

METROPOLITAN DETROIT RESEARCH AND EDUCATION FOUNDATION

STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES OF DIRECTORS, OFFICERS AND EMPLOYEES

0.735-10 General Requirements

- (a) Each Department of Veterans Affairs employee shall be expected to serve diligently, loyally and cooperatively; to exercise courtesy and dignity; and to conduct himself, both on and off duty, in a manner reflecting credit upon himself and the Department of Veterans Affairs.
- (b) An employee shall avoid any action which might result in, or create the appearance of:
 - (1) Using public office for private gain;
 - (2) Giving preferential treatment to any person, group, or organization;
 - (3) Impeding Government efficiency or economy;
 - (4) Losing complete independence or impartiality;
 - (5) Making a Government decision outside official channels; or
 - (6) Affecting adversely the confidence of the public in the integrity of the Government.
- (c) Employees shall not discriminate on the ground of race, color, sex, religion, or national origin in providing benefits under any law administered by the Department of Veterans Affairs. They shall not discriminate on those grounds or any other improper ground in any employment matter. Employees are responsible to cooperate in making equal opportunity for all a reality in the Department of Veterans Affairs.
- (d) An employee shall not attempt to accomplish indirectly—through his immediate family or otherwise—any activity which he is prohibited from doing directly.
- (e) Department of Veterans Affairs management and supervisors shall encourage the good conduct of employees by setting the example, by dealing with them considerately and impartially, and by showing concern for them as individuals.

0.735-11 Gifts, entertainment, and favors.

- (a) Except as provided in paragraphs (b) and (f) of this section, an employee shall not solicit or accept directly or indirectly for himself or any member of his family, any gift, gratuity, favor, entertainment, loan, or anything of monetary value, from a person (individual, corporation, company, associate, firm, partnership, society, joint stock company, or any other organization or institution) who:
 - (1) Has, or is seeking contractual or other business or financial relations with the Department of Veterans Affairs;
 - (2) Conducts operations or activities regulated by the Department of Veterans Affairs;
 - (3) Has interests that may be substantially affected by the performance or nonperformance of his official duty; or
 - (4) Is attempting to influence the employee's official actions.
- (b) The restrictions set forth in paragraph (a) of this section do not apply when:

(1) It is clear that the motivating factor is the family or personal relationship (such as that between the employee and his parents, children, or spouse) rather than the business relationship of the persons concerned

(2) Food and refreshments of nominal value are infrequently accepted when offered in the ordinary course of a coffee break, luncheon or dinner meeting, or other meeting, while on official business or on an inspection tour where an employee may properly be in attendance;

(3) Loans from banks or other financial institutions are sought on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Advertising or promotional material is unsolicited and of nominal intrinsic value (such as pens, pencils, note pads, or calendars);

(5) Common courtesy gifts such as flowers are indicated on appropriate occasions.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee is prohibited from accepting gifts or gratuities such as goods, money, services, purchases at discount, entertainment or similar favors from claimants, patients, ex-patients, or other beneficiaries of the Department of Veterans Affairs, or their relatives, friends, or agents, since it could be interpreted that the favors are in return for official services rendered. The Administrator may authorize exceptions to this prohibition where such would not contravene the overall intent of this part.

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(f) Neither this section nor 0.735-12 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law for expenses of travel and such other necessary subsistence, as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person (individual, corporation, company, association, firm, partnership, society, joint stock corporation, or any other organization or institution) for travel on official business under Department of Veterans Affairs orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

0.735-12 Outside employment, activity, or compensation

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to those which:

(1) Involve the acceptance of a fee, compensation, gift, payment or expense or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest;

(2) Tend to impair his mental or physical capacity to perform his Department of Veterans Affairs duties and responsibilities in an acceptable manner;

- (3) Bring discredit upon, are disadvantageous to, embarrass, or cause unfavorable and reasonable criticism of the Federal Government or the Department of Veterans Affairs;
 - (4) Conflict with the Interests of the Department of Veterans Affairs or the Federal Government or can possibly be construed by the public to be official acts of the Department of Veterans Affairs;
 - (5) Involve the use of information obtained as a result of employment in the Department of Veterans Affairs, to the detriment of the Department of Veterans Affairs or those served by it;
 - (6) Take time or attention during duty hours, or consist of the private practice of a reorganized profession to the extent that the employee appears to be privately practicing his profession during official duty hours;
 - (7) Violate a regulation, Executive order, or a Federal, State, or local statute or ordinance;
 - (8) Tend to create suspicion of prejudice or favoritism in the administration of benefits to eligible veterans that could be of embarrassment to the Department of Veterans Affairs.
- (b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his or her services to the Government. This does not apply to employees working without compensation. (18 U.S.C. 209)
- (c) Employees are encouraged to engage in teaching, lecturing, and writing not prohibited by law, Executive Order 11222, Part 735 of the Civil Service Regulations (5 CFR Part 735), the conduct regulations of this part or other agency policy. An employee shall not, however:
- (1) Engage, with or without compensation, in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or of the Board of examiners for the Foreign Service, that depends on information obtained as a result of his or her Government employment, except when that information has been made available to the general public or will be made available on request, or when the Administrator gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.
 - (2) If he or she is a Presidential appointee covered by section 401(a) of Executive Order 11222, receive compensation, an honorarium, or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operation of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.
 - (3) Accept any honorarium of more than \$2,000 (excluding amounts accepted for actual travel and subsistence expenses for such persons and his or her spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article, or honorariums aggregating more than \$25,000 in any calendar year. (Pub. L. 94-283 (90 Stat. 475), Federal Election Campaign Act Amendments of 1976)
- (d) Employees are not prevented from:
- (1) Receiving reimbursement in accordance with 0.735.11(f).
 - (2) Participating in the activities of national or State political parties not proscribed by law.
 - (3) Participating in the affairs of or accepting an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(4) Engaging in outside employment permitted under this part.

(5) Taking part as a citizen of his or her community in civic, charitable, religious and other community efforts.

(e) Employees are encouraged to take part in service organization activities that do not conflict with, or give the appearance of conflicting with, Department of Veterans Affairs employment. Thus, an employee may hold an office or position at any level, provided that the combination of Department of Veterans Affairs position and service organization position cannot be construed as giving advantage to that organization, and if the employee agrees to disqualify himself or herself from taking part in any activities directed at the Department of Veterans Affairs, its policies, procedures or programs, or claims for benefits administered by the Department of Veterans Affairs. An employee may not act as a service officer preparing and presenting claims against the Government. Each employee is responsible for assuring that his or her intended actions are proper and, when in doubt, shall use the interpretation and advisory service established by 0.735-4. As used in this paragraph, a service organization is an organization usually composed of ex-servicemen, which presents claims from veterans and their dependents for benefits under laws administered by the Department of Veterans Affairs.

(f) An employee who engages in any outside work while on sick leave is required to report that fact to his or her supervisor.

(g) An employee shall not hold membership in any subversive organization or in a political party which advocates the overthrow of the Government by force or violence.