

Issue Date: 03/01/2003

ETHICS/STANDARDS OF CONDUCT

I. Purpose

This directive establishes the Department of Homeland Security (DHS) policy on the ethical conduct and responsibilities of employees, and outlines the duties and responsibilities of ethics officials.

II. Scope

This DHS directive applies to all personnel employed by or detailed to all DHS organizational elements. To the extent not inconsistent with the provisions of this directive, the structure and organization of the Standards of Conduct programs in organizational elements that transferred into DHS are continued except for the positions of "DAEO" and "Alternate DAEO" which are designated as DHS Deputy Ethics Officials with all authority not reserved to the DHS DAEO.

III. Authorities

This directive is governed by Executive Orders and national policy, such as:

- A. Executive Order (E.O.) 12674, Principles of Ethical Conduct for Government Officers and Employees.
- B. 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.

IV. Definitions

- A. **Designated Agency Ethics Official (DAEO)**: The Legal Advisor for Ethics, Office of the General Counsel, is designated as the DAEO.
- B. **Alternate DAEO**: An attorney in the DHS Office of the General Counsel recommended by the Legal Advisor for Ethics and designated by the Secretary.
- C. **Deputy Ethics Officials**: DHS employees designated by the DHS DAEO pursuant to 5 C.F.R. § 2638.204.

D. **Agency Designee**: Within DHS that term as used in 5 C.F.R. Part 2635 shall refer to the first-line supervisor of the employee whose interests are at issue.

E. **Employee**: For purposes of this directive, “employee” includes Federal personnel employed by or detailed to DHS.

V. Responsibilities

A. **Designated Agency Ethics Official**: shall coordinate and manage the Department's ethics program as outlined in 5 CFR § 2638.203.

B. **Alternate DAEO**: shall serve in an acting capacity in the absence of the DAEO.

C. **Deputy Ethics Officials** shall:

1. Administer the statutes, regulations, policies, and procedures governing the ethical conduct and responsibilities of employees within their components.
2. Ensure that prompt and effective action is taken where violations or potential violations of the ethics statutes or regulations are found.
3. Develop, implement, and disseminate policy and procedure on ethics matters.
4. Coordinate and oversee the conduct of the annual financial disclosure filing cycle.
5. Provide ethics advice to the officials and employees within their areas of responsibility.
6. Provide initial ethics orientation to new employees.
7. Provide mandatory annual ethics training to employees in covered positions.

D. **Supervisors** shall:

1. Permit new employees a minimum of 1 hour of official duty time for the purpose of reviewing Part I of EO 12674 and 5 CFR Part 2635.
2. Ensure that employees who are responsible for filing financial disclosure reports receive at least 1 hour of annual ethics training.

3. Request assistance where needed from appropriate ethics counselors in advising employees on ethics and conduct issues.
4. Review employee notifications of outside work or activities to assist in determining if there is any conflict of interest with their official duties and responsibilities or the appearance thereof.
5. Forward employee requests to conduct outside work for a prohibited source to the appropriate servicing ethics counselor.
6. Report any potential conflict of interest situations to the respective ethics official for resolution.

E. **Employees** shall:

1. Be familiar and complying with the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR Part 2635 and generally outlined in section 6, below, as well as any supplemental Departmental conduct and ethics regulations. Employees are encouraged to refer to the Office of Government Ethics' World Wide Web site, <http://www.usoge.gov>, for access to ethics statutes, regulations, forms, and helpful informational materials.
2. Consult with their supervisors and ethics officials on general questions regarding the applicability of the standards of conduct regulations. On specific matters, and for guidance on questions of conflict of interest, employees are strongly encouraged to seek the advice and guidance of their ethics officials.

VI. Policy & Procedures

A. **Policy**: All employees will maintain especially high standards of honesty, impartiality, character, and conduct to ensure the proper performance of Government business and the continual trust and confidence of the citizens of the United States. The conduct of employees must reflect the qualities of courtesy, integrity, and loyalty to the United States; a deep sense of responsibility for the public trust; promptness in dealing with and serving the public; and a standard of personal behavior that reflects positively upon and will be a credit to both employees and the Department.

These principles apply to official conduct as well as private conduct that affect in any way the ability of employees or the Department to effectively accomplish the work of the DHS. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee must respect and adhere to the principles of ethical conduct set forth below; 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch; and other applicable laws.

Employees should:

1. Place loyalty to the Constitution, the laws, and ethical principles above private gain as public service is a public trust.
2. Not hold financial interests that conflict with the conscientious performance of duty.
3. Not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interests.
4. Not, except pursuant to such reasonable exceptions as are provided by regulation, 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 Department, or whose interests may be substantially affected by the performance or nonperformance of the employees' duties.
5. Put forth an honest effort in the performance of their duties.
6. Not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Not use public office for private gain.
8. Act impartially and not give preferential treatment to any private organization or individual.
9. Protect and conserve Federal property and not use it for other than authorized activities.
10. Not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Disclose waste, fraud, abuse, and corruption to appropriate authorities.

12. 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. 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. Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this directive. Whether particular circumstances create an appearance that the law or these standards have been violated will be determined from the perspective of a reasonable person with knowledge of the relevant facts.

B. **Procedures**: Any behavior that reflects negatively upon DHS should be reported to the DAEO.

C. **Questions or Concerns Regarding the Process**: Any questions or concerns regarding this directive should be addressed to the Legal Advisor for Ethics, Office of the General Counsel.