

OFFICE OF ETHICS NEWSLETTER



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Volume III First Edition

Thanks

A good ethics program is a lot like a good defensive halfback in football: conspicuous only in his absence. Take, for example, Jimmy Johnson. Johnson was an All Star defensive back for the San Francisco 49ers in the 60s and 70s. Despite never being among league leaders in interceptions, he made it to the NFL Hall of Fame because he simply was so good at pass defense that no one threw the ball anywhere near him.

Like Johnson, a good ethics program is best when the players (managers and employees) pay attention to you, but the spectators (media and general public) don't.

From a government ethics perspective, it has been a while since USDA has been conspicuous (knock on wood). We're quite happy with that, thank you very much. Credit for that goes not to us, however, but to you – the USDA employees, from top on down. You have been supportive of us by simply calling us, E-mailing us, and dropping bye with questions. You not only have been willing to abide our guidance when the

outcome has been unfavorable, but have also listened to our warnings of possible problems that may attach to an otherwise positive answer. And you've generally done this with the best of graces -- even during financial disclosure season! We can advise, but keeping USDA on the "high road" could not be done without you. Thanks.

Finally, as we begin 2005, USDA will lose many familiar faces whom this office has had the privilege of serving. The beginning of the calendar year always brings some senior Federal careers to a close.* Additionally, after every national election, even those in which the Administration stays the same, there is inevitably some change of non-career personnel.* To those of you who are looking to move on in the near future, we at the Office of Ethics want to extend our appreciation. We hope that we have served you well, wish you the best in your future endeavors, and hope to see you around from time-to-time. But, if you are new to the USDA, your predecessors have left you a high standard to meet. We're here to help. Call us.

*Oh yes, and don't forget your termination financial disclosure reports.

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CALLING
all Ethics
Advisors



SOUND THE HORN FOR THE ETHICS RETREAT!



Plans are underway for the fourth annual ethics retreat to be held in Washington D.C. on April 19-21, 2005. As in prior years we're expecting attendees from around the country. This event is a wonderful opportunity to network with other USDA employees who provide ethics services to agency employees, and we're really kicking the door open this year. The theme for the April Retreat is *Ethics from a Community Perspective*. We've invited speakers and panelists not only from USDA but also from The White House, other executive branch departments, and private industry. If you haven't added us to your schedule, please do so.



Know Rental Rules Before You Cruise

A recent ruling by the GSA BOARD OF CONTRACT APPEALS reminds government employees that they may be liable for damages to a rental car. The ruling, reprinted on the IEC website, does reinforce the caution that using a Government-rented vehicle after temporary duty ends exposes the renter to personal liability for damages. Before using a vehicle personally, the renter should check his or her personal insurance to make sure of the

coverage. Alternatively, bringing the vehicle back to the car company and starting a new lease with the appropriate rental insurance would also protect the renter.

Tsunami Moves OPM to Publish Memo on Special Solicitation Rules

While the Combined Federal Campaign (CFC) is usually the only authorized mechanism for soliciting funds from Federal employees for charitable organizations, there is an exception to the rule. In situations such as the recent Asian earthquake and tsunami, the Director of the Office of Personnel Management (OPM) may permit special solicitations of Federal employees, outside of the CFC (see 5 CFR §950.102). On December 31, 2004, Kay Coles James, Director of OPM, authorized government-wide solicitations for disaster relief efforts at each agency directors' discretion. Because the special solicitation is beyond the scope of the CFC, each agency conducting the solicitation is responsible for the oversight and administration of the collection of contributions. In acting upon this authorization, keep the following in mind:



- Employees may not use payroll deduction.
- Employees should receive instructions on how to make a special solicitation pledge by the Federal department or agency overseeing the solicitation.
- Special solicitations are intended to provide immediate financial assistance to organizations involved in immediate relief efforts for the Asia Earthquake and Tsunami, employees may not use this venue for other donations such as; poverty relief, save the whales, save the Hawaiian Coral Reef etc.
- However, the fastest, most direct way to process special solicitation contributions is in the form of cash or check payable to the recipient charity.
- We strongly encourage you to contact your Mission Area Ethics Advisor if you are planning such an activity.

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--For further questions, the Office of CFC Operations staff is available to provide technical assistance to Federal agencies and can be reached at (202) 606-2564 or cfc@opm.gov.

CREDIT CARD CRUNCHES

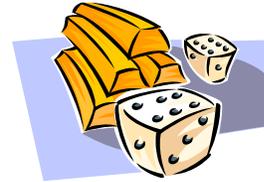
WHAT CARD IS IN YOUR WALLET?



“OOOPS” IS NO DEFENSE.

Accidentally using the wrong credit card brought brutal results to a Veterans Administration employee. The employee accidentally used his government credit card (GCC) to buy tires. Initially, an Administrative Judge with the Merit Systems Protection Board (MSPB) considered it an honest mistake and imposed no punishment. That decision, however, was overturned by the MSPB, which sided with the Agency and reinstated the proposed 30-day suspension. While the MSPB recognized that the employee’s use of the government credit card was accidental, and that the employee paid the credit card bill when he realized his mistake, they determined that accidental use of the government credit card was misconduct and justified the suspension.

(As reported in The IEC Journal November 20, 2004, refer to *Quarters v. DVA*, Docket No. BN-0752-03-0129-I-1 (2004))



DRAWING THE WRONG CARD?

The MSPB also affirmed the removal of an employee based on sustained charges that she misused her GCC, failed to make timely payments on the account, and made false or misleading statements related to the matter.

In *Page v. Department of the Treasury*, we are introduced to an erstwhile revenue officer at the IRS in Chicago, whose responsibilities included collecting on delinquent tax returns, performing credit analyses, and counseling taxpayers on their obligations to pay their taxes. She'd soon need counseling of her own.



The employee had, shall we say, a fondness for gambling, but no available means for getting to the casinos. [What luck.] But, where there's a will, there's a wager (so to speak). She began charging car rentals on her GCC. After gambling her remaining funds, she began betting using the GCC. Finally, for good measure, she failed to pay the bills.

This caught up with her: first in a lie to her supervisor [a very risky bet], when she falsely stated that she had thought she had been using her personal credit card (Of course, it was later revealed that she **had no** personal card); second when she went double-or-nothing by letting her unpaid bills aggregate to the amount of \$7,052.71.

The MSPB, which was *shocked – shocked, I tell you --to find that gambling had been going on*, noted in its decision that the employee attended Gambler's Anonymous and received therapy only *after* the charges were filed, and did not continue with the therapy. She also made no attempt to repay the government during that time. Under the circumstances, we think odds on the MSPB outcome were better than even money.

Training Module Kudos

Have they fallen in love with Ethics?

By Brittany Goodman



OK, so, that's a stretch, eh? Yet, as unbelievable as it may seem, some federal employees love taking the ethics training modules.

Employees who file financial disclosure reports are required to take one hour of ethics training each year. Judging from several comments and E-mails we received, employees thought that the training modules were awesome! Here are some of the comments:

"I just came from the ethics training and you'll be pleased to know it was based almost exclusively on the USDA ethics website. Half of it was playing the steeplechase game... I felt like a beaming proud mother..." Debbie Matz, former USDA Deputy Assistant Secretary for Administration during the establishment of OE in 1998.

"Just took ethics training, and happened to try the sweepstakes module. My compliments on making that module both fun and informative."

"I'm an assistant ethics counselor with [a Federal agency]. When notifying employees of training options this year, I sent out a link to your site (among others). I began receiving feedback from employees who'd opted to use your modules-- very positive feedback! So, although I'd already met my annual training requirement, I logged on to see what the buzz was about. All I can say is: Well done! The touches of humor are just

right, and the scenarios interesting and informative without being complex. Wish ours was that good."

"You folks do the absolutely BEST on-line training I have ever taken! Kudos to you! I actually look forward to this training, and enthusiastically encourage my colleagues to give it a try (even when they don't HAVE to!). Thanks for making learning fun!"

OE: Thanks to all who let us use your comments. Your check should arrive shortly. Uh, . . .Just kidding.



PERSONNEL NOTES

Working at OE can be like a *Magical Mystery Tour*... "You Say Goodbye and I Say Hello"



FAREWELL, LOLITA
"You say goodbye ... "

Was it Buddha or LaoTse who coined the phrase "Life is Change?" In 2004, for OE, life wasn't change; it was more like an *Extreme Office Makeover*. At least Lao Tse would've appreciated our past year, for we indeed experienced change and "interesting times."

At OE, we have become proficient in the art of reporting nice things about our friends and comrades in the Ethics Newsletter. And most of what we have said is true! In the center of reporting these goings – in fact, in the center of all things OE since 1998, for that matter – was Lolita Roberson. Now it's her turn.

Lolita Roberson said goodbye to OE and hello to Farm Service Agency in October of 2004. John Surina brought Lolita to OE along with Dave Spradlin at its very inception in 1998. One of the world's nicest people, Lolita, as Ethics Program Assistant, was the perfect person to have out front in a new office – an ethics office, at that -- working to establish good will. John could not have wished for a better person to project customer service, teamwork, and genuine decency (always good to have in any ethics office).

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From 1998 through early 2003, Lolita was like the character “Radar O’Reilly” of “M*A*S*H* -- she seemed to know exactly who needed what done before they even knew it. She clearly served as the glue that held OE together.

In early 2003, seeking greater challenges, Lolita moved from the Ethics Program Assistant position to the newly-created Ethics Specialist position at OE which was created to serve as Mission Area Ethics Advisor (MAEA) for offices serviced by Departmental Administration (DA). In her 18 months in this position, she basically recreated the DA confidential financial disclosure program. During her tenure, timely filing of reports jumped from just under 50% to 93% and timely review rose from less than 30% to over 96%. She worked to initiate an ethics orientation program for new employees within DA. She also created the “Travel Card” ethics module. Oh yes, it needs to be mentioned that, during her first six months as Ethics Specialist, she continued to serve as Ethics Program Assistant while the office worked to fill her former spot.

To say that we’ll miss Lolita is a gross understatement. She’s family here. But growth often requires change. To truly grow in the USDA Ethics Program, one needs experience in an agency program and Lolita had the “fire” to seek that experience. For that reason, this is a great move and the right move. Bottom line: She’s still in the USDA Ethics Program, so we’ll still be working with her. Go get em, Lolita.

“[and] You say goodbye . . .”

LINDA SIMMONS RETIRES

After 30 years of government service The Magical Mystery Tour ended for Linda



Simmons who retired Jan 3, 2005. She was the MAEA at NFC for seven years where she managed the program from the ground up.

Mike Edwards of OE wrote the following words about Linda:

“We always looked forward to Linda’s calls here at the Office of Ethics. And no, it wasn’t because Linda had the hardest questions--although her questions were always well researched and thought out. No, it wasn’t because NFC had the most interesting issues, although [they] DID send us some unusual ones. No, it wasn’t because of the kind of issues she raised; it was because of the kind of person she was [and still is].”

You could always count on Linda to be cheerful, friendly, and positive--day after day, month after month, and year after year. We liked her so well up here; we always hoped we could turn the NFC ethics office into our branch office. That way she could be officially the part of our Ethics HQ family that she has always been unofficially.

Ray said it best, * and often, ‘Linda is a classy lady.’ I admit to having plagiarized this line myself--and not infrequently-- when trying to give a one-sentence description to a new employee. And she is that; but she is so much more. We will miss her greatly.”

* NOTE: Ray also says, “Ethics Advisors are strongly urged to quote the Director”.

WELCOME SUZANNE MEYER “. . .[We] say hel-lo-o-o, o-o-o, o . . . Hel-lo-o- hel-oo.”



While we have been privileged to be able to say good things about the absolutely super people with whom we’ve had the honor of spending our working hours, there remains a thing called “work to do.” (Continued next page)

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With the first quarter of FY 2005, we're glad to try and write about something new – for example, about folks **coming** into OE. It's new for us, but we're glad to give it a try.

It took a while, but OE finally found the person to fill Dave Spradlin's position – someone who could hit the ground running. In October, Suzanne Meyer came on board. Suzanne comes from the National Archives and Records Administration where she served as Deputy Ethics Official for several years and Alternate DAEO for 2 years. Suzanne is serving as Ethics Desk Officer for the Food Safety and Inspection Service and Marketing and Regulatory Programs.

WELCOME BACK ELLEN PEARSON “... Hello, hello ...”



Lolita's departure to FSA came as part of a position swap. Coming to OE in return is Ellen Pearson.

Ellen's a familiar face here at OE. She came over here on a detail in 2003 and her energy and humor helped her fit into this mix quite easily. Ellen will serve in Lolita's old role as Mission Area Ethics Advisor for Departmental Administration.

COMING SOON; DAWN BOLDEN “. . . [We] say hel-lo-o-o, o-o-o, o . . . Hel-lo-o-o.”



And finally, starting February 6 will be Dawn Bolden. Dawn is a well-known personality throughout USDA Ethics.

Dawn worked for Linda Simmons for several years running a very effective

ethics shop at the National Finance Center.

Anyone who knows Dawn knows that “high energy” tends also to appear in any sentence with her name attached to it.

Political E-mail by Federal Employees



Sending partisan E-mails from Federal office computers is a hot topic. Prior to the 2004 election, the Office of Special Counsel (OSC) issued Advisory discussing the possible Hatch Act violations that could result when such E-mails are sent to large groups of co-workers. Not everyone listened.

In January, OSC filed two similar complaints seeking disciplinary action against Social Security Administration (SSA) employees for sending politically partisan e-mail messages while on duty and in a Federal building, in violation of the Hatch Act. One employee sent an e-mail message to about 27 of his coworkers containing a widely circulated picture of President George W. Bush in front of an American flag with the statement “I Vote the Bible.” The other employee sent e-mail to 22 people containing an article entitled “Why I am supporting John Kerry for President?” and is presented as a letter that appears to be written by John Eisenhower, son of President Eisenhower.

The cases were filed with the MSPB, which decides if disciplinary action is warranted, with presumptive punishment being removal, but minimum punishment is a 30-day suspension without pay. For more information see http://www.osc.gov/documents/press/2005/pr05_02.htm

Your Ideas and Stories are Welcome

Please consider sending any ethics news or ideas for stories for the next *Office of Ethics Newsletter* to Ellen.Pearson@USDA.gov.