

BPA Policy 160-1

Ethics

Leadership and Authority

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160-1.1 Purpose & Background

To set forth the Bonneville Power Administration's (BPA) Ethics Policy and Program. The BPA policy and program is consistent with the Office of Government Ethics policy and program, which fosters high ethical standards for employees of the Executive Branch and strengthens the public's confidence that the Government's business is conducted with impartiality and integrity.

160-1.2 Policy Owner

The Deputy Administrator, working through BPA's Office of Agency Compliance and Governance, has overall responsibility for monitoring, reporting, deploying, evaluating, and proposing revisions to this policy.

160-1.3 Applicability

This policy applies to all BPA federal employees.

160-1.4 Terms & Definitions

- A. **BPA Code of Conduct:** The Code of Conduct outlines BPA's expectations for the conduct of its employees. The BPA Code of Conduct includes a summary of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635 and 2641, the Hatch Act and BPA policy.
- B. **Office of Government Ethics:** The Office of Government Ethics (OGE) exercises leadership in the executive branch to prevent conflicts of interest on the part of Government employees and to resolve those conflicts of interest that do occur. In partnership with executive branch agencies and departments, OGE fosters high ethical standards for employees and strengthens the public's confidence that the Government's business is conducted with impartiality and integrity.
- C. **Office of Special Counsel:** The Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Its basic authorities come from three federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, and the Hatch Act.
- D. **Standards of Ethical Conduct for Employees of the Executive Branch:** The Standards of Ethical Conduct for Employees of the Executive Branch are a compilation of regulations and executive orders that underscore the notion that public service is a public trust. The expectation is that Federal employees will not violate that trust. The criminal bribery and conflict of interest statutes (18 USC § 201 and 202-209 respectively) are the core of the Federal ethics program. These statutes are implemented, in large part, by the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635 and 2641.
- E. **The Hatch Act:** The Hatch Act governs the political activity of Federal government employees. Under the Hatch Act, as amended (5 U.S.C. Section 7321, et seq.), most

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Federal government employees are prohibited from seeking public office in partisan elections. These limitations and prohibitions are further explained in guidance provided by the Office of Special Counsel in implementing regulations set out in 5 CFR Parts 733 and 734. If the OSC charges an employee with a violation of the Hatch Act, those charges are adjudicated before the Merit Systems Protection Board.

160-1.5 Policy

BPA employees are expected to hold their Government positions as a public trust and are expected to place ethical principles above private gain. BPA employees fulfill that trust by adhering to the BPA Code of Conduct, the Standards of Ethical Conduct for Employees of the Executive Branch and BPA policies, as well as complying with all the Hatch Act requirements.

To assist BPA employees in meeting their ethical obligations, BPA established a Code of Conduct. The BPA Code of Conduct summarizes some, but not all of the standards employees must follow as they perform their duties and responsibilities. Employees are expected to know, understand and comply with the BPA Code of Conduct and the full set of ethics regulations, executive orders and BPA policies as a condition of employment. While the BPA Code of Conduct specifically addresses many ethics and conduct requirements, it is not intended to cover all possible situations.

At the core of the Standards of Ethical Conduct for Employees of the Executive Branch are two key concepts:

- A. Employees shall not use public office for private gain; and
- B. Employees shall act impartially and not give preferential treatment to any private organization or individual.

In addition, employees must strive to avoid any action that would create the appearance that they are violating the law or ethical standards.

By observing these general principles, and specific ethics standards, employees help to ensure that citizens have confidence in the integrity of Government operations and programs.

160-1.6 Policy Exceptions

None

160-1.7 Responsibilities

- A. **Chief Compliance Officer:** Has the authority and responsibility to develop and implement and BPA-wide ethics program consistent with the U.S. Federal Sentencing Guidelines, §8B2.1 Effective Compliance and Ethics Program. The Chief Compliance Officer sets the overall vision and strategy for the BPA ethics program, develops targets and monitors implementation of that vision and strategy through a code of conduct, ethics hotline, risk assessments, process improvements, training strategy,

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communications, change management, ethics and values surveys, benchmarking, program evaluation and reporting to BPA’s executive governing body (the Audit and Internal Controls Committee at time of publish).

- B. **Ethics Program Manager:** Reports to the Chief Compliance Officer. The Ethics Program Manager, develops and implements a BPA-wide ethics program consistent with the U.S. Federal Sentencing Guidelines, §8B2.1 Effective Compliance and Ethics Program. The Ethics Program Manager carries out the overall vision and strategy and meets the targets set by the Chief Compliance Officer through a code of conduct, ethics hotline, risk assessments, process improvements, training strategy, communications, change management, ethics and values surveys, benchmarking, and program evaluation.
- C. **Executive Vice-President and General Counsel:** Provides legal advice relating to all issues arising from the Standards of Ethical Conduct for Employees of the Executive Branch, administering the financial disclosure program, training employees on the ethics statutes, regulations and policies and approving outside activities and employment. This authority has been delegated by the Department of Energy.
- D. **Ethics Advisors:** Attorneys and paralegals in the BPA Office of General Counsel who, under the authority of the Executive Vice President and General Counsel, provide legal advice relating to all issues arising from the Standards of Ethical Conduct for Employees of the Executives Branch, administer the financial disclosure program, train employees on the ethics statutes, regulations, and policies, and approve outside activities and employment.
- E. **Employees:** All BPA employees are expected to abide by, know, understand and comply with the BPA Code of Conduct and to comply with the complete set of regulations and policies underlying the Code of Conduct. Employees are responsible for asking questions, seeking guidance and reporting suspected violations of the BPA Code of Conduct and any policy underlying the Code of Conduct to their manager, supervisor, another member of the management team, or the BPA Ethics Hotline. Consequences of violating the BPA Code of Conduct or other Federal regulations or BPA policies may result in disciplinary action, up to and including removal from Federal Service.

160-1.8 Standards & Procedures

Employees are responsible for promptly reporting suspected violations of wrongdoing, including suspected violations of law, regulation, policy or procedure. BPA policy prohibits retaliation against any employee who reports a suspected violation of the BPA Code of Conduct.

Suspected violations of the BPA Code of Conduct or any other Federal regulation or BPA policy may be reported to the BPA Ethics Hotline. The BPA Ethics Hotline is available 24 hours a day and 7 days a week to BPA employees, contract personnel, vendors and the public. Reports to the BPA Ethics Hotline may be made from any location by telephone or through the Web to a third-party vendor under contract to BPA. Reports of suspected

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violations of the BPA Code of Conduct are investigated by BPA and can be anonymous. Employees who use the BPA Ethics Hotline to intentionally make false allegations of suspected violations of the BPA Code of Conduct may be subject to disciplinary action.

The BPA Ethics Hotline can be used to report any and all suspected violations; however other reporting options are available. These include:

- A. Any BPA manager or supervisor
- B. BPA ethics advisors in the Office of General Counsel (see above)
- C. Your union (if your position is in a bargaining unit)
- D. DOE Office of the Inspector General (OIG): Allegations of waste, fraud and abuse may be reported to the DOE OIG. The DOE OIG Hotline is available 24 hours per day to Federal employees, contractors, and the public. Upon conclusion of the OIG investigation, the appropriate administrative action shall be consistent with BPA policies. This action may range from an oral admonishment to removal from the Federal service.
- D. Office of Special Counsel: Allegations of a Hatch Act violation may be submitted to the Office of Special Counsel. When warranted, the OSC will prosecute violations before the Merit Systems Protection Board. When violations are not sufficiently egregious to warrant prosecution, the OSC may issue a warning letter to the employee involved.
- E. U.S. Department of Justice: Allegations of a criminal violation may be forwarded to the U.S. Department of Justice or the appropriate U.S. Attorney's Office for potential prosecution.

160-1.9 Performance & Monitoring

The Ethics Program Manager monitors implementation of the overall vision and strategy for the ethics program and reports results to the Chief Compliance Officer. The program is implemented and monitored through:

- A. The ethics hotline
- B. Risk assessments
- C. Process improvements
- D. Training
- E. Communications
- F. Change management
- G. Ethics and values surveys, benchmarking, program evaluation and reporting to BPA's executive governing body (the Audit and Internal Controls Committee at time of publish).

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160-1.10 Authorities & References

- A. BPA Code of Conduct, February, 2010.
- B. BPA Ethics Hotline Procedures, February, 2010.
- C. 5 CFR Part 2635 – Standards of Ethical Conduct for Employees of the Executive Branch.
- D. 5 CFR, Part 3301—Supplemental Standards of Ethical Conduct For Employees of the Department Of Energy.
- E. 5 U.S.C. §§ 731-7326 –The Hatch Act.
- F. 10 CFR Section 1010.109 – Cooperation with the Inspector General.
- G. BPA Manual Chapter 145: Reporting and Investigation of Possible Fraud Incidents.
- H. Personnel Letter 752-1: Discipline, Adverse Actions and Alternative Discipline.
- I. Personnel Letter 752.2: Guidance on Violence and Threatening Behavior in the Workplace.
- J. Personnel Letter 752-3: Harassment Free Workplace Policy.
- K. 41 CFR Section 101-20.306 – Gambling.
- L. BPA Manual Chapter 1110: Policy for Business Use of Bonneville Power Administration (BPA) Information Technology Services.
- M. Cell Phone Limited Personal Use Policy to Supplement BPA Manual Chapter 1110.
- N. BPA Manual Chapter 400/700A: Employee Relations Program.
- O. BPA Manual Chapter 400/713C: BPA’s Nondiscrimination Policy.
- P. BPA Manual Chapter 400/792A: Use of Alcoholic Beverages, Narcotics, or Illegal Drug Substances on BPA Property or when in a Duty Status.

160-1.11 Review

This policy is scheduled for review in 2019.

160-1.12 Revision History

Version	Issue Date	Description of Change
2	10/2/2014	Migration of content to new BPA Internal Policy format.

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