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USE OF GOVERNMENT RESOURCES



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First, examples please!

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- A chief of maintenance and logistics at a military facility purchased, at a cost of \$30,000 each, 6 forklifts designed for inside use despite the fact that the command needed lifts for outside use, even for use in inclement weather. The forklifts rusted for 8 months in an outdoor storage area. In an even more impressive display of waste, the chief purchased a \$400,000 patrol boat with a bad generator that left the boat inoperative - and that went unrepaired.



- Violation of Federal Acquisition Regulation 3.101-1, which sets forth the standard that transactions related to the expenditure of public funds require the highest degree of public trust and an impeccable standard of conduct.

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Examples, cont'd

The director of a naval health clinic received a \$3,000 loan from a subordinate after requesting that the subordinate loan him \$6,000. The \$3,000 apparently wasn't enough, however, and the director later asked for \$10,000. This time the subordinate declined. After the director only repaid a fraction of the \$3,000, the subordinate approached the chain of command. In addition to being directed by his commanding officer to repay the rest of the loan, the director was provided with a written letter of counseling regarding his unprofessional and unethical conduct.



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The Guiding Principles...



- **Public service is a public trust - #1**
- **Duty to protect and conserve Government property - #9**
- **Use and allow use of property for authorized purposes only - #9**

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Regulatory Authority



- **General Services Administration (GSA) & Office of Personnel Management (OPM)**
 - **Promulgate regulations for the executive branch**
- **Office of Government Ethics**
 - **No authority to regulate use of resources**



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Our Role

- **Protect and conserve Government property**
- **Use and allow use of property**
 - **For public purposes or**
 - **Those purposes authorized by law or regulation**



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Fiscal Law & Ethics: A Perfect Match

- **“Purpose” – can only use funds for purpose Congress intended**
- **That goes for the “stuff” we buy with those funds!**



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Government Property



- Real or personal property
- Government has an ownership, leasehold or other property interest
- Any right or other tangible interest (including services of contractor personnel)
- Purchased with Government funds (always comes back to fiscal law)



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Official Time

Official time is to be used to perform duties of the job

Requirement – “honest effort”

Authorized uses of official time – other than official purposes: Breaks





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Public Office – Private Gain

- **Prohibitions on use of office**
 - **For private gain**
 - **Endorsement of product, service or enterprise**
 - **For the private gain of**
 - **Friends or relatives**
 - **Persons with whom employee is affiliated in a nongovernmental capacity**
 - **Persons with whom employee has or seeks employment**



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Endorsements

- **Coerce or induce person to provide benefit**
- **Imply official endorsement of personal activities**
 - **Exception: Use of title/position when teaching, speaking, writing**
- **Endorse product, service or enterprise unless statutorily authorized**



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Use of Information

- **No insider trading!**
- **If you gain nonpublic information through Federal employment – impermissible to use for financial transactions or to further private interests**





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Use of Subordinates



- **Impermissible to encourage, direct, coerce, or request a subordinate to use official time for anything other than official duties or authorized uses**
- **Exceptions: military aides, preparation of professional papers (JER 3-300b)**
- **IG investigation hot topic**



Letters of Recommendation

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- **Use of Gov't Letterhead: Federal employees may write a personal recommendation on official letterhead if the letter meets the criteria outlined below for use of official title.**

- **Use of Official Title: Employees may use their official titles on letters of recommendation only:**
 - **When responding to a request for an employment recommendation or character reference, AND**
 - **The author has personal knowledge of the applicant's ability or character, AND**

- **EITHER:**
 - **The letter will be used as an employment recommendation or character reference by an individual with whom the author has dealt in the course of Federal employment, OR**
 - **The letter will be used as an employment recommendation or character reference by the applicant in the pursuit of Federal employment.**

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Communications

- **Government communication systems & equipment are to be used for official use and authorized purposes only**

- **Telephones**
- **Fax machines**
- **E-mail**
- **Internet**
- **Cell phones**
- **Blackberries**





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“Official Use”

- **Communications deemed necessary in interest of government**
- **Emergency communications**
- **Morale and Welfare communications**
 - **Extended deployments**



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“Authorized Purposes”

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- ***Brief calls home while TDY***
 - ***Transportation and schedule changes***

- ***Personal communications from the office***
 - ***Don't adversely affect official duties***
 - ***Reasonable duration and frequency***
 - ***Legitimate public interest***
 - ***Don't reflect adversely on DOD***
 - ***DON'T OVERBURDEN COMMUNICATION SYSTEM***
 - ***Create no significant additional cost to DOD***



Cell Phones/Wireless Phones

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- **Uses may differ from those permitted with land-line phones (National Security, Volunteer Readiness)**
- **Policy of issuing agency controls**
 - **Army- Official and authorized use**
 - **Air Force- Use only when most cost-effective way to provide necessary communication**
 - **Other agencies allow “authorized” uses similar to land-lines**



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Email & Internet

- **General rule: use for official purposes**
 - **Don't interfere with official duties or undermine readiness**
 - **Don't overburden the Government's system**
 - **Agency policies – websites in outline**





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Prohibited Uses



- **Pornography**
- **Chain E-Mail**
- **Unofficial advertising, soliciting, or selling except on authorized bulletin boards established for such use**
- **Gambling**
- **Inappropriately handled classified information**



Use of Other Resources

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- **Personal use of government resources permitted**
- **Agency designee determines that use:**
 - **Doesn't adversely affect official duties**
 - **Is of reasonable duration & frequency**
 - **Occurs only during employee's personal time**
 - **Serves a legitimate public purpose**
 - **Doesn't reflect adversely on DOD**
 - **Creates no significant additional cost to DOD**



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Enforcement

- **Military members**
 - **Violation of rules contained in JER**
 - **Punishment under UCMJ**
- **Civilian employees**
 - **MSPB – misuse of resources taken very seriously**
 - **No requirement that agency prove intent**



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QUESTIONS????



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