

§ 1100.9

himself in a manner which is beyond reproach.

(8) Recognize his responsibility for taking an active part in the Section affairs.

(9) Uphold with integrity the public trust involved in the position to which assigned.

(c) *Off-the-job conduct.* While the Section does not desire to interfere unnecessarily in the private lives of its employees, it does expect them to conduct themselves at all times in a manner which will not reflect unfavorably upon the Federal Government as their employer.

§ 1100.9 Conflict of interest.

(a) All Section employees are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interests of the United States. Even though a technical conflict of interest may not exist, employees must avoid the appearance of such a conflict from a public confidence point of view. (chapter 11 of title 18 of the U.S. Code, enacted by Pub. L. 878-849, effective January 21, 1963, constitutes the basic conflict of interest statutes.)

§ 1100.10 Outside employment.

(a) Section employees will not engage in outside employment or other outside activities, with or without compensation, which—

(1) Interferes with the performance of their Government duties;

(2) May reasonably be expected to bring discredit upon the Section or the Government; or

(3) Appears to involve a conflict of interest.

(b) All employees are prohibited from using their titles or positions in connection with any commercial enterprise or in endorsing any commercial product or venture.

(c) Section employees engaged in activities related to procurement will not accept part-time off-duty employment with any person that is a contractor with the Government. This prohibition applies regardless of the nature of the services to be performed. (e.g., Professional employees of the Section such as

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attorneys, engineers, and accountants will not represent or advise a Government contractor concerning either the commercial or Government pursuits of such person; nor will such personnel render services in behalf of the officers of contractors with whom they transact business on behalf of the Government, even though such services might be performed in connection with the personal affairs of such officers of the contractors.)

§ 1100.11 Indebtedness.

(a) An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as Federal, State, or local taxes. For the purpose of this paragraph a 'just financial obligation' means one acknowledged by the employee, imposed by law, or reduced to judgment by a court.

(b) When an employee has a levy placed against his salary for failure to pay an indebtedness for Federal income taxes, he shall be issued a written reprimand stating that failure to make satisfactory arrangements regarding future tax liabilities will be grounds for removal.

(c) When an employee is the subject of a letter of complaint stating that he has not paid his State or local taxes and has failed to make satisfactory arrangements regarding the debt, he shall be interviewed by the Personnel Director, or his designated representative in field offices. In this interview he shall be instructed to make satisfactory arrangements for payment of his debt immediately and informed that failure to do so will be grounds for removal.

(d) When an employee is the subject of a letter of complaint regarding any other kind of indebtedness to a unit of government, Federal, State, or local, the procedure prescribed in paragraph (c) of this section, shall be observed.

(e) When a creditor who holds a legal judgment against an employee requests that the Section assist in collecting the debt, the employee shall be interviewed by the Personnel Director, or his designated representative in field offices, as appropriate. In this interview he shall be instructed to pay the

debt in full within 90 days, or such period of time as is acceptable to the creditor, and informed that failure to do so may be grounds for removal.

(f) When an employee is the subject of a letter of complaint from a creditor who does not hold a legal judgment against the employee, the Personnel Director shall forward a copy of the letter to the employee together with a memorandum calling the employee's attention to the provisions of this order. However, the Section will not assist the creditor in collecting the debt.

§ 1100.12 Gifts, entertainment, and favors.

(a) Except as provided below, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other things of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Section;

(2) Conducts operations or activities that are regulated by the Section; or

(3) has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) The restrictions set forth above do not apply to:

(1) Obvious family or personal relationships, such as those between the employee and his parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or an inspection tour where an employee may be properly in attendance;

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home or automobile mortgage loans; and

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(e) This order does not preclude an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this Order for which no Government payment or reimbursement is made. However, this Order does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Section orders when reimbursement is proscribed by Decision B -128527 of the Comptroller General dated March 7, 1967.

(f) A gift or gratuity, the receipt of which is prohibited by this Order shall be returned to the donor with a written explanation why the return is necessary. A copy of the written explanation shall be submitted to the Personnel Director for filing in the employee's Official Personnel Folder (left side). When the return of the gift is not possible, the gift or gratuity shall be submitted to the Personnel Director with a written explanation why the return is not feasible. The Personnel Director shall turn the gift or gratuity over to a public or private charity or charitable organization.

§ 1100.13 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or