

Transportation Security Administration
Office of Human Resources Management
Washington, DC 20590

Date: January 9, 2003

SUBJECT: Interim Policy on Employee Responsibilities and Conduct

Paul Sheldon

FROM: Paul Sheldon
Acting Director, HR Policy Management
Office of Human Resources Management

Attached please find our interim policy on Employee Responsibilities and Conduct

If you have any questions concerning this policy, please contact me at (202) 385-1234.

TRANSPORTATION SECURITY ADMINISTRATION
HUMAN RESOURCES MANAGEMENT POLICY MANUAL

HRM LETTER NO. 735-1

DATE: January 9, 2003

SUBJECT: Interim Policy on Employee Responsibilities and Conduct

1. GENERAL: This policy applies to all Transportation Security Administration (TSA) employees. This policy establishes standards for employee responsibilities and conduct that will promote the efficiency of the Federal Service and conform to generally accepted standards of behavior and ethical conduct.

Failure to fully comply with the provisions contained in this policy may result in disciplinary or other corrective action.

Employees' conduct at work directly impacts the proper and effective accomplishment of their official duties and responsibilities. Employees must perform their duties in a professional and business-like manner throughout the workday. Employees are also expected to behave professionally while in a temporary duty travel status or otherwise away from their regularly assigned post of duty, such as telecommuting, whether at home or at a telecommuting site, or attending training. Employees in direct contact with the public bear a heavy responsibility as their conduct and professionalism play a significant role in determining the public's attitude toward the Federal Service and the TSA.

While off-duty, employees are expected to conduct themselves in a manner that does not adversely reflect on the TSA or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or supervisors to question the employee's reliability, judgment or trustworthiness. Employees shall not use the power or influence of their office or position for their own personal advantage or the advantage of others.

Employees are required to comply with the *Standards of Ethical Conduct for Employees of the Executive Branch* (5 C.F.R. Part 2635) (the "Standards") and related conflict-of-interest statutes (18 U.S.C. §§ 201-209).

Employees are responsible to seek advice and guidance through their supervisory chain of command concerning their responsibilities under this and other policies governing employee responsibilities and conduct. Legal and policy guidance may also be sought through the Office of Chief Counsel and the Office of Human Resources Management, respectively.

2. EMPLOYEE RESPONSIBILITIES: All employees are responsible for behaving in a way that does not reflect discredit on the Federal Government and TSA. Employees must observe the following basic on-the-job rules:

- a. Report for work on time and fit for duty (e.g., free from any effects of alcohol and/or drugs that impair job performance or conduct; physically fit as needed by job requirements; in appropriate clothing and/or outfitted with required tools or equipment and in a mentally alert condition to perform the duties of his/her position.)
- b. Render full and industrious service in the performance of assigned duties. If such duties are not sufficient to fully occupy employees at any given time, they must notify their supervisor so that additional work may be assigned.
- c. Respond promptly to and fully comply with directions and instructions received from their supervisor or other appropriate management officials.

- d. Exercise courtesy and tact in dealing with fellow workers, supervisors, contract personnel and the public. Support and assist in creating a productive and hospitable model work environment.
- e. Maintain a clean and neat personal appearance during working hours. Employees are expected to dress appropriately in order to reflect the level of professionalism commensurate with their duties and responsibilities. TSA uniformed employees will comply with the TSA HRM LETTER NO. 735-2, Interim Policy on Uniformed Employees Appearance and Responsibilities.
- f. Safeguard and handle appropriately all classified information and security-sensitive information and other non-public information that should not be given general circulation. Further, employees must report security violations or misuse of such information.
- g. Conserve, protect and ensure appropriate use of Federal funds, time, property, equipment, materials, information and personnel (both Federal and contract).
- h. Observe and abide by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten.
- i. Report known or suspected violations of law, regulations or policy through appropriate channels and fully participate in inquiries. This includes reporting any personal violation that has the possibility or appearance of impacting on the employee's position (e.g., any arrests, to include an arrest for an alcohol or drug-related driving infraction by an employee in any safety or security-sensitive position).
- j. Disclose waste, fraud, abuse and corruption to appropriate agency authorities.
- k. Uphold with integrity the public trust involved in the position to which assigned.
- l. Timely file a financial disclosure report and attend ethics training when required.

3. SUPERVISOR'S RESPONSIBILITIES: In addition to the responsibilities described above, supervisors are responsible for applying TSA's conduct and discipline policies to employees under their supervision. In this context, the term supervisor includes agency management officials and team leaders officially designated "Supervisory." In this capacity, supervisors must:

- a. Ensure all new employees receive and read a personal copy of this policy. Also, within seven (7) days of an employee's receipt of this policy, supervisors will obtain a signed receipt from the employee acknowledging that the employee has received and read this policy (form attached.)
- b. During the annual performance appraisal meeting, have employees sign the attached acknowledgement form re-certifying they have received and read this policy.

NOTE: The acknowledgement of receipt forms described in paragraphs 3.a. and b. above will be filed in the employee's Employee Performance File (EPF) maintained by the supervisor.

- c. Provide employees with one hour of official duty time to review the *Standards of Ethical Conduct for Employees of the Executive Branch* within 90 days of their entrance on duty.
- d. Provide positive leadership and serve as a role model for subordinates by demonstrating a commitment and sense of responsibility to their job and loyalty to the organization.

- e. Treat employees with dignity, respect and in a fair and equitable manner. Supervisors and managers will communicate to their staff that discrimination or harassment, or the appearance thereof, will not be condoned or tolerated.
- f. Promptly notify the servicing security organization and/or the TSA Office of Human Resources Management (OHRM) of known or suspected criminal activity on the part of employees. Also, in accordance with TSA's Personnel Security Program, supervisors must report any information that raises doubts about an employee's continued eligibility for access to classified information.
- g. Fully support and comply with all Department of Homeland Security and TSA regulations, policies and programs. Investigate and, when necessary, take corrective action when an employee commits an offense in violation of those regulations, policies or programs.

4. SAFEGUARDING AND USE OF INFORMATION, DOCUMENTS AND RECORDS:

Employees shall ensure the proper handling of government records and shall not disclose or discuss any classified documents, security-sensitive information, or "For Official Use Only" information unless specifically authorized to do so. Examples of such information include drug and alcohol testing information (e.g., random testing schedules) or EEO matters (e.g., complaints, settlement/resolution agreements, etc.). Classified information shall not be disclosed to anyone without the appropriate security clearance. In addition, employees shall not:

- a. Divulge any official information obtained through or in connection with their government employment to any unauthorized person.
- b. Release any official information in advance of the time prescribed for its authorized issuance.
- c. Use, or permit others to use, any official information not available to the general public for private purposes.
- d. Remove official documents or records from files for personal or inappropriate reasons. Falsification, concealment, mutilation or unauthorized removal of official documents or records, either hard copy or automated, is prohibited by law and is subject to disciplinary action, and arrest and prosecution.
- e. Disclose information contained in Privacy Act records, except as authorized.

5. SAFEGUARDING PUBLIC FUNDS: All employees whose duties involve the expenditure of public funds must have knowledge of and observe all applicable legal requirements and restrictions. In addition, employees are expected to exercise sound judgment in the expenditure of such funds.

- a. Unauthorized Commitments: Only contracting officers and other designated employees, acting within the scope of their authority, may enter into contracts or other agreements and expend funds on behalf of the Government. An agreement entered into by a TSA employee without authority to enter into agreements on behalf of TSA is an unauthorized commitment. Unauthorized commitments are a serious violation of fiscal law and statutes. Persons who enter into unauthorized commitments will be held accountable. Supervisors and managers shall make every effort to prevent unauthorized commitments. An employee may be subject to disciplinary action even if the procurement action is later ratified. A TSA employee shall not award or be involved in the award or administration of personal services contracts unless specifically authorized. A personal service contract is a contract that, by its expressed terms or as administered, establishes what is tantamount

to an employer-employee relationship between the Government and the contractor's personnel. Such a relationship is created when the Government exercises relatively continuous supervision and control over the contractor personnel performing the contract. Additionally, employees will avoid all appearances of improper association with contract personnel. If a legal determination is required on any of these matters, contact the Office of Chief Counsel.

- b. Disclosure of Proprietary or Source-Selection Information: No procurement official or other employee shall disclose proprietary or source-selection information directly or indirectly to any person other than a person authorized by the Under Secretary or the contracting officer to receive such information. An employee who does not know whether information is proprietary or source-selection information, or who does not know whether he or she may disclose or receive such information, has an affirmative obligation to inquire of the contracting officer or the Office of Chief Counsel whether the information is proprietary or source-selection-sensitive.

6. USE OF FEDERAL EQUIPMENT, PROPERTY AND PERSONNEL: Employees may not use or permit others to use federal equipment, property, time or personnel, including but not limited to typing assistance, computer hardware, software, telecommunication capabilities, duplicating services, mail services (internal and external), TSA letterhead or chauffeur services, for other than official business or officially approved or sponsored activities or purposes.

- a. Government telephones are for conducting official business. Employees are permitted to make occasional and reasonable personal calls that are considered necessary in the interest of the Government and that do not interfere with an employee's official duties or result in unreasonable cost to the Government.
- b. Employees may not have their personal mail directed to their place of employment. Supervisors may grant exceptions to this policy in exceptional circumstances (e.g. when an employee is on travel over 50 percent of the time, or for employees in an overseas post of duty.)
- c. Personal use of U.S. Government-furnished postage - either metered or stamps - is prohibited. Personal use of other mailing services paid for by TSA is also prohibited. Employees may not use any form of government supplied postage or mailing service for submitting job applications, even for federal positions. Employee organizations and their members are also prohibited from using government or TSA paid mailing services to distribute organizational information or conduct organizational business.
- d. Employees are prohibited from using government contractor-issued credit cards for personal use or other unauthorized purposes. Such misuse may be the basis for disciplinary action. Employees will seek reimbursement of legitimate official business expenses within five (5) working days after completion of a trip or period of travel, or every thirty (30) days if the employee is on continuous travel status. Prompt payment of account balances is necessary in order to avoid delinquency and embarrassment to TSA.
- e. All Internet and electronic media access by TSA employees - while on duty and/or while using government supplied resources - shall be consistent with assigned duties and responsibilities or consistent with the official business interests of TSA or other authorized purposes. Incidental or non-government purpose use of the Internet is permissible if it is reasonable, does not interfere with official business, does not result in congestion, delay, or disruption and involves minimal additional expense to the Government. Reasonable use must not violate any Federal or TSA rules, regulations or policies.

1. All employees are subject to unannounced periodic monitoring, including their Internet and electronic media access, to ensure that the employee is not using government time, equipment, property or personnel in any prohibited activity, including activity that would discredit TSA
 2. Non-permissible use includes, but is not limited to:
 - i. Seeking, transmitting, collecting, storing, or viewing, defamatory or discriminatory material of a sexual and/or harassing nature;
 - ii. Propagating chain letters or broadcasting inappropriate or unsolicited messages or materials that ridicule, or may be offensive to others on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation;
 - iii. Concealing or misrepresenting user identity or affiliation;
 - iv. Pursuing private commercial activities or profit-making ventures, fundraising, or partisan political activities; and
 - v. Creating or participating in unauthorized Internet web sites or releasing or divulging any information related to the DOT or TSA to those websites.
- f. Employees who willfully use or authorize the use of a passenger carrier, motor vehicle or aircraft owned or leased by the United States Government for other than official purposes shall be suspended without pay for at least one month or longer as warranted, or summarily removed from office in accordance with 31 U.S.C § 1349. Passenger carrier includes motor vehicle, aircraft, boat, ship, or other similar means of transportation owned or leased by the U.S. Government.

7. OBSERVING SAFETY REGULATIONS: Employees must observe all rules, signs and instructions relating to personal safety in the workplace. Employees must report potentially unsafe or unhealthy working conditions and/or practices to their immediate supervisor or the appropriate safety and health official, and cooperate fully with agency safety staff. Failing to observe the following safety regulations may result in disciplinary or other corrective action. Employees must:

- a. Report an accident involving injury to persons or damage to property or equipment.
- b. Use required protective clothing or equipment.
- c. Ensure the safety of, and prevent injury to personnel or damage to property or equipment through negligence.
- d. Wear available safety/seat belt while using a motor vehicle for official government business.
- e. Report any operational error or deviation.
- f. Evacuate the premises during a fire alarm/drill or other order to vacate a work site and otherwise abide by the directions of a Floor Warden, safety, security or management official.

8. UNAUTHORIZED ABSENCE AND TARDINESS:

- a. Employees are expected to schedule and use earned leave in accordance with established procedures and in cooperation with co-workers and supervisors. Employees must obtain prior approval of all absences from duty including leave without pay (LWOP). Employees are required to contact their supervisor at least one hour prior to the employee's scheduled start time to request and explain the need for unscheduled leave. Exceptions to this requirement include when the employee is incapacitated or experiences other exigent circumstance. In such instances, the employee, a family member or other

individual may, as soon as is reasonably practical, notify the employee's supervisor of the unplanned leave. Unplanned absences may negatively reflect on the employee's dependability and reliability, and adversely affect TSA's mission. Unapproved absences will be charged to absent without leave (AWOL).

- b. Tardiness includes delay in reporting to work at the employee's scheduled starting time, returning late from lunch or scheduled break periods, and overdue return to the employee's work site after leaving the workstation on official business. Unexplained and/or unauthorized tardiness will be charged to AWOL. While not itself a disciplinary action, AWOL may form the basis for disciplinary action, up to and including removal from the Federal Service.

9. GIVING STATEMENTS AND/OR TESTIMONY:

- a. Employees must cooperate fully with all agency investigations.
- b. When directed by the Under Secretary (or his/her authorized representative), an employee shall take an oath or make an affirmation about his/her testimony or written statement before an agent authorized by law to administer oaths, and the employee shall, if requested, sign his/her name to the transcript of testimony, affidavit or written statement which the employee provided. No employee may refuse to testify or provide information pertinent to matters under investigation or inquiry.
- c. It is TSA policy to cooperate fully with Congress and other duly authorized investigative bodies regarding matters under their jurisdiction. All employees must give complete and truthful information in response to requests from such bodies for information or assistance. Prior to responding, employees must advise their supervisor, or their second-level supervisor if the inquiry concerns the first-line supervisor, of any such request. Established TSA procedures must be followed for responding to such requests.

10. LETTERS AND PETITIONS TO CONGRESS: Employees, in their official capacity, may not engage in "grass roots" lobbying encouraging persons or entities outside the government (third parties, special interest groups, or members of the public) to contact members of Congress in support or opposition to a legislative matter before or after its introduction. An employee, either individually or collectively, in his or her personal capacity, may petition Congress or any member thereof or may furnish information to any committee or member of Congress. Letters to Congress, as well as petitions and other communications are covered by this provision. While TSA desires that employees seek to resolve any problem or grievance within the agency, any employee exercising the right to correspond with a member of Congress shall be free from restraint, reprisal or coercion. Nevertheless, in accordance with TSA policy, employees may not use agency facilities, supplies, equipment, personnel and/or duty time when contacting, either orally, electronically and/or in writing, anyone, including any committee or member of Congress about personal business.

11. RECORDING OR MONITORING OF TELEPHONE CALLS OR COVERT RECORDING OR MONITORING OF CONVERSATIONS, MEETINGS, ETC.:

- a. Telephone eavesdropping and recording are prohibited. Advance notice must be given whenever another individual is placed on the line or when an automatic recording device or speaker telephone is used. The use of recording devices, portable or otherwise, on telephones shall be for official purposes and generally limited to areas involving transportation security.
- b. Covert/secret taping of any conversation or meeting occurring at the workplace or off-site that deals with workplace issues and matters of official concern are prohibited. Examples

of such meetings are promotion interviews, EEO meetings with a counselor or investigator, meetings between a supervisor and a subordinate, etc. This prohibition applies regardless of any state law that may permit covert/secret tape recording.

- c. These prohibitions do not preclude openly using recording equipment in areas involving transportation security or under circumstances wherein the prior concurrence of all parties is clearly and specifically indicated and understood.

12. DEFAMATORY OR IRRESPONSIBLE STATEMENTS: Employees are accountable for the statements they make and the views they express. Employees shall not make irresponsible, false, disparaging, disrespectful or defamatory statements which attack the integrity of other individuals or organizations, or disrupt the orderly conduct of official business; nor may they make statements urging or encouraging other employees to act or speak irresponsibly, or to commit unlawful acts, where such statements adversely affect the efficiency of the service. Employees making defamatory or irresponsible statements are subject to disciplinary action.

13. WORKPLACE VIOLENCE: Violent, threatening, harassing and/or confrontational behavior is unacceptable and will not be tolerated. Threatening behavior may include harassment, intimidation, or any oral and/or written remarks or gestures that communicate a direct or indirect threat of physical harm or otherwise frighten or cause an individual concern for his or her personal safety. Such irresponsible and inappropriate behavior may include pushing, poking, physically crowding, stalking, fist-shaking, throwing objects regardless of the target of the object being thrown, name calling, raising the voice in anger, obscene language or gestures, or any other intimidating or abusive action which creates a fearful environment or the apprehension of harm. Employees, supervisors and managers are responsible for enforcing the highest standards of personal safety and welfare at the workplace. Employees must immediately report threats of violence, violent incidents or other inappropriate behavior to their supervisors.

14. POSSESSION OF FIREARMS OR OTHER WEAPONS: No employee, while in or on TSA/GSA owned or leased property, including government and personal vehicles, may have in their possession firearms or other weapons unless authorized by TSA in connection with TSA official duties. Additionally, no employee may have in his or her possession firearms or other weapons while in an airport terminal or other airport building unless authorized by TSA in connection with TSA official duties or unless firearms are packed for transport in checked baggage pursuant to 49 C.F.R. §1540.111(c). These prohibitions apply (i) whether the employee is on or off-duty and (ii) regardless of any state law that may permit the carrying of firearms.

15. ALCOHOL AND DRUGS: TSA prohibits the use of illegal substances and the inappropriate use of legal substances. Illegal substances include but are not limited to: cocaine, marijuana, opiates, amphetamines and phencyclidine. Legal substances include but are not limited to alcohol and prescription or over-the-counter medications. These substances can negatively affect: (i) the employee's work performance and/or conduct, (ii) the ability of other employees to perform their duties effectively, or, (iii) the ability of TSA to accomplish its mission. As an employer with responsibility for transportation security, TSA is especially concerned when an employee's actions could negatively affect the security of the public or detract from public confidence. Public confidence depends upon absolute trust in the integrity of the nation's transportation systems and in the employees who maintain the security of the traveling public. Accordingly, employees will be subject to the following requirements:

- a. Employees are prohibited from using illegal drugs both on and off-duty. Employees using illegal drugs are subject to discipline up to and including removal pursuant to TSA's Policy on Drug and Alcohol Free Workplace.
- b. Employees are prohibited from possessing, distributing, or trafficking in controlled and/or illegal substances in violation of federal, state or local law. This prohibition applies to

employees both on and off-duty. Employees engaged in such activities are subject to removal.

- c. Employees known to use illegal substances or to inappropriately use legal substances will not be allowed to perform any safety or security-sensitive duties until TSA has determined that such an employee is not a risk to public safety or security.
- d. An employee arrested for drug or alcohol-related crimes for which a term of imprisonment could be imposed will not be allowed to perform any safety or security-sensitive duties until TSA determines that the employee is not a risk to public safety or security. Employees are subject to an investigation of the circumstances giving rise to the arrest. Also, disciplinary action up to and including removal may be taken based on the results of that investigation.
- e. Employees occupying Testing Designated Positions (TDPs) are prohibited from consuming or being under the influence of alcohol while on duty or consuming alcohol for a minimum of four (4) hours preceding performance of security-sensitive functions.
- f. Employees in non-TDPs are prohibited from consuming or being under the influence of alcohol while on duty.

Reference: See HRM Letter 752-1, *Interim Policy for Addressing Performance and Conduct Problems* for additional information.

16. GAMBLING AND RELATED ACTIVITIES: An employee shall not conduct or participate in any gambling activity while on duty or while on government-owned or leased property. This prohibition also covers employees while they are on the premises of any airport. Gambling activity includes, but is not limited to, operating a gambling device, conducting a lottery or pool, conducting a game for money or property, or selling or purchasing a numbers slip or ticket.

17. ELIMINATING DISCRIMINATION AND CREATING A MODEL WORK ENVIRONMENT (MWE):

- a. TSA is committed to providing a work environment where unlawful discrimination is eliminated and where the contributions of all employees are supported and encouraged without regard to non-merit factors. All conduct must be appropriate and supportive of a model work environment. For instance, engaging in discriminatory conduct, making disparaging remarks, expressing stereotypical views that reflect negatively on a particular group or individual, or displaying and/or distributing offensive material are prohibited in the workplace.
- b. Every level of management, including supervisors, team leaders, etc., is required to provide positive leadership and support for the agency's EEO policies and programs through ensuring that all agency programs, practices and activities are developed and administered in accordance with pertinent laws and agency policy prohibiting discrimination. Managers and supervisors must not engage in unlawful discrimination or inappropriate behavior in carrying out their authority to take, direct others to take, recommend or approve any personnel action with respect to TSA employees and applicants. Managers and supervisors are responsible for ensuring a hospitable workplace free of discrimination, intimidation, and other offensive behaviors and materials, and may be disciplined for failing to take appropriate action to correct intimidating and offensive activity in the workplace.
- c. TSA prohibits reprisal and illegal discrimination against anyone on the basis of race, color, national origin, religion, age, sex, disability, sexual orientation, political affiliation or marital

status. However, TSA may establish physical ability or gender-based employment criteria if a bona fide occupational qualification (BFOQ) requirement exists for such criteria. In addition, TSA will not tolerate disparate treatment of individuals on the basis of characteristics not bearing on job performance.

- d. It is a violation of TSA policy to coerce, threaten, retaliate against, or interfere with any person in the exercise of rights prescribed under Title VII of the Civil Rights Act of 1964. No employee shall be subject to retaliation for making a charge of discrimination, giving testimony, assisting, or otherwise participating in a complaint of discrimination; nor shall an employee be retaliated against for filing a grievance or participating in the grievance process, or addressing his/her concerns pertaining to any other administrative conflict in the workplace through other available means (e.g., Office of Special Counsel or an Inspector General Hotline complaint).

18. SEXUAL HARASSMENT AND MISCONDUCT OF A SEXUAL NATURE: TSA is committed to providing a workplace free of sexual harassment or misconduct of a sexual nature. All employees have a right to work in an environment where they are treated with dignity and respect.

- a. Sexual harassment is sex discrimination in violation of Title VII. Sexual harassment is defined as unwelcome sexual advances (actions will be determined as “unwelcome” if the employee did not solicit the action and the employee regarded the conduct as undesirable and/or offensive), requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term of an individual's employment,
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- b. Misconduct of a Sexual Nature: This is conduct that may not rise to the statutory definition of sexual harassment, but is nonetheless inappropriate for the workplace and will not be tolerated. For instance, viewing and/or printing material of a sexual nature from the Internet is inappropriate. Potential charges include, but are not limited to, misuse of government equipment, systems and/or time.
- c. Misconduct in Violation of the Agency's Policy: All employees have a responsibility to behave in a proper manner and to take appropriate action to eliminate sexual harassment or other misconduct of a sexual nature in the workplace. Examples of actions which are considered a violation of the TSA's policy include, but are not limited to:
 - 1. Sexual teasing, jokes, remarks or questions.
 - 2. Sexually suggestive/offensive looks, leering, ogling, and staring at a person's body, or sexually suggestive or offensive gestures or actions.
 - 3. Unwelcome letters, cards, e-mail messages and/or telephone calls.
 - 4. Posting, distributing, showing, viewing, accessing through the Internet or other electronic media sources, materials of a sexual nature. Sexually explicit materials

are prohibited at the worksite, regardless of whether or not a specific complaint is filed.

5. Pressure for dates.
6. Inappropriate physical touching.
7. Promise of benefit in exchange for sexual favors.
8. Threat or act of reprisal for refusal to provide sexual favors.

19. POLITICAL ACTIVITY AND HOLDING OFFICE IN STATE OR LOCAL GOVERNMENT:

Employees are responsible for complying with the restrictions on partisan political activity contained in the Hatch Act (5 U.S.C. §7321 et seq; 5 C.F.R. Parts 733, 734.) In addition, no employee shall run for nomination to or as a candidate for a local partisan political office, except as expressly provided in Title 5, Chapter 73. Employees are urged to seek the advice of the Office of Chief Counsel to determine if a particular nonpartisan office represents a real or apparent conflict of interest.

20. SUBVERSIVE ACTIVITY: In accordance with Title 5, Chapter 73, no employee shall advocate, or become a member of any organization which the employee knows advocates, the overthrow of the constitutional form of Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States.

21. MEMBERSHIP OR PARTICIPATION IN HATE GROUPS: An employee who knowingly becomes, remains a member of, or participates in a hate group, or otherwise knowingly associates himself or herself with the hate-motivated activities of others, proceeds at the risk that his or her membership, participation, or association could reasonably be taken as tacit approval of the prejudice-related aspects of those groups or activities and could subject the employee to investigation and possible discipline. As used here, "hate group" or "hate-motivated activities" is defined as an organization, association, event, or activity, the sole or primary purpose of which is to advocate or promote hate, violence, or invidious prejudice against individuals or groups based on race, color, religion, national origin, sex, sexual orientation, age, or disability where such association, conduct, or speech adversely affects the efficiency of the service.

22. STRIKING: Employees shall not engage in, or encourage another federal employee to engage in, a strike, work stoppage, work slowdown, or sickout involving the Federal Government.

23. CANVASSING, SOLICITING OR SELLING: Employees shall not engage in private activities involving the use of government time, the time of a subordinate, or equipment or resources for personal gain or the gain of others or any other unauthorized purpose while on duty or on government owned or leased property.

- a. This prohibition applies specifically, but is not limited to, such activities as:
 1. Canvassing, soliciting or selling, particularly for personal or private monetary gain.
 2. Promoting buying, group or otherwise, when such action could reasonably be interpreted as involving the improper use of government facilities, equipment and personnel.
 3. Canvassing or soliciting membership, except in connection with organized, sanctioned employee groups as authorized by law.

4. Soliciting contributions from other employees for a gift to anyone in a superior official position in contravention of law (5 U.S.C. § 7351) or regulation (5 C.F.R. §§ 2635.301 – 2635.304).
- b. This prohibition governs conduct involving the use of government time and/or property.
- c. This prohibition does not apply to:
 1. Specifically authorized activities.
 2. Soliciting contributions for authorized charitable, health, welfare and similar organizations (e.g., Combined Federal Campaign.)
 3. Collecting contributions for group immunization programs conducted for the benefit of employees.
 4. Activities of voluntary groups of federal employees commonly accepted as normal social, welfare or recreational functions of such groups.
 5. A spontaneous, voluntary collection for an employee experiencing a significant life event where the collection is conducted by co-workers of approximately equal status to the employee. In this context, a significant life event includes such events as marriage, childbirth, transfer, separation, retirement, illness or death in the family.

24. BORROWING AND LENDING MONEY: Managers, supervisors or supervisory team leaders shall not borrow money from subordinates or have a subordinate act as an endorser or co-maker of a note given as security for a personal loan. Employees shall not lend money to any other employee, superior official or peer for monetary profit or other gain. These prohibitions do not apply to the operation of recognized credit unions or to employee welfare plans.

25. ACCEPTING NOTARIAL FEES: An employee who is a notary public shall not charge or receive fees for performing notarial acts in connection with his or her official duties. The prohibition on acceptance of fees does not apply to notarial acts performed in an unofficial capacity during off-duty hours and off government-controlled property.

26. MEETING FINANCIAL OBLIGATIONS: Employees shall satisfy in good faith all just financial obligations, especially those such as federal, state or local taxes, and other valid debts, including personal commercial debts, government contractor-issued credit card debts, claims based on court judgments, Federally insured student loans and tax delinquencies, and shall make and adhere to arrangements for settlement of debts.

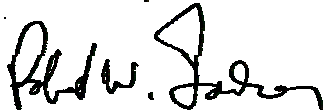
27. ACCEPTING GIFTS: Employees are prohibited from soliciting or accepting, either directly or indirectly, any gift from a prohibited source that is offered because of the employee's government position. Generally, a prohibited source includes any person or organization seeking official action by, doing or seeking to do business with, or whose activities are regulated or substantially affected by TSA or its employees. See 5 C.F.R § 2635.203(d) for the regulatory definition of a prohibited source. A gift includes any favor, gratuity, discount, entertainment, hospitality, loan, forbearance, or any other thing of monetary value, including free transportation and free attendance.

28. OUTSIDE EMPLOYMENT AND OUTSIDE ACTIVITIES: TSA employees may not engage in outside employment or an outside activity that conflicts with their official duties. Employees are encouraged to contact the TSA Office of Chief Counsel to determine whether outside employment or an outside activity conflicts with their official duties.

29. ADVERTISEMENTS, ENDORSEMENTS AND REFERRALS: Employees shall not use their government position or title or any authority associated with their public office to endorse any product, service, or enterprise, except in furtherance of statutory authority, or as a result of documentation of compliance with agency requirements or standards, or as the result of recognition for achievement given under an agency program of recognition, after consultation with the TSA Office of Chief Counsel.

30. FINANCIAL INTERESTS: Employees shall not hold financial interests that present a conflict of interest with their government duties in accordance with 18 U.S.C. §208.

31. REPORTING VIOLATIONS: As mandated under “Employee Responsibilities,” it is every employee’s duty to report any known or suspected violation of law, regulation or policy to their immediate supervisor. Failure to report a violation may result in discipline.



Robert W. Gardner
Assistant Administrator for
Finance and Administration

Filing Instructions: File with HRM 735 Letters

Distribution: Assistant Administrators, Office Directors, and TSA Affiliated HR Offices

POC: TSAHR/Paul Sheldon (202) 385-1234

HRM LETTER NO. 735-1: **Interim Policy on Employee Responsibilities and Conduct**

Acknowledgement of Reading and Receipt

I acknowledge that I have received and read a copy of HRM Letter No. 735-1, Subject: Interim Policy on Employee Responsibility and Conduct.

Employee Signature

Date