BONNEVILLE POWER ADMINISTRATION

# Acting With Integrity, Upholding Our Values

## The BPA Code of Conduct

*"In just about every area of society, there's nothing more important than ethics."*

— Henry Paulson,
Secretary of the Treasury, 2006-2009

# TABLE OF CONTENTS

A Message From BPA Administrator and CEO Elliot Mainzer . . 3

Introduction
About the BPA Code of Conduct . . . . . 4

BPA's Core Values: Linked to Our Code of Conduct
Know Your Responsibilities . . . . . 4
Uphold the Public Trust . . . . . 4
Be Proactive: Prevent and Report Concerns . . . . . 5
Retaliation . . . . . 5

Personal Conduct
Harassment-free Workplace. . . . . 6
Violence-free Workplace . . . . . 7
Discrimination-free Workplace . . . . . 7
Alcohol and Illegal Drugs . . . . . 8
Gambling . . . . . 8
Proper Use of Your Position . . . . . 10
Use of Government Time, Supplies and Equipment . . . . . 11
Federal Records . . . . . 14
Social Media . . . . . 15

Conflicts of Interest
Financial Conflicts of Interest . . . . . 16
Appearance of a Conflict of Interest . . . . . 18
How to Avoid a Conflict of Interest . . . . . 18
Post-BPA Employment . . . . . 19

Gifts
Gifts From Outside Sources . . . . . 21
Gifts Between Employees . . . . . 22

Political Activities: The Hatch Act . . . . . 24

Consequences of Noncompliance . . . . . 25

Help and Information
Resources for More Information . . . . . 26
Web Sites for More Information . . . . . 26
Required Training . . . . . 27
Confidential Financial Disclosure Reports . . . . . 27
Reporting Fraudulent Behavior . . . . . 27
The BPA Hotline. . . . . 28

Appendix A: . . . . . 29
Principles of Ethical Conduct for Government Officers and Employees

*"Ethics is knowing the difference between what you have a right to do and what is right to do."*

— **Potter Stewart, Associate Justice of the United States Supreme Court, 1958-1981**

# A Message From Elliot Mainzer

## Fellow Employee,

The theme of the BPA Code of Conduct is "Acting with Integrity, Upholding Our Values." Each day I'm reminded how seemingly simple, yet how important, such an outlook can be. Integrity is a foundational component of each BPA core value – Safety, Trustworthy Stewardship, Collaborative Relationships and Operational Excellence. The BPA Code of Conduct is an essential guide for all of us to ensure we are acting with integrity and in turn, upholding our values.

From receiving gifts to avoiding conflicts of interest, acting with integrity requires that we understand and follow regulations and policies to ensure we maintain the public's trust. It's normal to have questions about the regulations and requirements, as I often do. And the Code of Conduct is a good place to start. If it doesn't answer your questions, the Help and Information section will direct you to people or places for more guidance.

It's important for all employees to know and understand the principles that make up our Code of Conduct. By doing so, you help strengthen BPA. I also can't overstate the importance of an open, honest work environment where employees feel free to report concerns, whether it's to your manager or any other resource listed in this handbook. Consider safety as an example. When it comes to safety, the difference between right and wrong — and someone's ability to report a concern — could mean life or death. I want and expect an environment where employees feel free to speak up, ask questions, and do their part to help ensure we are all doing the right thing.

We have an important mission to accomplish on behalf of the Pacific Northwest, and we will always be under the watchful eye of the public we serve. By familiarizing ourselves with the BPA Code of Conduct and continuing to focus on our core values, we will be able to admirably serve the region and continue to accomplish great things.

Elliot Mainzer
Administrator and CEO

# Introduction

## About the BPA Code of Conduct

The Code of Conduct outlines BPA's expectations for the behavior and ethical conduct of its employees. It is not new information, but a summary of existing federal standards and BPA policies.

Never knowingly violate this code even if you think doing so would lower costs, improve customer service or provide any other beneficial effect.

Violation of this code or the underlying regulations or policies may result in disciplinary action, up to and including removal from federal service.

While the BPA Code of Conduct covers the most common issues, it is not possible to cover everything. This summary is provided to assist you. It is incumbent, however, on every BPA employee to comply with the complete regulations and policies underlying this summary. Employees are encouraged to consult the underlying source documents for complete information and guidance. Refer to the Help and Information section at the end of this document for a list of the underlying source documents and their corresponding Web sites.

# BPA's Core Values: Linked to Our Code of Conduct

You uphold our core values — safety, trustworthy stewardship, collaborative relationships and operational excellence — by following the BPA Code of Conduct. In other words, you cannot operate safely, be a trustworthy steward, have successful collaborative relationships or be operationally excellent if you do not know or understand your responsibilities as a BPA employee. Even if you believe you are acting in the best interest of BPA and feel you are upholding our core values, you must first be certain you are upholding this code and the underlying regulations and policies.

## Know Your Responsibilities

Every BPA employee must know, understand and comply with the BPA Code of Conduct and the underlying regulations and policies.

Following and upholding the BPA Code of Conduct and the underlying regulations and policies is a condition of employment. Consequences of violating the BPA Code of Conduct or the underlying regulations or policies could result in disciplinary action, up to and including removal from federal service.

## Uphold the Public Trust

Public service comes with a responsibility to uphold the public trust. This requires you to make public policy and business decisions that support BPA's mission, vision and values. As a federal employee you took an oath[1] to support and defend the constitution of the United States. By accepting your position as a public servant, you have agreed to:

[1] *www.opm.gov/constitution_initiative/oath.asp*

- Faithfully discharge the duties of your office.
- Not use public office for private gain.
- Act impartially and not give preferential treatment to any private organization or individual.
- Avoid any action that would create the appearance that you are violating the law or ethical standards.

By observing the rules outlined in the BPA Code of Conduct and the underlying regulations and policies, you instill confidence and credibility in BPA's ability to make decisions on the public's behalf.

## Be Proactive: Prevent and Report Concerns

All employees are responsible for promptly reporting actual or potential wrongdoing, including actual or potential violations of law, regulation, policy or procedure. Report conduct concerns and work to resolve them by talking to your supervisor, manager or other management official. Management is receptive and responsive to employee concerns and will investigate concerns/matters/issues and take appropriate action.

You may also contact the BPA Hotline to report a concern or ask a question. The BPA Hotline is operated by a third-party vendor under contract to BPA. Calls to the BPA Hotline may be anonymous at your request. This applies to concerns you may have for yourself, your coworkers or management. More information on the BPA Hotline is available in the Help and Information section.

> Trust your instincts. It is better to ask questions than ignore behavior that may conflict with the BPA Code of Conduct.

## Retaliation

BPA expressly prohibits any form of retaliation against employees who report suspected violations of the BPA Code of Conduct or federal law or regulation. If you believe you have been retaliated against, report it to your manager or other resource. You may report retaliation to the BPA Hotline. Any report of retaliation will be investigated.

An employee who believes they have been retaliated against can file a written complaint with the U.S. Office of Special Counsel, an independent and prosecutorial agency. The OSC will investigate the allegations of retaliation.

# Personal Conduct

## Consider BPA's Core Values

You can uphold each of our core values by adhering to BPA's policies on personal conduct. This means you act in the best interest of the region, work to improve our business and support a positive work environment.

## Preventing Workplace Violence

Department of Energy Guide 444.1-1, Preventing and Responding to All Types of Workplace Violence, defines workplace violence as any threat or act of violence against persons or property; or verbal threats, intimidation, harassment, bullying; or other inappropriate, disruptive behavior that causes fear for personal safety inside or outside of the work site. Whatever the cause or whoever the perpetrator, workplace violence is not acceptable and will not be tolerated at any BPA facility.

Harassment occurs when unwelcome comments or conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment. A conduct is unwelcome if the employee did not solicit, instigate or provoke it, and the employee regarded the conduct as undesirable or offensive.

If someone is harassing you, take one or more of the following steps as soon as possible:

- Tell a manager or supervisor about the conduct and how you feel about it.
- Contact any of the following additional resources:

**Confidential Mediation.** Contact the EEO office at 503-230-3462 to discuss options for mediation services. You may also find more information at the Department of Energy's *Alternative Dispute Resolution* webpage, https://www.energy.gov/oha/services/applications-exceptions/alternative-dispute-resolution.

1. **EEO.** Contact an EEO counselor.
2. **Union.** If your position is in a bargaining unit, contact a union steward or official who can assist you in raising the issue to management's attention (Labor Relations staff can provide contact names).
3. **Employee Assistance Program.** Contact the EAP for counseling assistance.
4. **DOE Ombudsman.** (These services are not available to employees whose positions are in the AFGE bargaining unit).

Respond to non-imminent threats of violence and threatening behavior by reporting the situation immediately to a manager or physical security.

For more information on the DOE policy on preventing workplace violence, at https://portal.bud.bpa.gov/sites/BPAInternalPolicy/PublishedPoliciesProcedures/DOE_G444.1-1_Preventing_Responding_Workplace_Violence.pdf.

## Discrimination-free Workplace

Management decisions involving employees must be made on the basis of the efficiency and effectiveness of the federal service and must be consistent with merit system principles. Decisions based on personal biases can hinder sound judgment and adversely affect the work environment. BPA will not practice, condone or tolerate job-related discrimination based on any non-merit factor.

Discrimination may occur when someone is treated differently from others because of his or her race, age, color, religion, sex, national origin, disability, marital status, political affiliation, sexual orientation, group membership, outside affiliations, personal beliefs, personal traits or any other non-merit factor.

Employees may seek information from any of the following resources in any order they choose:

- A supervisor or manager.
- An EEO counselor.
- The Employee Assistance Program.
- Ombuds. (These services are not available to employees whose positions are in the AFGE bargaining unit).
- Your union if your position is in a bargaining unit.
- HR Help.

Anyone who perceives that they have been discriminated against and wants to access the EEO complaint process must contact an EEO Counselor within 45 calendar days of the incident in question.

For more information on BPA's nondiscrimination policy, see BPA Manual Chapter 400/713C at: https://internal.bud.bpa.gov/Policy/BPA%20Manual/400-713C.doc.

## Alcohol and Illegal Drugs

You must be able to work safely and efficiently when you report for duty and must remain fit for work during your work hours. BPA policy prohibits the possession and/or use of alcohol, narcotics or illegal drugs on BPA property or when in duty status. In addition, BPA policy prohibits:

- Entering BPA property under the influence of alcohol, narcotics or illegal drugs.
- Operating a BPA- or GSA-owned, leased or rented vehicle under the influence of alcohol, narcotics or illegal drugs.
- Operating any vehicle on BPA property or in duty status under the influence of alcohol, narcotics or illegal drugs.

For more information on BPA's alcohol and illegal drugs policy, see BPA Manual Chapter 400/792A at: https://internal.bud.bpa.gov/Policy/BPA%20Manual/00400792A.doc.

## Gambling

Gambling on BPA property is prohibited. Gambling is risking something of value in games of chance for prizes, money or other personal property or the operation of gambling devices, the conduct of a lottery or pool, or the sale or purchase of raffle tickets.

For more information on gambling in the federal workplace see 5 CFR 735.201, https://www.law.cornell.edu/cfr/text/5/735.201.

FAQ

## Alcohol and Illegal Drugs

Q. **May I have a drink when I am on travel status?**

A. You may not consume alcohol when you are traveling on official business for BPA and on duty status. Duty status includes the time you are earning regular hours during normal business hours, earning travel comp time while in transit, or earning any overtime, credit hours or comp time.

Q. **Are there job-related consequences to drinking when I am off duty?**

A. While not prohibited, consuming alcohol on your personal time could have job consequences. For instance, if you consume alcohol while on personal time yet report to work under the influence of alcohol you may be subject to disciplinary action. Another example would be the loss of a driver's license by an employee whose position requires him or her to have a valid driver's license. If that should occur, the employee may be removed from his or her job for failing to maintain a condition of employment.

FAQ

## Gambling

Q. **The play offs are coming up. May my coworkers and I bet on the game?**

A. Betting is a form of gambling and may not be conducted while on duty or on BPA property.

Q. **May I solicit monies for a non-profit organization by selling raffle tickets to my co-workers?**

A. No, raffles are gambling. Additionally, the only charitable giving appeal of federal employees in the work place is the Combined Federal Campaign. Employees may also respond to charitable giving appeals by the Associates employee organization. The law also provides that the Office of Personnel Management can suspend this restriction in dire emergencies, allowing BPA to conduct special solicitations and also to select charities for donations.

## Proper Use of Your Position

Using your position for your private gain or the benefit or gain of a friend, relative, business associate or non-federal entity is improper.

Examples of misuse of position include, but are not limited to:

- Using your position to solicit coworkers as customers for a friend or relative's business.
- Using BPA letterhead to write a letter of recommendation for a friend with whom you have not dealt with in the course of federal employment. You may only write letters of recommendation on BPA letterhead when you: a) have personal knowledge of the person's ability or character based on your contact in the course of federal employment, or b) when you are recommending the person for federal employment.

### Use of the BPA Name and Logo

You cannot use the BPA name or logo for personal gain or the gain of a friend, relative, business associate or non-federal entity. Further, you cannot use your BPA position or title in a way that could imply BPA endorses your personal activity, such as using your official title to engage in charitable fundraising.

FAQ

## Proper Use of Your Position

Q. **May I ask a contractor to hire my best friend?**

A. No, especially if you are the Contracting Officer or the Contracting Officer's Technical Representative. You cannot use your position to influence any contractor providing services to BPA for the private gain of your friend, relative or business associate.

Q. **May I use my BPA position to endorse a product BPA has purchased from a vendor?**

A. No. BPA employees may not use their government position to suggest that the agency or any part of the executive branch endorses an organization (including a nonprofit organization), product, service or person.

Q **May I use my BPA computer to raise money for charity by selling lunches at work?**

A. No. Employees are not allowed to fundraise at work or use BPA resources to fundraise for charities. Using the BPA email to send these emails for personal or charitable use makes it appear, because it goes out with the BPA address, as if BPA endorses a fundraising event or charity, which it does not.

For more information on the proper use of your position, go to the Office of Government Ethics Web site at: https://www2.oge.gov/web/oge.nsf/Use+of+Government+Position+and+Resources.

## Use of Government Time, Supplies and Equipment

The most common misuse of position is the use of government time, supplies and equipment for personal purposes. Official time and government time, supplies and equipment should only be used to perform your official duties. You must also protect and conserve BPA property, and you may not use it for unauthorized purposes.

For more information on the use of government time, supplies and equipment, go to: the Office of Government Ethics Web site: https://www2.oge.gov/web/oge.nsf/Use+of+Government+Position+and+Resources.

### Use of Telephones, Computers and Other IT-Related Equipment

While the use of some BPA resources for personal use is prohibited, there is an exception when it comes to Information Technology equipment. IT equipment includes any computing device or component that can be attached to or interact with BPA's computer network, such as desktop computers and monitors, laptops, software, personal digital assistants or other handheld instruments, telephones, cell phones, fax machines, pagers, copiers and printers.

Limited personal use of BPA IT resources is acceptable if it:

- Does not interfere with your job performance.
- Involves little or no operating cost to BPA.
- Does not reflect badly on BPA; all communication must be businesslike.

You may use BPA IT equipment for limited personal use. This means you can use BPA's IT equipment before the workday, during lunch breaks and after the workday (see below for some exceptions that also permit limited usage during work hours).

This allowance for limited personal use of BPA's IT equipment is not an employee right. Rather, this is an allowance that can be limited or revoked at any time for any reason. Under no circumstances should BPA equipment be used to conduct personal business activities or other business activities other than for BPA.

### Monitoring Computer Use

BPA retains the right to monitor the use of its IT equipment. The agency does this in full compliance with the law. This monitoring promotes safety, prevents criminal activity, aids in the investigation of alleged misconduct and security breaches and helps manage information systems.

Even though BPA has a limited personal use policy, you have no right or expectation of privacy when using BPA's IT equipment. Any use or information on BPA's IT equipment is accessible by BPA even if it is password-protected or has been deleted.

## Limited Personal Use of BPA's IT Equipment

The following sections highlight some of the conditions for limited personal use of BPA's IT equipment. All of the conditions are covered in BPA Manual Chapter 1110 and the Cell Phone Limited Personal Use Policy to supplement BPA Manual Chapter 1110. Keep in mind that the information presented in the BPA Code of Conduct is a summary, and it is incumbent on BPA employees to abide by all the conditions in BPA Manual Chapter 1110 and the supplement. If you have any questions about the proper use of your computer or other electronic equipment, refer to these policies or contact the Help Desk at 503-230-HELP (4357).

## E-mail and Wired Telephones

Occasionally during work time, employees can use BPA e-mail and telephones, including voicemail, to contact family members and others regarding work or school schedules,

> Use government time, supplies and equipment for official duty only, not for personal use.

FAQ

## Use of Government Time, Supplies and Equipment

Q. **May I pay my bills online using a BPA computer before I begin work?**

A. No. You cannot make financial transactions online at any time using BPA IT equipment. The only exceptions are transactions for your Thrift Savings Plan account, pay.gov (provided by the U.S. Department of the Treasury) and to pay for government travel.

Q **I have a BPA cell phone. May I use my BPA cell phone for personal text messaging?**

A. The same limited use policy applies to use of a BPA cell phone whether you are making a telephone call, sending an email or text messaging. BPA employees' texting and emailing using a BPA cell phone or PDA have no expectation of privacy. BPA retains the right to review all text and email messages sent and received from BPA cell phones and PDAs.

Q. **Are there job-related consequences to text messaging while driving a government vehicle or privately-owned vehicle while on official government business?**

A. Yes. Executive Order 13513, Federal Leadership on Reducing Text Messaging, dated October 1, 2009, bans federal employees from text messaging while driving. Employees who text message while driving government-owned vehicles; who text in their own cars using government-issued phones; or who text and drive while they are on official business may be subject to disciplinary action.

doctor appointments and other similar communications that cannot be conducted during non-work hours. Occasional use of e-mail and wired telephones during work hours is permissible up to 10 minutes unless otherwise authorized by a supervisor or manager. BPA does not allow the use of personal/non-agency email accounts to conduct agency business. If exceptional circumstances require the use of personal/non-agency email accounts to conduct agency business, users must "cc" their BPA-issued email account to ensure the email is captured and managed.

## Internet

The Internet may be used for limited personal use only during non-work hours to access public libraries, newspapers, weather reports and similar publically available information. Employees can use the Internet to access their Thrift Savings Plan, Health Care Flexible Spending Account, Federal Employee Health Benefit Plan and Federal Long-Term Care Insurance Program accounts and to check their balance in a bank or credit union account during non-work time.

## Cell Phones

BPA-issued cell phones and services are paid for by BPA for official use. Use of a BPA-issued cell phone for personal use is not permitted except as follows:

- Unplanned and extended work hours: A five minute cell phone call during work time if an employee is required to extend his or her work hours for government business and a wired telephone line is unavailable.
- Emergency cell phone calls to 911, law enforcement authorities and medical support personnel.
- Hazardous conditions: A personal call of no more than five minutes in the event of hazardous conditions in which a delay in arrival or departure to a destination may cause concern.
- Travel status: Limited personal use of cell phones is allowed while on travel status, as governed by the BPA Travel Manual.
- Other non-work related calls: Under special conditions outlined in BPA policy, non-routine use of a cell phone is permitted if a wired phone line is unavailable.
- Forwarding desk phone to cell phone: Forwarding calls from a wired BPA telephone or other phone to a BPA cell phone for BPA business only must be approved by a manager or supervisor.

## Never Use BPA IT Equipment to:

- Access, view or transmit sexually oriented or explicit material.
- Access, view or transmit material that a reasonable person would find offensive.
- Support an outside business or job.
- Gamble.
- Sell or purchase anything, such as on eBay, Craig's List or other shopping Web sites.

- Transmit financial transactions, such as moving money in a personal bank or credit union account, paying bills or making stock trades.
- Solicit donations, other than for the Combined Federal Campaign or the Associates.
- Conduct political activities.
- Conduct commercial business activities.

### Consequences of Misuse

The misuse of BPA IT equipment and services poses a significant business risk and may compromise BPA's IT systems. Failure to satisfy your obligations under the IT policy may lead to the loss of system use and possible disciplinary action up to and including removal from Federal service. Improper use of BPA IT equipment that is suspected of violating federal laws will be reported to the appropriate law enforcement agencies.

For more information on proper use of telephones, computers and other IT-related equipment, see BPA Manual chapter 1110 at: *https://internal.bud.bpa.gov/Policy/BPA%20Manual/00001110.doc*.

## Federal Records

Federal records are documents, data and recorded information in any medium (paper or electronic) that are created or received by an agency of the U.S. government in connection with or providing evidence of the agency's organization, mission, functions, policies, decisions, procedures, operation or other activities of the agency. They include drafts, working papers, and electronic records and email messages.

If the document or information is created or received as part of your official duties, it's a record and cannot be removed, copied or destroyed unless in the course of conducting official agency business. Nor should you conduct official agency business using non-BPA tools such as a personal email account.

Unlawful removal of Federal records is a crime. If you are found guilty of unauthorized destruction or removal of Federal records, you may be subject to criminal penalties, including fines, imprisonment or both. The agency responsible for records management oversight, the National Archives, provides guidance on the management of Federal records and penalties for unauthorized removal. [https://www.archives.gov/records-mgmt]

Personal files or papers are those that are unrelated to the transaction of agency business; they are not considered Federal records. These may include:

- Certain reference materials or vendor catalogs.
- Convenience copies such as duplicates of publications.

For more information on Federal Records, see https://portal.bud.bpa.gov/sites/BPAInternalPolicy/PublishedPoliciesProcedures/Policy_236-11_Information_Lifecycle_Management.pdf.

---

*"Relativity applies to physics, not ethics."*

**— Albert Einstein, Theoretical physicist**

FAQ

## Federal Records

Q. **May I keep personal files at work?**

A. It is okay to keep a limited amount of personal files at work, but they must be kept separate from your work files and clearly designated as personal. You should also remember that merely labeling a file "personal" does not affect its status if the contents meet the definition of a Federal record.

Q. **I am leaving BPA. May I take source documents such as work papers, notes and copies of emails from projects I worked on during my career at BPA?**

A. You may not take non-public information, whether on paper or in electronic form, when you leave BPA.

## Social Media

BPA uses social media technologies such as Facebook, Twitter and YouTube to enhance public communication and information exchange to support BPA's mission. BPA welcomes employees to share their comments, ideas and concerns. You are encouraged to fact check communications on social media and, whenever feasible, correct inaccurate information about BPA. All posted comments are in the public domain. Users are responsible for any and all comments that they submit. Personal opinions are not to be portrayed as official BPA positions.

Employees commenting on BPA social media sites are expected to:

- **Stay focused.** All viewpoints are welcome, but comments should remain relevant to the BPA or BPA-related topics.
- **Be respectful.** Personal attacks, profanity, aggressive behavior or unsupported accusations are harmful to the conversation.
- **Add value.** Comments should be relevant. The best way to be interesting and garner attention is to write about what you know. If you have a deep understanding of something, talk about the benefits, challenges and issues around it.
- **Avoid Spam.** Repeated posting of identical or very similar content or promoting products or services is counterproductive.

*"The needs of a society determines its ethics."*

— Maya Angelou, American poet, singer, memoirist, and civil rights activist

# Conflicts of Interest and impartiality

A conflict of interest or the appearance of a loss of impartiality can cause the public to question your credibility and objectivity.

If your work for BPA could benefit you, your spouse, your minor children or someone whose interest is imputed to you, you may have a financial conflict of interest. If your work could benefit someone else with whom you have a business or personal relationship, then you may have an appearance of a loss of impartiality. It is important to avoid both types of situations.

## Consider BPA's Core Values

Avoiding conflicts of interest and acting with impartiality upholds BPA's core value of trustworthy stewardship. It removes any doubt that the activities in your personal life might conflict with your commitment as a public servant. It also leaves no doubt that you are basing business decisions on the well-being of the agency and spending the ratepayers' money wisely.

## Financial Conflicts of Interest

As a BPA employee, you have the opportunity to use your talents and expertise to do work that benefits the public. Sometimes, though, your BPA work may financially benefit you or your family personally, or may affect individuals or organizations that you have some connection with outside of BPA. When this happens you have a financial conflict of interest. In these circumstances, the public could be concerned that you will be motivated by considerations other than your desire to do what is best for the public as a whole.

Because the success of BPA depends upon maintaining the confidence of the public, BPA might decide that you shouldn't be involved in a certain assignment because the public would be likely to question your objectivity. For example, BPA might "disqualify" you from an assignment that may affect a member of your household or that involves a person with whom you do business outside BPA.

A financial conflict of interest is very serious and is a criminal matter. It means you have a personal financial interest in a matter you work on at BPA. Continuing to work on something in which you have a financial interest could result in disciplinary action and possibly criminal prosecution. Report any financial conflicts of interest as soon as you become aware of them, and work with a BPA ethics advisor to eliminate them.

> A financial conflict of interest can exist even if you think you are acting in the best interest of BPA or the public.

Your personal financial interests include the interests of:

- You.
- Your spouse.
- Minor child.

- Business partner.
- An organization in which you serve as an officer, director, trustee, general partner or employee.
- Any estate, trust or property you legally manage.
- A prospective employer.

If you think you may have a financial conflict of interest, immediately talk to the person responsible for giving you the assignment and to a BPA ethics advisor. You may need to be disqualified from working on the assignment. This means you would not participate in the matter that is posing the conflict of interest. Or, you could be required to divest yourself of the interest that is creating the conflict.

For more information on financial conflicts of interest go to the Office of Government Web site at: https://www2.oge.gov/web/oge.nsf/Financial+Conflicts+of+Interest.

## Seeking Employment: A Potential Financial Conflict of Interest

Changing employers or looking for additional employment can result in a financial conflict. Generally, you cannot work on a matter that will affect the financial interests of someone with whom you are seeking employment.

Consult with a BPA ethics advisor before you begin your job search with an entity that is doing business with BPA. You may be considered to be seeking employment before you are engaged in actual negotiations. Consult with an ethics advisor immediately if you receive an unsolicited job offer from a BPA customer or other entity doing business with BPA or if you are unsure if the entity is doing business with BPA.

"Seeking employment" includes:

- Negotiations regarding possible employment.
- Sending an unsolicited resume or other employment proposal.
- Entering into an employment contract.

If a search firm or other intermediary is involved, disqualification is not triggered unless the intermediary identifies the prospective employer to the employee.

Even if you receive an unsolicited job offer, you are seeking employment until you decline the offer. Ignoring the offer is not a declination!

If your prospective or outside employer has a financial interest in anything you work on, you must stop working on the matter immediately. If you work on procurement matters, additional restrictions may apply. You must also inform your supervisor and a BPA ethics advisor.

During your job search, you must be careful not to misuse BPA resources, such as official time, equipment, or supplies.

For more information on seeking employment:

- Go to the Office of Government Web site at: https://www2.oge.gov/web/oge.nsf/Post-Government+Employment.
- See "Understanding the Revolving Door: How Ethics Rules Apply to Your Job Seeking and Post-Government Employment Activities" at https://ethics.od.nih.gov/topics/RevolvingDoor.htm.

## Appearance of a Conflict of Interest

FAQ

### Conflicts of Interest

Q. **What should I do if I find myself in a financial conflict of interest?**

A. You must do two things immediately: 1) Stop working on the conflicting matter, and 2) report it to your manager and a BPA ethics advisor. Your manager and the ethics advisor will help you resolve the matter. If you continue to work on something in which you have a financial conflict of interest and don't report it, you could be subject to disciplinary action, up to and including removal from federal service, and you may also be subject to criminal prosecution.

Q. **I have been invited to join the board of the Humane Society. Is there anything special I need to do?**

A. Yes. Before participating as a volunteer for any organization check with a BPA ethics advisor. Your participation may require prior written approval.

Q. **I am considering applying for an outside job with a company I work with on behalf of BPA. May I wait to discuss this with my manager or an ethics advisor until I submit an application?**

A. No. You should always contact a BPA ethics advisor for advice before you take any steps toward getting a job with someone affected by projects you are working on for BPA. After someone approaches you about a job and you don't decline, you must immediately inform both your manager and a BPA ethics advisor.

In addition to a financial conflict of interest, it is important that BPA employees avoid the appearance of a conflict of interest. An appearance of a conflict of interest arises when someone with the relevant facts could question your impartiality in an activity.

An appearance of a conflict of interest arises when the matter you are working on could financially benefit a relative (other than your spouse or minor child), a member of your household or someone with whom you have a business relationship.

Always consider not only whether your actions would result in a financial conflict of interest but also how others may perceive your behavior. If someone could perceive a conflict, talk to your manager or a BPA ethics advisor. You may need to be removed from the activity under question or receive approval to continue the activity.

## How to Avoid a Conflict of Interest

BPA encourages you to pursue volunteer and other activities that have meaning and add value to your life. However, you cannot be involved in activities that may result in a financial conflict of interest or the appearance of a conflict of interest.

To avoid a financial conflict of interest or the appearance of a conflict of interest, obtain written approval from your immediate supervisor and a BPA ethics advisor before you engage in any outside activity, whether you receive compensation or not.

If you have outside employment when you begin your BPA job, or if you seek outside employment while you work at BPA, you must seek approval from a BPA ethics advisor to make certain you don't have a conflict of interest.

Examples of when you must seek approval include when you:

- Volunteer as an officer for a profit or nonprofit organization, such as the Girl Scouts or the zoo.
- Act as a training consultant.
- Serve as an expert witness for an outside party.
- Participating in any income generating activites.

Written requests for approval must describe the details of the activity and your current BPA duties. A BPA ethics advisor will help you through this process and make the final determination.

For more information on outside activities or employment go to the Office of Government Ethics Web site at: *https://www2.oge.gov/web/oge.nsf/Outside+Employment+and+Activities*.

## Post-BPA Employment

Understanding how the federal ethics rules apply to you after you leave federal service can be challenging. Even when you no longer work for BPA, there are federal laws you must follow. These laws restrict your ability to make representations back to BPA. The laws do not generally restrict what you can do for your new employer. You can work for any employer you choose and tell that employer everything you know about your years of federal service. You can provide them with public documents.

If your new employer does business with BPA, there could be restrictions on your future contact with BPA but you may be able to work behind the scenes. Although you can make recommendations about how to work with BPA, you may not be able to represent your new employer to BPA in a conference call or meeting. You may also share contact information with your new employer.

There are additional restrictions with respect to particular matters you worked on while at BPA. If your involvement was personal and substantial, then you are permanently restricted from representing your employer back to any federal department, agency or court on the same matter. If the matter was under your official responsibility during your last year at BPA, then you are barred for two years from representing anyone back to BPA on that same matter. Senior Executive Service employees are banned for one year from making contact on any matter or representing, aiding, or advising a foreign government or foreign political party with the intent to influence certain Government officials.

If you participated in a contract award, administration, inspection or receipt of materials you may not accept compensation from the contractor or serve as an employee, officer, director or consultant to the contractor for one year after you leave federal service. This restriction applies if you had substantial involvement in drafting a statement of work, proposal evaluation or acceptance of work products. It does not apply if your work was behind the scenes or if it was limited to clerical or budget activities or to report on the status of the contract or grant.

Make certain you understand the post-employment rules before you decide to retire or leave BPA for another job. Violating the post-employment rules is a crime and may have

FAQ

## Post Employment

Q. **May I tell my new employer what I know about BPA?**

A. You may not share confidential or proprietary information that you learned at BPA. Otherwise, yes, you may share your knowledge of BPA with a new employer.

Q. **My new employer wants me to listen to a conference call on a matter that I was substantially involved in while at BPA. Is that okay?**

A. No. You can tell your new employer everything you know about the contract and work behind the scenes. But you cannot try to influence BPA on behalf of your new employer. This includes being personally present or directly participate in a meeting or conference call. Depending on your position, other restrictions may apply. Contact a BPA ethics advisor.

Q. **After I leave BPA, may I contact a BPA ethics advisor for questions?**

A. Yes. A BPA ethics advisor is available to answer your questions and will help you resolve any conflict of interest issues you have regarding your post-BPA employment. However, you must contact an ethics advisor before you find yourself in a conflict. If you are already in a conflict, you need to go to a private attorney for advice.

serious consequences. If you are suspected of violating the post-employment rules you may be investigated by the Inspector General or Federal Bureau of Investigation or prosecuted by the Department of Justice. If you are found guilty, you may be subject to criminal fines, imprisonment or attorneys fees. A BPA ethics advisor can help you stay out of trouble. You may contact an ethics advisor even after you leave BPA.

For more information on post-BPA employment see "Understanding the Revolving Door: How Ethics Rules Apply to Your Job Seeking and Post-Government Employment Activities" at: *https://ethics.od.nih.gov/topics/RevolvingDoor.htm*.

# Gifts

One of the most common questions about conduct is identifying whether you can accept a gift from a vendor, customer or any individual with whom you do business.

## Consider BPA's Core Values

While it may seem harmless, giving and accepting gifts can convey the appearance of untrustworthy behavior such as undo influence, favoritism, or preferential treatment. Avoiding the acceptance of gifts ensures your actions are not misinterpreted as unethical.

## Gifts From Outside Sources

In general, you may not accept gifts from "prohibited sources." A prohibited source is defined as any person or organization doing business with or that would like to do business with BPA.

- You can never solicit a gift from a prohibited source.
- You cannot accept a gift from a prohibited source in return for the performance of your duties.

Gifts include anything that has monetary value, such as:

- Discounts.
- Meals.
- Training and travel.
- Gift cards.
- Services such as landscaping, plumbing or computer assistance.

The following items are not considered gifts:

- Modest food items such as coffee or doughnuts.
- Greeting cards.
- Items of little intrinsic value, such as plaques or certificates.
- Anything that is paid for by the government, such as materials provided as part of a training program or conference.

### Exceptions

It is always a good idea to decline a gift from a prohibited source. BPA encourages you to refuse all gifts to avoid the appearance of a conflict of interest. However, you can

accept the following items without violating federal ethics laws.

- A single gift valued up to $20, provided the total value of gifts from the same person or company is not more than $50 in a calendar year.

If you receive a gift that violates the ethics rules, you can choose to return it or pay its full market value.

You may not accept a gift simply by paying the amount that exceeds the $20 limit.

- A gift motivated solely by a family or personal relationship.

## Gifts Between Employees

### Gifts to Your Supervisors and Managers

Generally, you cannot give a gift to a supervisor or manager. Occasionally, you may give the following individual gifts:

- Gifts other than cash valued at no more than $10.
- Food and refreshments shared in the office.

FAQ

## Gifts

Q. **When BPA sends me to a conference, may I visit the vendor exhibit hall and pick up items offered by the exhibitors such as pens, flash drives, umbrellas, notepads, etc.?**

A. Yes, provided the fair market value from any one vendor does not exceed $20. The fair market value does not mean the value the vendor paid. It is the value you would normally pay for such an item.

Q. **May I accept a gift of a fruit basket from a vendor or customer during the holidays?**

A. Generally, accepting any gift from a "prohibited source" such as a vendor or customer is a violation of federal law. You may accept a perishable gift on a one-time basis as long as you share it with your work group. You must also send a letter to the sender asking them to not send gifts in the future.

Q. **May I accept the offer of a free training session sponsored by a vendor that has a new release of a product or a tool BPA might be interested in purchasing?**

A. No. You may not accept free attendance to an event that is primarily focused on promoting a given company's products and services to current or prospective customers because the intended audience for such an event is generally confined to those who have an actual or potential commercial relationship with a single company.

- Gifts offered as hospitality in the employee's home that are customarily provided to friends.
- Gifts given in connection with the receipt of personal hospitality that is customary to the occasion.

Gifts appropriate to certain special, infrequent occasions may be given. These occasions include:

- Events of personal significance such as marriage, illness or the birth or adoption of a child.
- Occasions that terminate the subordinate-official superior relationship such as retirement, resignation or transfer.

### Gifts From Other Employees

You may receive a gift from another federal employee who receives less pay than you as long as the employee is not your direct report and you enjoy a friendship that justifies the gift.

### Gifts to Your Peers

You may give a gift to a coworker, peer or an employee who works at a greater or lesser pay grade than you as long as the employee is not your direct report and you enjoy a friendship that justifies the gift.

FAQ

## Gifts from contract personnel

Q. **May a BPA employee solicit money or items of monetary value from contract personnel?**

A. No, a BPA employee should never solicit money or anything of monetary value from contract personnel.

Q. **Is it appropriate for a BPA employee to ask contract personnel to set up a contributions envelope or send an email soliciting contributions for a work-related event?**

A. No, contract personnel should never solicit money or anything of value from a BPA employee, even if the contract employee's name does not appear on the contributions envelope.

Q. **May a BPA employee accept a gift from contract personnel?**

A. Maybe. If the gift has a fair market value under $20 and the BPA employee is still within the $50 limit on gifts from a single "source" for the year.

### Gifts from Contract Personnel

BPA contractors, vendors, and companies that are doing business or seeking to do business with BPA are "prohibited sources." This includes all contract personnel, whether they sit in your office, work on your line crew or you consult them as subject matter experts.

The basic rule is this: BPA employees are prohibited from soliciting anything of monetary value either directly or indirectly from contract personnel for any reason. This includes special occasions or one-time events such as weddings, retirements or baby showers.

For more information on gifts, go to the Office of Government Ethics Web Site at: *https://www2.oge.gov/web/oge.nsf/Gifts+and+Payments*.

# Political Activities: The Hatch Act

The Hatch Act is a law passed by Congress that restricts federal employees' participation in some partisan political activities. Partisan political activities are defined as any activity directed at the success or failure of a political party or candidate for partisan political office.

## Consider BPA's Core Values

While BPA encourages you to vote and support candidates of your choice, bringing partisan political activities into the workplace is against the law and disrupts the work force. By not using the workplace or your position to support partisan politics you exhibit trustworthy stewardship.

> The Hatch Act protects you from being coerced into engaging in politics.

## What You May Not Do:

- You may not use BPA property or equipment for partisan political activities.
- You may not wear or decorate BPA property with partisan political paraphernalia.
- You may not engage in partisan political activity while on duty or while using a government vehicle.
- You may not solicit, accept or receive political contributions for a partisan candidate or party.
- You may not become a candidate in a partisan election.
- You may not use any personal digital assistant (PDAs) such as Blackberrys, iPhones or iPads to engage in political activity while on federal property. This includes equipment issued by BPA or your personal equipment.

If you do any of the activities listed above, you could be removed from federal service.

## What You May Do:

- You may attend a political fundraiser and contribute money to political organizations. However you cannot sponsor or raise funds for a partisan candidate in a partisan election.
- You may become a candidate in a nonpartisan election (such as a school board, water district or some city council seats).

- You may campaign for or against candidates in partisan elections and hold office in political clubs or parties.
- If you hold an elected position when you begin federal employment, you may continue to hold that position. However, you may not run for re-election if it is a partisan position.

For more information on The Hatch Act, go to the Office of Special Counsel Web Site: *https://osc.gov/Pages/HatchAct.aspx*.

# Consequences of Noncompliance

Employees who violate the BPA Code of Conduct may be disciplined. Possible disciplinary actions include:

- Counseling.
- Letters of reprimand.
- Suspension.
- Demotions.
- Directed reassignment.
- Removal from federal service.

The level of discipline is based on many factors, including but not limited to:

- Job type and level.
- Impact of the offense on BPA's business operations and reputation.
- Previous discipline.
- Severity of the offense.

There may be other consequences for violating the BPA Code of Conduct and the underlying regulations and policies that are serious and constitute criminal conduct. These can include:

- Investigation by the Inspector General and Federal Bureau of Investigation.
- Criminal prosecution by the Department of Justice.
- Fees you pay to have an attorney represent you.
- Fines.
- Imprisonment.

For more information on Employee Discipline, Adverse Actions and Alternative Discipline, see DOE Order 333.1 at *https://portal.bud.bpa.gov/sites/BPAInternalPolicy/PublishedPoliciesProcedures/DOE_O333.1_Administering_Work_Force_Discipline.pdf*.

FAQ

## Political Activities

Q. **May I wear my "Pierre for President" lapel pin to work?**

A. No. This is an example of partisan political activity in the workplace. Although you are free to promote partisan candidates on your own time, any such activities at work or while representing BPA are prohibited.

Q. **May I put a lawn sign in my car and park on BPA property?**

A. No. However, you may put a bumper sticker on your car and park on BPA property, but anything larger is not allowed.

Q. **Can I use my personal Facebook page to advocate for or against a partisan candidate?**

A. Yes, as long as you do not use your official position nor ask or encourage readers to make political contributions or post a link to the contribution page of the partisan political campaign.

Q. **I include my official position with BPA on my social media profile. Do I have to remove it?**

A. No. However you may not refer to your official position with BPA in an effort to bolster the political advocacy statements on your Facebook page, other social media page or blog.

# Help and Information

## Resources for More Information

When you are unsure whether your actions comply with the BPA Code of Conduct and the underlying regulations and policies, ask questions. There are several sources you can rely on for guidance. If you suspect misconduct or have questions, choose the option from the following list that you feel the most comfortable with or feel most appropriately matches the circumstances.

- A manager or supervisor.
- BPA's ethics advisors in General Counsel at 503-230-4201.
- The BPA Hotline at 800-440-2241.
- DOE Ombudsman at 202-586-0500. (These services are not available to employees whose positions are in the AFGE bargaining unit.)
- BPA's Safety Office at 360-418-2397 or *http://internal.bpa.gov/Policy/Safety/Pages/Safety.aspx*.
- Your union if your position is in a bargaining unit (Call Labor Relations staff for names and contact information).

## Web Sites for More Information

- BPA's ethics Web site: http://internal.bpa.gov/Policy/Ethics/Pages/Ethics.aspx internal only
- BPA Policy Library: https://portal.bud.bpa.gov/sites/BPAInternalPolicy/SitePages/Home.aspx
- BPA's Civil Rights/EEO site: http://internal.bpa.gov/EmployeeCenter/ConflictManagement/Pages/ConflictManagement.aspx
- Office of Government Ethics: www.oge.gov
- The Hatch Act: https://osc.gov/Pages/HatchAct.aspx
- U.S. Office of Special Counsel: www.osc.gov/
- Merit System Principles: www.opm.gov/ovrsight/mspidx.asp
- Prohibited Personnel Practices: www.opm.gov/ovrsight/proidx.asp
- Whistleblower Disclosures: www.osc.gov/
- Rules and Regulations Governing Public Buildings and Grounds: www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs141p2_015381.pdf
- Occupational Health & Safety Administration: www.osha.gov/

## Required Training

Congress requires one hour of ethics training annually for individuals filing Confidential Financial Disclosure Reports. BPA has extended this requirement to cover all BPA employees. For additional information, contact a BPA ethics advisor.

## Confidential Financial Disclosure Reports

Depending on your position, you may be required to file a Confidential Financial Disclosure Report annually. This includes, but is not limited to, BPA employees whose duties involve the development of policy or the exercise of discretion in sensitive areas, such as contracting, procurement, administration of grants and licenses, and regulating or auditing non-federal entities. Confidential financial disclosure reports are not available to the public. For additional information, contact a BPA ethics advisor.

## Reporting Fraudulent Behavior

If you suspect violations of the ethics regulations or BPA policy, or if you suspect fraud, you must report it. Fraud is defined as deceiving or taking advantage of the U.S. government and includes such things as embezzlement, theft, bribery, forgery and making false statements.

If you know of or suspect wrongdoing, promptly report it to one of the following:

- BPA Manager of Internal Audit at 503-230-4135.
- DOE Office of the Inspector General at 800-541-1625.
- BPA Security and Emergency Management (if theft involved) ) at 503-230-3779.

- Law enforcement entities.
- Manager or supervisor.

If you are unclear who to contact, call the BPA Hotline or make a web submission. After your report is received it will be reviewed and sent to the appropriate organization for action.

For more information on fraud, see DOE Order 221.1B *Reporting Fraud, Waste and Abuse to the Office of the Inspector General*, https://www.directives.doe.gov/directives-documents/200-series/0221-1-border-b/@@images/file.

## The BPA Hotline

The BPA Hotline is a tool for employees to communicate their concerns about the respectful workplace, ethics, fraud, waste & abuse, legal violations, safety, security, compliance, or any other issue. It is operated by a third-party vendor, and employees can remain anonymous.

You may reach the Hotline 24/7 from any location. Call the toll-free Hotline at 800-440-2241 to speak to a communications specialist. To make a web report, go to the ethics tab on BPA Connection or https://bpahotline.ethix360.com and fill in the information fields. At the conclusion of your report, you will be given a report and pin number. You can use them to provide BPA with additional information or check the status of your report

FAQ

## BPA Hotline

Q. **Do I have to contact the BPA Hotline during business hours?**

A. No. The BPA Hotline is available 24 hours a day, 365 days a year. You may call from any location or use any computer to make a web submission.

Q. **If I call the BPA Hotline, do I have to give my name?**

A. No. You can remain anonymous. However, it may be more difficult to investigate your concern if BPA cannot contact you for more information.

Q. **How will I know that BPA has taken action on my report?**

A. At the conclusion of your report you will be given a report and PIN number. You may use that information to check on the status of your report. Even if you make an anonymous call or web submission, BPA can communicate with you by asking questions or give you a status report on your call or web report. Responding to questions BPA asks, reviewing your status report or supplementing you initial report will not reveal your identity unless you choose to do so.

# Appendix A

Executive Order 12674 of April 12, 1989 (as modified by E.O. 12731)

## PRINCIPLES OF ETHICAL CONDUCT FOR GOVERNMENT OFFICERS AND EMPLOYEES

To ensure that every citizen can have complete confidence in the integrity of the federal government, each federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

(a) Public service is a public trust requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

(b) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(c) Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.

(d) An employee 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 the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(e) Employees shall put forth honest effort in the performance of their duties.

(f) Employees shall make no unauthorized commitments or promises of any kind purporting to bind the government.

(g) Employees shall not use public office for private gain.

(h) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(i) Employees shall protect and conserve federal property and shall not use it for other than authorized activities.

(j) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official government duties and responsibilities.

(k) Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

(l) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as federal, state or local taxes that are imposed by law.

(m) Employees 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.

(n) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

*"Even the most rational approach to ethics is defenseless if there isn't the will to do what is right."*

— Alexander Solzhenitsyn,
Russian novelist &historian

www.bpa.gov

BONNEVILLE POWER ADMINISTRATION
P.O. Box 3621, Portland, Oregon 97208-3621

DOE/BP-I-1330 • September 2018