



U.S. Office of Government Ethics Outside Activities Employee Crossword Puzzle Answers

Across

1. Some high-ranking employees are restricted in the _____ of money they can receive as outside earned income

Certain high-ranking employees cannot earn an amount of income that exceeds 15 percent of their basic pay in a calendar year. There are also other special rules that apply to them. If you are a high-ranking employee, it is a good idea to check with your ethics official before engaging in outside employment and activities. Presidential appointees to full-time noncareer positions are not to receive any outside earned income during their Presidential appointments, unless they signed a contract for employment or outside activities prior to April 12, 1989.

5 C.F.R. § 2635.804(b) states:

Covered noncareer employees. Covered noncareer employees...may not, in any calendar year, receive outside earned income attributable to that calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under 5 U.S.C. 5313, as in effect on January 1 of such calendar year. Employees should consult the regulations implementing this limitation, which are contained in §§ 2636.301 through 2636.304 of this chapter.

Note: In addition to the 15 percent limitation on outside earned income, covered noncareer employees are prohibited from receiving any compensation for: practicing a profession which involves a fiduciary relationship; affiliating with or being employed by a firm or other entity which provides professional services involving a fiduciary relationship; serving as an officer or member of the board of any association, corporation or other entity; or teaching without prior approval. Implementing regulations are contained in §§ 2636.305 through 2636.307 of this chapter.

5 C.F.R. § 2636.303(a) states:

Covered noncareer employee means an employee, other than a Special Government employee as defined in 18 U.S.C. 202, who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, and who is:

(1) Appointed by the President to a position described in the Executive Schedule, 5 U.S.C. 5312 through 5317, or to a position that, by statute or as a matter of practice, is filled by Presidential appointment, other than:

- (i) A position within the uniformed services; or
 - (ii) A position within the foreign service below the level of Assistant Secretary or Chief of Mission;
- (2) A noncareer member of the Senior Executive Service or of another SES-type system, such as the Senior Foreign Service;
 - (3) Appointed to a Schedule C position or to a position under an agency-specific statute that establishes appointment criteria essentially the same as those set forth in § 213.3301 of this title for Schedule C positions; or
 - (4) Appointed to a noncareer executive assignment position or to a position under an agency-specific statute that establishes appointment criteria essentially the same as those for noncareer executive assignment positions.

For purposes of applying this definition to an individual who holds a General Schedule or other position that provides several rates of pay or steps per grade, his rate of basic pay shall be the rate of pay for the lowest step of the grade at which he is employed.

5 C.F.R. § 2635.804(a) states:

Presidential appointees to full-time noncareer positions. A Presidential appointee to a full-time noncareer position shall not receive any outside earned income for outside employment, or for any other outside activity, performed during that Presidential appointment. This limitation does not apply to any outside earned income received for outside employment, or for any other outside activity, carried out in satisfaction of the employee's obligation under a contract entered into prior to April 12, 1989.

4. You are to file and pay these by April 15th

An employee must satisfy in good faith all his obligations as a citizen, including his just financial obligations. These include Federal, state, and local taxes imposed by law. Nonpayment reflects poorly on the government as a whole.

5 C.F.R. § 2635.809 states:

Just financial obligations. 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. For purposes of this section, a just financial obligation includes any financial obligation acknowledged by the employee or reduced to judgment by a court. In good faith means an honest intention to fulfill any just financial obligation in a timely manner. In the event of a dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt or to collect a debt on the alleged creditor's behalf.

6. You must use an approved _____ if you use your official title when writing an article in a scientific or professional journal as an outside activity

Because you are writing an article in a scientific or professional journal as an outside activity and not part of your official duties, you must use a disclaimer if you use your government title or position. The disclaimer must be approved by your agency and state that the views expressed in the article do not necessarily represent the views of the agency or the United States.

5 C.F.R. § 2635.807(b)(2) states:

Reference to official position. An employee who is engaged in teaching, speaking or writing as outside employment or as an outside activity shall not use or permit the use of his official title or position to identify him in connection with his teaching, speaking or writing activity or to promote any book, seminar, course, program or similar undertaking, except that: . . . An employee may use, or permit the use of, his title or position in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer satisfactory to the agency stating that the views expressed in the article do not necessarily represent the views of the agency or the United States.

7. This act governs the political activities of executive branch employees

The Hatch Act governs the political do's and don'ts for employees. Although briefly mentioned in the standards of conduct, the Office of Special Counsel is responsible for the Hatch Act rules.

5 C.F.R. § 2635.801(d)(7) states:

In addition to the provisions of [the standards of ethical conduct], an employee who wishes to engage in outside employment or other outside activities must comply with applicable statutes and regulations. Relevant provisions of law, many of which are listed in subpart I of [the standards of ethical conduct], may include [t]he Hatch Act Reform Amendments, 5 U.S.C. 7321 through 7326, which govern the political activities of executive branch employees.

10. Find out if your agency requires _____ approval for outside employment or activities

Some agencies require prior approval before you accept an outside job or activity. Your agency needs to be sure your personal activities do not conflict with your government job. Check with your ethics official to see if your agency requires prior approval.

5 C.F.R. § 2635.801(b)(2) states:

An employee who wishes to engage in outside employment or other outside activities must comply with . . . any agency-specific requirement for prior approval of outside employment or activities.

11. When fundraising in your personal capacity, one type of person from whom you can't solicit money is a _____

Basically you can engage in private fundraising outside the workplace as long as you do not ask for a contribution from a subordinate or from someone who is regulated by, does business with, or seeks official action by your agency, or has interests that may be substantially affected by you when you do your job.

5 C.F.R. § 2635.808(c) states:

Fundraising in a personal capacity. An employee may engage in fundraising in his personal capacity provided that he does not: (1) Personally solicit funds or other support from a subordinate or from any person:

(i) Known to the employee, if the employee is other than a special Government employee, to be a prohibited source...; or

(ii) Known to the employee, if the employee is a special Government employee, to be a...person whose interests may be substantially affected by performance or nonperformance of his official duties.

5 C.F.R. § 2635.203(d) states:

Prohibited source means any person who:

- (1) Is seeking official action by the employee's agency;
- (2) Does business or seeks to do business with the employee's agency;
- (3) Conducts activities regulated by the employee's agency;
- (4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
- (5) Is an organization a majority of whose members are described in paragraphs (d) (1) through (4) of this section.

Down

1. Only your _____ may authorize you to give an official speech at a fundraiser

Only your agency may authorize you to give an official speech at a fundraiser. That is because your agency must weigh certain factors to make sure the speech is appropriate in a fundraiser setting. This safeguards your agency's reputation and protects the agency from the perception that the government endorses a particular charity. Even if your agency permits you to give the speech, you should never request donations or other support for the charity.

5 C.F.R. § 2635.808(b) states:

Fundraising in an official capacity. An employee may participate in fundraising in an official capacity if, in accordance with a statute, Executive order, regulation or otherwise as determined by the agency, he is authorized to engage in the fundraising activity as part of his official duties. When authorized to participate in an official capacity, an employee may use his official title, position and authority.

5 C.F.R. § 2635.808(a)(3) states:

Official speech means a speech given by an employee in his official capacity on a subject matter that relates to his official duties, provided that the employee's agency has determined that the event at which the speech is to be given provides an appropriate forum for the dissemination of the information to be presented and provided that the employee does not request donations or other support for the nonprofit organization...

2. Don't use your official _____ when fundraising in your personal capacity

You cannot use your title, position or authority, government time, or government equipment to engage in private fundraising. Using your title would make it seem like the government endorses your private fundraising. However, if you usually are addressed by a rank, such as a military or ambassadorial rank, you may use that title.

5 C.F.R. § 2635.808(c)(2) states:

Fundraising in a personal capacity. An employee may engage in fundraising in his personal capacity provided that he does not use or permit the use of his official title, position or any authority associated with his public office to further the fundraising effort, except that an employee who is ordinarily addressed using a general term of address, such as "The Honorable," or a rank, such as a military or ambassadorial rank, may use or permit the use of that term of address or rank for such purposes.

3. Generally you cannot accept money for speaking about your official _____

In general, you cannot receive money from any source other than the government when you speak about your official duties. Different factors go into the decision of whether speaking – or teaching or writing – relates to your official duties. Some factors include whether you are assigned to the matter now or in the last year, or whether the invitation to speak was because of your government job. Your ethics official can help you decide if speaking, teaching, or writing relates to your official duties.

5 C.F.R. § 2635.807(a) states:

Compensation for teaching, speaking or writing. Except [for teaching certain courses (identified in the next CFR reference)], an employee, including a special Government employee, shall not receive compensation from any source other than the Government for teaching, speaking or writing that relates to the employee's official duties.

5 C.F.R. § 2635.807(a)(3) states:

Exception for teaching certain courses. An employee may accept compensation for teaching a course requiring multiple presentations by the employee if the course is offered as part of:

(i) The regularly established curriculum of:

(A) An institution of higher education as defined at 20 U.S.C. 1141(a);

(B) An elementary school as defined at 20 U.S.C. 2891(8); or

(C) A secondary school as defined at 20 U.S.C. 2891(21); or

(ii) A program of education or training sponsored and funded by the Federal Government or by a State or local government which is not offered by an entity described in paragraph (i) above.

5. When speaking at a conference as an outside activity you may use your government title as one of several _____ details

You may use your government title as one of several biographical details when speaking at a conference that is not part of your official duties. The caveat is that your title may not be more prominent than other biographical details. If your title is displayed any other way, the audience may think you are speaking on behalf of your agency instead of expressing your personal opinions.

5 C.F.R. § 2635.807(b)(1) states:

Reference to official position. An employee who is engaged in teaching, speaking or writing as outside employment or as an outside activity shall not use or permit the use of his official title or position to identify him in connection with his teaching, speaking or writing activity or to promote any book, seminar, course, program or similar undertaking, except that:

(1) An employee may include or permit the inclusion of his title or position as one of several biographical details when such information is given to identify him in connection with his teaching, speaking or writing, provided that his title or position is given no more prominence than other significant biographical details.

8. You can't have an outside job when it _____ with your official duties

You cannot have an outside job or any other outside activity that conflicts with your official duties. The outside job could be prohibited by a law or regulation that applies to your agency, or the job might present a conflict because it would disqualify you from performing a significant amount of your government duties.

5 C.F.R. § 2635.802 states:

An employee shall not engage in outside employment or any other outside activity that conflicts with his official duties. An activity conflicts with an employee's official duties:

- (a) If it is prohibited by statute or by an agency supplemental regulation; or
- (b) If it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired.

Employees are cautioned that even though an outside activity may not be prohibited under this section, it may violate other principles or standards set forth in [the standards of conduct] or require the employee to disqualify himself from participation in certain particular matters under either subpart D or subpart E of [the standards of conduct].

9. Generally when you teach, speak, or write about something related to your job, you have to do it for _____

When done as part of your official duties, you must teach, speak, or write for free without any kind of compensation. In general, you cannot receive money from any source other than the government when you speak about your official duties. However, you may be able to accept compensation when teaching certain courses.

5 C.F.R. § 2635.807(a) states:

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5 C.F.R. § 2635.807(a)(3) states:

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 - (B) An elementary school as defined at 20 U.S.C. 2891(8); or
 - (C) A secondary school as defined at 20 U.S.C. 2891(21); or

(ii) A program of education or training sponsored and funded by the Federal Government or by a State or local government which is not offered by an entity described in paragraph (i) above.