



Successfully Navigating your IPA Detail at USDA: An Essential Guide to the Ethics and Political Activity Rules.



USDA Office of Ethics
DAEO.ethics@usda.gov
(202) 720-2251
<https://www.usda.gov/ethics>

INTERGOVERNMENTAL PERSONNEL ACT (IPA), 5 U.S.C. Section 3371 - 3376

- You are serving as a “detailee” to USDA on an IPA assignment.

- **During your IPA assignment you will be considered a Federal employee.** This means that Federal laws, such as the Ethics laws, will apply to you.

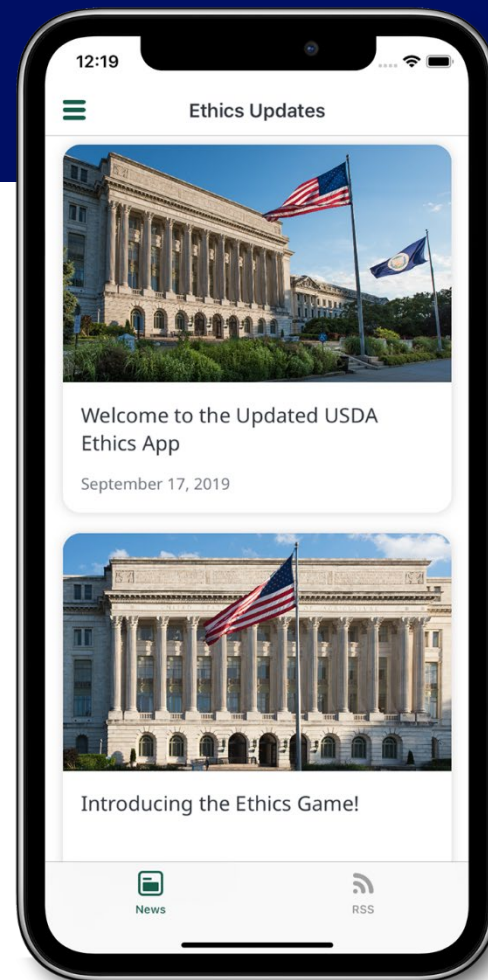
(5 U.S.C. § 3374(c)(2); 5 C.F.R. § 2635.102(h)).



- Do you know all the ways that the Ethics rules effect you in your IPA Detailee position?
- Are you aware of the **Ethics resources** available to you?



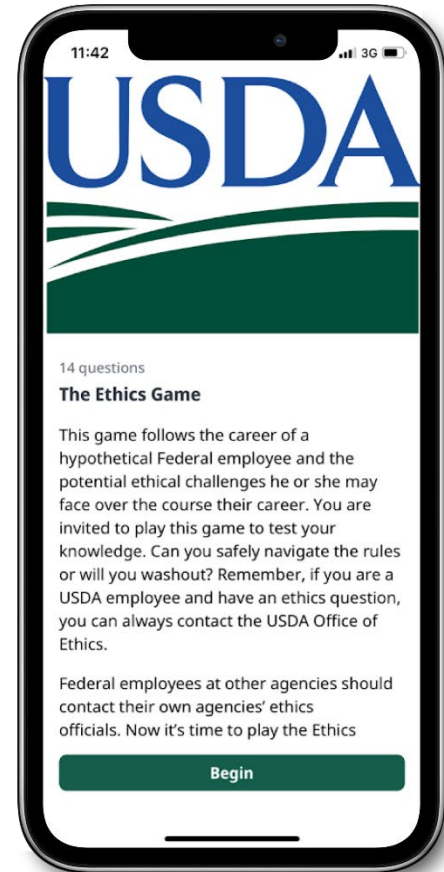
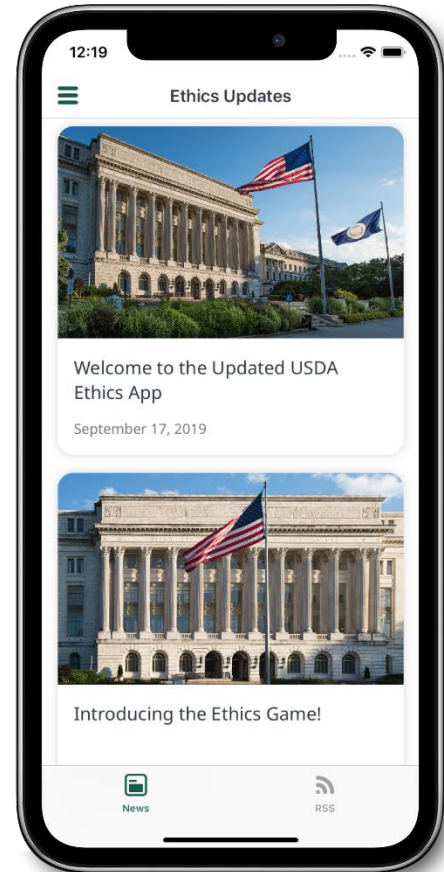
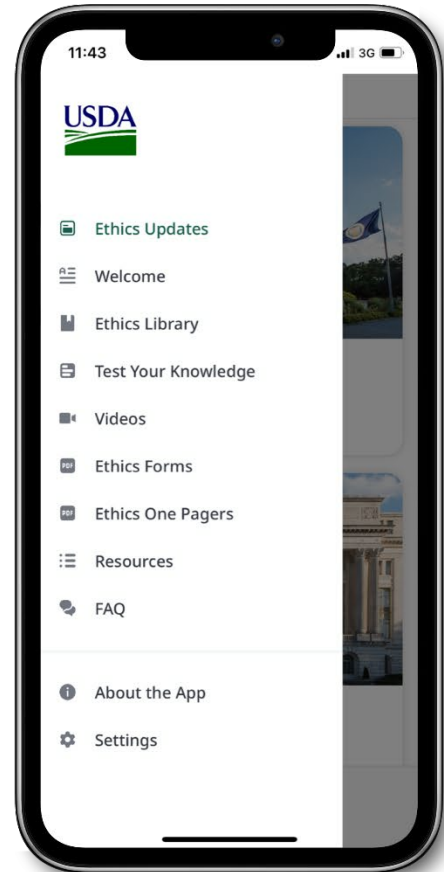
The USDA Ethics App!



How to download:

Search "USDA Ethics" in the App Store or Google Android.







Ethics Videos



39 Short videos on a variety of topics

[Google: "YouTube USDA Office of Ethics Playlist"](#)



The Hatch Act
and
Social Media



Official Duty
Activity Guidelines:

Official work with outside
organization must be consistent
with the authority and mission
of USDA.



Don Lobeda, Ethics Advisor

The Ethics Pledge for Current Employees

Ethics Video for IPA Detailees

Please view our video titled: The Federal Ethics Rules Every IPA Detailee Must Know

<https://www.youtube.com/watch?v=ek4J2h7fsXE>



Four Topics We Will Cover Today

- 1) Avoiding Conflicts of Interest**
- 2) Avoiding Potential Misuses of Position**
- 3) Duty to Safeguard Internal Information**
- 4) Rules Restricting Political Activities**



Avoiding Conflicts of Interest - 18 U.S.C. § 208

- **THE RULE IN BRIEF:** The Conflict of Interest statute requires you to immediately stop working on any official government matter that could have an effect upon your financial interests, such as: (1) stocks you or your spouse own; (2) **your non-Federal employer**, or (3) a potential new employer with whom you may be seeking future employment.
- This recusal requirement applies to all employees.
- This is a Criminal Statute.



The Conflicts Early Warning Radar: Financial Disclosure Reports

OGE 450 Confidential Financial Disclosure Report:

- Filed by employees whose duties can have an impact on non-Federal parties
- IPA detailees must file the OGE-450 report **if your agency supervisor identifies you as a filer to the USDA Office of Ethics.**



Username/Password Login

Please enter your username (government email address (e.g. john.doe@agency.gov)) and password below.

Email *

Password *

[Forgot Password?](#)



The Impartiality Rule – 5 C.F.R. 2635.502

- The Impartiality Rule requires that all of our actions avoid even the appearance of losing impartiality.
- **The Test:** *Would a Reasonable Person, if they knew the relevant facts, decide that you had lost your impartiality.*
- For example, the Impartiality Rule imposes a one-year “cooling off” period preventing you from working on matters involving a former employer you left). **The one-year starts from the last day you were employed by the former employer.**



Prohibition on Representational Activities (Acting as an Agent or Attorney)

REPRESENTATIONAL CONFLICTS OF INTEREST

- During the entire time that you are on the IPA, you will be subject to the federal representational conflict of interest statutes, 18 U.S.C. §§ 203 and 205.
- You may **not** serve as an **agent** or attorney for another in any particular matter in which the United States has a direct and substantial interest, and you may **not** accept compensation for any representational services provided by yourself or another.



Prohibition on Representational Activities (Acting as an Agent or Attorney)

- **EXAMPLE** – If you serve on a non-Federal board, then you cannot represent the board back to USDA or to any other federal agency. (*E.g.*, no virtual meetings or signed documents with agencies.) You could not make any appearance or communication (including email) on their behalf with any United States executive or judicial branch official.



Misuse of Position: The Basic Rules

1. Use of public office for private gain;
2. Use of nonpublic information;
3. Use of Government property; and
4. Use of official time.

1. Use of Public Office for Private Gain

You may not use your public office for:

- Your personal or private gain
- The personal gain of:
 - **Your friends or relatives, or**
 - **Anyone you are affiliated with in a nongovernmental capacity**
- Endorsement of:
 - **Any product or service**
 - **Another person's activities**



2. Duty to Safeguard Nonpublic Information

As an IPA Detailee, you may not use nonpublic information to:

- Further any private interest (including your current non-Federal employer)
- Engage in a financial transaction

Common Examples Include:

- Unauthorized release of non-public information
- Insider trading



Duty to Safeguard Information



Duty to Safeguard Information -- 18 U.S.C. 1905

18 U.S.C. Section 1905 – Confidential Information

- This law limits your disclosure of certain internal non-public government information that you learn during your IPA assignment.

- Violations of this law include monetary fines, or one-year imprisonment, or both; plus removal from employment.



Duty to Safeguard Information

5 C.F.R. Section 2635.703

Prohibition. You cannot use nonpublic information or allow others to use nonpublic information, whether through advice, or by knowing unauthorized disclosure.

Definition of nonpublic information: Information that you know -- or reasonably should know -- has not been made publicly available. It includes information routinely exempt from disclosure under FOIA or otherwise protected from disclosure by law; or is designated as confidential by the agency; or (3) has not been disseminated to the public and is not authorized to be made available to the public on request.

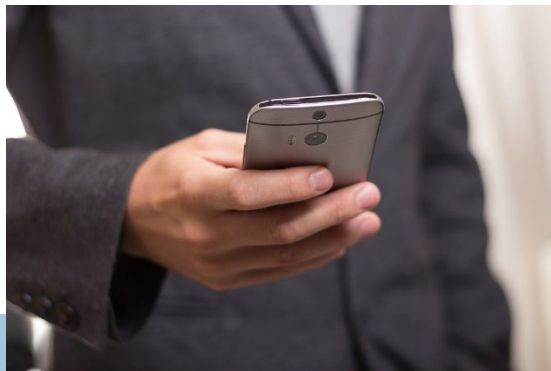


3. Use of Government Property

Government Property may only be used for authorized purposes or activities.

Examples of Government property include:

- Use of IT and communication equipment
- Office supplies



4. Use of Official Time

- Employees must use USDA time to perform official duties.
- Supervisors must only use their subordinates' time for authorized purposes.



Teaching, Speaking & Writing 5 CFR 2635.807



- Section 2635.807 revised in 2020:

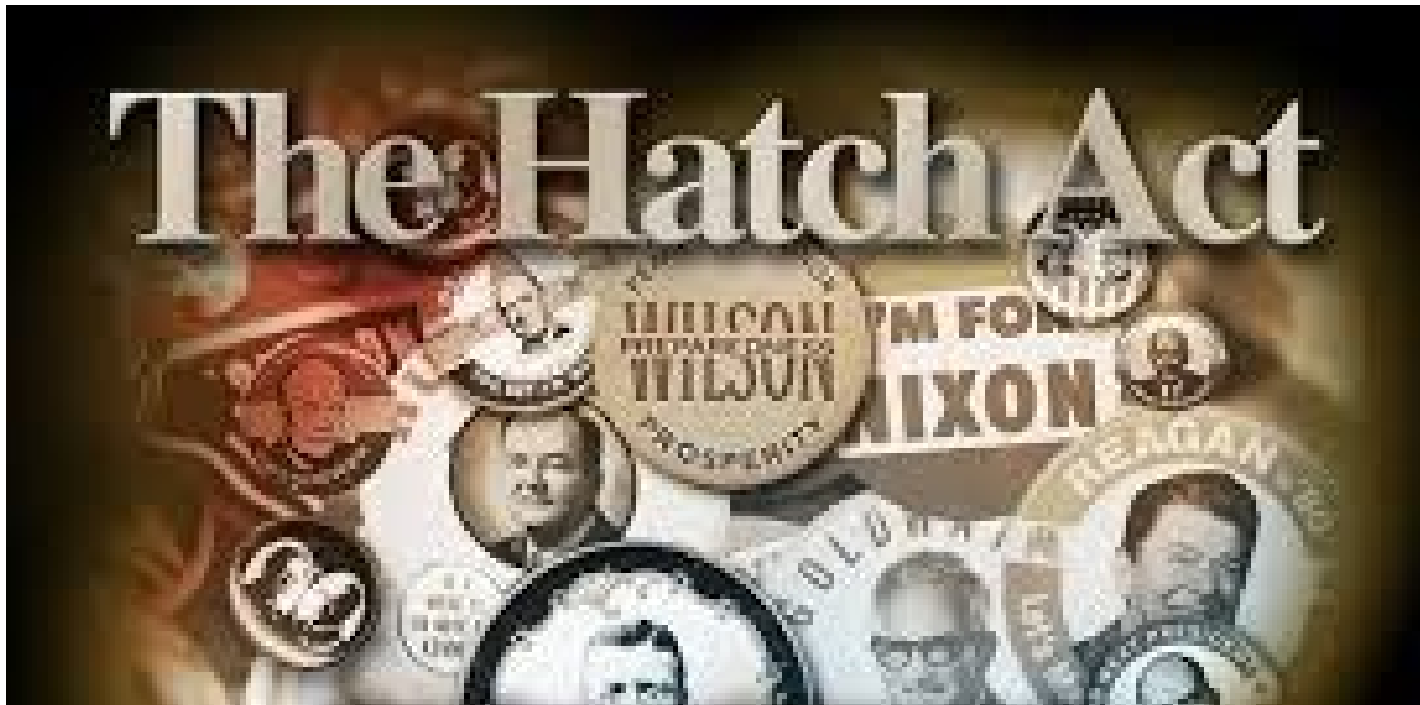
General Rule: NO
COMPENSATION IF:

The subject relates to your
official duties --

- Nonpublic information
- Presently assigned
- Ongoing agency policy



The Hatch Act



What do the rules cover?

The Hatch Act governs Political Activity by Federal employees.

“Political Activity” is any activity directed toward the success or failure of a partisan candidate, political party, or partisan political group.



Two Sets of restrictions

1. 24/7 Prohibitions

- Apply to *all* Federal employees at all times, regardless of appointment type

2. Time & Place Prohibitions

- Limit *when* and *where* employees may engage in certain political activities



24/7 Prohibitions

- Fundraising for political candidates or parties
- Candidacy in partisan elections
- Use of official authority to affect elections
- Soliciting political activity from people with business before your office



Time & Place Restrictions

- Employees may not engage in political activity when:
 - On duty
 - In or on government property
 - Using government laptop computers or e-mail accounts
 - Wearing an official uniform or insignia
 - Using a government owned vehicle (GOV)



Hatch and Social Media



Permitted (off-duty) Activities

- Using official title in your profile
- Liking, friending, or following political campaigns, **off duty**
- Posting, liking, or sharing political messages, **off duty**

Prohibited Activities

- Referring to your official position while making a political statement
- **Liking or sharing fundraising posts**
- Liking, posting, or sharing political messages on duty, on government property, or using government resources

Scenario

While off duty one weekend, Jeremy receives a campaign email for Pamela Politico, his state's candidate for governor. Jeremy supports Pamela's platform and after scanning the email briefly decides to forward it to a few of his friends.

The bottom of the email reads: "Please support Pamela Politico's campaign for governor. Click here to donate!" with a link to the campaign's donation page.

What did Jeremy do wrong?

Answer: Jeremy violated the ban on fundraising, by forwarding an email that included fundraising language.



Scenario

While at work and using her government-issued laptop, Amber sent several emails containing political cartoons that made fun of a political candidate. She made sure to only send the e-mails to her friends and did not send the e-mails to any of her USDA colleagues.

Did Amber violate the Hatch Act?

Answer: Yes, she did. You may not send political emails on government time, or using government computer equipment, or while in a Federal building or Federally-leased space.



Remember:



You are allowed to:

- Vote
- Donate your own money to political campaigns
- Attend political events off duty
- Participate in get out the vote activities while off duty



Penalties

The Merit Systems Protection Board may order:

- Removal
- Reduction in grade
- Debarment from federal employment for a period up to five years
- Suspension
- Reprimand
- Civil penalty up to \$1,000



For More Info



For more information on the Hatch Act's restrictions on political activity, visit OE's YouTube page at <https://bit.ly/2TCis5N> where we have four videos (including one pictured above) focused on the Hatch Act.



Questions?

Contact:

USDA Office of Ethics

DAEO.ethics@usda.gov

Office of Ethics Website: www.usda.gov/ethics