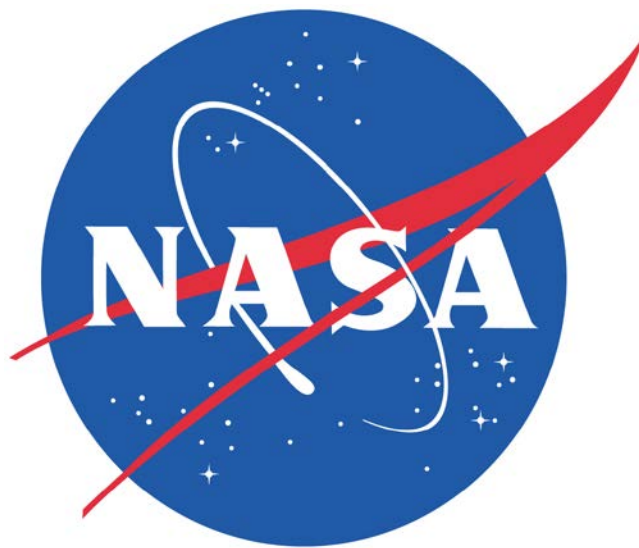


Ethics for New Supervisors



For advice:

**Contact your local
Ethics Official**

Introduction

Congratulations on your appointment as a NASA supervisor! As a supervisor, you are responsible for, among other things, setting the ethical tone of your office and ensuring that your subordinates understand the importance of following Federal ethics laws and regulations. To help you meet your new responsibilities, this handout contains the following information:

1. Supervisor Responsibilities;
2. NASA Ethics Officials;
3. Overview of NASA's Ethics Program; and
4. Standards of Ethical Conduct for Federal Employees (Summary).

1. Supervisor Responsibilities

The U.S. Office of Government Ethics ("OGE") is responsible for providing overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest. Consistent with this responsibility, OGE implements regulations governing a variety of aspects pertinent to the ethics program.

Among its regulations is 5 CFR § 2638.103, which pertains directly to supervisors and is copied in full below:

5 CFR § 2638.103. Government ethics responsibilities of supervisors.

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the Standards of Conduct and that subordinates know how to contact agency ethics officials. Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

2. NASA Ethics Officials

Designated Agency Ethics Official (DAEO)

Every Federal agency has a DAEO to oversee the agency's ethics program. The NASA DAEO is the General Counsel, Sumara M. Thompson-King. The DAEO is supported by

NASA’s Agency Counsel for Ethics, Adam F. Greenstone, who is NASA’s Alternate DAEO. The DAEO and Alternate DAEO are located at NASA Headquarters and can be reached by telephone at 202-358-0550.

For Ethics Questions, please contact a LOCAL NASA ETHICS OFFICIAL through the contacts below:

Field Centers	Name	E-Mail	Telephone
ARC	Femy McGrath	femy.d.mcgrath@nasa.gov	650-604-5116
AFRC	Erik Lundin	erik.b.lundin@nasa.gov	661-276-2552
GRC	Linda Hastings Gina Lauterio	linda.m.hastings@nasa.gov gina.r.lauterio@nasa.gov	216-433-2315
GSFC	Laura Giza	laura.m.giza@nasa.gov	301-286-9181
HQ	Headquarters Ethics Team	ethicsteam@hq.nasa.gov	202-358-2465
JSC	Legal Office Personnel	JSCLegal@nasa.gov	281-483-3021
KSC	Legal Office Personnel	ksc-ethics-advisor@mail.nasa.gov	321-867-9223
LaRC	Legal Office Personnel	Larc-dl-ethics@mail.nasa.gov	757-864-3221
MSFC	Pam Bourque	pam.bourque@nasa.gov	256-544-0024
NMO/JPL	Jim Mahoney	james.t.mahoney@nasa.gov	818-354-2562
SSC	Diane Sims	diane.m.sims@nasa.gov	228-688-2164
NSSC	Troy Taylor	troy.d.taylor@nasa.gov	228-813-6830
IG Office	Contact your local IG Counsel		

Additional ethics information can also be found https://www.nasa.gov/offices/ogc/general_law/ethics_resources_page.html.

Ethics Questions Involving Classified Information

NASA has attorneys with security clearances, including at the SCI level, who can provide ethics advice to employees on compliance with Federal ethics laws and regulations. NASA personnel who need ethics advice, where classified information may be necessary to understand the circumstances, should contact the ethics team to make arrangements to address the issue using appropriate security procedures.

More Information on NASA’s Ethics Program

More information on NASA’s ethics program can be found on the NASA OGC Web page at https://www.nasa.gov/offices/ogc/general_law/index.html.

3. Overview of NASA’s Ethics Program

Every Federal agency has an ethics program and all Federal employees are subject to Federal ethics laws and regulations. Ethics principles and rules help NASA and its employees do the following:

Promote public confidence in NASA and our people: As Federal employees, we act for the benefit of the American public, not for private interests. Ethics laws and regulations help ensure that we perform our mission with the public interest in mind. Our adherence to ethics principles, and the rules that implement them, is important because it upholds the public's confidence in the integrity of our Government and those who serve. As NASA employees, our credibility rests not only on technical competence, but also on public trust.

Accordingly, integrity is one of NASA's core values. We may not think about it every day, but we depend on the ethical behavior of our peers, our subordinates, our supervisors, and our senior leaders.

Address organizational risks that can jeopardize NASA's mission success: Conduct not in accordance with applicable ethics rules and principles may result in negative legal, operational, and reputational consequences that threaten mission success. NASA's ethics program provides an ethics advisory service to all NASA employees through a cadre of experienced ethics officials. In addition to advising employees to help ensure individual compliance, we also advise management on decisions implicating ethics requirements and principles.

Help employees ensure ethics compliance: Our ethics requirements are derived from various Federal laws, regulations, and principles. Consequences of not complying include criminal penalties (both fine and imprisonment), as well as disciplinary action up to and including removal from Federal service. Serious allegations of ethics violations, even if not sustained, can result in reputational damage, personal legal expenses, and other highly adverse consequences. However, good faith reliance on a NASA ethics official's advice protects against disciplinary action and is considered by the Department of Justice in criminal matters when the individual has made full disclosure of the relevant circumstances. (5 CFR § 2635.107.)

Develop ethical leadership: Employees of an organization that values integrity, fairness, honesty, and ethical behavior are more likely to enjoy their work and take pride in the organization. Therefore, it is vital that supervisors and other influential leaders maintain high standards of integrity. Firm commitment to upholding the Federal ethics requirements and encouraging the use of our ethics advisory service demonstrates these qualities.

4. Standards of Ethical Conduct for Federal Employees (Summary)

The Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635) will answer most ethics questions employees may have. This summary of the Standards of Conduct is designed to give employees enough familiarity with the contents of the regulation to recognize ethical issues when they arise and to assist in looking up relevant provisions in the regulations.

Because this summary provides only a shorthand reference to lengthier provisions in the regulations, an employee must refer to the regulation itself in resolving ethical issues that arise and are strongly encouraged to seek the advice of a local NASA ethics official.

A full version of the Standards of Conduct can be found on the OGE Web site at <https://www.oge.gov/> under the “Laws and Regulations” tab or from your legal office.

Subpart A. General Provisions (14 General Principles of Ethical Conduct)

Subpart A establishes the framework for the rest of the regulation. The following general principles of ethical conduct apply to every Federal employee. Where a situation is not covered by a specific provision in the Standards of Conduct, employees should apply the general principles of this section in determining whether their conduct is proper.

14 General Principles of Ethical Conduct

1. Public service is a public trust, requiring employees to put the Constitution, 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 as permitted by subpart B of the Standards of Conduct) 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 not knowingly make 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 disability.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in the Standards of Ethical Conduct. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Subpart B. Gifts from Outside Sources

Subpart B prohibits employees from soliciting or accepting gifts from prohibited sources or gifts given because of their official position. The term “prohibited source” includes anyone seeking business with or official action by an employee’s agency and anyone substantially affected by the performance of the employee’s duties. For example, a company bidding for an agency contract or a person seeking an agency grant would be a prohibited source of gifts to employees of that agency.

The term “gift” is defined to include nearly anything of monetary value. However, it does not include items that clearly are not gifts, such as publicly available discounts and commercial loans, and it does not include certain inconsequential items, such as coffee, donuts, greeting cards, and certificates.

There are several exceptions to the prohibitions against gifts from outside sources. For example, with some limitations, employees may accept:

Unsolicited gifts with a market value of \$20 or less per occasion, aggregating to no more than \$50 in a calendar year from any single source;

Unsolicited gifts of informational material, such as a book or journal, aggregating to no more than \$100 in a calendar year from any single source;

Gifts clearly motivated by a family relationship or personal friendship;

Free attendance at certain widely attended gatherings, such as conferences and receptions, when the cost of attendance is borne by the sponsor of the event (*Note that this requires a written determination by an ethics official before the event.*);

Free attendance provided by the sponsor of an event for the day on which an employee is speaking or presenting information at the event (*subject to required written determination*);

Certain awards and honorary degrees;

Travel in connection with employment discussions;

Gifts resulting from the outside business activities of employees and their spouses (*Outside business activities are subject to the restrictions in Subpart H and may require approval under NASA's approval process.*);

Invitations to certain social events extended by persons who are not prohibited sources, provided no one is charged a fee to attend the event (*subject to required written determination*);

Food, refreshments, and entertainment at certain meetings or events while on duty in a foreign country;

Commercial discounts or similar benefits offered to groups in which membership is not related to Government employment, or, if membership is related to Government employment, where the same offer is broadly available to the public through similar groups; and

Gifts authorized under a statute, such as:

The Foreign Gifts and Decorations Act (5 U.S.C. § 7342), which allows personal acceptance of gifts up to a certain amount (currently \$390 in 2017) from a foreign governmental entity; or

The Acceptance of Travel and Related Expenses from Non-Federal Sources statute (31 U.S.C. § 1353), which allows the Agency to accept, under certain circumstances, payment of a NASA employee's travel expenses to a meeting or similar function.

This subpart also contains guidance on returning or paying for gifts that cannot be accepted. Generally, when an employee cannot accept a gift, the employee should return it, pay the donor its market value to keep it, or in limited circumstances destroy the item. Subject to approval, perishable items may be donated to a charity, destroyed, or shared within the office.

Subpart C. Gifts Between Employees

Subpart C prohibits employees from:

Giving a gift to or soliciting a gift from another employee who is an official superior; or

Accepting a gift from a lower-paid employee, unless the two employees are personal friends who are not in a superior-subordinate relationship.

The following are among the exceptions to these prohibitions:

On an occasional basis, employees may give and accept items aggregating \$10 or less per occasion for food and refreshments shared in the office, or personal hospitality at a residence. This exception can be used for holidays when gifts are traditionally exchanged.

On infrequent occasions of personal significance, such as marriage or the birth/adoption of a child, and on occasions that terminate the superior-subordinate relationship, such as retirement, employees may give and accept gifts appropriate to the occasion, and they may make or solicit *voluntary* contributions of nominal value for group gifts.

Subpart D. Conflicting Financial Interests

Subpart D contains two provisions designed to deal with financial interests that conflict with employees' official duties.

The first provision, entitled "**Disqualifying financial interests**," prohibits an employee from participating in an official Government capacity in a matter in which he has a financial interest or in which his or her spouse, minor child, employer, or any one of several other specified persons has a financial interest. For example, an agency's purchasing agent could not place an agency order for computer software with a company owned by his wife.

Disqualification can be accomplished by not participating in the matter. The employee should notify the person responsible for the assignment of the need to disqualify.

The provision includes alternatives to nonparticipation, which may involve selling or giving up the conflicting interest or obtaining a statutory waiver that will permit the employee to continue to perform specific official duties.

The second provision, entitled "**Prohibited financial interests**," contains authority by which agencies may prohibit employees from acquiring or retaining certain financial interests.

Subpart E. Impartiality in Performing Official Duties

There may be circumstances other than those covered by Subpart D in which employees should not perform official duties in order to avoid an appearance of loss of impartiality. Subpart E contains two **disqualification** provisions addressing those appearance issues.

The first provision, entitled "**Personal and business relationships**," states that employees should obtain specific authorization before participating in certain Government matters where their impartiality is likely to be questioned. The matters specifically covered by this standard include those:

Involving specific parties, such as contracts, grants, or investigations, that are likely to affect the financial interests of members of employees' households; or

In which persons with whom employees have specific relationships are parties or represent parties. This would include, for example, matters involving recent employers, employers of spouses or minor children, or anyone with whom the employees have or seek a business or financial relationship.

There are procedures by which employees may be authorized to participate in such matters when it serves the employing agency's interests. The process set out in Subpart E should be used to address any matter in which an employee's impartiality is likely to be questioned. *(In certain circumstances, an ethics official can prepare an impartiality determination to allow an employee to participate. See your local ethics official to discuss.)*

The second provision, entitled "**Extraordinary payments from former employers,**" restricts employees' participation in certain matters involving former employers. If a former employer gave an employee an "extraordinary payment" in excess of \$10,000 prior to entering Federal service, it bars the employee from participating for 2 years in matters in which that former employer is a party or represents a party. A \$25,000 payment voted on an ad hoc basis by a board of directors would be an "extraordinary payment." A routine severance payment made under an established employee benefit plan would not.

Subpart F. Seeking Other Employment

Subpart F prohibits an employee from participating in their official capacities in particular matters that have a direct and predictable effect on the financial interests of a person, company, or non-Federal organization with whom they are "seeking employment," or with whom they have an arrangement concerning future employment.

The term "seeking employment" encompasses actual employment negotiations as well as more preliminary efforts to obtain employment, such as sending an unsolicited résumé. It does not include requesting a job application or rejecting an unsolicited employment overture.

An employee generally continues to be "seeking employment" until the employee or the prospective employer rejects the possibility of employment and all discussions end. However, an employee is no longer "seeking employment" with the recipient of an unsolicited résumé after 2 months have passed with no response.

*(It is recommended that employees consult an ethics official before starting a job hunt to determine whether to recuse themselves from any official duties. Senior officials who are public financial disclosure (OGE 278e) filers are required by statute to notify in writing and file a recusal with their local ethics official within 3 business days of beginning employment discussions with **any** non-Federal entity. See a local ethics official for advice and a copy of the statement to file.)*

Subpart G. Misuse of Position

Subpart G contains four provisions designed to ensure that employees do not misuse their official positions. The provisions are as follows:

1. Use of Public Office for Private Gain. An employee shall not use his public office for his own private gain or for the private gain of friends, relatives, or persons with whom he is affiliated in a non-Governmental capacity, or for the endorsement of any product, service, or enterprise.
2. Use of Nonpublic Information. An employee shall not engage in financial transactions using nonpublic information, or allow the improper use of nonpublic information to further his own private interests or those of another.
3. Use of Government Property. An employee has an affirmative duty to protect and conserve Government property and to use Government property only for authorized purposes.
4. Use of Official Time. An employee shall use official time in an honest effort to perform official duties. In addition, an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties.

Subpart H. Outside Activities

Subpart H contains provisions governing employees' involvement in outside activities including outside employment. These provisions are in addition to the provisions set out in other parts of the regulation. The provisions in Subpart H include:

Synopses of statutes and a constitutional provision that may limit certain outside activities;

A prohibition against engaging in outside activities that conflict with employees' official duties;

Authority by which individual agencies may require employees to obtain approval before engaging in outside activities;

An outside earned income ban applicable to certain presidential appointees and certain noncareer employees;

A prohibition against serving as an expert witness, other than on behalf of the United States, in certain proceedings in which the United States is a party or has a direct and substantial interest;

A prohibition against receiving compensation for teaching, speaking, or writing related to their official duties;

Limitations on fundraising in a personal capacity; and

A requirement that employees satisfy their just financial obligations.

Note: NASA's Outside Employment Regulation, published at 5 CFR Part 6901.103, provides requirements for outside employment and should be consulted by supervisors and subordinates in reviewing potential outside activity.

Conclusion

Ethics underlies everything we do at NASA. As a supervisor, you have the unique opportunity to lead your personnel in meeting ethical obligations and in ensuring that decisions are made in an environment free from conflicts of interest. The Ethics Team is standing by to provide advice and help you meet your new ethics responsibilities.