-in-law was treating the inspector to an evening with a lady of dubious morals. At trial the inspector claimed that he had not received a "thing of value" in return for the referral. The judge didn't buy it - and neither did his wife.

QUESTION 8

An employee who owns $10,000 of stock in a company may make the decision to procure services from that company.

TRUE **FALSE**

QUESTION 8

An employee who owns $10,000 of stock in a company may make the decision to procure services from that company.

TRUE

FALSE

You may participate in matters affecting a financial interest if the financial interest is a publicly-traded stock or bond holding of $15,000 or less in a company. Summary of Ethics Rules at page 6.

QUESTION 8

An employee who owns $10,000 of stock in a company may make the decision to procure services from that company.

TRUE

FALSE

You may participate in matters affecting a financial interest if the financial interest is a publicly-traded stock or bond holding of $15,000 or less in a company. Summary of Ethics Rules at page 6.

QUESTION 9

An employee may work on a license application submitted to his office by a close friend.

TRUE

FALSE

QUESTION 9

An employee may work on a license application submitted to his office by a close friend.

TRUE

FALSE

An employee does not have a “covered relationship” with a close friend for purposes these rules, however the employee should disclose this situation to his or her supervisor. Summary of Ethics Rules at page 7.

QUESTION 9

An employee may work on a license application submitted to his office by a close friend.

TRUE

FALSE

An employee does not have a “covered relationship” with a close friend for purposes these rules, however the employee should disclose this situation to his or her supervisor. Summary of Ethics Rules at page 7.

QUESTION 10

Assuming there was a conflict of interest in the above cases, the employee can work on the matter as long as he is just giving advice and not making the final decision.

TRUE **FALSE**

QUESTION 10

Assuming there was a conflict of interest in the above cases, the employee can work on the matter as long as he is just giving advice and not making the final decision.

FALSE

An employee with a conflict of interest is prohibited from any substantive participation in a matter, including giving advice or making a recommendation. Summary of Ethics Rules at pages 6 and 7.

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Assuming there was a conflict of interest in the above cases, the employee can work on the matter as long as he is just giving advice and not making the final decision.

TRUE

FALSE

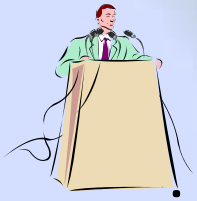
An employee with a conflict of interest is prohibited from any substantive participation in a matter, including giving advice or making a recommendation. Summary of Ethics Rules at pages 6 and 7.

🗣 OUTSIDE ACTIVITIES 🗣

You may not engage in outside activities that will interfere with your Government duties or create an appearance of misuse of your position.

Special rules apply for practicing law and for writing or teaching.

You may not contact a Federal agency or Federal court for others in your personal capacity.



Generally, you can have outside employment or engage in almost any outside activity, with a few exceptions.

- You may not work for a foreign government.
- You may not work for anyone who has matters before your office if those duties cannot be easily reassigned to someone other than yourself.

You may not represent anyone before any Federal agency– which means that you may not call or talk to or write a Federal agency on behalf of someone else, even a relative. There are a few exceptions:

- you may represent a co-worker in a personnel proceeding (in some cases);
- you may represent an employee organization; and
- you may represent your spouse, children, and parents *but only if* you receive prior approval. Contact 202-482-5384 or ethicsdivision@doc.gov in such cases.

APPEARANCE CONCERNS

There is also a general rule that employees may not engage in outside activities or employment if it will create an appearance of misuse of one’s Government position or information.

GOVERNMENT EMPLOYEES GONE WILD: TRUE TALES OF IMPROPRIETY

A Tennessee Valley Authority contract manager had been moonlighting for a contractor he was overseeing. The manager accepted a job with the TVA contractor as a part-time supervisor, and worked for the contractor on his days off and vacation days. Even though the manager's actions did not result in any identified financial loss, he was terminated from TVA and prosecuted. He pled guilty and was sentenced to probation and a $1,000 fine.

QUESTION 11

An employee may hold an outside job with a Commerce contractor.

TRUE

FALSE

QUESTION 11

An employee may hold an outside job with a Commerce contractor.

TRUE

FALSE

A job is OK if it does not conflict with one's Government position, create an appearance of misuse of public office, or require communications with a Federal agency or court. Summary of Ethics Rules at page 8.

QUESTION 11

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TRUE

FALSE

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QUESTION 12

An employee may contact the IRS to help her mother resolve a tax problem.

TRUE

FALSE

QUESTION 12

An employee may contact the IRS to help her mother resolve a tax problem.

FALSE

An employee may not represent others before any Federal agency or Federal court, however, an exception permits an employee to represent a parent with prior approval. Summary of Ethics Rules at page 8.

QUESTION 12

An employee may contact the IRS to help her mother resolve a tax problem.

TRUE

FALSE

An employee may not represent others before any Federal agency or Federal court, however, an exception permits an employee to represent a parent with prior approval. Summary of Ethics Rules at page 8.

POST-EMPLOYMENT

You may not work as a Government official on a matter affecting a prospective employer.

After leaving Federal service, you will be subject to some restrictions on contacting the Government on behalf of others and on using nonpublic information.

After leaving Federal service, all employees are subject to some restrictions. They generally concern:

- representing others before a Federal agency or Federal court on any matter on which you worked; and
- using or disclosing non-public information learned during the course of Federal employment.

Additional restrictions apply to procurement officers and program managers, including a bar on receiving compensation for one year from the winning bidder on a $10,000,000 procurement.

There are also restrictions applicable to senior employees–those with a base-pay of $155,440 or more–from working for or advising a foreign government for a one-year period.

GOVERNMENT EMPLOYEES GONE WILD: TRUE TALES OF IMPROPRIETY

An SES employee of the State Department tasked with assisting the Bosnian Government in purchasing military equipment and training, retired and went to work for a private contractor of military hardware. Six months later, he recommended to the United States Embassy in Sarajevo that it support his bid for a contract between his new employer and the Bosnian Government. His bid for the contract was successful, but he also succeeded in securing legal action from the United States. The employee agreed to a $10,000 settlement in exchange for being released from legal proceedings.

QUESTION 13

An employee may submit a resume to a Commerce contractor.

TRUE

FALSE

QUESTION 13

An employee may submit a resume to a Commerce contractor.

TRUE

An employee may seek employment with anyone but may not work on any matter affecting a prospective employer. Summary of Ethics Rules at page 10.

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TRUE

FALSE

An employee may seek employment with anyone but may not work on any matter affecting a prospective employer. Summary of Ethics Rules at page 10.

QUESTION 14

After sending a resume to a prospective employer, an employee may work on matters affecting the prospective employer.

TRUE

FALSE

QUESTION 14

After sending a resume to a prospective employer, an employee may work on matters affecting the prospective employer.

FALSE

An employee may not work on any matter affecting a prospective employer. Summary of Ethics Rules at page 10.

QUESTION 14

After sending a resume to a prospective employer, an employee may work on matters affecting the prospective employer.

TRUE

FALSE

An employee may not work on any matter affecting a prospective employer. Summary of Ethics Rules at page 10.

QUESTION 15

A former employee may give a new employer the home address and telephone numbers of Commerce co-workers in order to recruit them.

TRUE

FALSE

QUESTION 15

A former employee may give a new employer the home address and telephone numbers of Commerce co-workers in order to recruit them.

FALSE

After leaving Federal service, an employee may not disclose or use protected nonpublic information. Summary of Ethics Rules at page 10.

QUESTION 15

A former employee may give a new employer the home address and telephone numbers of Commerce co-workers in order to recruit them.

TRUE

FALSE

After leaving Federal service, an employee may not disclose or use protected nonpublic information. Summary of Ethics Rules at page 10.

The Ethics Law and Programs Division has special handouts on these restrictions, as well as the rules that apply while looking for a job. These are available on the Ethics website at www.commerce.gov/ethics. You may also contact our office directly for specific advice at 202-482-5384 or e-mail us at ethicsdivision@doc.gov.

For further guidance on the ethics rules contact:

Ethics Law and Programs Division

202-482-5384

ethicsdivision@doc.gov

or visit our website at

www.commerce.gov/ethics

You have now successfully completed the
Ethics Training Presentation
for Property Managers
February 2013.