

Let's go now to Donna and Kim for some guidance on the ethics during the holiday season.

I'm here today with Ms. Kim Hintz.

She's the deputy designated agency ethics official or deputy DAE0 which is much easier to say for the Department of Interior.

Thanks for being here, Kim.

Thank you.

It's a pleasure to address the employees of the Department of Interior.

We all know the holidays are quickly approaching.

We can see the decorations in the stores and around the offices.

I understand that you are here to remind us that the ethics rules don't necessarily change during the holiday season.

That's correct.

They don't change during the holiday season.

Let's see, first off, we have the issue of gifts, okay?

Now, are we talking about gifts between employees or gifts from outside the government?

Actually, we'll be talking about both.

Both will apply, gifts between employees, gifts to superiors and gifts from outside sources such as contractors.

Oh, okay.

Okay.

On the topic of gifts between employees, specifically, gifts provided to your supervisor.

If I understand correctly, the general rule is -- and tell me if I misquote this -- an employee may not directly or indirectly give a gift to, make a donation toward, a gift to an official supervisor or solicit a contribution to either his own or other employee's official supervisor.

Is that correct?

Yes, Donna, that's correct.

That's a correct statement of the rule.

Okay.

Now that's the rule but then we have the exceptions.

Yes, as with any good regulation, there's always exceptions.

The major one in this case to remember will be can you offer your supervisor a gift during the holiday season.

Yes, you can but the gift cannot be worth more than \$10 and never can you give your superior or supervisor cash.

Does that mean that I can collect \$10 from everybody in the office and we buy our supervisor a gift around the holidays?

Unfortunately, no.

You cannot have a collection for a gift to your superior.

The only time that you can have a collection for your superior, that's for a special infrequent occasion, and that's for, like, a wedding, a birth, an adoption of a child.

In this particular case, you cannot collect funds from other employees.

It's purely limited to \$10 or less per person.

I see.

An annual holiday such as boss' day or birthday would not qualify for this exception?

That's correct.

It's not a special, infrequent occasion.

I see.

We will move on now to gifts between employees to gifts from outside sources.

I'm sure that's an issue that comes up too.

Yes.

It comes up quite a lot.

Okay.

Okay.

So we'll cover that one.

So in this case, I understand that the general rule is you

may not solicit or accept a gift from a prohibited source.

Would you define prohibited source for us?

Sure.

It's anyone seeking to do business with the department, does business with the department or is regulated by the department or it could be affected by the performance or non-performance of your duties.

Thank you, Kim.

I understand that this rule also has a few exceptions.

The one most specifically or most often utilized is the \$20 gift rule.

Yes, that's the exception that we most often see.

With the permission of an employee's supervisor, an employee may accept a gift from a prohibited source, valued at \$20 or less per occasion.

We are at the end of the calendar year, and you cannot accept an aggregate market value of individual gifts received from any one person or any one prohibited source or organization cannot exceed \$50 in the calendar year.

I see.

Employees need to keep their calculators handy right about now and make sure that they are not bumping up against the \$50 maximum.

That anesthesia correct.

And I -- that's correct.

And I also understand that even with the various selections, you may never solicit a gift for himself and there's no exception to allow for that.

That's correct.

An employee can never solicit a gift for themselves, nor for their spouse or dependent children, minor children, that is a prohibition.

It's pretty strict prohibition.

Okay.

Okay.

Now going on to another topic here, we have the issue of W. A. G. s.

I believe a W. A. G. occurs throughout the year but they tend to come up more frequently during the holidays.

Now the term, W. A. G. is kind of unusual.

What does that stand for?

A W. A. G. is what we refer to as a widely attended gathering.

It's not just limited to this time of year.

It may be limited to this time of year to the field, but it happens quite a bit in the Washington, D. C., area, and W. A. G. s or a lot of W. A. G. ing goes on in the D. C. area.

I got that.

So they may accept free attendance with prior supervisory approval and the approval of their ethics office?

That's correct.

The supervisor needs to approve and also you need the approval of your sponsoring or ethics counselor, the service's ethics counselor.

We have a form for that?

We do.

You need to provide as much information as possible.

It's usually a pretty turn around and once it's submitted to our office or the ethics counselor.

So when attending a W. A. G. they are typically a social event and held after hours and the employee attends the event as a representative of the bureau or the department, right?

That's correct.

The employee's supervisor and the ethics official will determine if the employee's attendance at the event will be in the best interest of the bureau or the department, usually because it will enhance the department's programs and operations.

Okay.

But there are some specifications, correct?

Oh, yes.

Now let's see here, for an event to be considered widely attended, it's my understanding, it must be opened to members from throughout a given industry or profession, or it can also be considered widely attended if those in attendance represent a wide range of views.

That's correct there.

Is no, you know, specific individual amount that has -- you know, there's no limit on the amount of people that are invited.

You know, we like to see 50.

The more, the better.

It's easier definitely to improve if there's 100, 150, 200 people there.

But a key question there is, is the audience going to be made up of diverse interests?

So we like to see the local chamber of Congress, maybe your congressional represents, the news media, you know, or given industry.

Yes, so we want a wide group that can discuss the -- you know, the diverse points of view and the diverse interests.

And that's when the employee's free attendance by the sponsor of the event.

Now sometimes employees are attending by a non-sponsor and then it gets a little more complicated.

If I understand correctly, in that case, the value of the employee's attendance may not exceed \$335, and that's this year.

That's for 2009.

That could possibly change next year at OGE's discretion.

And in that particular case, more than 100 persons must be expected to attend; is that correct?

That's correct.

What I just spoke about, that's if you are being invited by the sponsor.

There's not a set number of attendees that have to be invited, however, if a non-sponsor is paying or, you know, has invited you, there is a -- there is that 100 persons must be in attendance and it can not exceed the \$335 threshold.

Okay.

And we want to make sure that we get advanced approval?

Exactly.

You must submit your di 1958 form through your supervisor and through your ethics office for approval.

So I think we have covered W. A. G. s and W. A. G. ing pretty well.

And then we'll move on to another topic, and that's holidays and parties.

Woo hoo!

The issue of solicitation may come up at parties.

You may seek nominal amounts for food and refreshment to be shared in the office.

That's correct.

It's very important to note that the contribution is not voluntarily -- it's important to note that a contribution is not voluntary unless it's made -- I see what I was trying to say there.

I lost my train of thought for a minute.

Mm- hmm.

I mean, you can go around and ask for donations but it's clearly there should be no record keeping.

There should be no amount.

No documentation on who gave, would didn't, or the amount of gift that they gave.

Mm- hmm.

So if there's a recommendation concerning the amount, employees should be told that they may choose to give a lesser amount or not at all, it's -- lesser amount or not at all, it's totally at their discretion.

That's right.

It's totally the employee's discretion on what they want to give.

And then I believe that even if an employee doesn't contribute, they cannot be excluded from the celebration; is that correct?

That's correct.

Even if the employee declines to contribute, they cannot be excluded.

All right.

That's good.

Now we do have an issue -- it's probably more prevalent in the D.C. area but I know it's very common throughout the general -- you know, throughout the federal government and that's the issues of contractors in the work place and this can be an important factor to consider, correct?

Yes, absolutely.

Employees are always working side by side with contractors in the federal work place.

This is a very common occurrence.

Okay.

And I understand that one of the primary issues can be, and this is an ethics issues and can also be a procurement issue, that contractor personnel may attend the social functions, such as parties, provided that they do not bill the government for the hours spent at the social gathering.

Yes.

That's right on point and that is -- that is true.

An employee should remember that contractor employees are prohibited sources and therefore the gift rules from prohibited sources also apply in this case.

Kim, thank you so much for coming in today.

We avenue covered a lot of very important information and I'm sure our employees will find this very helpful.

Thank you very much.

Thank you. And have a happy holiday season.

Happy holi day.