

ETHICS ADVISORY 98-13 - Official Relationships with Private Organizations (POs)

As explained in previous ETHICS ADVISORIES, there are a number of ethical issues that we must consider when we deal with POs. For example, employees who are officers, directors or active participants in POs, are disqualified from participating in official Army matters that affect their PO. We may not use our official position to endorse or promote a PO, encourage employees to join specific POs, or to help sell a PO's insurance or other products. We must also avoid bias or preferential treatment in our dealings with POs.

But, does this mean that we cannot have any sort of "official relationship" with POs? After all, there are quite a number of POs that were created by Army and/or other DoD employees to help themselves in their professional development and to better perform their duties; POs whose ideologies, views, and goals track with the Army. These are organizations that have developed credibility within their respective professions, Government and industry over a period of time. Often, they are a great resource for training. They also establish standards, positions and the like with respect to issues that we deal with in such areas as auditing, law, accounting, engineering, testing and electronics. Accordingly, there is often much to be gained by having an official "presence" with these organizations.

The answer is "yes," there is room for an "official relationship" with such organizations. But, there is a right way and a wrong way to do this.

An employee may ***not*** be assigned to be an officer, board member, or otherwise involved in the management or operation of a PO as part of his or her official duties. Employees can do this only in their personal and private capacities, and then they are disqualified from participating in official matters that affect these organizations. There are exceptions, but they are based in statute. For example, the Commandant of West Point is authorized to sit on the Boards of sports leagues under whose aegis the Military Academy plays various sports.

Along the same lines, an employee may ***not*** be directed by his or her supervisor or commander to be an officer, director or other active participant in a PO in his or her personal and private capacity. This means that we may not designate the command position of a particular battalion as having the "extra duty" of being president of the local chapter of a PO. Even if the officer wants to assume the presidency of the local chapter, the officer may not accept a position that is bestowed upon a particular official position. Employees may be encouraged to join and actively participate in professional and community organizations. But, whether they join and the level of their participation are entirely up to them.

What we can do is this: in those cases where there is a strong and continuing DoD interest, heads of commands and organizations may assign an employee as an "official liaison" to a PO. As an "official liaison," the employee acts in his or her official capacity

and represents the command and agency's interests to the PO. The "official liaison" attends board and other meetings for information and as an active participant with respect to matters of mutual interest. The "official liaison" may even vote on matters of mutual interest; however, the PO must understand that such votes in no way binds the Army or the Federal government.

But, those who are appointed as "official liaisons" need to exercise caution. What has happened in the past is that the "official liaison" loses his or her focus, and begins to identify with the PO. They begin to work with the board on matters concerned with management of the PO or they are voted to chair a committee. All of a sudden, they find themselves as a POC for a membership drive or some fundraising campaign. POC for whom? They certainly cannot be a POC for the command or installation for a PO membership drive (remember, the command may not endorse, promote or encourage employees to join and participate in the organization). When the "official liaison" becomes a POC for a membership drive, or chair person of the upcoming dinner-dance, or otherwise involved in the management of the PO, the "official liaison" now has a special relationship with the PO (called a "covered relationship"), meaning that he or she probably can no longer act as an "official liaison" because of the appearances created by this "covered relationship."

Thus, if we determine that AMC has a strong and continuing interest in the substantive work being done by a particular PO, the head of the appropriate AMC organization may appoint an AMC employee, who is not otherwise an active participant with the PO in his or her private capacity, to be AMC's "official liaison" to the PO. But, this "official liaison" need to maintain focus on his or her true status and responsibilities. Specifically, the "official liaison" attends meetings as a Federal employee and represents at all times the interests on his or her employer. This is not an "outside position" and is not reported on the employee's financial disclosure report.

Commanders, directors or supervisors should seek the advice and counsel of their Ethics Counselors before assigning an employee to be an "official liaison" to a PO. "Official liaisons" also should seek the advice and counsel of their Ethics Counselors concerning their liaison activities.

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