

Subpart B—Conduct and Responsibilities of Employees or Commissioners

- 7.7 Prohibited conduct—General.
- 7.8 Gifts, entertainment, and favors.
- 7.9 Outside employment or activities.
- 7.10 Financial interests.
- 7.11 Political and organization activity.
- 7.12 Membership in associations.
- 7.13 Use of Government property.
- 7.14 Prohibition against making complaints and investigations public.
- 7.15 Ex parte communications.
- 7.16 Miscellaneous statutory provisions.

Subpart C—Conduct and Responsibilities of Special Commission Employees

- 7.17 Use of Commission employment.
- 7.18 Use of inside information.
- 7.19 Coercion.
- 7.20 Gifts, entertainment, and favors.
- 7.21 Miscellaneous statutory provisions.

Subpart D—Post Employment Conflict of Interest: Procedures for Administrative Enforcement Proceedings

- 7.22 Scope.
- 7.23 Initiation of investigation.
- 7.24 Conduct of preliminary investigation.
- 7.25 Initiation of administrative disciplinary proceeding.
- 7.26 Notice to former employee.
- 7.27 Hearing examiner designation and qualifications.
- 7.28 Hearing date.
- 7.29 Hearing rights of former employee.
- 7.30 Hearing procedures.
- 7.31 Examiner's decision.
- 7.32 Appeal.
- 7.33 Administrative sanctions.

AUTHORITY: 5 U.S.C. 7321 *et seq.*; 18 U.S.C. 207.

SOURCE: 51 FR 34446, Sept. 29, 1986, unless otherwise noted.

Subpart A—General Provisions**§ 7.1 Purpose and applicability.**

(a) The Federal Election Commission is committed to honest, independent and impartial monitoring and enforcement of federal election law. To ensure public trust in the fairness and integrity of the federal elections process, all employees must observe the highest standards of conduct. This part prescribes standards of ethical conduct for Commissioners, employees and special Government employees of the Federal Election Commission relating to conflicts of interest arising out of outside

employment, private business and professional activities, political activities, and financial interests. The avoidance of misconduct and conflicts of interest on the part of Commission employees through informed judgment is indispensable to the maintenance of these prescribed ethical standards. Attainment of these goals necessitates strict and absolute fairness and impartiality in the administration of the law.

(b) This part applies to all persons included within the terms *employee* and *special Commission employees* of the Commission as defined in 11 CFR 7.2, except to the extent otherwise indicated herein, and is consistent with Executive Order 11222 and part 735 of title 5, Code of Federal Regulations, relating to employee responsibilities and conduct.

(c) These Standards of Conduct shall be construed in accordance with any applicable laws, regulations and agreements between the Federal Election Commission and a labor organization.

§ 7.2 Definitions.

As used in this part:

(a) *Commission* means the Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

(b) *Commissioner* means a voting member of the Federal Election Commission, in accordance with 2 U.S.C. 437c.

(c) *Conflict of interest* means a situation in which an employee's private interest is inconsistent with the efficient and impartial conduct of his or her official duties and responsibilities.

(d) *Designated Agency Ethics Officer* or *Ethics Officer* means the employee designated by the Commission to administer the provisions of the Ethics in Government Act of 1978 (Pub. L. 95-521), as amended, and includes a designee of the Ethics Officer.

(e) *Employee* means an employee of the Federal Election Commission, but does not include a special Commission employee.

(f) *Former employee* means one who was, and is no longer, an employee of the Commission.

(g) *Official responsibility* means the direct administrative or operating authority, whether intermediate or final,

Federal Election Commission

§ 7.6

to approve, disapprove, or otherwise direct Commission action. Official responsibility may be exercised alone or with others and either personally or through subordinates.

(h) *Outside employment or other outside activity* means any work, service or other activity performed by an employee, but not a Commissioner, other than in the performance of the employee's official duties. It includes such activities as writing and editing, publishing, teaching, lecturing, consulting, self-employment, and other services or work performed, with or without compensation.

(i) *Person* means an individual, corporation, company, association, firm, partnership, society, joint stock company, political committee, or other group, organization, or institution.

(j) *Special Commission employee* means an individual who is retained, designated, appointed or employed by the Federal Election Commission to perform, with or without compensation, temporary duties either on a full-time or intermittent basis, for not to exceed 130 days during any period of 365 consecutive days, as defined at 18 U.S.C. 202.

§ 7.3 Notification to employees and special Commission employees.

(a) The provisions of this part shall be brought to the attention of, and made available to, each employee and special Commission employee by furnishing a copy at the time of final publication. The provisions of this part shall further be brought to the attention of such employees at least annually thereafter.

(b) The provisions of this part shall be brought to the attention of each new employee and new special Commission employee by furnishing a copy at the time of entrance of duty, and by such other methods of information and education as the Ethics Officer may prescribe.

§ 7.4 Interpretation and advisory service.

A Commissioner or employee seeking advice and guidance on questions of conflict of interest and on other matters covered by this part should consult with the Commission's General

Counsel, who serves as Ethics Officer. The Ethics Officer should be consulted prior to the undertaking of any action which might violate this part governing the conduct of Commissioners or employees.

§ 7.5 Reporting suspected violations.

(a) Personnel who have information which causes them to believe that there has been a violation of a statute or policy set forth in this part should promptly report such incident to the Ethics Officer. If a report is made orally, the Ethics Officer shall require a written report from the complainant before proceeding further.

(b) When information available to the Commission indicates a conflict between the interests of an employee or special Commission employee and the performance of his or her Commission duties, the employee or special Commission employee shall be provided an opportunity to explain the conflict or appearance of conflict in writing.

§ 7.6 Disciplinary and other remedial action.

(a) A violation of this part by an employee or special Commission employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) When the Ethics Officer determines that an employee may have or appears to have a conflict of interest, the Ethics Officer, the employee's supervisor, the employee's division head, and the Staff Director or General Counsel may question the employee in the matter and gather other information. The Ethics Officer, the employee's supervisor, the employee's division head, and the Staff Director or General Counsel shall discuss with the employee possible ways of eliminating the conflict or appearance of conflict. If the Ethics Officer, after consultation with the employee's supervisor, the employee's division head, and the Staff Director or General Counsel, concludes that remedial action should be taken, he or she shall refer a statement to the Commission containing his or her recommendation for such action. The Commission, after consideration of the employee's explanation and the results