

National Transportation Safety Board

Pt. 805, App. I

the stages of review, the reviewing official shall sign and date a copy of the employee's statement to evidence his clearance, and this statement shall thereafter be kept as provided in § 805.735-21.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

§ 805.735-25 Publication and interpretation.

(a) The Personnel Officer of the Board shall be responsible for making the regulations in this part and all revisions thereof, and the formats for statements of employment and financial interests available to:

(1) Each Member, employee, and special Government employee at the time of issuance and at least annually thereafter;

(2) Each new Member, employee, and special Government employee of the Board at the time of his entrance on duty; and

(3) Each Member, employee, and special Government employee of the Board at such other times as circumstances warrant.

(b) The Personnel Officer shall have available for review by Members, employees, and special Government employees of the Board, copies of such laws, Executive orders, Civil Service Commission regulations and instructions, and Board regulations as may currently appertain to their standards of ethical and other conduct.

(c) The General Counsel of the Board is designated to provide counseling and assistance to interpret the regulations in this part and matters relating to ethical conduct, particularly matters subject to the provisions of the conflict-of-interest laws and other matters covered by the Executive order. These counseling services are available to all Members, employees, and special Government employees at the General Counsel's office, by appointment for consultation or by written communication.

§ 805.735-26 Employee's complaint on filing requirements.

An employee who believes that his position has been improperly included under the regulations in this part, as one requiring the submission of a

statement of employment and financial interests, may request review through the Board's grievance procedure.

§ 805.735-27 Disciplinary or remedial action.

(a) A violation of the regulations in this part by an employee or special Government employee may be cause for disciplinary action in addition to any penalty prescribed by Federal statute or regulation, except for active duty officers or enlisted members of the Armed Forces detailed to the Board in which cases disciplinary actions may be effected against such military personnel by the parent military service. Disciplinary action may take the form of a warning, suspension, demotion, or removal, depending upon the gravity of the offense.

(b) Any employee or special Government employee who is charged with a violation of the regulations in this part shall be provided an opportunity to explain the violation, or appearance of violation, to the charging authority. The charging authority shall be the Managing Director of the Board.

(c) When, after consideration of the explanation, the charging authority decides that disciplinary action is not required, he may take appropriate remedial action. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of any financial interest that conflicts, or appears to conflict, with the performance of his official duties; or

(3) Disqualification for a particular assignment.

(d) Remedial or disciplinary action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

APPENDIX I TO PART 805— MISCELLANEOUS STATUTORY PROVISIONS

Each Member and employee and each special Government employee has a positive duty to acquaint himself with each statute which relates to his ethical and other conduct as an officer or employee of the National Transportation Safety Board and of the Government. Therefore, each Member

and employee and each special Government employee shall acquaint himself with the following statutory and nonstatutory provisions which relate to his ethical and other conduct:

- (a) House Concurrent Resolution 175, 85th Congress, 2d Session (72 Stat. B12), the "Code of Ethics for Government Service."
- (b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest (18 U.S.C. 201 through 209).
- (c) The prohibition against lobbying with appropriate funds (18 U.S.C. 1913).
- (d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).
- (e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).
- (f) The prohibition against:
 - (1) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and
 - (2) The disclosure of confidential information (18 U.S.C. 1905, 49 U.S.C. 1472(f)).
- (g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 8352).
- (h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).
- (i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).
- (j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).
- (k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).
- (l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).
- (m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).
- (n) The prohibition against:
 - (1) Embezzlement of Government money or property (18 U.S.C. 641);
 - (2) Failing to account for public money (18 U.S.C. 643); and
 - (3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).
- (o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).
- (p) The prohibition against political activities in subchapter III of chapter 73 of title 5, U.S.C., and 18 U.S.C. 602, 603, 607, and 608.
- (q) The prohibition against an employee's acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

APPENDIX II TO PART 805—EMPLOYEES REQUIRED TO SUBMIT STATEMENTS

Statements of employment and financial interests are required of the following:

- (a) Employees in grades GS-16 or above, or in positions not subject to the Classification Act paid at a rate at or above the entrance rate for GS-16.
- (b) Special assistants to the members.
- (c) Office of the managing director:
 - (1) Legislative affairs officer.
 - (2) Program analysis officer.
 - (d) Attorneys in grade GS-15.
 - (e) Office of public affairs:
 - (1) Director.
 - (2) Deputy director.
 - (f) Bureau of administration:
 - (1) Director.
 - (2) Deputy director—personnel officer.
 - (3) Chief, operations and facilities division.
 - (4) Contracting specialist.
 - (5) Comptroller.
 - (6) Budget officer.
 - (7) Accounting officer.
 - (g) Division and branch chiefs within the bureaus of accident investigation, technology, and plans and programs.
 - (h) Chief or senior investigators, field offices.

[41 FR 39758, Sept. 16, 1976]

NOTE: The above regulation and its appendices were approved by the Civil Service Commission (OPM) on July 16, 1968, and September 13, 1972, respectively, prior to submission to the Office of the Federal Register.

PART 806—NATIONAL SECURITY INFORMATION POLICY AND GUIDELINES, IMPLEMENTING REGULATIONS

Sec.

- 806.1 General policy.
- 806.2 Applicability.
- 806.3 Definitions.
- 806.4 Mandatory review for declassification.

AUTHORITY: Sec. 304, Independent Safety Board Act of 1974, 88 Stat. 2168 (49 U.S.C. 1903). E.O. 12065, 43 FR 28949, July 3, 1978.

SOURCE: 45 FR 20104, Mar. 27, 1980, unless otherwise noted.

§ 806.1 General policy.

(a) The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

(b) Within the Federal Government there is some official information and