

AO MANUAL

Volume 4: Human Resources

Chapter 2: AO Code of Conduct

[§ 210 Overview](#)

[§ 220 General Principles](#)

[§ 230 \[Reserved\]](#)

[§ 240 Conflicts of Interest](#)

[§ 250 Outside Activities](#)

[§ 250.10 \[Reserved\]](#)

[§ 250.20 \[Reserved\]](#)

[§ 250.30 Gifts](#)

[§ 250.40 Specific Forms of Outside Employment](#)

[§ 250.50 \[Reserved\]](#)

[§ 250.60 \[Reserved\]](#)

[§ 250.70 \[Reserved\]](#)

[§ 250.80 \[Reserved\]](#)

[§ 250.90 Post Employment Restrictions](#)

[§ 260 Political Activities](#)

§ 210 Overview

- (a) This Code of Conduct applies to all employees of the AO. Contractors and other private employees who serve the AO are not covered by this code, but the AO may impose these or similar ethical standards on them.
- (b) The Director has authorized the General Counsel to render advisory opinions concerning the application and interpretation of this code. Employees should consult with their supervisors and/or AOHRD staff for guidance on questions concerning this code and its applicability before a request for an advisory opinion is made to the General Counsel. In assessing the propriety of proposed conduct, an employee should take care to consider all relevant principles in this code, the Ethics Reform Act, and other applicable statutes and regulations (e.g., receipt of a gift may implicate both the code and the Ethics Reform Act gift regulations).

Should a question remain after this consultation, the affected employee or the employee's supervisor may request an advisory opinion from the General Counsel.

§ 220 General Principles

An independent and honorable judiciary is indispensable to justice in our society. Public service in the judiciary is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private interests. Employees should observe high standards of conduct so that the integrity and independence of the judiciary are preserved.

Each employee should respect and adhere to these standards of ethical conduct. Violation of these standards may subject an employee to disciplinary action. However, disciplinary action for violating these standards will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of the General Counsel, provided that the employee, in seeking such advice, made full disclosure of all relevant facts and circumstances.

(a) Adherence to Requirements

Employees should respect and comply with the law, AO policies, and these ethical standards, and should avoid impropriety and the appearance of impropriety in all activities. Whether particular circumstances create an appearance of impropriety is determined from the perspective of a reasonable person with knowledge of the relevant facts that a reasonable inquiry would disclose. Employees should become acquainted with the laws regulating legal and ethical conduct, including the following provisions pertaining to:

- (1) bribery, graft, and conflicts of interest (applicable provisions of [18 U.S.C. chapter 11](#), including §§ 201, 203, 205, 211, and 219);
- (2) conspiracy to defraud the government with respect to claims and false, fictitious or fraudulent claims ([18 U.S.C. §§ 286](#) and [287](#) and [31 U.S.C. § 3729](#));
- (3) conversion of public money, property, or records and failing to account for public money ([18 U.S.C. §§ 641](#) and [643](#));
- (4) fraud or false statements in a government matter ([18 U.S.C. § 1001](#));
- (5) disclosing confidential information received in the course of employment ([18 U.S.C. § 1905](#));

- (6) concealing, removing, or mutilating a public record ([18 U.S.C. § 2071](#));
 - (7) nepotism in employment ([5 U.S.C. § 3110](#));
 - (8) receiving any gift, decoration, or salary from any foreign government except as authorized by Congress (Emoluments Clause of the U.S. Constitution, Article I, section 9, clause 8, and [5 U.S.C. § 7342](#)).
- (b) Performance of Duties
- (1) Employees should be patient, dignified, respectful, and courteous to all persons with whom the employee deals in an official capacity, including the general public, and should diligently discharge the responsibilities of the office in a prompt, efficient, nondiscriminatory, fair, and professional manner.
 - (2) Employees should be faithful to professional standards and maintain competence in their professions.
 - (3) Employees should not knowingly make unauthorized commitments or promises of any kind purporting to bind the government.
- (c) Use of Public Office for Private Gain
- (1) Employees should not use public office for private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or affiliates, including nonprofit organizations of which the employee is an officer or member and persons with whom the employee has or seeks employment or business relations.
 - (2) Employees should not lend the prestige of the office to advance or to appear to advance the private interests of others.
- (d) Preferential Treatment
- (1) Employees should act impartially and not give preferential treatment to any private organization or individual.
 - (2) Employees should not allow family, social, or other relationships to influence official conduct or judgment.

(e) Use of Nonpublic Information

- (1) Employees should not disclose any nonpublic information received in the course of official duties except as required in the performance of such duties, nor should employees employ such information for personal gain or to further any private interest.
- (2) Employees should not engage in financial transactions using nonpublic information obtained through the employee's position or allow the improper use of such information to further any private interest.
- (3) For purposes of this section, nonpublic information is information that an employee gains by reason of federal employment and that the employee knows or reasonably should know has not been made available to the general public, including information:
 - (A) protected from disclosure by statute, order, or regulation;
 - (B) designated as confidential; or
 - (C) that has not actually been disseminated to the general public and is not authorized to be made available to the public on request.
- (4) A former employee should observe the same restrictions on disclosure of confidential information that apply to a current employee, except as modified by the AO.

(f) Use of Government Resources

- (1) Employees should not use federal property (including intellectual property and property leased to the government), equipment, services, or other resources for other than authorized activities. This applies to the use of computers and applications, including Internet technologies.
- (2) Employees should put forth an honest effort in the performance of their duties and should use official time in an honest effort to perform official duties.
- (3) An employee should not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

§ 230 [Reserved]

§ 240 Conflicts of Interest

An employee should avoid conflicts of interest, including financial conflicts of interest, that are inconsistent with the conscientious performance of official duties.

(a) Conflicts of Interest Defined

- (1) A conflict of interest arises when an employee knows that he or she (or the spouse, minor child, or other close relative of the employee) might be so personally or financially affected by a matter that a reasonable person with knowledge of the relevant facts would question the employee's ability to perform official duties properly in an impartial manner.
- (2) A financial conflict of interest arises when an employee participates personally and substantially in an official capacity in any particular matter in which the employee (or the spouse, minor child, general partner, employer, or prospective employer of the employee) has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

(b) Remediating Conflicts

- (1) When an employee believes that a conflict of interest may be presented, the employee should promptly inform his or her supervisor.
- (2) The supervisor, after determining that a conflict or the appearance of a conflict of interest exists, should take appropriate steps to restrict the employee's performance of official duties in such matter so as to avoid a conflict or the appearance of a conflict of interest. In the case of a financial conflict of interest, the supervisor may prohibit or restrict an employee from acquiring or holding a financial interest if it is determined that acquiring or holding such interest will:
 - (A) require the employee's disqualification from central or critical duties, materially impairing the employee's ability to perform the duties of the position; or
 - (B) adversely affect the efficient accomplishment of the AO's mission. An employee should observe any restrictions imposed by his or her supervisor in this regard.

(c) Keeping Informed of Conflicts

An employee should keep informed about his or her financial interests and make a reasonable effort to keep informed about the personal financial interests of a spouse or minor child residing in the employee's household. An employee should make and file reports of financial interests to the extent prescribed by the AO, the Ethics Reform Act, other applicable law, or the Judicial Conference of the United States.

§ 250 Outside Activities

Employees should refrain from outside activities, including seeking or negotiating for employment, that conflict with official government duties and responsibilities, exploit the position, or associate the employee in a substantial financial manner with persons whose interests are likely to be significantly affected by the official activities of the employee or the AO. Subject to these standards and the other provisions of this code, an employee may engage in civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, homeowner association, and recreational activities, and may speak, write, lecture, and teach.

(a) Outside Employment and Financial Activities

- (1) An employee wishing to engage in outside employment must comply with applicable legal requirements. An employee may not engage in outside employment with an AO contractor, subcontractor, or grantee in connection with work performed by that entity for the AO. An employee may not participate in futures trading in any futures that are based on the number of filings or other indices of activity in federal courts.
- (2) Certain senior employees are subject to the restrictions on forms of outside employment set forth in [5 U.S.C. App. §§ 501 to 505](#) and the [Judicial Conference Regulations on Outside Employment, Earned Income and Honoraria \(Guide, Vol. 2C, Ch. 10\)](#).

(b) Prior Approval of Outside Employment

- (1) Before engaging in any outside employment, whether or not for compensation, an employee in PB-2B or above should obtain written approval. For purposes of this section, employment means any form of employment or business relationship involving the provision of personal services by the employee, including services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, or trustee. Prior approval is not required to participate in the activities of a nonprofit organization, unless the activities involve the provision of professional services or

advice or are for compensation (other than reimbursement of expenses).

- (2) To obtain approval the employee should submit a request using [Form IF-210](#), which should be forwarded through normal supervisory channels to the appropriate Senior Staff member and the Associate Director and General Counsel (who should consult with the appropriate Executive Management Group member and/or AOHRD, as appropriate, regarding the relationship between the outside employment and the performance of the employee's official duties). The request should describe:
 - (A) the prospective employer,
 - (B) the nature of services to be performed,
 - (C) the approximate dates and times of employment,
 - (D) the compensation involved, and
 - (E) likely clients or professional associations.
- (3) The AO may disapprove a request for outside employment, or impose conditions on the employment, if the AO determines that the outside employment is likely to involve the following:
 - (A) violation of any federal statute or regulation, a conflict of interest, or conduct that is otherwise inconsistent with this code of conduct;
 - (B) disqualification of the employee from central or critical duties, materially impairing the employee's ability to perform the duties of the position, or any other adverse effect on the efficient accomplishment of the AO's mission;
 - (C) time requirements that will detract from the employee's performance of official duties;
 - (D) use (or the appearance of use) of nonpublic information obtained by the employee through his or her employment with the AO;
 - (E) bypassing of official channels for access to available public information;

- (F) the performance of work in outside employment that should be performed by the employee (or by another AO employee) in an official capacity;
 - (G) an appearance that in any manner suggests the employee receives special consideration in the proposed outside employment by virtue of his or her employment with the AO.
 - (4) Completed requests will be forwarded to AOHRD for record keeping purposes and notification of the final decision to the employee, the relevant Executive Management Group member, and any supervisor(s) who reviewed the request. A new request must be submitted after five years (unless a different time period is specified in the approval) or upon a significant change in the nature or scope of the employee's official duties or outside employment.
- (c) Seeking Future Employment
 - (1) An employee may seek and obtain employment to commence after the completion of employment with the AO. In so doing, the employee must comply with applicable legal requirements, including the Procurement Integrity Act, [41 U.S.C. § 2103–2105](#).
 - (2) When an employee is negotiating for or has any arrangement concerning prospective employment, the employee may not participate in any particular matter that will have a direct effect on the financial interests of a person with whom the employee is negotiating or has such an arrangement.
 - (A) An employee who becomes involved in such a situation should promptly inform his or her supervisor, who should ensure that the employee does not participate in the matter.
 - (B) Where seeking employment with a particular person will require the employee's disqualification from central or critical duties, materially impairing the employee's ability to perform the duties of the position, the supervisor may allow the employee to take leave or may take other appropriate action.
- (d) Fundraising

An employee may engage in fundraising for outside activities provided that he or she does not:

 - (1) personally solicit funds or support from a subordinate;

- (2) personally solicit or accept funds from any person known to the employee to be seeking official action by the AO, doing business (or seeking to do business) with the AO, or having interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or
 - (3) use or permit the use of the employee's official title, position, or any authority associated with the employee's public office to further the fundraising effort.
- (e) Compensation
- (1) An employee may not receive any salary, or any supplementation of salary, as compensation for official government services from any source other than the United States government.
 - (2) An employee may receive compensation and reimbursement of expenses for outside activities, provided that:
 - (A) receipt of such compensation and reimbursement is not prohibited or restricted by this code, the Ethics Reform Act, and other applicable law, and
 - (B) the source or amount of such payments does not influence or give the appearance of influencing the employee in the performance of official duties or otherwise give the appearance of impropriety.
 - (3) Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by an employee.
 - (4) Any payment in excess of such an amount is compensation.
 - (5) An employee should make and file reports of compensation and reimbursement for outside activities to the extent prescribed by the Ethics Reform Act, other applicable law, or the Judicial Conference of the United States.
 - (6) Certain senior employees are subject to the restrictions on outside earned income set forth in [5 U.S.C. App. §§ 501 to 505](#) and the [Judicial Conference Regulations on Outside Employment, Earned Income and Honoraria \(Guide, Vol. 2C, Ch. 10\)](#).

§ 250.10 [Reserved]

§ 250.20 [Reserved]

§ 250.30 Gifts

(a) Gifts Generally

No employee may accept anything of value, including a gift, in return for being influenced in the performance of official duties. An employee should report the value of gifts to the extent required by the Ethics Reform Act, other applicable law, or the Judicial Conference of the United States.

(b) Gifts Between Employees

An employee should not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself or herself, except as permitted by the [Judicial Conference Gift Regulations \(Guide, Vol. 2C, Ch. 6\)](#).

(c) Gifts from Outside Sources

(1) An employee should not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties, except as permitted by the [Judicial Conference Gift Regulations \(Guide, Vol. 2C, Ch. 6\)](#).

(2) An employee should endeavor to prevent a member of an employee's family residing in the household from soliciting or accepting any such gift except to the extent that an employee would be permitted to do so by the [Judicial Conference Gift Regulations \(Guide, Vol. 2C, Ch. 6\)](#).

(d) Employees with Contract Responsibilities

Contracting officers, acquisition managers, and other employees who are personally and substantially involved in the award of a contract, including program officials serving as technical evaluators or source selection officials, shall not accept any gift, irrespective of the dollar amount, from any person, vendor, or organization competing for the contract, during the pendency of the action (i.e., before contract award).

§ 250.40 Specific Forms of Outside Employment

- (a) Teaching, Speaking, and Writing for Compensation
 - (1) An employee may not receive compensation from any source other than the United States for teaching, speaking, or writing that relates to the employee's official duties. Teaching, speaking, or writing relates to the employee's official duties if:
 - (A) it is undertaken as part of the employee's official duties;
 - (B) the circumstances indicate that the invitation was extended primarily because of the employee's official position rather than the employee's expertise on the particular subject matter;
 - (C) the invitation was extended by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties;
 - (D) the information conveyed through the activity draws substantially on nonpublic information; or
 - (E) it deals in significant part with any matter to which the employee is assigned or any policy, program, or operation of the AO.
 - (2) Compensation to members of the AO Senior Staff includes the expenses of transportation, lodging, and meals (except for meals furnished as part of the event). Compensation does not include waiver of fees, publications, meals, and other incidents of attendance furnished as part of the event.
 - (3) All employees are subject to the prohibition on receipt of honoraria for an appearance, speech, or article, as set forth in [5 U.S.C. App. §§ 501 to 505](#) and the [Judicial Conference Regulations on Outside Employment, Earned Income and Honoraria \(Guide, Vol. 2C, Ch. 10\)](#). Certain senior employees are required to obtain advance approval before engaging in compensated teaching, as set forth in 5 U.S.C. App. §§ 501 to 505 and the Judicial Conference Regulations on Outside Employment, Earned Income and Honoraria.

(b) Practice of Law

- (1) An employee may not practice law in any court of the United States and should not otherwise engage in the practice of law except as provided in this section.
- (2) An employee may act pro se, may perform routine legal work incident to the management of the personal affairs of the employee or a member of the employee's family, and may provide pro bono legal services in civil matters, provided that such activities do not present an appearance of impropriety, do not take place while on duty or in the employee's workplace, and do not interfere with the employee's primary responsibility to the AO, and further provided that:
 - (A) in the case of family legal work, such work:
 - (i) is done without compensation (other than such compensation as may be allowed by statute or court rule in probate proceedings) and
 - (ii) does not involve the entry of an appearance in a federal court;
 - (B) in the case of pro bono legal services, such work:
 - (i) is done without compensation;
 - (ii) does not involve the entry of an appearance in any federal court or administrative agency; and
 - (iii) does not involve a matter of public controversy or litigation against the federal government.
- (3) Employees may also serve as uncompensated mediators or arbitrators for nonprofit organizations, subject to the standards applicable to pro bono practice of law, as set forth above, and the other provisions of this code.

(c) Service as an Expert Witness

- (1) An employee may not serve, other than on behalf of the United States, as an expert witness, with or without compensation, in any proceeding before a court or agency of the United States in which the United States is a party or has a direct and substantial interest, unless the employee's participation is authorized by the agency.

- (2) The employee's service as an expert witness may be authorized provided it does not violate this code of conduct and the agency determines:
 - (A) that it is in the interest of the government or
 - (B) that the subject matter of the testimony does not relate to the employee's official duties.
- (3) This section does not prohibit an employee from serving as a fact witness when subpoenaed by an appropriate authority.
- (d) Representational Activities and Claims Against the United States
 - (1) Employees may not accept compensation for serving as an agent or representative in matters in which the United States is a party or has an interest, as prohibited in [18 U.S.C. § 203](#).
 - (2) Employees may not act as agent or attorney in prosecuting claims against the United States, as prohibited in [18 U.S.C. § 205](#).

§ 250.50 [Reserved]

§ 250.60 [Reserved]

§ 250.70 [Reserved]

§ 250.80 [Reserved]

§ 250.90 Post Employment Restrictions

- (a) Former AO employees who work elsewhere after the completion of employment with the AO must comply with applicable legal requirements, including the Procurement Integrity Act, [41 U.S.C. § 2103–2105](#).
- (b) For purposes of this section, representational activities include acting as an agent or attorney or otherwise representing any person in any formal or informal appearance before the AO or making any oral or written communication to the AO with the intent to influence the agency.
 - (1) This does not include acts performed as part of official government duties.
 - (2) A particular matter means a matter involving deliberation, decision, or action affecting the interests of specific persons, such as a judicial or administrative proceeding, petition, contract, or claim. It

does not extend to the consideration or adoption of broad policy options affecting the interests of large and diverse groups.

(3) An employee of the AO should refrain from meeting with or accepting communications from a former employee in connection with activities of the former employee that reasonably appear to be inconsistent with the restrictions set forth below.

(4) Restrictions

(A) Permanent Restriction

A former employee may not, after terminating employment with the AO, knowingly act as a representative for any person before the AO in connection with any particular matter in which the former employee participated personally and substantially.

(B) Two-Year Restriction

A former employee may not, within two years after terminating employment with the AO, knowingly act as a representative for any person before the AO in connection with any particular matter that was actually pending under the former employee's official responsibility within one year prior to the termination of such employment.

(C) One-Year Restriction

A former employee in the AO Executive Service or above may not, within one year after terminating employment with the AO, knowingly act as a representative for any person before the AO in connection with any particular matter pending before the AO or in which the AO has a direct and substantial interest, without regard to whether the former employee participated in or had official responsibility for the matter.

§ 260 Political Activities

(a) Political Activity Generally

(1) Employees (other than those employees described in Additional Restrictions for Designated Employees, below) may take an active part in political activities, to the extent not expressly prohibited in this section and so long as the activities do not result in neglect of

or interference with the performance of the duties of the employee or create a conflict or apparent conflict of interest.

- (2) Employees may:
 - (A) express opinions privately and publicly on political subjects;
 - (B) be politically active in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or similar issue;
 - (C) participate in the nonpartisan activities of a civic, community, social, labor, professional, or similar organization;
 - (D) otherwise participate fully in public affairs, except as prohibited, in a manner that does not compromise his or her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the AO.
- (3) Employees may not use their official authority or influence for the purpose of interfering with or affecting the result of an election.
- (4) Employees who participate in political activity may not use their position, title, or authority in connection with the activity or to coerce any person to participate in the activity.
- (5) Employees may not engage in any political activity while on duty, in the workplace, or while using a government vehicle and may not utilize any federal resources in any political activity.
- (6) An employee who is the spouse or family member of a candidate for elective public office is subject to the same prohibitions as other employees covered by this section.

(b) Parties

- (1) An employee may be a member of a political party or affiliated organization and participate in its activities at the state and local (but not federal) levels.
- (2) An employee may participate in a political convention, rally, or other political gathering, including nominating caucuses of political parties, where the participation relates to state or local (but not federal) elective public office.

(c) Political Campaigns and Elections

An employee may engage in the following activities relating to campaigns for partisan or nonpartisan elective public office:

- (1) display political pictures, signs, stickers, badges, or buttons;
- (2) sign a nominating petition;
- (3) register and vote in any election;
- (4) act as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or candidate;
- (5) serve as an election judge or clerk, or in a similar position.

In addition, an employee may engage in the following activities relating to campaigns for nonpartisan elective public office and campaigns for partisan state or local (but not federal) elective public office:

- (6) initiate or circulate a nominating petition;
- (7) take an active part in an organized solicitation of votes in support of or in opposition to a candidate;
- (8) endorse or oppose a political candidate;
- (9) take an active part in managing the campaign of a political candidate;
- (10) drive voters to polling places on behalf of a political party or candidate.

(d) Candidacy for Elective Public Office

An employee may run as a candidate in a nonpartisan election. An employee may not run as a candidate in a partisan election except as an independent candidate for state or local (but not federal) office.

(e) Contributions and Fundraising

- (1) An employee may engage in the following activities, whether nonpartisan or partisan:
 - (A) make a contribution to a political party, political group, political action committee, campaign committee, or candidate for elective public office;

- (B) attend a political fundraiser.
- (2) In addition, an employee may engage in the following activities relating to nonpartisan elective public office and partisan state or local (but not federal) elective public office:
 - (A) solicit or accept uncompensated volunteer services from any individual, except a subordinate employee;
 - (B) solicit or accept political contributions, except from a subordinate employee;
 - (C) organize or actively participate in a fundraising activity.
- (f) Additional Restrictions for Designated Employees

Additional restrictions on partisan political activities apply to the Director, Deputy Director, AO Executive Service members, and AO Senior Staff members. These employees may not engage in the following partisan political activity:

- (1) act as a leader or hold office in a political party or affiliated organization;
- (2) publicly endorse or oppose a political candidate or party;
- (3) solicit or accept political contributions;
- (4) solicit or accept uncompensated volunteer services from any AO employee;
- (5) become a candidate for elective public office;
- (6) take an active part in managing the campaign of a political candidate;
- (7) organize or actively participate in a fundraising activity.