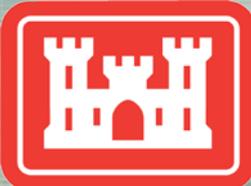


Partnership Conduct & Ethics

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Objectives

- Understand ethical standards and legal responsibilities
- Be aware of key considerations that help determine whether there is an ethics issue:
 - ▶ Solicitation
 - ▶ Roles and memberships with partner organizations
 - ▶ Working with partners who are fundraising
 - ▶ Acceptance of contributions & donations
 - ▶ Appropriate partner/donor recognition





As a Federal Employee ...

...your first responsibility is to represent the interests of the government. This should be reflected in all your actions.



As a Public Agency Partner ...

... you must understand that the public expects a high level of transparency and accountability.



Regulations and Policies

A partnership does not allow the Corps to circumvent applicable legal requirements in areas such as:

- Procurement
- Personnel or labor laws
- Printing, publishing or audiovisual production
- Issuance of special use permits
- Real Estate licenses and leases
- Fiscal responsibility
- Environmental Regulations

Bottom Line: Regulations and Policies
MUST BE FOLLOWED !



Legal Requirement Examples

Your lake has partnered with IMBA to construct a new trail with volunteers. The Corps needs to construct a new restroom to service the trail.

Class exercise/discussion:

- What process would use to procure the restroom?
- Can you assist IMBA in their fundraising activities for their part of the partnership?



Why Bother with Ethics and Conduct?

- Administrative action
- Criminal prosecution
- Violation of Public Trust



Ethical rules are based on presumptions of human behavior, not your morals.



When in Doubt...

Contact your supervisor or your Ethics Counselor in the Office of Counsel !

It is best to involve your Office of Counsel at an early stage in the development of your Partnerships.



Ethics Issue

- Can I solicit contributions?



Corps Employees Cannot ...

.... solicit or take any action that gives the appearance that they are soliciting contributions in support of Corps programs or activities.

The term “solicit” means any request made to a non-federal entity, group or individual for contributions to be made directly or indirectly to the Corps.

You Cannot directly ask for contributions.

You CAN provide information!



Ethics Issues

- Can I be a member (or officer) of a partner organization?
- How do I work with partners who are fundraising for project support?
- Can I accept a gift or donation from a partner?
- What is the proper way to recognize partners for their contributions?





**US Army Corps
of Engineers**

Contributions, Fundraising and Recognition

Reference Guide

October 2008

<http://corpslakes.usace.army.mil/partners/pdfs/appl10/3.2%20CFRG%20Guide-2008.pdf>



Purpose

The purpose of this Contributions, Fundraising and Recognition Reference Guide is to provide information to managers about accepting contributions and working with organizations who seek to raise money to benefit the U.S. Army Corps of Engineers Natural Resources Management (NRM) Program.



Can I be a member (or officer) of a partner organization in an *official* capacity?

Yes, a USACE Employee may serve as:

- ▶ Official Liaisons
- ▶ Technical Advisors
- ▶ Committee Chairpersons
- ▶ General (Simple) Membership



Serving in an *official* capacity means...

Participating officially means you are assigned by a supervisor, working on official time, reimbursed for travel, using a government vehicle, in official uniform, on federal premises or invited to participate as a result of your official position.



What Employees Need To Know when Serving in “*Official*” Capacity:

- Clearly define “official” role through working agreement
- Can attend national meetings when identified on training plan
- Agency may purchase membership to stay informed of activities
- Present partner proposals to appropriate agency officials
- Need prior approval to accept travel costs (airfare, lodging, etc)



When Serving In “*Official*” Capacity, Employees may **Not**:

- Participate in a fiduciary role as officer, director or trustee unless authorized by statute or waiver
- Participate in partner operations, e.g. budget, fundraising, membership drives, by-laws, lobbying, or “for profit” activities
- Endorse products or services
- Represent anyone but United States



When Serving In “*Official*” Capacity, Employees may **Not**:

- Accept compensation for official duties performed with partner organization (incl. honoraria)
- Utilize appropriated funds to do work activities through a partner that USACE is not authorized to do
- Perform services in support of a partner’s efforts to lobby Congress



Exceptions to the Rule

- USACE employees may accept unsolicited gifts values at \$20 or less (market value), per occasion, from a single prohibited source. **However, gifts from any single prohibited source may not exceed \$50 in any given calendar year. You may not accept cash or other monetary instruments under any circumstances.**
- **Widely attended gatherings:** When there has been a determination that your attendance is in the interest of the agency, you may accept an unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering.
- Accept waiver of conference fees or acceptance of meals when you are speaking in your official capacity.



Exceptions to the Rule

(continued)

USACE employees may accept:

- discounts and similar benefits that are offered to the public, other groups that you belong to, or to all government employees,
- gifts based on outside business or employment relationships,
- awards and honorary degrees,
- gifts from a political organization
- gifts based on a personal relationship.

Be Careful! Perception is Reality.



Can I be a member (or officer) of a partner organization in a *personal* capacity?

YES!...Participation in a nonfederal organization in an unofficial, personal capacity must occur on personal time, not on official work time. Informing supervisors is encouraged to ensure that federal policies are being followed.



A Word of Caution !!!

Participating in a personal capacity must not compromise an employee's first responsibility to represent the interest of the Federal government.

Again... when in doubt,
consult your Office of Counsel



How do I work in an official capacity with partners who are fundraising for project support?

- Attending fundraising events in an official capacity is permitted – though restricted to approved and official remarks.
- Participation may not appear to endorse the fundraising effort or the organization; this includes asking for money.



Things Employees “Need to Know” when Attending Partner Fundraising Events:

- Can be named on invitation as speaker but not shown as sponsor
- May wear uniform, but limit remarks to programs, projects or subjects related to the agency’s mission
- Cannot ask for money, support or receive donations on behalf of partner
- May not use title, position or authority to support fundraising efforts



Partnerships vs. Fundraising

- Negotiating and documenting a partnership agreement with a partner is not considered fundraising.
- Mutual benefit exists when both the government and the partner benefit in the same qualitative way from the objectives of the partnership agreement.



Gift/Donation vs. Partner Contribution

Partner contributions in support of a partnership agreement are not considered “gifts or donations” under the terms of gift acceptance laws and regulations.



Augmentation

The partner's portion of a partnership agreement is not an augmentation of the budget.

Per CECC-G Bulletin No. 02-12, Challenge Partnership Program



Can USACE Accept Contributions and Donations from a Partner ?

YES!

- The Contributions Program allows the acceptance of contributions and donation from groups and individuals.
- Provided that the contribution or donation is NOT from a Prohibited Source!



A Prohibited Source is an entity that...

- Seeks official action from USACE
- Conducts or seeks to conduct business with USACE
- Conducts activities regulated by USACE
- Seeks to influence USACE policies or regulations
- Has interests that may be substantially affected by your official duties (performance or non-performance)
- Hopes to use your position as a USACE employee to benefit or further it's efforts or mission



Perceptions

- Contributions from an entity which would identify the Corps with casinos, alcohol or tobacco products shall be **declined**.
- **Any** contributions or donations that may be perceived as controversial shall be declined.



Remember...

- All potential contributions **MUST** be vetted.
- Any group or individual may potentially be a prohibited source of gifts or donations if they are seeking official action from USACE
- Contributions negotiated in a partnership agreement are not the same as a gift or donation to USACE.



What is the proper way to recognize partners for their contributions?

Recognizing partners for their contributions visibly demonstrates the agency's appreciation and underscores the value of partner's contributions toward stewardship of the nation's lands and natural resources.



Principles For Partner Recognition

- Letters of appreciation, news releases, public events, mementos, signs, displays, plaques, certificates can be used to recognize accomplishments
- Recognition should be within the context or program benefiting from the partnership
- Recognition of corporate/business partners must not imply product endorsement



Endorsements

The Corps should avoid endorsement of any commercially named product or company. In general, this prohibits reference to specific commercial enterprises or to proprietary or brand names of commercial products in interviews and addresses, in printed or duplicated material issued by the Corps, in information to be used for publication, or in visual or sound materials.



More Principles For Partner Recognition...

- All physical forms of onsite recognition should be tasteful and non-obtrusive
- Onsite recognition associated with provision of services should be posted in close proximity



Recognizing Individual Efforts (Nonfederal Partners)

- Non-monetary awards such as letters or certificates can be used to recognize individual achievement
- Awards should display the USACE Castle or appropriate inscription
- Monetary or cash award cannot be offered



Partners Recognizing USACE Employees

- Partners who recognize agency employees are bound by ethics guidelines set by law
- Employees may accept tokens such as plaques, certificates, trophies and cards
- Non-cash awards valued at \$200 or less from sources not affected by employee or agency are permitted (non-prohibited)
- Employees may receive gifts valued up to \$20 per occasion, up to \$50 in any single year from a prohibited source



In Summary:

- As a federal employee your first responsibility is to represent the interests of the government
- Corps Employees cannot solicit. They can provide information.
- There are limits to what you may do in your official capacity
- There are ways to recognize partners for their help
- Reference “Contribution, Recognition and Fundraising Guide”

Ask yourself, will your actions pass the media test?

