

ETHICS FLASH THE SHUTDOWN EDITION

Fiscal, Ethics and
Administrative Law
Division
(SAF/GCA)

ETHICS MATTERS — EVEN IN A SHUTDOWN

SAF/GCA ETHICS TEAM

**Alternate Designated
Agency Ethics Official
(ADAEO)**

Ms. Shannon A. McGuire

**Deputy Designated Agency
Ethics Official
(DDAEO)**

and
Director of Ethics
Ms. Meredith McHugh

Ethics Attorneys

Mr. M. Warner Meadows
Ms. Amy Braud
Ms. Catherine Chiappetta

Administrative Specialists

Mr. Justin Marby
Ms. Stacey Walker

CONTACT US

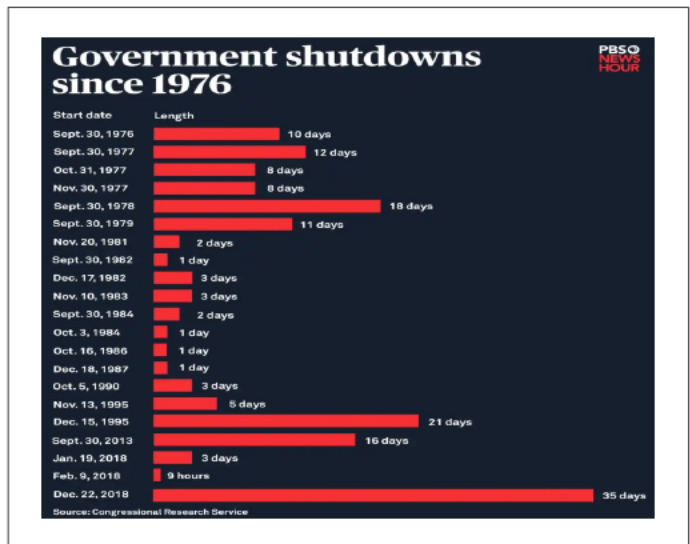
703-693-0417

SAF.GCA.Ethics.Workflow
@us.af.mil

**The General Counsel
serves both the U.S. Air
Force and U.S. Space
Force.*

We know we are not the only ones following the news with an eye on whether there will be a lapse of appropriations on 30 September. While we hope for the best, we still need to prepare. Department of the Air Force (DAF) employees remain subject to the Federal ethics rules even when furloughed. For purposes of this Ethics Flash, we mean all Federal personnel in a non-pay status, whether required to work or not.

Supplementing this Ethics Flash is a portfolio of guidance on how ethics applies during a shutdown. Resources from the Department of Defense (DoD) Standards of Conduct Office (SOCO), as well as the Office of Government Ethics, provide guidance on everything from the general rules about gifts, crowdsourcing, and outside employment. Plus, DoD personnel are subject to additional rules covered in SOCO's advisory of 29 September 2021. We do, of course, want to highlight a few areas. It's



The last Government shutdown began on 22 December 2018 and lasted 35 days.

particularly important that you review the entire portfolio, but we get it — we are probably the only ones who find ethics entertaining, fascinating, and intellectually stimulating. We're awesome that way! So awesome, that we are also going to briefly mention the Hatch Act and how it still applies to you.

As always, this Ethics Flash is not a substitute for legal advice. Seek advice from an ethics official if you are in doubt. Yes, our office will have essential personnel providing assistance. Even better, if you are a planner like us, reach out now with any questions.

SHUTDOWN GUIDANCE

Let's just jump right into the highlights. First, gifts. During a shut down, the public likes to give us stuff. They want to supplement our income through fundraising, provide free meals, or offer us temporary jobs. Unless an exclusion or exception applies, you cannot accept a gift given because of

your official position or offered by a prohibited source. A prohibited source is anyone who (1) is seeking official action from the DoD; (2) does or seeks to do business with the DoD; (3) conducts activities regulated by the DoD; (4) has interests that can be affected by the performance or nonper-

formance of your official duties; or (5) is an organization the majority of whose members are described in (1) - (4). Again, if an exclusion or exception applies, you may be able to accept the offer.

Crowdsourced fundraising (e.g., GoFundMe) may result in

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SHUTDOWN GUIDANCE - HIGHLIGHTS

Continued from page 1— a variety of ethics issues. It's important to consult with an ethics official before taking part in this type of activity.

Second, if you are an OGE Form 278e or OGE Form 450 filer, you must notify and obtain written approval from your supervisor before engag-

other prohibited source. This is one of those situations where it is not better to ask forgiveness than permission.

Also, a criminal statute prohibits us from receiving pay from a non-Federal source for performing our official duties. In other words, we cannot accept money from

a well-intentioned member of the public to do our job. If you do take an outside position, you also cannot represent them back to any federal agency even though you are furloughed.

This takes us to use of government resources. The ethics rules prohibit the use of government resources, time, or position for other than official or authorized purposes. So, while you are in a shut down, your com-

puter remains shut down.

A word on travel. Current guidance from the DoD directs employees TDY at the time of a lapse in appropriations to return to their permanent duty station as quickly as possible. TDY travel and conference participation scheduled after a shutdown should be cancelled. There are very few exception. Please contact your travel approving official for guidance.

Again, these are just highlights. Please take the time to read the full guidance. It contains valuable information to assist your compliance with the standards of conduct during a government shutdown.

For other guidance related to government shutdowns, please reach out to your supervisors.

Pay & Benefits

Shutdown Roundup: The Ethics of Feds' GoFundMe Campaigns, a SmartBenefits Deadline Extension and More

Ethics rules on gifts could restrict crowdfunding efforts, experts say.

JANUARY 10, 2019

Before crowdsourcing, review the guidance!

ing in a business activity, or even getting a temporary job, with a defense contractor or



POLITICAL ACTIVITY DURING FURLOUGH

The Hatch Act does still apply during a shutdown. The Hatch Act applies to civilian employees only. It limits the political activities of federal employees. Generally, the Hatch Act prohibits employees from engaging in political activity in a federal workplace or while on duty. There are different restrictions for different categories of employees; however, we are just going to high-

light the prohibitions that apply 24/7 (i.e., regardless of whether on duty or in the federal workplace) to all DoD civilian employees. First, you may not knowingly solicit, accept, or receive a political contribution for a political party, candidate in a partisan race, or partisan political group. Second, you may never use your official authority or influence to affect the outcome of an election.

This is an *extremely* limited overview. Please read the attached quick guide for more information. Uniform personnel are governed by DoD Directive 1344.10. If you are on active duty, please contact your local judge advocate for further guidance.

The Air Force Ethics Office directs the daily activities of the Department of the Air Force ethics program. We serve as legal counsel to the Secretariat, Air Staff and Space Staff. While we are happy to assist with any ethics issues, individuals outside of Headquarters should consult with their local ethics counselor.

*Should you have any questions, please reach out to our workflow at
SAF.GCA.Ethics.Workflow@us.af.mil.*