

## Office of Government Ethics

### Subpart A—General Provisions

#### § 2635.101 Basic obligation of public service.

(a) *Public service is a public trust.* Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) *General principles.* The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(5) Employees shall put forth honest effort in the performance of their duties.

(6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

(7) Employees shall not use public office for private gain.

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

(10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

(11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

(c) *Related statutes.* In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, 18 U.S.C. 201, 203, 205, 208, and 209, are summarized in the appropriate subparts of this part and must be taken into consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating to employee conduct are set forth in subpart I and employees are further cautioned that there may be additional statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies. Because an employee is considered to be on notice of the requirements of any statute, an employee should not rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain the advice of an agency ethics official as needed.

### VA Supplemental Standards

#### PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

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0.735–12 Standards of conduct in special areas.

AUTHORITY: 5 U.S.C. 301; 38 U.S.C. 501; see sections 201, 301, and 502(a) of E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

SOURCE: 31 FR 5828, Apr. 15, 1966, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 0 appear at 61 FR 7216, Feb. 27, 1996.

## Subpart A—General Provisions

### § 0.735–1 Agency ethics officials.

(a) *Designated Agency Ethics Official (DAEO)*. The Assistant General Counsel (023) is the designated agency ethics official (DAEO) for the Department of Veterans Affairs. The Deputy Assistant General Counsel (023C) is the alternate DAEO, who is designated to act in the DAEO's absence. The DAEO has primary responsibility for the administration, coordination, and management of the VA ethics program, pursuant to 5 CFR 2638.201–204.

(b) *Deputy ethics officials*. (1) The Regional Counsel are deputy ethics officials. They have been delegated the authority to act for the DAEO within their jurisdiction, under the DAEO's supervision, pursuant to 5 CFR 2638.204.

(2) The alternate DAEO, the DAEO's staff, and staff in the Offices of Regional Counsel, may also act as deputy ethics officials pursuant to delegations of one or more of the DAEO's duties from the DAEO or the Regional Counsel.

[58 FR 61813, Nov. 23, 1993. Redesignated at 61 FR 11309, Mar. 20, 1996]

### § 0.735–2 Government-wide standards.

For government-wide standards of ethical conduct and related responsibilities for Federal employees, see 5 CFR Part 735 and Chapter XVI.

[61 FR 11309, Mar. 20, 1996. Redesignated at 63 FR 33579, June 19, 1998]

## Subpart B—Standards of Ethical Conduct and Related Responsibilities of Employees

SOURCE: 58 FR 61814, Nov. 23, 1993, unless otherwise noted.

### § 0.735–10 Cross-reference to employee ethical and other conduct standards and financial disclosure regulations.

Employees of the Department of Veterans Affairs (VA) should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the executive branch-wide Employee Responsibilities and Conduct at 5 CFR part 735, and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

### § 0.735–11 Other conduct on the job.

*Relationship with beneficiaries and claimants*. Employees are expected to be helpful to beneficiaries, patients and claimants, but:

(a) An employee shall not procure intoxicants or drugs for, or attempt to sell intoxicants or drugs to, patients or members, or give or attempt to give intoxicants or drugs to them unless officially prescribed for medical use;

(b) An employee shall not abuse patients, members, or other beneficiaries, whether or not provoked.

### § 0.735–12 Standards of conduct in special areas.

(a) *Safety*. (1) Employees will observe safety instructions, signs, and normal safety practices and precautions, including the use of protective clothing and equipment.

(2) An employee shall report each work-connected injury, accident or disease he or she suffers.

(b) *Furnishing testimony*. Employees will furnish information and testify freely and honestly in cases respecting employment and

disciplinary matters. Refusal to testify, concealment of material facts, or willfully inaccurate testimony in connection with an investigation or hearing may be ground for disciplinary action. An employee, however, will not be required to give testimony against himself or herself in any matter in which there is indication that he or she may be or is involved in a violation of law wherein there is a possibility of self-incrimination.

## **Office of Personnel Management Supplemental Standards**

### **PART 735—EMPLOYEE RESPONSIBILITIES AND CONDUCT**

#### **Subpart A—General Provisions**

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735.101 Definitions.

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#### **Subpart B—Standards of Conduct**

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735.203 Conduct prejudicial to the Government.

**AUTHORITY:** 5 U.S.C. 7301; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

**SOURCE:** 57 FR 56434, Nov. 30, 1992, unless otherwise noted.

**EDITORIAL NOTE:** Part 1001, added to this chapter at 31 FR 873, January 22, 1966 and revised at 32 FR 11113, Aug. 1, 1967, 36 FR 6874, Apr. 9, 1971, and 61 FR 36996, July 16, 1996, supplements this part 735.

#### **Subpart A—General Provisions**

##### **§ 735.101 Definitions.**

In this part:

*Agency* means an Executive agency (other than the General Accounting Office) as defined

by 5 U.S.C. 105, the Postal Service, and the Postal Rate Commission.

*Employee* means any officer or employee of an agency, including a special Government employee, but does not include a member of the uniformed services.

*Special Government employee* means a “special Government employee,” as defined in 18 U.S.C. 202, who is employed in the executive branch, but does not include a member of the uniformed services.

*Uniformed services* has the meaning given that term by 5 U.S.C. 2101(3).

##### **§ 735.102 Disciplinary action.**

An employee’s violation of any of the regulations in subpart B of this part may be cause for disciplinary action by the employee’s agency, which may be in addition to any penalty prescribed by law.

##### **§ 735.103 Other regulations pertaining to conduct.**

In addition to the standards of conduct in subpart B of this part, an employee shall comply with the standards of ethical conduct in 5 CFR part 2635, as well as any supplemental regulation issued by the employee’s agency under 5 CFR 2635.105. An employee’s violation of those regulations may be cause for the employee’s agency to take disciplinary action, or corrective action as that term is used in 5 CFR part 2635. Such disciplinary action or corrective action may be in addition to any penalty prescribed by law.

#### **Subpart B—Standards of Conduct**

##### **§ 735.201 Gambling.**

(a) While on Government-owned or leased property or while on duty for the Government, an employee shall not conduct, or participate in, any gambling activity including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket.

(b) This section does not preclude activities:

- (1) Necessitated by an employee’s official duties; or
- (2) Under section 7 of Executive Order 12353 and similar agency-approved activities.

**§ 735.202 Safeguarding the examination process.**

(a) An employee shall not, either for or without compensation, engage in teaching, lecturing, or writing for the purpose of the preparation of a person or class of persons for an examination of the Office of Personnel Management or Board of Examiners for the Foreign Service that depends on information obtained as a result of the employee's Government employment.

(b) This section does not preclude the preparation described in paragraph (a) of this section if:

(1) The information upon which the preparation is based has been made available to the general public or will be made available on request; or

(2) Such preparation is authorized in writing by the Director of the Office of Personnel Management or his or her designee, or by the Director General of the Foreign Service of his or her designee, as applicable.

**§ 735.203 Conduct prejudicial to the Government.**

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

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### **Standards of Ethical Conduct Statement**

Per Title 38, U.S.C. sec. 7366(c), directors, officers and employees of VA nonprofit corporations are required to be aware of and comply with the enclosed material (“Standards of Ethical Conduct for Employees of the Executive Branch”, as amended). A complete copy of this material is attached for your use. Please read the material completely, keep it in your files, and sign and return the certification below to the SIBCR office within 30 days of receipt.

I hereby certify that I am aware of and have read and am in compliance with the Standards of Ethical Conduct for Employees of the Executive Branch, as amended.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)