

## Federal Ethics Rules and the Special Government Employee



Presented By

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## Overview



Special Government Employees  
The Conflict of Interests Rules  
Misuse of Position  
Teaching, Speaking, or Writing  
Gifts  
Expert Testimony  
Post-Government Employment  
The Hatch Act

## Special Government Employee:

An officer or employee...

Who is retained/designated/appointed/  
employed by the Government to perform  
temporary duties, with or without  
compensation, for...

Not more than 130 days during any period of  
365 consecutive days.

18 U.S.C. § 202(a)

## The Conflict of Interests Rule for SGEs



## Financial Conflict of Interests



An employee (including SGEs) may not participate in any **particular Government matter** that will have a direct and predictable effect on their financial interests or on the financial interests of others with whom they have certain relationships. These others are:

- Your spouse
- Your minor child
- Your general partner
- Organization which you serve as officer, director, trustee, general partner or employee
- Person or organization with which you are negotiating or have an arrangement concerning prospective employment

## Particular Matters of General Applicability



*deliberations, decisions, or actions that are focused upon the interests of a discrete and identifiable class of persons or entities, but does not involve specific parties*

## Your Exception

(5 C.F.R. § 2640.203(g))



An SGE serving on a FACA-regulated advisory committee may participate in *any matter of general applicability where the disqualifying financial interest arises from*

- *his/her non-Federal employment;*
- *his/her non-Federal prospective employment*

## Misuse of Position



Impartiality / Bias / Favoritism

Non- public Information

Government Property /Time / Resources

## Teaching/Speaking/Writing



## Gifts



## Gift Exceptions



- Modest items of food and drink, greetings cards, plaques, and public discounts are not considered gifts
- Common *exceptions* to the gift ban:
  - Gifts valued at \$20 or less, per occasion
  - Gifts based on personal friendships
  - Certain social engagements (widely-attended gatherings and personal social gatherings)
  - Gifts or opportunities based on outside activities or employment (completely unrelated to MRB position)

*When in doubt- seek advice from your ethics attorneys*

## Sponsored Travel

DOT Policy on Gifts of Travel from a Non-Federal Source (November 2007):

NO accepting gift of travel-related expenses from:

- Any entity regulated by DOT;
- Any association of entities regulated by DOT;
- Any entity with a particular matter pending before FMCSA; and
- Any entity that regularly has matters before FMCSA

Exceptions can only be requested through FMCSA Administrator  
Exceptions will be granted by Deputy Secretary or his designee

## Serving as an Expert Witness



## Post-FMCSA Employment



## Hatch Act



Members may not use official authority or influence to interfere with or affect the result of any election, or solicit or discourage political activities by regulated entities, contractors, or grantees.

Members may not participate in partisan political activity while on duty, at work, wearing an official uniform/insignia or driving a Government vehicle.

## FMCSA Ethics Program

Point of Contact:

[FMCSAethics@dot.gov](mailto:FMCSAethics@dot.gov)

Or

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P: 202-366-2013