

INITIAL ETHICS ORIENTATION

On behalf of the Office of General Counsel and the DISA Ethics Program, welcome to the Defense Information Systems Agency (DISA).

The following material is provided to you to meet a requirement that you have an orientation to the DISA ethics program within 90 days of entering your position with DISA. Active duty enlisted personnel have 180 days to review this material. (DOD 5500.7-R Sec 11-300)

You are allowed at least one (1) hour of your official duty time to review these materials. 5 C.F.R. § 2638.703(a)(3). Additional time may be allowed at your supervisor's discretion.

1. DISA General Ethics Policy.

As a new employee with DISA, you should know that proper ethical conduct is considered essential by all levels of the organization, from the Director on down. DISA personnel are required to adhere to the highest standards of ethical conduct and ensure that no activity is carried out that will discredit or cast doubt on the integrity of the operations or mission of DISA, the Department of Defense, or the Federal Government.

The ethics program in the Department of Defense is covered under the Joint Ethics Regulation (JER) DOD 5500.7-R. The JER supplements regulations issued by the U.S. Office of Government Ethics (OGE), which can be found at 5 C.F.R. § 2635.

We urge you to review the complete text of the Joint Ethics Regulation at http://www.defenselink.mil/dodgc/defense_ethics/index.html. The Federal Standards of Conduct, 5 C.F.R. § 2635, is available at this site as well. You are also urged to review DOD's supplement to the Standards of Conduct, found at 5 C.F.R. § 3601 et. seq. *See also* JER, Chapter 2, Section 2; and DOD Employee's Guide to Standards of Conduct. If you cannot access the INTERNET sites for these documents, please contact the Office of General Counsel as noted below.

2. Names and Contact Points.

The DISA General Counsel, William E. Brazis (301) 325-6100, is the Designated Agency Ethics Official ("DAEO"), and is assigned primary program responsibility for the DISA Ethics Program, pursuant to DISA Instruction 100-50-6. Lia Neill Wentworth, Associate General Counsel for Administrative Law and Ethics is the Chief of the Ethics Program.

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All OGC attorneys are designated Ethics Counselors who may be consulted on any ethics question.

Different Ethics Counselors may service employees outside the Washington DC metropolitan area. For example:

DISA – Scott Air Force Base
DITCO Legal Counsel,
Joann Melesky
Tel: (618) 229-9310
DSN: 779-9310
Fax: (618) 229-9755
E-Mail: joann.melesky@disa.mil

DISA activities receive ethics guidance and training from local servicing JAG and other legal offices. If you are not sure who to contact for an answer to an ethics question, contact the DISA DAEO for further information.

3. Summary of the Standards of Conduct and Executive Orders.

Here is a quick review of some of the key rules from the JER. These rules apply to civilians, military officers and enlisted personnel unless otherwise indicated.

- Gifts you may always accept:
 - Modest items of food and drink that are not part of a meal (e.g. coffee, donuts, soft drinks, hors d'oeuvres). 5 C.F.R. § 2635.203(b)(1)
 - Items with little intrinsic value that are intended solely for presentation (such as greeting cards, plaques, certificates and trophies). 5 C.F.R. § 2635.203(b)(2)
 - A travel payment (e.g. a plane ticket) from a non-Federal source, if you will attend a meeting or similar function in your official capacity and your travel-approving authority and the DAEO approves in advance. Payments over \$250 must be reported to the DAEO. JER 4-101a
- Soliciting gifts. DOD employees may not solicit gifts in their official capacity from DOD contractors or other non-Federal organizations (such as local businesses). 5 C.F.R. § 2635.203(a)(1) & (c)(2)
- General rule against accepting gifts. DOD employees generally may not accept gifts offered because of their official position or which are given from a "prohibited source" (e.g. a DOD contractor). 5 C.F.R. § 2635.202(a). However, there are several exceptions. For example, it is permissible to accept:
 - Gifts of up to \$20 in value per occasion (not cash), as long as the total value of the gifts from one source (e.g. one company) does not exceed \$50 in a calendar year. 5 C.F.R. § 2635.204(a).
 - Free attendance for you and your spouse/guest at a widely attended gathering if the DAEO determines your attendance will further DISA programs or operations, and the value is not more than \$285. 5 C.F.R. § 2635.204(g).

- A gift of personal property from a foreign government if the value (in the United States) is \$335 or less. Gifts with a value over \$305 may be accepted by DISA. 41 C.F.R. § 101.49.
- Gifts to superiors. You may give a gift to a superior, on an occasional basis, so long as the gift is no more than \$10 in value (not cash), can be characterized as hospitality at your home, or is a customary gift when receiving hospitality at your superior's home. On a special, infrequent occasion (e.g., retirement, PCS, marriage, illness, or birth), an individual may give an "appropriate" gift to a superior. (There are no dollar limits.) However, a gift on a special, infrequent occasion from a group containing one or more subordinates may not exceed \$300 in value, and each group member may be asked to contribute no more than \$10 to that gift. 5 C.F.R. § 2635.304 & JER 2-203.
- Non-Federal organizations. You may not use your title, position or authority to **endorse** any product, service or enterprise. 5 C.F.R. § 2635.702(c). But, unless precluded by public affairs regulations, you may use official channels to **notify** other DOD employees of non-Federal organization events of common interest. JER 3-208. You may not officially endorse (or appear to endorse) membership drives or fundraising events for any non-federal organization (with certain exceptions, such as CFC). JER 3-210. Commanders may, under certain conditions, allow the use of DOD facilities, equipment and personnel in support of an event by a non-Federal organization. JER 3-211. Generally, you may not participate in your official capacity in the management of a non-Federal organization (e.g., as an officer, director, or trustee) without approval by the DOD General Counsel. JER 3-202. There is some allowance for the operations of standards-setting organizations. Senior military officers (O-7 and above) cannot accept compensation from non-Federal organizations for service as an officer or member of a board of directors. DEPSECDEF Memo, 23 Jul 96. You may serve in your official capacity as a "DOD Liaison" to a non-Federal organization with the written approval of your commander. JER 3-201a.
- Conflicts of interest. You may not participate in any government matter if it would have a direct and predictable effect on any of your financial interests (such as stock holdings). The prohibition also applies to the financial interests of your spouse, minor children, general partners, or an organization in which you serve as an officer, director, trustee, general partner or employee, or any entity with which you are negotiating for employment or have an arrangement concerning prospective employment. 5 C.F.R. § 2635.402.
- Representation. Officers (including officers on terminal leave) and civilians may not represent anyone (other than the U.S.) before any Federal agency. However, this rule does not apply to enlisted personnel. 18 U.S.C. § 205. There are also post-employment representational bans for employees, including a permanent ban on representational activity, depending on the depth of an employee's involvement in a particular matter. 18 U.S.C. § 207(a).

- Resources. Government resources may only be used for official and authorized purposes. Authorized purposes include limited personal communications most reasonably made at work so long as those communications (1) do not adversely affect the performance of official duties; (2) are reasonably short and infrequent; (3) are made on personal time whenever possible; (4) do not reflect adversely on the Federal Government or DOD (e.g., as in the case of unofficial advertising); and (5) do not create a burden or significant additional cost to the Government. Non-communication uses of other Federal resources (such as office supplies, copiers, and fax machines) are allowed under the same general criteria as above except that those non-official uses must be approved by the supervisor. JER 2-301.
- Frequent flyer miles. Federal employees (military and civilian) who receive promotional items (including frequent flyer miles, upgrades, or access to carrier club or facilities) as a result of using travel or transportation services obtained at Federal Government expense or accepted under 31 U.S.C. § 1353 may retain the promotional items for personal use provided that the promotional items are obtained under the same terms as those offered to the general public and at no additional cost to the Federal Government. P.L. 107-107, Section 1116, Dec. 28, 2001.
- Off-duty employment. DISA civilian personnel who are required to file a financial disclosure report (see below) must obtain prior written approval for off-duty employment (including self-employment) where the business activity or compensated outside income is from a prohibited source. JER 2-206. Military personnel should consult the outside employment rules of their Service.
- Ethics training. Contracting officers and people who file a financial disclosure form (SF 278 or OGE Form 450) must receive ethics training each year. JER 11-302. DISA primarily uses on-line WEB-based interactive ethics training to meet this requirement. Some locations may use live presentations and other means.

4. Financial Disclosures.

Some new employees are required to file public or confidential financial disclosures as part of their position. **If you are required to file a public or confidential financial disclosure report, you must do so within 30 days of assuming your duties.** Please contact Sharmaine Shorter at sharmaine.d.shorter.civ@mail.mil for further instructions.

If you do not know whether you must file a confidential financial disclosure report, **ask your supervisor** immediately to obtain direction. If your supervisor is unsure whether you must file a financial disclosure report, your supervisor should contact the DAEO or alternate DAEO and receive guidance.