

MS 641 Standards of Conduct for Peace Corps Employees

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1.0 Purpose

This Manual Section sets out standards of conduct for Peace Corps employees.

2.0 Authority and Background

All employees of Peace Corps are subject to the various conflicts of interest statutes set forth in title 18, United States Code, sections 201 - 209.

In addition, all employees of Peace Corps are subject to the government-wide Standards of Ethical Conduct for Employees of the Executive Branch as promulgated by the United States Office of Government Ethics (OGE) at title 5 CFR Part 2635.

Further, there are special additional restrictions and rules applicable to all Peace Corps employees, other than special Government employees ("consultants," see definition 18 USC 202), appointed to a position for which the rate of pay is equal to or greater than 120% of the

minimum rate payable for GS-15 of the General Schedule and/or appointed as a non-career member of the Senior Foreign Service, as well as any positions designated as confidential and policymaking comparable to Schedule C positions in the Government.

These special rules and restrictions are set forth in regulations of OGE at 5 CFR Part 2636 and pertain to limitations on outside earned income, employment and certain outside affiliations.

The complete set of government-wide regulations on ethics may be found in regulations of OGE at title 5 CFR Chapter XVI.

3.0 Policy

It is Peace Corps policy to maintain and ensure the highest ethical standards. Employees are required to abide by all applicable laws, regulations, and policies governing ethics and standards of conduct. Lapses in ethical conduct and violations of the ethics laws, regulations, and policies are unacceptable.

Peace Corps employees should consult and familiarize themselves with all applicable ethics laws and rules. The rules can be complex and employees should consult with the Peace Corps Designated Agency Ethics Official on all ethics questions and matters.

4.0 Procedures and Requirements Governing Public Financial Disclosure Reports and Confidential Financial Disclosure Reports

Regulations of the Office of Government Ethics (OGE), 5 CFR Part 2634, set forth the government-wide rules and requirements governing the filing, review, certification and other matters pertaining to Executive Branch Financial Disclosure Reporting. OGE's regulations (5 CFR Part 2634 and Part 2638) require the Peace Corps to establish effective systems and procedures for the collection, filing, and, where applicable, public inspection of financial disclosure reports. There are two types of financial disclosure reports - Public Financial Disclosure Reports (SF-278) and Confidential Financial Disclosure Reports (SF-450).

4.1 Officers and employees required to file Public Financial Disclosure Reporting Reports (SF-278) are defined by regulations of the Office of Government Ethics at 5 CFR 2634.201 and 202. At the Peace Corps, this includes the Director, Deputy Director, Designated Agency Ethics Official, all officers and employees appointed in the Senior Foreign Service, and any employees appointed below the rank of Senior Foreign Service in positions determined to be of a confidential or policy making character unless excluded from such filing requirements in accordance with 5 CFR 2634.203.

4.2 Public Financial Disclosure Reports shall be filed with the Peace Corps Designated Agency Ethics Official (DAEO), or their designee, in accordance with the general requirements, filing date, and extension provisions set forth in 5 CFR 2634.201.

4.3 Officers and employees required to file Confidential Financial Disclosure Reports (SF-450) are defined by regulations of the Office of Government Ethics at 5 CFR 2634.904. The DAEO shall maintain a current list of Peace Corps staff positions for which the incumbent employees must file a Confidential Financial Disclosure Report.

4.4 Confidential Financial Disclosure Reports shall be filed with the DAEO, or their designee, in accordance with the general requirements, filing date, and extension provisions set forth in 5 CFR 2634.903.

4.5 The DAEO, or their designee, shall be responsible for providing all employees required to file a financial disclosure report with the necessary information to fulfill their ethics requirement.

4.6 All officers and employees required to file financial disclosure reports shall do so in accordance with instructions of OGE, as supplied with the reporting form, OGE regulations at 5 CFR Part 2634, Subpart C and Subpart I, accordingly, and guidance provided by the DAEO or their designee.

4.7 Financial disclosure reports are in addition to, and not in substitution for or in derogation of, any similar or other requirement imposed by law, order, or regulation. The filing of a report does not permit the filer or any other person to participate in a matter which is prohibited by law, order, or regulations.

4.8 Any officer or employee who believes that their position has been improperly included under Peace Corps regulations as one requiring the submission of a financial disclosure report shall so notify the DAEO, or their designee, and be given an opportunity to consult with and review the bases for the determination that the employee is required to file a financial disclosure report. The determination by the DAEO shall be final for all purposes, and this procedure is the sole and exclusive means of seeking review. *See* 5 CFR 2634.906.

4.9 All officers and employees may be subject to fees and penalties as set forth in OGE regulations of and other applicable authorities for failing to comply with reporting and filing requirements.

5.0 Speaking, Teaching, Writing on Matters of Official Concern

In addition to ethics rules in the government-wide regulations pertaining to outside employment and speaking, teaching and writing and other matters, these additional rules apply to all public speaking, teaching or writing of "official concern" to Peace Corps.

"Official concern" means that the subject matter or materials are related to any policy, program or operation of Peace Corps or to current U.S. foreign policy, or could reasonably be expected to affect the foreign relations of the United States.

5.1 Speaking, Teaching, or Writing on Matters of Official Concern Carried Out in a Private Capacity

5.1.1 Speaking, Teaching, or Writing on Matters of Official Concern in a Private Capacity

Private capacity speaking, teaching or writing on matters of official concern include such activities outside the context of an employee's official duties or position at Peace Corps. Any speaking, teaching or writing on matters of official concern in a private capacity must contain an explicit disclaimer that the views and materials presented are those of the individual and not necessarily the views of the Peace Corps or U.S. Government.

5.1.2 Materials Prepared in Connection with Speaking, Teaching or Writing on Matters of Official Concern in a Private Capacity Must be Submitted to Peace Corps for Prior Review

In the United States, such materials shall be submitted to (a) the Associate Director, Regional Director, or other senior-most management official with responsibilities and jurisdiction over the subject matter of the materials, and (b) to the Director of the Office of Communications.

Overseas, such materials shall be submitted to the Country Director, who may consult with other senior-most management officials with responsibilities and jurisdiction over the subject-matter of the materials. Country Directors who will be speaking, teaching, or writing on matters of official concern in a private capacity shall submit materials to the appropriate Regional Director for review.

5.1.3 Criteria for Review

An employee may not publish any speaking, writing, or teaching material of official concern until all classified information, if any, has been deleted. In addition, the employee must not publish any material which the Agency believes should be protected from public disclosure under the Freedom of Information Act, the Privacy Act, and other laws or privileges governing the disclosure of information, unless properly authorized. Such information includes, but is not limited to information in personnel or medical files, information constituting agency deliberations prior to decisions on policy or legal matters; information compiled for law-enforcement purposes that reasonably could be expected to interfere with enforcement proceedings.

5.1.4 Compensation

Employees may accept compensation for speaking, teaching, or writing only if permitted under applicable laws and rules, including conflict of interest statutes and regulations including, but not limited to, the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635). Employees should seek advice from the Peace Corps Designated Agency Ethics Official prior to accepting or agreeing to accept compensation.

5.2 Speaking and Interviews in an Official Capacity

5.2.1 All invitations for an employee to speak, lecture or participate in a conference in the United States, in their official capacity, on a subject of official concern, shall be referred to the appropriate management officials in the employee's supervisory chain for consultation and

approval, except where the invitation is to an employee at the office head level or above, in which case no consultation or approval is necessary under these rules, though notification may be required under other rules of Peace Corps for other purposes.

5.2.2 In informal presentations, professional meetings, conferences, and panel discussions where, because of the nature of the public appearance, no prepared script or outline will be available, employees are responsible for ensuring that their remarks involve no violation of security, are consistent with U.S. policy, and will not adversely affect Peace Corps or U.S. Government relations.

5.2.3 Consistent with other rules of the Peace Corps overseas employees who are invited or will otherwise be speaking publicly or conducting interviews are expected to exercise appropriate judgment. Employees below the level of Country Director shall consult with the Country Director for approval. Country Directors should seek prior interagency consultation on important matters such as those that could have an impact on Peace Corps operations or foreign policy.

6.0 Special Overseas Conduct Rules

In addition to all other rules governing conduct and conflicts of interest, special uniform rules have been issued pursuant to Department of State Chief of Mission authority. These rules take into account special foreign policy considerations and apply to various matters, including investing in property in the country of assignment and engaging in commercial or for-profit activities. All overseas employees of the Peace Corps must abide by these rules. These rules are entitled “Employee Responsibilities Abroad” and may be found at 3 Foreign Affairs Manual (FAM) 4120, et seq. These rules may be obtained through the embassy or on line at the Department of State. Employees overseas must familiarize themselves with these rules and abide by them. Any questions should be directed to Peace Corps Designated Agency Ethics Official.

Certain key provisions of these rules dealing with “Standards of Conduct” and including “Notoriously Disgraceful Conduct” are set forth in subsection 6.1 below.

6.1 Employee Conduct that may Constitute Grounds for Disciplinary or Separation Action by the Agency

To maintain the efficiency of the Service, the following provisions on employee misconduct, as set forth in 3 FAM 4138 and 3 FAM 4139.14, shall apply to all overseas employees. This is a non-all-inclusive list of conduct that may constitute grounds for the agency taking disciplinary or separation action against any such overseas employee:

- (1) Misconduct of applicants in prior employment;
- (2) Misconduct, either in itself or as a result of attendant circumstances, impeding or preventing the performance of duties, or conduct contrary to the customs, mores, or laws of the local community, as communicated to employees by the agency or Post in writing to the extent practicable;

- (3) Criminal, dishonest, or notoriously disgraceful conduct. Notoriously disgraceful conduct is that conduct which, were it to become widely known, would embarrass, discredit, or subject to opprobrium the perpetrator, the Foreign Service, and the United States. Examples of such conduct include but are not limited to the frequenting of prostitutes, engaging in public or promiscuous sexual relations, spousal abuse, neglect or abuse of children, manufacturing or distributing pornography, entering into debts the employee could not pay, or making use of one's position or immunity to profit or to provide favor to another or to create the impression of gaining or giving improper favor. Discipline of an employee, including separation for cause, is warranted when the potential for opprobrium or contempt should the conduct become public knowledge could be reasonably expected to affect adversely the person's ability to perform his or her own job or the agency's ability to carry out its responsibilities;
- (4) An intentional and material false statement, deception, or fraud in the examination or appointment process in response to a proper inquiry;
- (5) Refusal to furnish testimony or information to proper authority in response to specific and relevant inquiry concerning an individual's job performance, conduct, or such other matters as:
 - (a) Qualifications for the position, function, or service under consideration or held;
 - (b) Qualification for a security clearance;
- (6) Repeated or habitual use to excess of intoxicating beverages affecting the ability to perform the duties and responsibilities of the employee's position;
- (7) Trafficking in or abuse of narcotics, drugs, or any substance listed under the Controlled Substance Act (21 U.S.C. 812) and/or trafficking in or abuse of narcotics, drugs, or other controlled substance in violation of the law of the country or jurisdiction in which the individual was or is located at the time of the offense;
- (8) Reasonable doubt as to the loyalty to the U.S. Government of the individual involved;
- (9) Conduct which furnishes substantial reason to believe that the individual may be or is being subject to coercion, improper influence, or pressure which is reasonably likely to cause the individual to act contrary to the national security or foreign relations of the United States;
- (10) Conduct which, in the opinion of competent medical authority, is evidence of an unstable personality, impaired judgment, or emotional disorder, furnishing substantial reason to believe that the individual is unsuited for the Service or the position for which the individual is applying or is unsuited for the Service or the position in which the individual is serving;
- (11) Conduct which clearly shows poor judgment or lack of discretion which may reasonably affect an individual or the agency's ability to carry out its responsibilities or mission;
- (12) Conduct by a senior official that demonstrates unsatisfactory leadership in relation to a security incident; or

- (13) Misconduct or unsatisfactory performance that significantly contributes to the serious injury, loss of life, or significant destruction of property, or the serious breach of security in relation to a security incident, as found by an Accountability Review Board convened pursuant to 22 U.S.C. 4831.

7.0 Effective Date

This Manual Section shall become effective on the date of issuance.