

Air Force Center for Engineering and the Environment

Integrity - Service - Excellence



AFCEE Ethics

**Lt Col Jennifer Smith
Staff Judge Advocate**



Impact of New Rules

- **FAR Council's Nov 2008 publication rule for contractor self disclosure of wrongdoing (FAR 9.5)**
 - **Internal Implementation Team?**
 - **Internal mandatory disclosure procedure?**
 - **Prime contractor flow down process response, sub-contractor process**
 - **Training**
 - **Comprehensive “look back” effort?**



A “Good” Ethics Program (DynCorp Example)

- **Chief Compliance Officer (w/ focus on ethics, business conduct, related investigations and reg. compliance)**
- **Self investigation of allegations**
- **Appropriate Disciplinary actions when misconduct found**
- **Address Perceptions (Cultural sensitivities?)**
- **Question: Is this enough?**



A “Good” Ethics Program, Cont’d

- Training of employees
- Training of supervisors
- Non-disclosure agreements
 - What should they cover?
 - When should they be signed
 - New employees?
 - New types of work?
- Bottomline: Process for “look back” implementing lessons learned



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- **With increasing dependence on contractors, AFCEE must increasingly address organizational conflicts of interest:**
 - **3 kinds:**
 - **Unequal access to information**
 - **Biased ground rules**
 - **Impaired objectivity**



When working with AFCEE (federal employees must)

- **AVOID CONFLICT OF INTEREST WITH YOUR FEDERAL JOB.**
 - **“Employees shall not hold financial interests that conflict with the conscientious performance of duty.”**
- **NOT PERMIT THE RELEASE OF NON-PUBLIC INFORMATION.**
 - **“Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.”**



Federal employees must

- **NOT SOLICIT OR ACCEPT GIFTS FROM A “PROHIBITED SOURCE”.**
 - **“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.”**



Federal employees, cont'd

- **NO EMPLOYMENT THAT CONFLICTS WITH GOVERNMENT DUTIES.**
 - **“Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.”**
- **AVOID THE APPEARANCE OF “UNETHICAL CONDUCT”.**
 - **“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.”**



■ **Questions? Ph. (210) 536-3163**