



Ethics in the District Government

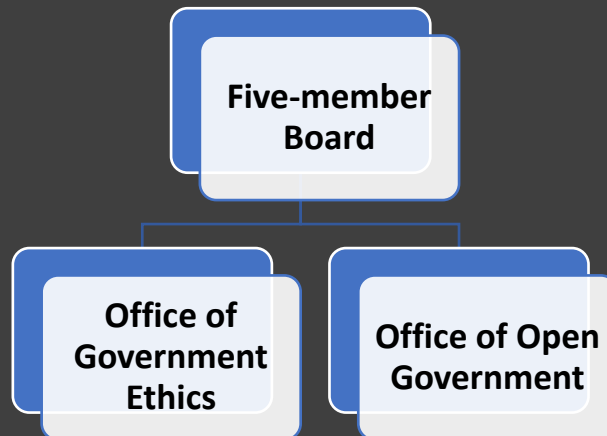
BEGA Code of Conduct Training

Updated January 2023



BEGA

- **BEGA Statute**
 - The Ethics Act
- **Jurisdiction:**
 - All District employees (except the courts)
- **BEGA Structure:**



SECTION 1 - Gifts





Gift Definition |



Gift

- A gift is any:
 - Gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.
- This includes gifts provided:
 - In-kind;
 - By purchase of a ticket;
 - Payment in advance; or
 - Reimbursement after the expense has been incurred.

Gifts – they come
in many forms...

- X** Via Email
- X** Mail
- X** Social Media
- X** Fundraising sites





What's NOT a Gift?

- **The definition of a gift does NOT include:**
 - Modest items of food and refreshments offered other than as part of a meal
 - Items with little intrinsic value, intended solely for presentation
 - Unsolicited advertising or promotional items of nominal value

What's not a gift? (cont'd)

- Admission to and the cost of food and beverages, of nominal value, consumed at civic, charitable, or government- hosted event or community organization events
- Discounts available to ALL District government employees
- Rewards or contest prizes open to the public
- Anything for which market value is paid



Gifts From Outside Sources

Gifts From Outside Sources



- Employees shall not, directly or indirectly, solicit or accept a gift from a **Prohibited Source or**
- **Given because of the employee's official position or duties**
- This includes gifts accepted or solicited indirectly:
 - To a family member
 - To another person or entity, such as a charity, on the basis of designation, recommendation, or other specification by the employee

Gifts From Outside Sources

- What to do if you are offered or receive a gift that cannot be accepted:
 - Inform the person offering the gift; and
 - Return the gift, donate the gift to a non profit charity, donate it to the District, or reimburse the donor the market value of the gift;
- If the gift is perishable and returning it would be impractical:
 - You may consume it **once** per giver
 - Donate to charity; or
 - destroy it.

Cheesaliscious Opens in the District

Gift or Not?

- The Director of DCOZ attends the ribbon cutting for the grand opening of Cheesaliscious Pizzeria. Afterward, the owner of Cheesaliscious sends a bouquet of flowers to the Director's office.

Cheesaliscious Opens in the District

- Can the Director accept the flowers?

Cheesaliscious Opens in the District

- Generally, no. We make a small exception for perishable items like certain foods and flowers, but the exception is only afforded once per giver. The giver should be notified that the Director cannot accept gifts in the future.
- Other options include disposing of or donating the gift

Cheesaliscious Opens in the District

- What if, instead of flowers, the owner sends pizza? What about coupons or discounts?
- If the owner sends pizza the analysis is the same as with the flowers
- If the owner sends coupons or discounts, they cannot be accepted. They should be sent back or destroyed



Widely Attended Gatherings

Gifts From Outside Sources – Widely Attended Gatherings

- **Free Attendance at Virtual Events**
 - Speaker at Event
- **Widely Attended Virtual Events (50 persons or more)**
 - By Sponsor of Event vs. Non Sponsor
 - Entertainment, instructions and materials that are "furnished to all attendees as an integral part of the event"
- The agency shall maintain records for two years.



WAG Discussion

- Free attendance to an event is considered a gift for purposes of the ethics rules if it is
 1. offered by a prohibited source; or
 2. given because of the employee's official position or duties.
- A gift is accepted or solicited because of the employee's position if it is from a person other than an employee and would not have been solicited, offered, or given had the employee not held the status, authority or duties associated with his District government position.

Washington Capitals Game

Gift or Not?

- Monumental Sports sends DSLBD 10 tickets to a special Washington Capitals hockey game.

Washington Capitals Game

- Is accepting the tickets permissible?
- If so, who can DSLBD give the tickets to?
- Does the answer change for an employee who is speaking at the event?

Washington Capitals Ceremony Discussion

- DSLBD employees may attend the hockey game if:
 - 1. They are statutorily authorized to attend pursuant to the office's enabling statute or other law,
 - 2. They are speaking on behalf of the office,
 - 3. Their attendance at the event is deemed in the best interest of the agency by the Mayor or the Mayor's designee (keep appearance in mind), or
 - 4. They pay full market value for their attendance at the event
- NOTES:
 - Travel and lodging, as related to the free attendance, is not included in this rule but may be permissible if sent through the donations process; contact Serve DC.
 - DSLBD management should distribute the tickets in a manner that best serves the office and that lacks bias and partiality.

Gifts - Exceptions to Prohibited Source Rule

- Employees may accept (even from a prohibited source):
 - Unsolicited gifts, \$10 or less (\$20 aggregate in calendar year) except when the offer of a gift would appear to a **reasonable person** to be intended to influence the employee in his or her official duties.

Gifts - Exceptions to Prohibited Source Rule

- **Employees may accept (even from a prohibited source):**
 - Gifts clearly motivated by family or personal relationships.
 - Meals, lodgings, & transportation (*when clearly not because of the employee's official position*):
 - Spouse
 - Outside Business



Gifts Between Employees

Gifts Between Employees

- **General Rule:**
 - An employee may NOT:
 - Give a gift or make a donation toward a gift for a supervisor; or
 - Solicit a contribution from another employee for or on behalf of a supervisor.
- An official superior shall not coerce a subordinate to make or contribute to a gift or accept a gift from a subordinate

Gifts Between Employees

- **Exceptions:**
 - **Holidays and Birthdays** - On an occasional basis:
 - Items, other than cash, \$10 or less;
 - Personal hospitality
 - Food and Refreshment
 - Items given in connection with the receipt of personal hospitality



The background features a dark grey gradient with festive decorations. On the left, there are several overlapping balloons in shades of blue, purple, and brown, along with star-shaped cutouts. A banner at the top reads "THE BEST VIRTUAL BABY SHOWER" in a stylized font. The title "Gifts Between Employees" is centered on the left side, separated from the list by a thin vertical line.

Gifts Between Employees

- Exceptions
 - Very Infrequent Occasions
 - Marriage, Illness, Birth or Adoption, Retirement, Transfer
- Direct Gift - A gift appropriate to the occasion
- Soliciting - up to \$10.00 from fellow employees:
 - On a special, very infrequent occasion; or food and refreshments

SECTION 2 - Fundraising



Fundraising & Soliciting in the Office

- **No Managers**
- **No Individual Solicitations**
- **No Government resources**
- **Not while On-Duty**
- **Social Media:** may not allow his or her title, position, or any authority connected with the District government to further the fundraiser.
 - Also, may not solicit funds or other support from a subordinate, or a prohibited source

SECTION 3 - Nepotism



Nepotism

- **Making a hiring decision for a relative**

- **Hiring decision** means selecting, appointing, employing, promoting, reassigning, advancing, or advocating a personnel action



RECUSAL - the employee must file a written recusal should they be in a position to make a hiring decision regarding a relative

- Recusal is an affirmative obligation even if the employee is not a part of the hiring process
- In the recusal, the employee should ask that their superiors remove their relative from their chain of command and create an alternative supervision plan for the relative



- Hiring Official
 - Disciplinary action, up to, and including removal; and
 - Restitution to the District of Columbia
 - BEGA Penalties.
- New employee –
 - immediately fired (no discretion).

SECTION 4 – Government Property



Government Property

- An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.
- Government property includes, but is not limited to:
 - Any form of real or personal property in which a federal, District, state, or local government agency or entity has an ownership, leasehold, or other property interest

Government Property

- Computers
- Cell Phones
- Office
- Office supplies
- Office Equipment
- Tour of duty, etc.



Shanay and Tyler at the Printer

Misuse?

- Shanay and Tyler are friendly work colleagues at SBOE. When Shanay goes to pick up her printouts from the shared office printer, she sees that Tyler is printing 200 copies of a flyer for his son's little league bake sale.
- What should Shanay do?

Shanay and Tyler at the Printer

- Shanay has an ***affirmative obligation*** to report this to BEGA since she witnessed the misuse of government resources
- If, during an investigation, we found out that Shanay did not report this, she could face an ethics violation

SECTION 5 – Conflicts of Interest



Conflicts Of Interest

- Employees are prohibited from taking any action that they know will have a direct and predictable effect on their financial interests or their financial interests of those closely affiliated with them.

Financial Conflicts of Interest

- District Law - the financial interests of the employee or a **person closely affiliated** with the employee
- Federal Law
- Penalties for violations include:
 - Civil penalties pursuant to the Ethics Act
 - \$5,000 per violation
 - Criminal Penalties pursuant to 18 U.S.C. § 216: up to 5 years imprisonment and \$50,000 fine

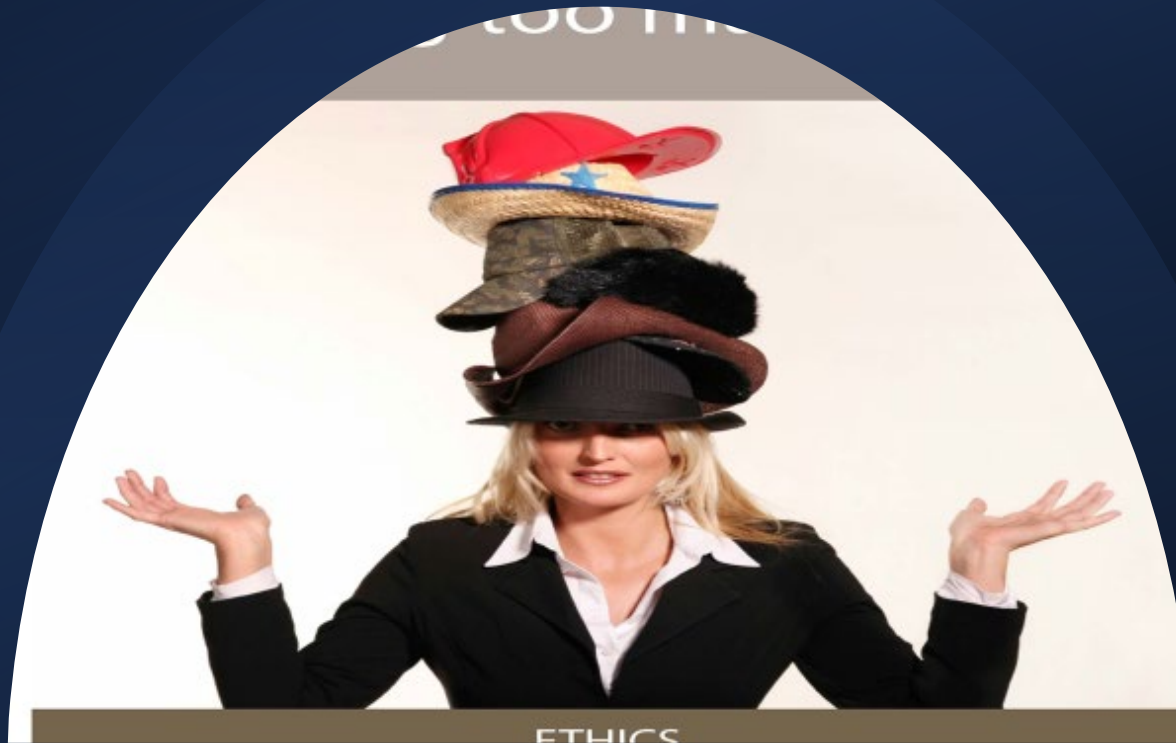
Financial Conflicts of Interest

Seeking

Negotiation

Arrangement for
Employment

SECTION 6 – Outside Activity



Outside Employment & Activities

- **Interfere with Government Operations**
- **Impair Physical/Mental Ability**
- **Government time (Teleworking) or resources**
- **Capitalizing / official title or position**
- **Non-Public information**
- **Representative capacity**

Craig Is A Landlord

Prohibited
outside
activity?

- Craig is a DCHA employee. Craig also owns several properties throughout the District, which he rents to tenants.

Craig Is A Landlord

- Is Craig's outside activity permissible?
- Yes, Craig can be a landlord but should recuse himself from acting on any matter that would have a direct and predictable effect on his financial interests

Craig Is A Landlord

- Can Craig apply for grants that are related to his outside business and receive grant funds?
 - Grants from DCHA?
 - Grants from other agencies?
- Probably not, but there's one small exception
- District government employees are prohibited from serving as a representative of any third party before the District
- However, a third-party representative of the outside business can do business with the District

Teaching, Writing & Speaking

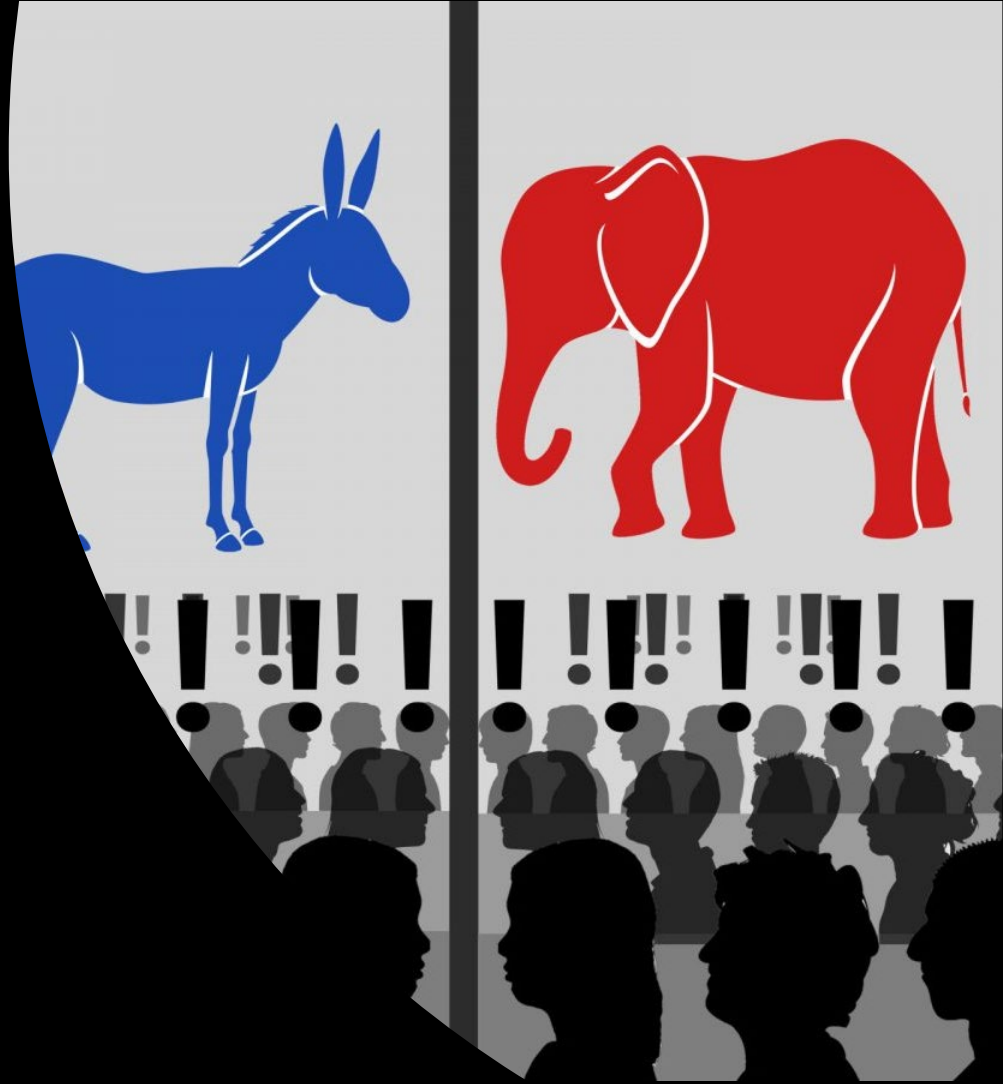
- Permitted if outside regular working hours or while on leave
- Cannot use nonpublic information
- If paid, then can't be “devoted substantially” to:
 - Your job
 - Your agency
 - Information obtained from your government employment
- Be mindful of Social Media:
 - Paid blogging
 - Separate your personal and official capacity
 - Disclaimer

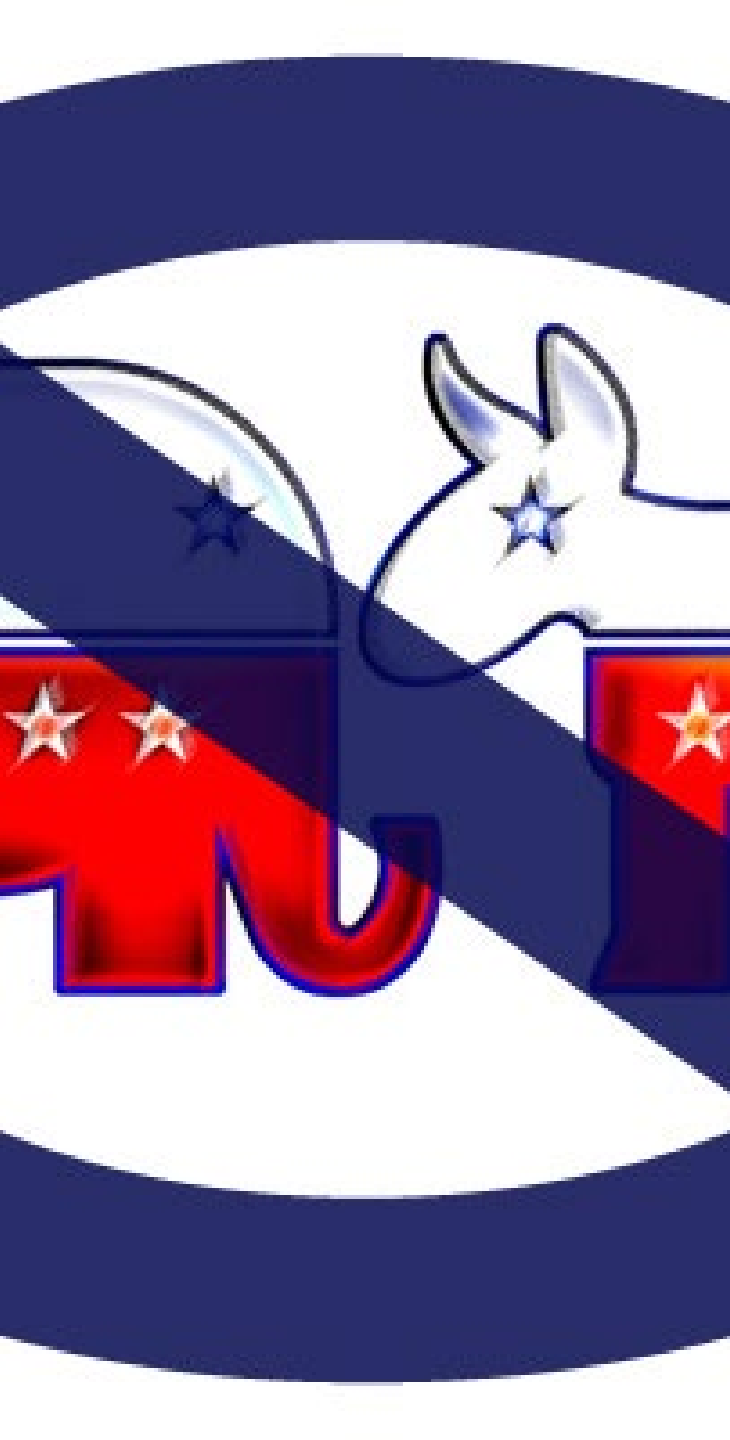
SECTION 7 – Hatch Act



What's “political activity”?

- Any activity that is *regulated by the District* and directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum.





Prohibited “Political Activity”

- On duty;
 - Including when **telecommuting**
- In any room or building occupied in the discharge of official duties in the D.C. government, including any agency or instrumentality thereof;
- Wearing a uniform or official insignia identifying the office or position of the employee;
- Using any vehicle owned or leased by the District, including an agency or instrumentality thereof.

SECTION 8 – Post-employment



Post- Employment

- **Permanent Prohibition**
- **Two Year Prohibition**
- **One Year Cooling-off Period**

Post- Employment

- **Post-employment is complicated and very fact-specific**
- **Before you begin seeking or negotiating for employment, contact us for seeking and negotiating and post-employment advice**
- **We provide customized post-employment advice based on your District government job duties and the private sector work you will be transitioning to**

Exceptions

- Exceptions to the post-employment rules
 - To furnish scientific or technological information to agency
 - New job - State or federal government
 - Testimony under oath
 - Personal matters, i.e., income taxes, licensure, or pension benefits
 - Litigation or Administrative Proceeding

Agency Ethics Counselors

- Provide non-binding advice
- Provide advice on settled principles of government ethics law



Q & A



Where to go for ethics advice

bega@dc.gov

[www.bega-
dc.gov](http://www.bega-dc.gov)

(202) 481-3411

