



Federal Ethics Rules Truck Leasing Task Force



Overview

- Representatives
- Special Government Employees
- Financial Conflicts of Interest
- Appearance of a Conflict of Interest
- Lobbying
- Political Activities
- Gifts
- Fundraising
- Teaching, Speaking, or Writing
- Use of Non-public Information

Representative

- Not a Government employee
- Provides the point of view of nongovernmental entities or of a recognizable group
- Expected to represent a particular bias

Special Government Employees

- Expert/Consultant Appointments
- Personal Service Contractors
- Members of boards, commissions, advisory committees (FACA and non-FACA) who exercise own individual best judgment on Government's behalf
- Other forms of “employment” – IPA appointments if service <130 days/year.

Financial Disclosure

- Primary employment.
- Other current employment (such as consulting).
- Previous employment within the last 12 months.
- Being considered for employment.
- Formal or informal reemployment arrangement.
- Ownership of securities.
- Any office, governing board membership, or relevant committee chairpersonship.
(Ordinary membership in a professional society or association is not considered an office.)
- Received and retained an honorarium or award within the last 12 months.
- Imputed interests.

Financial Conflicts of Interest

- You may not participate in any particular Government matter that will have a direct and predictable effect on your financial interests or on the financial interests of others with whom you 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

Your Exception

- 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.

Outside Pay for Government Duties

- You are prohibited from receiving compensation from a third-party for performing your TLTF duties.

Appearance of a Conflict of Interest

(5 C.F.R. § 2635.502)

- You may not participate in a particular matter if a person with whom you have a covered relationship is or represents a party to such matter and a reasonable person who is familiar with the facts would question your impartiality.
- Impartiality / Bias / Favoritism

SGE Exceptions to Representation Ban

- SGEs are prohibited from these representational activities only when they concern matters involving specific parties (1) which are pending in the SGE's agency or (2) in which the SGE participated (as a government employee or SGE).
- SGEs are not prohibited when the particular matter is of general applicability, such as broad policies, rulemaking proceedings, and legislation, which do not involve specific parties.

Lobbying

- Direct Lobbying
 - Personal
 - Officer, Professional Association
 - Representing TLTF
- Grass Roots Lobbying

Hatch Act

- Representatives may not use position or influence to interfere with or affect the result of any election, or solicit or discourage political activities by regulated entities, contractors, or grantees.
- Representatives may not participate in partisan political activity while providing service to FMCSA or while in a Government building.

Hatch Act (Prohibited Political Activities)

- Engaging in political activity while on duty:
- In any room or building occupied in the conduct of government business;
- Wearing official insignia identifying the office or position of the employee; or
- Using official authority or influence to interfere with or affect the result of an election.
- May not solicit political contributions from the general public.
- May not engage in campaign-related activity if running for a partisan political office
- May not solicit or discourage the political activity of any person who has business before the Board

Gifts

What are the rules?



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 TLTF 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

Fundraising

- Not in the Federal Workplace
- May not use your TLTF title or position
- May not solicit funds or other support from a person known to be a person whose interests may be affected substantially by the performance or nonperformance of your official duties.

Teaching, Speaking, and Writing



Use of Non-public Information

- You may not engage in a financial transaction using nonpublic information or allow the improper use of nonpublic information to **further your own private interest or that of another**, whether through advice or recommendation or knowing unauthorized disclosure.

Points of Contact

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