Ethics and Government Conference Attendance

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Joint Ethics Regulation (JER)

- The primary standards of ethical conduct for DOD personnel are set forth in the Department of Defense Joint Ethics Regulation ("JER")
- The JER was first issued in August 1993 (under the authority of DOD Directive 5500-7, "Standards of Conduct") and has since been revised four times, with the last revision on September 6, 1998
- The JER is nearly all-inclusive in that it incorporates most laws, Executive Orders, codes and standards of ethics pertinent to DOD
- It applies (almost) equally to those in uniform and those in the civil service
Personal vs. Official Capacity

- Activities undertaken by DOD personnel in an “official capacity” and
- Activities undertaken in a “personal capacity.”

- The nature of the relationship guides the permissible activities. Much can be done by government personnel in their personal capacities, whereas there are restrictions on “official capacity” activities.
Membership in Private Organizations

• DOD personnel encouraged to participate in activities that enhance their professional and personal development or enhance the local military or civilian community

• DOD personnel must join personally as individual members, except
  – DOD may pay for “Liaison” to private organization if appointed by Commander
  – DOD may pay for Public Agency Membership
Official Participation in SAME

• Individual may participate in SAME activities in “Official” capacity at government expense when there is a legitimate government purpose, subject to availability of funds:
  – As a speaker at a SAME event
  – Education and Training
  – Gathering information of value to government

• The approving authority for use of travel funds may not be a member of SAME

• For government civilians, charging individual’s time depends on local policy and budgets.
Personal Participation SAME

- DOD personnel may attend SAME meetings on their own time and at their own expense in a personal capacity, subject to being granted leave or permissive TDY.

- JER promotes granting of excused absences or administrative leave for voluntary participation where the participation will benefit the government – this is not the case recently due to sequestration.

- Military personnel may wear the uniform when attending SAME meetings in their personal capacity – contentious issue with the Navy and Air Force.
Attendance Fees

• SAME may offer reduced attendance fees for public sector members

• Government attendees may accept food and entertainment
  – Where no attendees are charged and the value of the food and entertainment is $25.00 or less
  – The event is a “widely attended event” in which case the amount can exceed $25.00
Use of Government Support

- When government official makes a presentation in an official capacity, government equipment and administrative support may be made available to prepare and make the presentation.
- There may be no government support to an individual participating in a personal capacity and individual should state that views expressed do not represent those of the agency or department.
- Do not use government email or address for “mass emails” on behalf of the Post.
Management of SAME

• DOD may participate as officers and Board members in their “personal” capacity as long as participation is outside the scope of their official duties and they are elected to the position.

• DOD personnel may not be appointed as officers or Board members on the basis of their official positions – best to rotate Post President between government and industry.

• SAME may refer to the rank but not the position title of a DOD official acting in a “Personal Capacity”.
Endorsements of SAME

- DOD personnel may endorse SAME in their “personal capacity” but not in their “official capacity.”
- DOD personnel may not be involved in membership drives or fund raising in their official capacity.
- DOD personnel may not endorse event attendance in their official capacities.
- Government offices may distribute information on SAME events through official channels when it is considered such information is of value to DOD personnel and the practice is not exclusive to one organization. Cannot contain “sponsor” information.
Government Attendance at Conferences

- OMB Directive to reduce government travel expense by 30% below 2010 levels
- SAME does not endorse co-sponsorships as they require approval by the Secretary of respective DOD Department and cannot make a profit.
- A SAME conference with more than 50% government speakers is considered a co-sponsored conference
- SAME encourages Posts to have no registration fees for government attendees to facilitate local participation without cost to the government, thus not requiring HQ approval
Government Conference Policy

- Agency must determine that the conference attendance is “mission essential” and cannot be accomplished by other means (e.g. teleconference)
- High level approval required for ALL non-DOD conference attendance for which government will incur any expense
- Conference approval (HQ) is separate process from approval for government travel (local Commander or Supervisor)
- SAME will continue to offer travel stipends for SAME and Service Award recipients to attend JETC
Official Speeches and Related Travel Expenses for DoD Personnel. DoD personnel may not travel beyond the local area at DoD cost, including to deliver official speeches, unless the activity is deemed mission critical. Each organization in OSD, Service Component or Combatant Command is responsible for making this “mission critical” determination. Expenditure of DoD travel funds to support a mission critical official speech must be approved by the member’s respective OSD organization, Service Component or OCOM leadership. The Department may continue to accept unsolicited travel benefits from on-Federal sources in accordance with Title 31, USC, Para 1353, “Acceptance of Travel and Related Expenses from Non-Federal Sources.” However, all expenses for non-mission critical travel must be covered by the non-Federal source, including per diem, lodging, meals, transportation and all other travel related expenses.”
Uniform Service Policies

- NAVFAC Commander will not accept funds from SAME HQ and has approved very few requests for official travel.
- Air Force HQ concurs in SAME funding but must include all TDY expenses, otherwise, requires approval from SecAF which must be supported as “mission essential.”
- USACE CG has approval authority for up to $20,000 and has used authority to approve official TDY for USACE personnel; USACE and Ft Leonard Wood have accepted SAME travel funding for award recipients.
- USCG currently not approving any conference travel and will not accept reimbursement for official travel.
- USPHS is decentralized and local officials can approve and determine ability to accept travel reimbursement.
- USMC may not expend government funds for non-DOD conferences but may attend in a personal capacity in a leave status at their own expense. Individual Marines may be invited to speak but must be approved through Chain of Command.
Attendance in Personal Capacity

- Individual must be on leave or permissive TDY (only leave for USMC)
- Determination on acceptance of SAME reimbursement for travel expenses made by local ethics advisor---considered a gift by JER
- SAME plans to continue to offer travel stipends for public sector Post Presidents to JETC
- SAME will continue to offer stipends to Public Sector Post Presidents to attend JETC in personal capacity
Questions and Comments