

Reclamation Manual

Policy

Subject:	Ethics in the Bureau of Reclamation
Purpose:	To provide Reclamation employees basic information on the availability of ethics resources, describe how Reclamation fulfills its ethics requirements, and establish methods for creating Reclamation-specific policy on key ethics issues not addressed by Department of the Interior standards. The benefits of this Policy are to ensure consistent application of program requirements and enhance and promote an ethical culture throughout Reclamation.
Authority:	Ethics in Government Act of 1978 (Pub. L. 95-521, as amended); 5 Code of Federal Regulations (CFR) 2635 - <i>Standards of Ethical Conduct for Employees of the Executive Branch</i> ; 5 CFR. 2638 – <i>Office of Government Ethics and Executive Agency Ethics Program Responsibilities</i> ; 5 CFR 3501 - <i>Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior</i> ; 43 CFR 20 – <i>Employee Responsibilities and Conduct</i> ; Executive Order (EO) 12674 - <i>Principles of Ethical Conduct for Government Officers and Employees</i> , Secretarial Order (SO) 3375 – <i>Improving the Department of the Interior’s Ethics Program Through Consolidation</i> .
Approving Official:	Commissioner
Contact:	Deputy Commissioner - Policy, Administration and Budget (94-00000)

1. **Introduction.** Serving the public as a Federal employee is an honor that comes with serious responsibilities. The Department of the Interior’s Strategic Plan for FY 2018 – 2022 sets restoring trust as one of the Department’s cross-cutting principles and states that the “key to maintaining public trust and confidence in the integrity of government is the adherence to high ethical standards and ensuring that government business is conducted with impartiality, transparency, accountability, and integrity.” Secretarial Order (SO) 3375 signed August 14, 2019, realigned reporting structures for all full-time ethics personnel from Reclamation to the Departmental Ethics Office (DEO) in the Solicitor’s Office (SOL). This realignment will increase consistency in the standards and quality of ethics advice and counseling, increase accountability and compliance, further develop ethics expertise, and increase ethics officials’ independence. Reclamation’s Commissioner remains responsible for exercising personal leadership, ensuring an effective ethics program, and fostering an ethical culture within Reclamation.
2. **Applicability.** This Policy applies to all Reclamation employees.
 - A. Consistent with the fundamental principle that public service is a public trust, every Reclamation employee must fulfill the following ethical requirements:

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- (1) make ethical conduct the hallmark of government service;
 - (2) act at all times in the public's interest, rather than their personal interest;
 - (3) must not use their offices for private gain;
 - (4) serve as a good steward of public resources;
 - (5) avoid loss of impartiality or appearance of a loss of impartiality in carrying out official duties;
 - (6) comply with all government ethics laws and regulations requirements, including any applicable financial disclosure requirements;
 - (7) must not participate in particular matters in which they have financial interests and, pursuant to 5 CFR. 2635.402(f), notify their supervisors or ethics officials when their official duties create the substantial likelihood of conflicts of interest;
 - (8) read the Department of the Interior Ethics Guidance and take responsibility for knowing and understanding the ethics laws, regulations, and guidelines, including the fourteen general principles of ethical conduct;
 - (9) consult with supervisors and ethics officials on general questions regarding the applicability of ethics statutes and regulations;
 - (10) seek advice and guidance from their ethics official on specific ethical matters requiring clarification and for guidance on questions of conflict of interest;
 - (11) request in writing from their supervisors with recommendations from their ethics official permission to conduct outside work/activity for a prohibited source;
 - (12) carry out the announced policies and programs of the Department and obey the proper requests and directions of supervisors;
 - (13) maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government; and
 - (14) complete required ethics training within 3 months of entrance on duty as a new employee.
- B. Advancing government ethics and ensuring an ethical culture within Reclamation are the responsibilities of all managers and supervisors. Leadership will fulfill these requirements by:
- (1) serving as models of ethical behavior for subordinates;

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- (2) ensuring that subordinates are aware of their ethical obligations under the government ethics laws and regulations, and that subordinates know how to contact agency ethics officials;
- (3) working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports;
- (4) assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements;
- (5) ensuring that employees comply with training requirements in accordance with 5 CFR 2638.307 and any additional training requirements mandated by the DEO or the Deputy Ethics Counselor;
- (6) requesting training from ethics officials for specific groups of employees or specific ethics topics;
- (7) requesting assistance where appropriate from ethics officials in advising employees on ethics and conduct issues;
- (8) reviewing employee notifications of outside work or activities to determine if there is any conflict of interest with their official duties and responsibilities or the appearance¹ thereof;
- (9) forwarding employee requests to conduct outside work or activities to the appropriate servicing ethics official for final approval; and
- (10) reporting any potential conflict of interest situations to the respective ethics officials for resolution.

3. **Program Structure and Administration.** The Commissioner is the Reclamation Ethics Counselor. The Designated Agency Ethics Official (DAEO) designates a Deputy Ethics Counselor, Associate Ethics Counselors, and Ethics Specialists assigned to the DEO to administer Reclamation's ethics program. The efforts of this team are categorized into four key functional areas.

A. **Financial Disclosure.** The financial disclosure functional area identifies and prevents potential conflicts of interest and assists employees in managing their recusals in a timely fashion. The accurate reporting of assets and interests is required by law and is critical for ethics officials to provide timely and accurate advice to employees about potential financial conflicts of interest. It is critical that the information placed on a

¹Whether particular circumstances create an appearance that the law or these standards have been violated will be determined from the perspective of a reasonable person with knowledge of the relevant facts.

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disclosure report be true and correct; filing inaccurate information or falsifying reports can subject a filer to administrative, civil, or criminal penalties. In addition, these reports play an essential role in helping employees avoid financial conflicts of interest, which can result in criminal liability. New entrant filers will speak with an ethics official to discuss, review, and confirm the information in every section of their report and complete one hour of ethics training annually delivered live by a Reclamation ethics official. At the beginning of each year, annual financial disclosure filers will submit their reports in a schedule determined by the Office of Government Ethics.

- B. **Training and Education.** Ethics training, a legal requirement for many employees, is a fundamental part of the ethics program, and it is most effective when it is conducted in person by qualified ethics officials. Reclamation Leadership Team members will work with their dedicated ethics team to publish a written education and training plan each calendar year. The plan will provide training for new employees, public and confidential financial disclosure filers, and other employees that will benefit from standard or customized training covering the Standards of Conduct for employees of the Executive Branch, the criminal conflicts of interest statutes, Departmental and Reclamation requirements, and political activity restrictions.
 - C. **Advice and Counsel.** The advice and counsel functional area provides accurate and sufficient ethics advice in a timely fashion. The program will support transparency in its process as well as accountability for the actions of Reclamation employees. Managers and supervisors will ensure subordinates are aware of their ethical obligations and provide employees with the dedicated ethics team contacts and resources to appropriately address ethics issues.
 - D. **Program Administration.** The program administration functional area includes activities related to the management of the ethics program, including personnel resource management, budget development and accounting, developing reference materials, development of policies and procedures, and all logistical functions.
- 4. **Penalties.** Employees are subject to disciplinary and/or adverse action, including removal from Federal service, resulting from failure to comply with any conflict of interest laws, regulations, orders, or policies or failure to abide by the proper requests of supervisors having responsibility for employee performance.
 - 5. **Records Management.** Retention and disposal of ethics records and financial disclosure reports will be in accordance with National Archives and Records Administration General Records Schedule 25, Departmental Records Schedule, and applicable DEO and SOL policy. In accordance with OS Records Manual 2803-2804, all ethics products, opinions, determinations, and data are the assets of and will be retained by the DEO.
 - 6. **Reclamation Ethics Guidance and Policy.** Specific written standards that establish procedures and provide amplifying information on Reclamation-specific ethics issues will accompany this Policy as needed.

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7. Definitions.

- A. **Associate Ethics Counselors.** Qualified employees of the DEO assigned by the Deputy Ethics Counselor to be engaged in full-time ethics work who are specifically designated to provide counseling on and interpretation of laws and regulations related to ethical conduct. Associate Ethics Counselors will normally cover two regions, including Denver and Washington, DC.
- B. **Departmental Ethics Office or DEO.** The DEO is led by the DAEO and is designated the authority to coordinate and manage the Department's ethics program. The DEO is solely responsible for counseling on and interpretations of laws and regulations related to ethical conduct, reviewing and certification of financial disclosure reports, approving outside work, executing waivers and authorizations, providing ethics guidance and support to bureaus, and serving as the principal contact on ethics matters to the Office of the Government Ethics and the Office of the Inspector General.
- C. **Deputy Ethics Counselor.** The qualified employee designated by the DAEO to perform delegated responsibilities that serve the employees of a specific bureau and will assign Associated Ethics Counselors as appropriate.
- D. **Designated Agency Ethics Official or DAEO.** The official designated under 5 CFR 2638.201 to coordinate and manage the Departmental Ethics Program.
- E. **Ethics Specialists.** Qualified employees of the DEO engaged in full-time ethics work who provide assistance to Associate Ethics Counselors through research and administrative functions and provide ethics advice to employees under the guidance of the Deputy Ethics Counselor or an Associate Ethics Counselor.
- F. **Reclamation Ethics Counselor.** The Commissioner of Reclamation is the Reclamation Ethics Counselor in accordance with 5 CFR 3501.101.

8. **Review Period.** The originating office will review this release every 4 years.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____