EMPLOYEE RESPONSIBILITIES AND CONDUCT

Principles of Ethical Conduct

As an Executive branch employee you hold your position as a public trust. You live up to that trust by adhering to general principles of ethical conduct as well as specific ethical standards. There are fourteen principles that broadly define your obligations as a public servant. These principles are summarized as follows:

- Public service is a public trust that requires you to place loyalty to the Constitution, the laws and ethical principles above private gain.
- You shall not hold financial interests that conflict with the conscientious performance of your duty.
- You shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- You shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by SBA, or whose interests may be substantially affected by the performance or nonperformance of your duties.
- You shall put forth an honest effort in the performance of your duties.
- You shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
- You shall not use public office for private gain.
- You shall act impartially. You shall not give preferential treatment to any private organization or individual.
- You shall protect and conserve Federal property and shall not use it for unauthorized activities.
- You shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with your official Government duties and responsibilities.
- You shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- You shall satisfy, in good faith, your obligations as a citizen. This includes satisfying all just financial obligations, especially Federal, state or local taxes that are imposed by law.
- You shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.
- You shall endeavor to avoid any actions creating the appearance that you are violating the law or the ethical standards promulgated pursuant to the Executive Orders pertinent to ethical conduct.

Standards of Conduct

The principles of ethical conduct outlined above govern our actions as Federal employees. Standards of Conduct policy recognizes that the maintenance of high standards of honesty, integrity, impartiality and conduct by Federal employees is essential to assure the proper performance of the Government's business and the continuance of confidence and respect of the public in their Government. In line with these, we have outlined some examples of misconduct (these are not inclusive) in order to assist you to be better informed about the conduct that we do expect of our staff. Violations will result in conduct-based action.

General Misconduct

- Conduct unbecoming of a Government employee
- Conducting personal business or non-government business on official time
- Unauthorized use of Government equipment
- Off duty misconduct which impacts negatively on SBA
- Insubordination, which may include: failure to follow the direction of duly recognized authority
- Failure to follow policies; insolence and abusive language
- Falsification or concealment of records in a matter of official interest, including time sheets, sign-in/sign-out sheets, official chronological records
- Criminal, infamous, dishonest, immoral or disgraceful conduct on or off the job
- Unethical or improper use of SBA authority or ID
- Engaging in a financial transaction or possessing interest which conflicts with official responsibilities

Abuse of Hours of Duty

- Recurring tardiness
- Absence from duty without permission and without authorization
- Failing to properly request leave
- Misuse of sick leave

Government-Authorized Credit Card

- 30 days or more delinquency
- Unauthorized or inappropriate use
- Improper ATM use

Substance Abuse

- Misuse of intoxicants or drugs while on duty or on Federally-owned or -leased property
- Possession with intent to distribute an illegal substance on duty or on Federal property
- Reporting for duty under the influence of intoxicants or drugs

Sexual Misconduct

- Inappropriate and/or unwelcome touching or other physical contact
- Pressure for or official action based on sexual favors
- Inappropriate and/or unwelcome teasing, jokes, actions, gestures, display of visual material of a sexual nature or remarks of a sexual nature

Discriminatory Practices

- Reprisal or retaliation against an individual involved in the EEO complaint process
- Using remarks which relate to and insult or denigrate an individual's race, color, religion, national origin, sex, marital status, age, disabling condition, or sexual orientation
- Failure to take appropriate action regarding allegations or findings of discriminatory practices

MERIT SYSTEM PRINCIPLES

Employment in the Federal service is covered by a number of laws, regulations and policies. Among the most important of these are the Merit System Principles outlined in 5 USC Chapter 23. These principles generally require that personnel decisions be made without consideration of friendship, favoritism, political affiliation, personal relationships, marital status, or discrimination because of age, race, color, sex, religion, national origin, or handicap. Below are the Merit Principles adapted from the statutory language in Section 2301(b) of Title 5, United States Code.

- Recruit qualified individuals from all segments of society and select and advance employees on the basis of merit after fair and open competition

- Treat employees and applicants fairly and equitably, without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition

- Provide equal pay for equal work and reward excellent performance

- Maintain high standards of integrity, conduct, and concern for the public interest

- Manage employees efficiently and effectively

- Retain or separate employee on the basis of their performance

- Educate and train employees when it will result in better organizational or individual performance

- Protect employees from improper political influence

- Protect employees against reprisal for the lawful disclosure of information in “whistleblower” situations (i.e. protect people who report things like illegal and/or wasteful activities)

PROHIBITED PERSONNEL PRACTICES

Outlined in 5 USC 2302 are specific prohibited personnel practices which protect employees and applicants for employment from unfair personnel actions. Generally stated, 5 USC provides that a federal employee authorized to take, direct others to take, recommend or approve any personnel action may *not*:

- Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation

- Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics

- Coerce the political activity of any person

- Deceive or willfully obstruct anyone to compete for employment

- Influence anyone to withdraw from competition for any position so as to improve or injure the employment prospects of any other person

- Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant

- Engage in nepotism (*i.e.*, hire, promote, or advocate the hiring or promotion of relatives)

- Engage in reprisal for whistle blowing – i.e., take, fail to take, or threaten to take or fail to take a personnel action with respect to any employee or applicant because of any disclosure of information by the employee or applicant that he or she reasonably believes evidences a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety (if such disclosure is not barred by law and such information is not specifically required by executive order to be kept secret in the interest of national defense or the conduct of foreign affairs – if so restricted by law or executive order, the disclosure is only protected if made to the special counsel, the inspector general, or comparable agency official)

- Take, fail to take, or threaten to take or fail to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the special counsel or to an inspector general; or refusing to obey an order that would require the individual to violate a law

- Discriminate based on personal conduct which is not adverse to the on-the-job performance of an employee, applicant, or others

- Take or fail to take, recommend, or approve a personnel action if taking or failing to take such an action would violate a veterans' preference requirement; and

- Take or fail to take a personnel action, if taking or failing to take action would violate any law, rule or regulation implementing or directly concerning merit system principles