and I do see we are right at the top of

0:09

the error where you guys ready to be yes

0:11

please

0:31

good afternoon morning ladies and

0:33

gentlemen thank you all for sitting by

0:35

I'd like to inform all participants that

0:37

your minds have been placed on a

0:38

listen-only mode for the duration of the

0:40

call there will be no question and

0:41

answer session at the end I'd like to

0:43

now turn the call over to mr. Patrick

0:45

Sheppard Thank You Darren you may begin

0:47

thank you good afternoon and welcome to

0:49

this Institute for ethics and government

0:50

broadcast concerning our navigating

0:54

fundraising and other solicitations I'm

0:56

Patrick Sheppard and I'm very pleased to

0:57

be joined today by Cheryl Kim Piasecki

0:59

welcome Cheryl thanks Patrick so today

1:02

we're we're gonna walk you through a

1:03

document and just as a reminder this

1:07

broadcast like all other broadcasts will

1:09

be available in the Institute for ethics

1:11

and government web portal immediately

1:12

upon the conclusion of this presentation

1:14

so you know if you have to take a break

1:16

if they called into a meeting whatever

1:18

you'll be able to go and watch the

1:20

recording as soon as we're done here

1:21

very good sure get started yes

1:23

absolutely

1:23

um so we as patrick said today's session

1:28

is going to be showing you how to

1:31

navigate basically a navigational tool

1:34

so I want to direct your attention to

1:36

what is effectively the queen of the

1:38

parade today which is the document that

1:40

we supplied you with in addition to the

1:42

slide deck so we're gonna be making

1:45

reference to that throughout the day

1:47

throughout this presentation and so it's

1:49

really important that you have it in

1:50

front of you either on your desktop open

1:52

on your desktop or in hardcopy when on

1:55

before you I want to begin by talking

1:58

just a little bit about the genesis of

2:00

this document as it says in the in the

2:02

in the first page of this document as

2:04

well as what we included in the listserv

2:05

of this document was a product of a the

2:09

ethical implications of emergency

2:12

response working group that OD convened

2:14

in the wake of hurricanes Katrina and

2:15

Rita back in 2005 we had organized a two

2:20

to three-day conference bringing

2:22

together folks who were either had

2:25

emergency response responsibilities or

2:29

whose folks had been affected were in

2:31

the affected areas of hurricanes Katrina

2:32

and Rita to talk about lessons learned

2:34

and to come up with some documents and

2:38

things that could be used to help

2:39

agencies better prepare for for future

2:44

natural disasters and other emergencies

2:46

so in the the fact that we are in you

2:50

know tornado season and approaching

2:52

hurricane season we thought this was a

2:54

timely this would be a timely tool for

2:59

folks who might be contending with

3:00

similar sorts of issues fundraising was

3:03

certainly a common topic among many of

3:06

the participants navigating the various

3:09

authorities making determinations about

3:10

when and under what circumstances

3:12

certain solicitations constituted

3:14

fundraising for purposes of the combined

3:16

Federal Campaign and for purposes of the

3:18

fundraising provisions of the standards

3:20

and when those collections or

3:22

solicitations did not and that's

3:24

primarily what this document is going to

3:26

try to do for you is to address the

3:28

primary authorities that are likely to

3:30

be implicated when you have a situation

3:32

where something is being solicited

3:35

either goods in kind or monies are being

3:38

solicited to go either to charitable

3:40

organizations or to individual employees

3:43

affected employees and their families

3:44

this this where this document is

3:47

designed to help you figure out which of

3:49

those authorities you should be turning

3:51

your attention to depending upon the

3:53

facts that you have at hand so Patrick

3:55

if you could pull back the slide deck

3:57

from me then so I want to take a second

**What is a Job Aid**

4:01

to talk about what this job aid is and

4:04

what this job aid is not what it is as I

4:07

said in a few seconds ago is it's an

4:10

overview of the most common authorities

4:13

that you're likely to encounter in

4:14

situations where you have monetary

4:17

solicitations or collections of goods

4:19

and kind the document itself is designed

4:23

to be a navigational tool to help you

4:27

figure out precisely which authorities

4:29

to consult what it is not it is not

4:33

exhaustive of all of the potentially

4:36

applicable authorities we're looking at

4:37

the primary authorities that we think

4:39

will be implicated we are not presuming

4:42

that there are not other authorities

4:43

that might come into play in a

4:46

particular fact situation that you will

4:47

that you'll find yourself in would be

4:49

fair to say that this is a work product

4:51

of sort of cross agency cross government

4:53

collaboration and these are kind of some

4:55

practices that people have identified

4:57

the most common ways that people are

4:59

things that people have to look at to be

5:00

able to resolve their issues it was a

5:02

collective document it was a document

5:04

that was put together by by various

5:07

people who were involved in the in the

5:09

emergency response working group and and

5:12

it's meant to be a job aid and that's

5:14

why we're calling it a job aid it is not

5:16

interpretive guidance it is not going to

5:18

answer specific fact questions that you

5:20

may be presented with it's mostly a

5:22

matter of helping you understand if I

5:25

have this set of facts which authorities

5:28

am I likely going to be bumping up

5:30

against and that's really what its

5:32

intended to do is to help you navigate

5:33

the various authorities that can and do

5:36

come into play depending upon the nature

5:39

of the solicitation depending upon who

5:41

the solicitation is for depending upon

5:43

where the solicitation takes place and

5:45

that's how we've structured that

5:46

structured the document so Patrick if

5:50

you can pull us back to the fundraising

5:51

another solicitations document what I

5:53

want to call everyone's attention to if

5:55

you can go to page 3 of this document

6:01

effectively what we are trying to do for

6:03

you in in page 3 is to orient you to the

6:08

concepts that you're going to have to

6:11

have it's a basket of concepts that

6:13

you're going to have to be aware of in

6:16

part 2 we have key questions to ask and

6:20

these are getting at the concepts that

6:23

you're going to have to get under your

6:24

belt to be able to make sense of which

6:27

facts point you to which sets of

6:30

authorities so what we've asked you to

6:34

think about here are what is being

6:36

solicited on whose behalf is the

6:39

solicitation being made where is the

6:41

solicitation taking place who is being

6:44

solicited in what capacity is the

6:46

solicitation being made and if you can

6:50

pull me back to the slide deck Patrick

6:51

the reason these are material the reason

6:54

these concepts are material is it has to

**What is being solicited**

6:57

do with the the legal cut the legal

7:00

definition for fundraising for purposes

7:03

of when you are in CFC and must use CFC

7:05

and when you are in the fundraising

7:07

provisions of the standards of ethical

7:09

conduct so

7:11

I'm following along that

7:12

question-and-answer format when you ask

7:15

yourself what is being solicited if what

7:18

is being solicited our dollars funds

7:23

things other than in-kind items

7:26

cash or cash equivalents that is going

7:29

to be fundraising as it is legally

7:31

defined for purposes of both the CFC and

7:34

subpart H of the standards of conduct if

7:37

you're not if you don't have a situation

7:39

where funds are being raised but rather

7:41

it's an in-kind collection of things

7:43

like toys or books or clothing or food

7:47

if it's an in-kind collection it is not

7:50

fundraising for purposes of CFC or for

7:53

purposes of subpart H of the standards

7:55

of conduct

7:56

similarly on whose behalf is the

7:59

solicitation taking place is it for a

8:01

nonprofit charitable organization or is

8:04

it for individual employees or

8:06

individuals in a community or families

8:08

of affected employees if it is for

8:11

anyone other than a non-profit

8:13

charitable organization it is not

8:16

fundraising and it's not going to fall

8:18

within the with the within the ambit of

8:20

the CFC or subpart each of the standards

8:22

of conduct next concept where is the

8:26

solicitation taking place is it taking

8:28

place in the workplace where is it

8:30

taking place outside of the workplace if

8:32

it's taking place in inside the

8:35

workplace you are in CFC territory

8:38

because CFC is going to govern

8:40

solicitations in the workplace if it's

8:43

outside of the workplace you may very

8:45

well still be in subpart H of the

8:47

standards of conduct but you're not in

8:48

CFC who are you soliciting our federal

8:52

employees being solicited or are others

8:55

people other than federal employees

8:56

being solicited if you're soliciting

8:59

federal employees then you're within the

9:01

CFC so we've structured the document

**Decision markers**

9:05

we've structured the document basically

9:07

to follow along these points of these

9:11

decision these decision markers so if

9:16

you have all four of those things if in

9:18

answering those first four questions you

9:20

answer it is fundraising four dollars it

9:23

is raising

9:24

for a nonprofit organization in the

9:27

workplace soliciting feds you are

9:29

squarely within the CFC so you answer

9:32

those questions you have those answers

9:33

to those questions

9:34

that's CSC if the answer to the first

**Fundraising**

9:40

two questions is yes its fundraising

9:43

four dollars eg it's not a collection of

9:45

items in kind and it's for a nonprofit

9:49

charitable organization it is not for

9:51

individual employees or their families

9:52

etc then you're in subpart H provided

9:56

you're not already in CFC okay for the

9:59

dual out CFC because that's the most

10:02

controlling exactly the CFC rules apply

10:05

they do apply and that's what we look to

10:07

first and only if we don't attain CFC do

10:11

we look to supper nature exactly exactly

10:13

but the key that I want you to

10:15

understand here is when you're talking

10:17

about fundraising we mean a legal

10:19

definition of fundraising not a

10:20

conventional understanding of

10:22

fundraising and fundraising for purposes

10:24

of knowing to go to the CFC and or sub

10:26

party to the standards of conduct is

10:28

that the very least it has to be raising

10:30

funds not goods and it has to be for a

10:32

non-profit charitable organization not

10:35

for individual employees so what is not

**What is not CFC**

10:39

CFC if your answer to the four questions

10:42

if any one of these is your answer to

10:45

any one of those four questions you are

10:47

not in CFC it will take it out of CFC so

10:50

if it's an in-kind collection it's not

10:52

CFC if it's for individuals versus a

10:54

nonprofit organization it's not CFC if

10:57

it's outside of the workplace as opposed

10:59

to inside of the workplace it's not CFC

11:01

if you're soliciting people other than

11:03

federal employees it's not CFC okay

**What is not subpart H**

11:08

similarly for subpart H what doesn't

11:10

fall within the ambit of subpart H if

11:12

it's an in-kind collection it's not

11:14

fundraising for purposes of subpart H if

11:16

you are collecting for or if you're

11:19

soliciting for people for individuals as

11:22

opposed to a non-profit charitable

11:23

organization then you are not in subpart

11:26

H there's one additional concept that

**Official or personal capacity**

11:31

we've built into the structure of this

11:33

document which is really relevant only

11:36

to non CFC fund

11:38

racing and other solicitations which is

11:40

whether or not the the solicitation or

11:42

collection is being undertaken in an

11:44

official capacity

11:45

eg it's official fundraising or that

11:47

fundraising official well could be

11:48

fundraising its it's an official

11:51

solicitation or collection or it's being

11:53

done in your personal capacity so that's

11:55

another you know sort of construct that

11:58

we've built into the decision process in

12:00

the document so each of these

12:02

distinctions is very important because

12:03

they help inform which authorities were

12:05

looking to absolutely so we want to make

12:07

sure we get the order correct so that we

12:09

are appropriately finding the authority

12:12

we need to look to first and this is

12:14

basically to try to give you a shortcut

12:16

to to honing in on the authorities

12:18

immediately by showing you that if you

12:21

ask you know depending upon the answer

12:23

to each of those questions it's going to

12:25

immediately point you to a specific part

12:27

of this document so that you can rule

12:29

out immediately other authorities and

12:31

know that there's an express set of

12:33

authorities that you're going to confer

12:34

and some that you simply are that are

12:36

just not going to apply so on page three

12:39

of that document where we talk about key

12:41

questions to ask

12:42

we also am what I just walked through

12:44

with you in terms of the distinctions

12:46

between what is fundraising what isn't

12:48

fundraising for purposes of CFC and

12:50

whatever is spelled out in the

12:51

definition section in part three so I

12:54

would ask you to constantly sort of

12:56

remind yourself of what the operational

12:58

definitions are for this document

13:00

because we lay it out here this is what

13:03

constitutes fundraising this isn't what

13:05

constitutes fundraising for purposes of

13:08

of the authorities that apply to

13:11

whatever solicitation or collection you

13:13

happen to be analyzing so so how is the

**Organization**

13:21

job Eid organized we've basically

13:24

organized it along these these

13:26

conceptual principles which is to say

13:30

that we've started with in sections five

13:33

within section six and seven what we've

13:35

basically tried to do I'm sorry this one

13:38

sections four and five we have started

13:43

with what those activities that would

13:45

constitute fundraising which is to say

13:47

that they would be raising money for

13:51

profit charitable organization so

13:54

section 4 is dedicated primarily to CFC

13:59

it's going to be looking at fundraising

14:02

for a nonprofit that takes place in the

14:04

workplace

14:04

that's soliciting federal employees so

14:07

section 4 the document is going to walk

14:09

you through the CFC

14:11

it's an overview of 950 it is not an

14:14

exhaustive treatment of 950 I can assure

14:17

you that the information that's in here

14:19

is take has been taken from OPM sources

14:22

the either the the facts that that OPM

14:25

has on its website or OPM did a

14:28

broadcast for us last last summer

14:30

actually talking about the changes to

14:32

950 so anything that's in this section

14:34

with respect to revisions to 950 has

14:36

been taken from the horse's mouth as it

14:38

were okay I think that's an important

14:40

thing to keep in mind that this document

14:41

even though we're presenting as part of

14:43

energy broadcast is really a roadmap to

14:46

who which agencies rules and regulations

14:48

you should be looking to so these are

14:50

more like street signs rather than

14:52

opinions or interpretive guidance

14:55

precisely and I'm glad that you brought

14:57

that up Patrick is that was something I

14:58

wanted to emphasize in the beginning and

15:00

we emphasize that on the first page of

15:01

this document as well which is to the

15:04

extent that you have any questions that

15:06

that arise either from the document

15:08

itself or from you know your attempt to

15:11

to analyze a set of facts that you that

15:15

you're given OPM is the one who has

15:17

cognizance for 9.50 OGE obviously has

15:20

cognizance for the standards of conduct

15:22

and the G and GSA has cognizance for the

15:26

federal management regulations so any of

15:28

those authorities that are that are

15:30

referenced in here any questions that

15:31

you have you really do need to direct

15:33

them to the appropriate the appropriate

15:35

agency that has responsibility for those

15:37

authorities so section 4 is basically

15:41

CFC section 5 which starts on page 8 is

15:52

going to take it outside of the CFC is

15:54

going to be outside of the CFC because

15:56

it's fundraising that takes place

15:58

outside of the workplace so once you

16:01

take it outside of the workplace CFC

16:03

simply is no longer going to

16:05

why and here you'll see in part five

16:08

here's where we start dividing it up

16:10

between official fundraising outside of

16:13

the workplace as opposed to on page nine

16:15

personal fundraising outside of the

16:18

workplace and we discuss what if any

16:20

authorities are going to apply to that

16:22

so fundraising if it's fundraising eg

16:26

they're raising a fund of funds for a

16:28

nonprofit organization now under subpart

16:30

age that it's a little bit broader than

16:32

it is under nine fifty because it's

16:34

personally soliciting funds or selling

16:37

items for the purposes of collecting

16:39

funds or participating in the conduct of

16:42

an event where funds are being raised

16:43

but not withstanding it still you're

16:46

going to be fully within subpart age of

16:48

the standards of conduct in in part five

16:51

it's going to be dealing with when you

16:53

have a fundraising situation as that is

16:55

defined for purposes of this document

17:02

for section six which starts on page ten

17:07

here we're starting to get into non

17:09

fundraising things that are not

17:11

considered to be fundraising because

17:14

they don't meet one of the prongs of the

17:15

definition of for what constitutes

17:17

fundraising so section six is going to

17:20

be dealing with collections which is to

17:22

say things that are not funds not

17:24

dollars being collected so toys and

17:27

books and food etc clothing for

17:29

charitable organizations

17:32

that's not CFC and it's also not subpart

17:36

H because in-kind goods are not

17:38

considered to be fundraising for

17:39

purposes of subpart H so in part six

17:42

section a is going to be official

17:45

collections in the workplace of

17:47

non-monetary items for charitable

17:49

organizations and section b is going to

17:52

talk about what authorities apply to

17:54

personal collections of non-monetary

17:56

items in the workplace for charitable

17:58

organizations section seven is going to

18:03

deal with solicitations and collections

18:06

on behalf of federal employees so again

18:08

these are not going to be things that

18:09

are going to fall within the ambit of

18:11

either the CFC or subpart H because even

18:16

though in this case when we talk about

18:17

solicitations

18:19

we're gonna be talking about dollars in

18:22

addition to a collection of in-kind

18:24

types of goods now we're talking about

18:26

doing it on behalf of federal employees

18:29

and their families so we're not talking

18:32

about doing it for a nonprofit

18:33

organization so that prong of the

18:35

definition for fundraising isn't met so

18:38

solicitations and collections that would

18:40

be for on behalf of federal employees

18:43

and their families or in just

18:44

individuals generally that would be for

18:46

other than a nonprofit organization are

18:48

not going to fall within the ambit of

18:50

CFC and they're not going to fall within

18:52

this in subpart H but there are other

18:54

authorities that are going to apply so

18:56

in Section six and in section seven

18:58

you're going to see things like a

18:59

discussion of may still fall within the

19:02

ambit of gifts from outside sources you

19:04

still have to consider gifts between

19:05

employees you still have to consider

19:07

misuse of of position concerns so those

19:14

are those are the this is the way that

19:16

this argument is structured which is why

19:19

it's really important that that

19:22

definitionally you understand how we're

19:25

trying to break this down and follow it

19:27

along the lines of what constitutes

19:28

fundraising what doesn't to keep you in

19:32

CFC and or the standards of cart age of

19:35

the standard of conduct or to pull you

19:37

completely out of either of those

19:39

authorities and point you more to other

19:41

discrete portions of the standards of

19:43

conduct which may in fact and probably

19:46

do apply so it's really important for us

19:48

to use those threshold questions on page

19:51

three to make sure we're navigating the

19:53

document correctly if we're to sort of

19:56

jump around we may miss some of those

19:57

salient threshold considerations and end

20:00

up in the wrong place but if we make

20:01

sure to start with those questions we

20:03

can then follow through the structure

20:04

here and find the appropriate authority

20:06

exactly and and and there's I mean

20:09

there's there's method in the madness

20:10

and it is very easy to get yourself

20:13

tripped up because you are looking at

20:15

four discrete elements that you know and

20:18

whether or not they're present and I

20:20

think it's really hard because in our

20:22

vernacular fundraising is all of that

20:26

when we think of fundraising you think

20:27

of all of those types of solicitations

20:29

you think of all of those types of

20:30

collections that is can

20:32

eventually how we comprehend fundraising

20:34

we don't make big distinctions between

20:36

who it's for or if there are 501c3 or if

20:39

there are a private individual if it's a

20:41

blanket or a cheque you know those

20:44

aren't natural distinctions to make but

20:46

they're very important to the

20:47

regulations that we that we look to

20:48

exactly and and this underscores the the

20:51

fact that again this document is not

20:53

exhaustive so and it's not interpretive

20:56

it is basically if you have this set of

20:58

facts these are the authorities you're

21:00

likely going to run up against so I just

21:02

wanna I don't I don't want to over

21:04

promise any of you who have not seen

21:06

this document before I don't want to

21:08

over promise the gifts that it brings it

21:11

is not going to answer all your

21:12

fundraising questions for you what

21:15

hopefully it is going to do is to make

21:16

it much less confusing to from the

21:20

get-go we're like right out of the box

21:22

be able to determine where you need to

21:26

locate yourself legally depending upon

21:28

the facts that you're being presented

21:30

now one final thing I want to say before

21:32

before we let you go here is I am NOT in

21:38

terms of my instructional strengths

21:44

visual representation of of decision

21:49

trees and whatever is not my forte it is

21:51

not my strength I'm a narrative person

21:53

I'm a word person can you tell so this

21:56

document is a narrative version of

21:57

directing you to the right place

21:59

I am fully cognizant that there are

22:02

probably some very talented people in

22:04

the audience out there right now who

22:06

could take my slide deck and this

22:09

document and come up with a very

22:11

magnificent visual representation that

22:13

would be a shorthand way of helping

22:16

people navigate which authorities apply

22:18

under what circumstances and I actively

22:22

enthusiastically invite any of you out

22:24

there who would like to you know try

22:26

your hand at it to please do so send me

22:29

whatever it is that you're able to come

22:30

up with and we would be very happy to

22:33

include it as an addendum to this

22:35

document and how's it in the Institute

22:38

for ethics and government because I

22:39

realized that and the narrative style is

22:42

not everybody's preferred method but the

22:45

thing that

22:46

think it's nice about providing the

22:47

narrative is it gives you an overview of

22:49

the authorities so that you're not

22:51

having to scramble and read through you

22:55

know a ton of information to get the

22:56

general gist of the authorities and how

22:58

those authorities might apply that was

23:00

my reaction reading this document it

23:02

does provide some orientation to where

23:04

you are throughout it so as you work

23:06

through you know with a scenario in mind

23:08

it's not just that's the citation I

23:11

should be going to it kind of gives you

23:12

a framework about why and the sort of a

23:15

general orientation to the matter so I

23:18

have thrown out there an invitation and

23:20

I hope someone it generously takes me up

23:22

on it so I'm hoping that everybody will

23:27

find this document useful if you have

23:29

any suggestions for improvement this is

23:31

obviously a document that will be

23:33

continuously revised I hope that it's

23:36

it's a it's an in time job aid although

23:40

you know that's that's a that's a dual

23:42

edged sword there I'm not inviting you

23:44

know natural disasters on anybody but I

23:47

think to the extent that this is the

23:48

season I hope that this is something

23:50

that will help relieve you of any

23:53

anxiety that you have about dealing with

23:54

those types of issues shortly better to

23:56

have and not lead so they need to not

23:57

have yes so we we don't we usually don't

24:02

get a lot of notice that these things

24:03

are coming so having a place to go to

24:04

and begin this work is I think very

24:06

helpful for people and as always if you

24:09

have any questions you can contact my

24:11

either Patrick on myself

24:13

or contact your desk officer with any

24:15

questions you might have about the

24:16

document or or any questions that might

24:19

arise in the context of trying to use

24:21

the document good well thank you very

24:23

much Cheryl I think you know this is uh

24:24

hopefully proves to be very helpful for

24:26

people hopefully we don't need to use it

24:27

this year absolutely but if you do

24:29

hopefully this not take some of the

24:31

stress out of otherwise stressful

24:33

situation and we're very appreciative to

24:35

everyone who joined us today we hope you

24:36

found this helpful as always if you have

24:38

suggestions of things that we can do

24:40

differently things we can do in the

24:41

future please complete your course

24:43

evaluations and let us know what you

24:44

think and we look forward to seeing you

24:46

next time absolutely

English (auto-generated)