good afternoon and welcome back to the national government ethics virtual summit i'm patrick shepherd and i'm ryan siegrist and we're going to close out

0:22

the last uh session for our new ethics official track that we've been doing virtually uh yes

0:28

we're gonna we're gonna take you through the final portion of our introduction or orientation to the gift regulation and

0:35

again this is supposed to uh replicate the track for brand new ethics officials our goal here is not to break any new

0:41

ground uh but to provide for those folks who are new to the practice of ethics an orientation to the the general

0:47

provisions that we use most frequently um so as we do that we will be pointing out some tribes for the unwary uh we

0:54

will be uh pointing out some rules of thumb and things that are can help you with practical application

0:59

right and the exceptions that we're going to cover today and unless you are in a particularly situated agency

1:06

are mostly you're not going to run into them very often but for completeness sake we do need to make you aware that

1:11

they do exist and also where to find them yeah exactly and then the hope is that this series will serve as a

1:17

resource for future new ethics officials so that when they're asked asked to orient themselves to the laws and

1:23

regulations that oge interprets and oversees they will have a resource to do that

1:28

so today we're going to finish out the completeness and if we have time our goal is to also talk a little bit

1:34

about the exclusions from the definition of a gift over the last three sessions we spent quite a bit of time

1:40

talking about those exclusions uh we've talked to the beginning about the gifts micro process and they're really part of

1:46

the first step they're fairly self-explanatory but if we do have some time we'd like to talk through those as well right

1:52

all right shall we get to it yeah

1:57

this has been a very uh very good virtual summit uh very pleased with the folks who have come to join us and i

**Gifts Exceptions**

2:03

hope that everyone's finding this to be a useful introduction uh to our gift regulation uh we also earlier covered 18

2:09

usc section 208 our conflict winter statute as well as the impartiality regulation so if you're new and you miss those

2:15

things you can go find those on the youtube channel and watch the entirety of the new ethics official track that's

2:21

right excellent so let's talk about the the last few gift exceptions um

2:26

and then close out the new ethics official track of the virtual summit okay so like i said before these are

2:32

exceptions that you're not going to run into all that often they are

2:38

exceptions that are uh very much uh specific

2:44

uh the first one in particular that we're going to talk about this happens a lot with regulations uh

2:49

particularly the ethics rules where you have the the few exceptions of the few provisions that you use all the time

2:55

and then there are all these little carve outs for special circumstances and i find the difficult thing is to

3:01

remember all the carve outs yeah so that's what we want to do today is to help you to remember all of the little

3:06

carve outs all of those special circumstances in which uh something that you probably haven't thought about in a while may or may not apply

3:13

all right let's uh start talking about these well the first thing that we need to do

**Advice Counseling Process**

3:18

again uh we've been emphasizing this in all of these presentations so let's just do that very very briefly again for

3:24

those of you who are maybe joining us for the first time uh in the new ethics official track of the virtual summit yes

3:29

uh so what we have here is uh and i think i think uh we did manage to agree

3:35

on calling this a spheroid yeah we did not we did not have to have an arm wrestling match to to

3:41

come to that answer but so this is the advice and counseling process and uh you may notice that it's a circular rather

3:46

than uh linear why is that patrick it's because we we never just go out of one direction uh this is going to be a

3:52

process that you'll go through that will require you to go backwards in the process to get more facts to spot more

3:58

issues even sometimes to implicate new rules can't count the number of times that i've started looking at a gifts question

4:04

and end up with a conflicts analysis question that's a very interesting situation

4:09

so so basically the process is uh you know we need to know the rules we need to know where they're at uh we need to know

4:16

what they mean which is part of what we're what we're doing with these gifts gift exceptions uh presentations and uh

4:22

with time you'll be able to start uh spotting the issues that's right that may come up in a given set of circumstances yeah exactly and we'll be

4:30

giving you some hints as to where you might need more more facts as we go through the rest of these and after you uh after you get the facts

4:36

for the situation you apply the rules to the facts and then oftentimes you will find out some new information and you have to

4:42

spin the wheel again that's correct all right let's take a quick look at the microprocess we've been through this again but uh

**Microprocess**

4:48

this is our microprocessor guide to the gifts regulation helps you make sense of an otherwise complicated reg place we

4:54

like to start us with the definition of a gift which hopefully we'll have some time to talk about later right especially if we can get into what is

4:59

not a gift yeah so we find out is it a gift for purposes of the definition at some part b the answer is yes look at

5:05

the prohibition right and they got two horns to the prohibition what are those patrick can't accept gifts from permitted sources that's right or give

5:11

them because the official position right and uh real quick a prohibited source is anybody who is doing business with the

5:16

agency is seeking to do business with the agency is regulated by the agency or or can be affected by the performance or

5:22

non-performance of an employee an employee's duties yeah employee's duties uh so you know we look and see if

5:28

it meets either of those prohibitions if it meets one or both of those prohibitions we can't accept it unless

5:33

an exception applies and then we can think about whether or not we would like to exercise the exactly right because they they don't apply automatically so

5:39

you have a discretion as to whether or not the the to use the exception to accept a gift in fact it is frequently

5:45

prudent and never inappropriate to decline a gift but we do have exceptions for some

5:50

circumstances where it's necessary to accept a gift or it is uh prudent to do so right and uh if we exercise

5:57

an exception then we can accept it if no exception applies then the gift cannot be accepted it's prohibited right all

6:02

right so we also have a handout for you you can find this uh handout in the rest of the

**Handout**

6:08

materials on the watch now page uh this is a good this is a good handout to uh

6:14

download and then print out and keep it next to your desk excellent supplement to the the regulations sort of a guide

6:20

an easy map to help you navigate the rather complicated gif provision right and there's also some advice and counsel

6:28

uh tips and tricks and suggestions to kind of jump start your analysis okay so i think uh that should do it for the

6:34

prologue uh can we shall we get into the meat of the exceptions mr siegrist uh yeah let's do that very good

6:41

so here we're talking about this exception is for meals refreshments and entertainment in foreign areas and i

**Exceptions**

6:47

just had an idea right i think maybe after the summit is over we should maybe see if we can get someone from the state department to join us for an advanced

6:53

practitioner series about the foreign gifts and decorations act that's a great idea patrick excellent but uh what we'd

6:58

like to do today is make you aware that uh there is an exception for meals refreshments and entertainment in foreign areas

7:04

so what about that ryan well so uh in in many in many cases when you're overseas uh you know it it is a

7:12

matter of uh diplomacy to accept meals and entertainment and refreshment while you're in a foreign

7:18

area and you know as a representative of the us government you don't want to

7:24

uh offend anybody by not accepting those sorts of things right you don't want to create a diplomatic situation as they

7:31

say um so we have we have a common sense exception and we have a special set of rules right that apply to meals and

7:37

refreshments in foreign areas right the the first rule is that the market value uh in the foreign area of

7:44

the food refreshment or entertainment that's provided at a meeting or event as converted into u.s dollars

7:51

does not exceed the per diem rate for the foreign area specified by the u.s

7:56

state department state department's maximum per diem allowances for foreign areas okay so this basically says that

8:01

uh you know it's sort of like 1353 travel for gifts from foreign governments or gifts received in foreign areas right

8:08

right so it can't exceed the maximum per diem rate is set by the department of state and if i remember correctly uh that the travel presentation sometimes

8:14

touches on this presentation so you may want to join us on friday afternoon and you can learn even more

8:19

about this the second part of the the second part of the rule is that there's uh there has to be participation in the

8:25

meeting or event by non-us citizens or by representatives of foreign governments or other foreign entities

8:30

okay so this has to be a meeting uh a sort of diplomatic not a formal sense of diplomatic mission but um

8:37

a meeting or other government uh work where the employee is representing the us

8:43

and they're doing so in a meeting with uh representatives of foreign governments right and the in that this

8:49

actually makes kind of sense because i can very easily imagine uh if you happen to be stationed overseas and

8:56

a particular u.s company wants to uh lavish you with all kinds of meals and entertainment refreshments so that's

9:02

what we're saying here is right other than government entities other than foreign government entities can't take advantage of this just by sending

9:09

you out of the country and suspending the rules right okay that makes sense so the the third part of it is that

9:15

attendance at the meeting or event has to be part of your official duties and that's to obtain information

9:20

disseminate information so the agency will have had to send our employee uh to

9:26

do this piece of work in the foreign area right okay and then uh the last part of that is that the gift of meals

9:31

refreshments or entertainment is from a person other than a foreign government is defined at five usc

9:38

7342 a2 is that the foreign gifts and declarations act yes okay so this is a

9:43

provision in addition to the foreign gifts and declaration act excellent okay well that's that's very helpful so we have something that

9:49

resembles uh 31 usc 1353 but it applies outside of the u.s borders right

9:55

and if you do run into a situation where you're talking about the foreign gifts and decorations act make sure to call the department of

10:00

state to ask them for guidance for that because they're the ones who oversee that excellent well that's that's a good heads up for folks who are new to this

10:07

and i know when i started looking at gift ranks when i started here at oge uh that was a surprise to me that there was

10:13

such a thing and that someone other than oge was responsible for interpreting it all

10:18

right well that's good oh that's that's good to know and uh for those folks who have employees in foreign areas it's

10:24

good to know that there's an exception available for gifts there right so shall we move on to the next one yeah

**Gifts to the PresidentVice President**

10:30

let's do that okay so gifts to the president or vice president very small audience for this

10:35

uh this particular exception so if you're an ethics official who advises the president or the vice president

10:41

you're probably already familiar with this that's right in fact you're probably uh in frequent contact with us

10:46

at oge uh and we'd be happy to help you then but for completeness sake we wanted to uh to point out that this uh this is

10:53

available right and that that allows the president or the vice president to accept uh personally or on behalf of any

10:59

of their family members you know a gift that does not violate uh

11:07

202c 2635 202c one or two 18 usc 201b

11:13

okay i don't know bribes yeah no bribes or 201c3 okay so yeah uh or the

11:18

constitution okay so that what so what we're saying here is that the

11:24

employee standards of conduct do not constrain the rights of the elected president and vice president

11:30

uh that they had before them and that's because and that's because uh those two offices in particular are uh

11:38

uh there there are matters of etiquette and diplomacy and everything that go with that they're very special offices

11:44

right so yeah that makes perfect sense to me but again it could be good to know that it's here uh in in case we are any of us

11:51

is fortunate enough to be in a position to advise the president or vice president on the receipt of gifts yeah

11:56

yeah that would be exciting so the next one uh this is just a

**Gifts Authorized by Supplemental Agency Regulation**

12:03

so these are gifts authorized uh by supplemental agency regulation and uh i believe we're gonna are we

12:08

gonna be broadcasting this session on supplemental agency regulations um i'm not sure but i think it

12:15

through the rest of the form there is going to be a session on supplemental agency regulation process so if you're able to uh see that that

12:22

would be great if you're interested in the supplemental agency regulation process and you'd like us to do a course on that please let us

12:27

know because we'd be happy to add that to the advanced practitioner series we've done those before and if

12:33

there's sufficient interest in the community we'd love to do that yes we would we would definitely love to do that and so this this exception is just

12:40

a recognition that uh uh you know if if your agency does have a supplemental regulation that authorizes employees to

12:46

accept uh certain kinds of gifts then there's nothing in there's nothing in subpart b that prevents them from

12:53

accepting that gift right so this this basically allows agencies if they want to go through the supplemental agency regulation process uh to create new gift

13:01

exceptions uh but that has to be done with the concurrence of oge and

13:07

actually issue the regulations but if you do so subpart b doesn't per say preclude that right okay well that's

13:14

good to know and i think this next one is pretty important actually i think this one is

**Gifts Accepted by Specific Statutory Authorities**

13:19

very important we talked about this earlier in the day in the context of

13:24

widely attended gatherings and these are gifts accepted under specific statutory authorities and there are some common ones that we

13:30

see frequently um i think the most important one is agency gift acceptance uh if your agency has agency gift

13:36

acceptance authority you can all often accept a gift on behalf of the agency that would otherwise be problematic for

13:42

an employee him or herself to accept yeah um so you know if you have an agency interested in exercising that

13:48

authority it's good to know that you have it and at this point in the course it always comes up the question

13:54

how would i know if my agency has gift acceptance authority well if to find that out it would be a good idea to go

14:00

talk to your appropriations folks yeah so if you're in a larger agency and you have someone who specializes in appropriations law they are very likely

14:06

to know whether or not you have a specific authority to solicit and or accept gifts

14:11

it's very often in the organic statute or a supplement or re-authorization so those are places that you can look

14:17

for it and that's an authority that has to be provided by the congress because it is sort of an exception to

14:22

the general appropriations process right okay and that's a good place to look but we have some other authorities right

14:28

right ryan uh we mentioned one before uh and this is for travel payments from non-federal sources uh could you talk a

14:35

bit about that uh yeah so so 1353 is the shorthand for that we find that at uh 31

14:41

usc 1353 right and and so when when you're talking about uh an employee who is not at their duty station they have

14:48

to be away from duty station uh agencies can accept uh travel

14:53

reimbursements for that employee to go out and do official work okay uh yeah so there's an

14:59

authority for the government to accept travel payments from non-federal sources right and it's government-wide and you

15:05

have to use it if you can so that is the authority that must apply and the reason for that is because there's the

15:10

reporting requirement that we mentioned before if you exercise 31 usc 1353 to accept

15:16

travel payments uh to allow an employee to attend an event uh you have to report that to oge

15:22

we then make those publicly available yes and that's part of the requirement and because of that requirement it is

15:28

the default provision for accepting those payments uh because you know otherwise if you were to say your agency

15:33

gift acceptance authority uh you might be seen to have been subverting the reporting requirement right okay so

15:40

that's very good we also have uh the training act which allows us is the federal employee

15:45

government employee training act uh which allows us to accept certain gifts of training right

15:52

so that's a good one to know that's uh those are offers that frequently come into agencies

15:57

and knowing that that's available is is uh is very helpful it is very helpful because another place that we like to go

16:03

before we go to our widely attended gathering analysis right and particularly if if uh

16:10

recent you know recent budget situations at many agencies has necessitated a cutting back of training resources and

16:16

the the federal employee training act uh is a good place to start particularly if you've got some training that people

16:22

need to get yes yeah so if there's an offer of free training or a gift of training the agency may be able to

16:28

accept it under that act so these are all good things to know i think particularly important in the context of a potential widely attended

16:35

gathering analysis yeah but useful to know about overall all right good are there any others we

16:41

need to discuss uh there are not all right um do you have any other exceptions that we'd like to discuss

16:47

today we've run out of exceptions run out of exceptions but we have not run out of time that's true so that's very good

16:52

that means we have some time uh as we hoped we might to discuss the uh

16:58

definition of a gift and the exclusions to that definition okay so let me since we did we weren't

17:05

sure whether or not we were going to have time let me go ahead and pull the slides down and i'll bring the video up okay great

17:12

that sounds sounds very good i'm very pleased that we'll be able to uh to get into the

17:17

definition of a gift here ryan because i think you know this is another area where they're it's fairly straightforward but there are some areas

17:24

of confusion and perhaps we can uh we can reduce some of that yeah and we

17:29

often run into uh errors of conflation as well people getting the exclusions confused with the exceptions and

17:35

one thing i'd like to really emphasize right now is that uh exclusions are not gifts right they're

17:43

excluded from the definition of a gift that's why we call them exclusions right and the exceptions are called that

17:49

because they are exceptions to the prohibition against accepting certain gifts we have something that qualifies

17:54

as a gift that is subject to the prohibitions we may be able to exercise an exception to

18:00

accept the gift right um but we don't need to go through that process if i'm saying something is excluded from the

18:06

definition of a gift all right well let's take a look here briefly at the general definition of a gift okay all right so if you guys are

18:13

following along at home in your regulations we're at 5 cfr 26 35 203

18:18

b and we find that the general definition of a gift and that includes a lot of things

18:24

right so what do we have here we have gratuities uh it includes any favor

18:30

any discount uh any entertainment or hospitality uh loans forbearance or any other item

18:37

having monetary value that is a big that's a pretty big that's pretty much

18:43

everything i'm trying to think of something that might not uh you know fit within the well it also includes

18:48

services as well as gifts of training transportation local travel lodgings and meals whether provided in kind by the

18:55

purchase of a ticket payment in advance or reimbursement after the expense has been incurred okay so if we had any

19:01

question in our minds about whether that first sentence was inclusive inclusive of almost everything it clears clarifies

19:08

and goes on to tell us exactly what that is inclusive of uh and that's also a lot of things you

19:13

know so tickets travel transportation all those things one thing i don't see in here is uh cash

**Cash**

19:19

yeah the suitcase full of money that's interesting so what about that what do you think there ryan is it an item

19:24

having a monetary value we capture it there uh would it be payment in kind how do we how do we look at that um

19:31

i think the that uh one way that we would look at that is to say that you shouldn't be accepting cash

19:37

anyway um particularly if it's you're talking about from a prohibited source because that might actually be a bribe

19:44

yes and i think that's that's a good point to make here that uh the gift to regulation does not exist in isolation we have the

19:51

statute 18 usc section 201 which is the bribery statute uh that is in some ways

19:56

primary subpart b you know you have to you have to consider that og does not interpret that

20:03

statute the department of justice has maintained authority over that uh but that's good to know yeah and

20:08

subpart b makes allowances for and contemplates the statute but it's good to know that there's a statutory

20:13

underpinning there we also have 18 usc section 209 which is the supplementation of salary provision

20:18

in the criminal conflict of interest laws uh also something we should consider also contemplated in sub part b

20:25

you'll see things that look like allowances to prevent problems under 209 and you know that is indeed what's happening there right

20:32

okay so we have this this definition of gift which is expansive right it includes virtually everything

20:38

uh and then we have uh some common sense exclusions uh do we have some things it doesn't include and we mentioned before

20:44

the preamble and in the preamble we discussed the function of these exclusions and what oge said in the

20:51

preamble to the to the final rule is that these exclusions were items that we didn't want employees ever to have to

20:58

decline yeah that we thought that these were customary and uh normal items to

21:03

receive in the course of business or life and that the gifts regulation should not prohibit their exception right for their

21:09

acceptance that doesn't mean there is no circumstance in which someone might decide to climb one of these things just

21:15

that for the purpose of the rule uh we did not want to subject them to the general prohibition yeah

21:20

so the first if we thought about our micro process yeah this is step one right is it a gift

21:26

uh and i think we're going to capture most things under the general definition but then we have these exclusions so look let's look at those okay so let's

21:32

look at this first one here uh this is uh uh so modest food items and refreshments like soft drinks coffee or uh in donuts

21:40

uh that are offered as other than part of a meal okay so i think this one makes sense so if i'm at a contractor's

21:45

facility and i'd like a cup of coffee or i'm offered a cup of coffee um i would be able to accept that cup of

21:51

coffee i wouldn't have to figure out how to pay them for the cup of coffee or call an ethics official to decide if i

21:56

need to exercise an exception or if it would be appropriate to do so i can just

22:01

you know i can eat the donut or i can have the coffee right but this is other than this part of a meal so what does

22:07

that mean so that means let's say that let's say that uh you're at the contractor's facility and they came in

22:13

with uh they came in with lunch for for you and whoever you were with okay so if they're providing an actual meal then

22:19

that doesn't meet the exclusion here it may be possible to exercise an exception yeah but then we would have to

22:26

you know look through find out if it's prohibited and then determine whether or not an exception applies for example the 20 exception might be appropriate if

22:33

they're just providing sandwiches but again that would be a gift that we're accepting under the exception it's not

22:38

excluded from the definition these are only things offered other than as part of a meal right all right very

22:43

good i think that's fairly straightforward most people understand that yeah uh the next one we have greeting cards and items with little

22:50

intrinsic value so there's things like plaques trophies certificates that are intended just for presentation yeah

22:56

um so you know if someone's providing you an award or a plaque or a certificate of accomplishment obviously that that's not a gift and the

23:04

question we always get is you know what does it mean not to have intrinsic value i like if i get a big gold bar with my

23:10

name emblazoned on it and it says good job patrick uh you know is that a presentation item

23:17

ah i would say if it was a big solid gold bar of course

23:22

that has intrinsic value yeah i would be inclined to disagree with anyone who said that it did not have intrinsic value precisely but if you just had a

23:28

plaque with your name on it it's not really worth anything right to anybody except you exactly a piece of glass that

23:34

says you know congratulations or those kinds of things uh you cannot turn

23:40

something that's intrinsically valuable into a presentation item simply by putting a plaque on it right so a

23:45

question i received years ago was um an organization wanted to present a handmade fly fishing rod to an employee

23:52

i think this is it maybe the forest service or one of the uh the outdoor agencies that does things with the

23:59

the outdoor agency the outdoor agencies like the department of interior yeah it was maybe it was a park ranger i'm not

24:05

sure who it was but a group wanted to recognize their service as a government employee uh to protecting a particular

24:10

stream and they wanted to present them with a handmade fly fishing pole and they they wanted to inscribe it with

24:17

their name and congratulations for a superlative public service and they wanted to know if they could use this

24:22

exclusion and uh sadly we weren't able to use this exclusion simply writing someone's name on something

24:28

that is otherwise useful or valuable doesn't turn it into something exclusively for presentation yeah and

24:34

this is a bit of a judgment call and you know we get calls about this every now and again and it can be a little bit

24:40

tricky but you know what we're contemplating here we say as much greeting cards items with little intrinsic values such as plaques and

24:46

certificates trophies yeah if you're talking about something that's in addition to those that has uh some purpose or value you know you're getting

24:53

a little close to the line you might want to look for an exception all right so that i think it's fairly straightforward so the next one that

24:59

we've got is loans from banks and other financial institutions on terms generally available to the public and

25:05

the the folks in the financial uh regulatory sector of the government are grateful for this because it means that they can buy cars on credit they can get

25:11

mortgages yeah and i have credit cards uh without this that might not be possible but yeah loans on terms

25:18

generally available to the public uh are excluded from the definition of a gift for purposes of subpart b i think that's

25:23

straightforward yep um and here is one we talked about this exception

25:29

we talked about this one yesterday we talked about an exception that has very similar language and i'd like to point out some of the critical differences

25:36

here all right so what do we have here opportunities and benefits uh including favorable rates and commercial discounts

25:42

available to the public all right so if you have a good deal on cell phone plans or a 30 off coupon for

25:49

macy's uh that came to you in the mail and came to all your neighbors generally available to the public you can take advantage of that yeah and that's

25:55

excluded from the definition so that's not a gift we don't have to consider whether or not it's prohibited

26:02

and then it goes on to say a little bit more there's some other kinds of benefits we can we can accept

26:09

uh well it looks like or to a class consisting of all government employees or all uniformed

26:15

military personnel whether or not restricted on the basis of geographic considerations okay so so

26:21

if you let's say that you get a discount on your cell phone bill because you're a federal employee

26:27

but it's available to all federal employees or if i go to stay at the hampton inn tomorrow and they have a government rate

26:33

i can take advantage of that because it's available to all government employees yeah and this is a case in which we it is excluded from the

26:39

definition so government rates uh commercial discounts that are government rates are excluded from the definition

26:44

so we don't have to look at the prohibition unlike the exception which allows us to make certain kinds of

26:50

constraints on those discounts we're allowed one and only one uh kind of

26:56

kind of uh other criteria beyond being a federal employee here

27:02

and that is that's geographic geographic considerations so if we had a

27:07

government rate for employees in the state of indiana or in washington dc or

27:13

in some other geographic area that would be the only extra criteria that could be applied

27:19

if we had a favorable rate that applied only to say law enforcement personnel that would not be that would not qualify

27:26

under the exclusion right it may be possible to look at that under the exception um but it would not qualify under the exclusion so we'd have to do

27:33

the broader analysis right okay i think that's straightforward and i understand why we would exclude that from the definition

27:39

so this next one has given some people some heartburn over the years uh so this is uh rewards and prizes given to

27:45

competitors in contests or events including random drawings open to the public unless the employee's entry into

27:50

the contest or event is required as part of his official duties yeah yeah this one is always uh

27:56

always challenging and the circumstances in which this comes up are never fun right it's always an employee who has

28:01

won a television or a computer or an ipad or a new phone or something like that a trip

28:07

and then you're trying to find out if the if the contest was open to the public or if their attendance and entry

28:13

were part of their official duties right and it often results in having to disappoint an employee which is um

28:19

less you know it's not the most fun part of our jobs right officials and the the

28:24

uh the employee's office gets a new tv that's right so what does it mean to be open to the public uh so that means that anybody off

28:31

the street can wander and enter the contest okay and there can't be any fee to enter right so it has to be free and

28:37

anyone invited or no can go in and enter the contest right

28:42

and then also we can't have entry uh required as part of the employee's official duties

28:47

so if you're sent to a training yeah or a conference or other event and all

28:52

participants are automatically entered into a drawing andy won i'm a federal employee i won i

28:59

didn't even know i entered but i want i'm so happy yeah get a new car um i could not use the exclusion in that case

29:05

because my my entry was part of my official duties that's right that's absolutely right

29:11

okay well that's kind of a bummer uh part of the exclusion but yeah but i also understand uh why we would do

29:17

that and the concern there is that someone could be directing prizes to federal employees to curry favor or otherwise influence an employee and also

29:23

that concern about the appearance of using public office for private gain right and i think in this case there

29:28

might be some uh issue that that that price actually might be something that the government is

29:33

entitled to yeah so those are all considerations when looking at this exclusion

29:39

all right the next one is pensions and other benefits resulting from participation in employee welfare and

29:45

benefits plans maintained by a former employer we can keep our retirements that is a great relief yes

29:51

for those of us who have worked outside of the government before coming into government service your pension is excluded from the definition of a gift

29:57

so even if your pension is with uh a prohibited source um it's excluded from the definition so you

30:03

don't even have to do the analysis right your pension is safe from the gifts regulations

**Government Contract**

30:09

so the one that we've got after that is anything which is paid for by the government or secured by by the government under government contract

30:15

okay so if the government bought it it is not yours employee that's something to which the government

30:21

is entitled uh so if you're enjoying a benefit that's paid for by the government like the government is sending you on a on a

30:27

trip to attend an event or to deliver a speech you can accept those benefits you can personally enjoy those benefits uh

30:33

because they're paid for by the government right okay that makes sense and then we have any gift accepted by

30:40

government under specific statutory authority so this basically says that if we're using some of those specific authorities

30:46

we discussed earlier like 31 usc 1353 the federal employee training act uh that

30:52

those aren't gifts for purposes of sub-par b they're not gifts to the employee they're really gifts to the government that's right so we don't have

30:58

to do that other analysis there may be a specific analysis prescribed by the specific authority

31:04

that we would need to go through but we wouldn't have to add the gifts analysis additional to that right okay and then

**Market Value**

31:10

this last one uh anything for which the market value is paid by the employee and that makes a

31:16

lot of sense to me too and this is an oft-forgotten one but can be very useful in some cases an

31:22

employee is offered something that is prohibited under the gifts regulations uh and they want to take advantage of

31:27

the opportunity and there's always a possibility to pay market value for that item right and then it would be excluded

31:32

from the definition and we wouldn't have to go forward with the rest of the gifts analysis that's right because i mean then then it has become a transaction

31:38

not a gift that's right which also allows us to be consumers and and purchase things from organizations that

31:44

are prohibited sources and like you would be sort of strange otherwise yeah and this is also frequently used as a uh

31:51

a fix for if someone uh has accepted a prohibited gift um they can turn around

31:56

and fix that and pay for it and no harm no foul yeah that's one of those things where you know sometimes you

32:02

inadvertently receive a gift that you inadvertently receive but that tendedness or entertainment that you

32:07

that was not included in authoring on authorization and you can remedy that by paying market

32:12

value for for that experience yeah um very good so those are that's a brief introduction to the exclusions uh so

32:19

we've we've done pretty well here we have and we're doing pretty well for time so

**Conclusion**

32:24

i think that's going to conclude the new ethics official portion of our virtual our national government ethics virtual

32:30

only summit we do want to remind you all to join us on friday for our broadcast live from

32:36

nih we're going to have almost eight full hours of presentations

32:41

dealing with some of the nuts and bolts of practice as government ethics officials and also some of those things that uh

**Announcements**

32:48

many many of you out there are wearing is another hat for example travel regulations uh hatch act those

32:54

calculations yeah so it's a fantastic opportunity and the presenters i've seen uh i've seen many of them and they're

33:00

very very good i think you'll enjoy those we'll also be uh bringing that to you from the booth so hopefully some of

33:06

the presenters and guests at the event will stop by and answer some questions and talk with us and share their

33:12

experiences so that should be overall a very exciting and exciting day on friday so we hope you can join us also

33:18

uh even though this concludes the new ethics official track we do have two uh

33:24

fairly advanced sessions coming on monday that we invite you to join us for uh one of them is going to be

33:29

regulations covering non-career employees and the other one is going to be a talk about how to brief senior

33:36

officials about the ethics program yeah and i think these are both very important topics if you have non-career officials and you're not familiar with

33:42

the sort of solar system of rules that apply specifically to them or reply differently to them that morning

33:49

presentation is going to be very good you're also going to be oriented to an excellent tool that can help you manage

33:54

those situations and then finally on the 23rd we'll be closing out the national government ethics virtual summit with another full

**Closing**

34:01

day of live streaming that one will go from 9 30 in the morning until 5 30 in the

34:06

afternoon yeah so that's going to be an excellent day and again we're going to bring together some folks from outside of the government so you hear some

34:12

voices that you may have may not have heard before and those people are going to share some

34:17

perspectives on the government ethics programs that may not be familiar to you yeah but may be very valuable in your day-to-day practice so again we thank

34:23

you very much for joining us for the national government ethics virtual summit we hope this has been helpful and we look forward to seeing you on friday

34:30

so for og i'm patrick shepherd and i'm ryan siegrist

35:10

you

English (auto-generated)

All

From OGE Institute for Ethics in Government

Presentations

Learning

Related

For you

Recently uploaded

Watched