

National Archives and Records Administration

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March 20, 2018

SUBJECT: Admin. 201, Chapter 19, Ethics and Professional Conduct

NOTE: References to units are updated in this document. For a current list of codes, see Appendix B of NARA 101. Contact NGC if you have questions.

Paragraph 26 has been updated to reflect language from Interim Guidance 1996-170, Acceptance of Honoraria, dated May 7, 1996.

PART 1. STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE REPORTING

PART 2. PROFESSIONAL ACTIVITIES

PART 3. OUTSIDE EMPLOYMENT, BUSINESS, AND PROFESSIONAL ACTIVITIES

Figure 19.1 - Application to Engage in Outside Employment, Business, or Professional Activities

PART 1. STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE REPORTING

- [Responsibility](#)
- [GSA standards of conduct](#)
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1. Responsibility. The Archivist of the United States (N) has designated the Director, Legal Services Staff (NSL) General Counsel (NGC), to serve as the Designated Agency Ethics Official for the National Archives and Records Administration (NARA). Responsibilities include implementing NARA's ethics program, including standards of conduct requirements, financial disclosure reporting by designated NARA officials and employees, and the training and reporting requirements of 5 CFR Part 2638.

2. GSA standards of conduct. NARA has adopted the GSA standards of conduct provided in 41CFR 105-735. New NARA employees receive a copy of the standards of conduct (see subpars. a and b). Supervisors advise employees to contact NGC for additional copies of or questions concerning standards of conduct.

- a. **Washington, DC, area.** The Employment Policy Branch (NAPP) Human Resources Services Division (NHH) includes the standards of conduct in the orientation package given to new employees. Employees must acknowledge, in writing, receipt of the standards of conduct on GSA Form 2160, Acknowledgment of Receipt of GSA Standards of Conduct. NAPP NHH sends the signed acknowledgments to the Personnel Operations Branch (NAPO) Human Resources Operations Branch (NHHO) for inclusion in the employee's Official Personnel Folder (OPF).
- b. **Field units.** Administrative officers provide copies of the standards of conduct to new employees at their respective facilities. Employees must acknowledge, in writing, receipt of the standards of conduct on GSA Form 2160, Acknowledgment of Receipt of GSA

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Standards of Conduct. Administrative officers send the signed acknowledgments to NAPO NHHO for inclusion in the employee's Official Personnel Folder (OPF).

3. Financial disclosure.

- a. NARA employees in the Senior Executive Service (SES) and those whose positions are paid at a minimum rate equivalent to 120 percent of a GS-15, step 1, are required annually to file an SF 278, Financial Disclosure Report. NSL NGC ensures that each employee is given the appropriate report form annually no later than 30 days prior to the May 15 filing deadline. The procedures for reporting are:
 - i. NSL NGC sends these employees a memo explaining when and where to file, with a copy to the employee's supervisor. Employees submit the report to their supervisors, who have 10 workdays in which to sign and date, in the "Comments" section, whether the SF 278 reveals any conflict of interest between the filer's NARA duties and the financial interests reported on the SF 278. The supervisor then forwards the SF 278 to NSL NGC by May 15.
 - ii. NSL NGC has 60 days in which to review, sign, and date the report and to notify the supervisor if there is a potential conflict of interest.
 - iii. If NSL NGC finds an employee is not in compliance, NSL NGC informs the employee and his/her supervisor of the appropriate steps to ensure compliance.
- b. Certain NARA employees whose positions are classified at GS-15 or below are required to file a Confidential Statement of Employment and Financial Interests at the time of entry on duty and annually by July 31 of each year by virtue of the positions they hold. These positions include but are not necessarily limited to those involved in procurement or contracting, grants administration, or other such activities. After consultation with the appropriate office heads and staff directors, the Assistant Archivist for Management and Administration Assistant Archivist for Administrative Services (NA), in conjunction with NSL NGC, compiles a list of covered positions. These statements are required by Executive Order and the Office of Personnel Management (OPM) regulations (5 CFR 735.401 et seq.) to obtain information to determine possible conflicts or apparent conflicts of interest between an employee's NARA position and any private financial interest of the employee, his/her spouse, minor children, or members of his/her immediate household. The procedures for reporting are:
 - i. The employee's supervisor is responsible for ensuring that a completed form is obtained from each new employee in a position covered by the filing requirement before or at the time of entrance on duty. The completed forms are to be forwarded through the appropriate office heads or staff directors to NSL NGC.
 - ii. For the annual statement, NSL NGC forwards to each NARA office having covered positions a supply of the forms on or before July 1. The original of the completed form must be routed through the employee's immediate supervisor and office head or staff director to NSL NGC, who is also available to advise and counsel NARA employees if requested. The supervisor must promptly review and sign the form and forward it to NSL NGC by July 31.

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- iii. If a possible conflict of interest is indicated, the employee is given the opportunity to provide additional information. If it is determined that a possible conflict still exists, the employee, supervisor, and NSL NGC attempt to resolve the conflict in a mutually acceptable manner.
- iv. If these efforts to resolve a possible conflict of interest are unsuccessful, NSL NGC may recommend that one of the following remedial actions be taken:
 - a. Disqualification for a particular assignment;
 - 1. Change in assigned duties;
 - 2. Divestiture;
 - 3. Establishment of a blind trust; or
 - 4. Disciplinary action, including removal.

4 thru 15. Reserved.

PART 2. PROFESSIONAL ACTIVITIES

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16. References. Federal Personnel Manual, ch. 252.

17. Definition. Professional activities of NARA employees are those activities in a field of endeavor, characterized by specialized knowledge and/or academic preparation, such as archives, history, or conservation, that are related to the employees' work responsibilities and that improve the "state of the art" or provide for the career development of NARA employees within the Federal service.

18. Objectives.

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- a. The participation of NARA employees in professional activities has many benefits for NARA. Employees are encouraged to participate. NARA management will facilitate their participation, budget and workload permitting. Employees, however, are not required to become members of professional organizations or to participate in professional activities.
- b. Through participation in professional conferences, symposia, and committee assignments, employees are expected to expand their professional expertise, thereby improving their performance on the job.
- c. Professional activities are expected to improve employee skills and knowledge, increase employee motivation and effectiveness, develop and improve technical skills, and prepare employees to assume additional responsibilities within NARA.
- d. Professionalism includes the exchange of ideas. The publication of journal articles and other scholarly materials, the presentation of papers, the teaching of classes, and the editing of newsletters and other scholarly publications all serve to provide incentives for employees to achieve excellence in job performance. Through commentary on these presentations, information is gained from non-Federal sources on professional concerns and practices that may be useful in the administration of NARA.
- e. Public confidence in NARA's ability to carry out its programs is essential. Professional recognition and awards for professional achievement tend to increase public confidence in the competence of NARA employees, reinforcing the public's trust in the institution itself.

19. National Archives Assembly.

- a. **General.** The National Archives Assembly, an organization of present and former NARA employees founded in 1981, supports the development of NARA as the leading archival institution in the world by providing a forum for employee communication on professional and program issues and by communicating its members' views to the Archivist of the United States. The National Archives Assembly is valuable for both its role in the professional development of NARA employees and in intra-agency and interagency communication.
- b. **Administrative leave for meetings.** Contingent upon workload considerations and supervisory approval, NARA employees who are Assembly members may be granted administrative leave to attend National Archives Assembly meetings in accordance with the following limits:
 - i. Assembly Board meetings - up to two hours per month for Board members;
 - ii. Assembly Committee meetings - up to two hours per month per member; and
 - iii. Assembly quarterly meetings - up to two hours per quarter per member.

20. Research projects. Any permanent employee of NARA may, as part of his/her official duties, perform research on a specifically defined, product-oriented research project that relates to the employee's work responsibilities. Any permanent employee of NARA, regardless of job series, may request permission to work on a research project provided that the project is developmental in the sense of writing for publication or oral presentation, or gathering the source material for such a publication or oral presentation.

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a. Restrictions.

- i. Only permanent employees of NARA are eligible to work on research projects as part of their official duties.
- ii. Work on a research project is subject to supervisory approval and review and will be limited to 10 percent of an employee's work time, or normally, four hours per week. Research project time allowed for permanent employees working less than 40 hours per week is reduced proportionally.
- iii. Normally, no more than 16 hours may be devoted to an approved research project at one time. More than 16 hours of research time may be granted under the following conditions:
 - a. Requests must be submitted in writing and contain adequate justification based on the nature of the research project and the need to perform research for a continuous period exceeding 16 hours.
 - b. The office head must approve the request in advance of the research time.
 - c. The research must be performed at an institution or research site outside the city or geographic area in which the employee works.
 - d. Any travel involved in a research project will be at no cost to the Government.
- iv. NARA employees may not accept or retain profit in any form for any product resulting from their use of approved research time. Any profit received must be turned over to the National Archives Trust Fund.
- v. NARA unit heads may authorize and shall control the use of NARA facilities and services, such as word processors, photocopiers, and clerical assistance, by employees working on approved research projects.
- vi. Research is permitted only in a NARA facility or in an institution of recognized academic or professional standing. Research may not be performed at home.
- vii. Employees working on approved research projects are not permitted to conduct research in, or to include in the written or oral results of their research, materials from, or citations to, records of NARA, including the records of any Presidential Library, which are not open to all researchers.

b. Procedures.

- i. The employee requesting research time submits a written research proposal, in duplicate, to the immediate supervisor fully describing the research project, including a specifically identifiable end product, a proposed completion date, a research schedule, and the proposed site(s) of the research.
- ii. The employee's immediate supervisor forwards the proposal, with a recommendation, through management channels to the division director in the Washington, DC, area or to the director of the field unit.
- iii. The director approves or disapproves the proposal and returns one copy to the employee and forwards an information copy to the office head.
- iv. Office heads approve or disapprove requests for research time by directors. The Archivist approves or disapproves requests for research time by office heads.

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- v. Employees denied time to work on a research project by a director may appeal to their office head.
- c. **Reporting.**
 - i. If time for a research proposal is approved, the employee must submit a written report at the end of each standard reporting quarter to the immediate supervisor. The final paper, article, or other research product must be submitted to the approving official, through the supervisor, when the research is completed and before publication or dissemination.
 - ii. Supervisors must monitor closely the progress of employees' work on research projects under their control and must submit the employee's quarterly report, with the supervisor's comments, through management channels to the director. The office head may require the director to forward copies of the employees' quarterly reports and the supervisors' comments.
 - iii. Since work on an approved research project is part of the employee's duties it is not reported on the GSA Form 3575, Time and Attendance Record. Supervisors will maintain a record of time spent on an approved research project on the back of the GSA Form 873, Employee's Annual Attendance Record.
- d. **Suspension or cancellation.** A supervisor may suspend or cancel an employee's research project at any time because of a demonstrated lack of progress, workload considerations, the good of the agency, or other reasons.

21. Editorial activities. NARA employees may edit scholarly journals, newsletters, and other publications, and may serve as departmental editors and on review boards, as part of their official duties subject to workload considerations and supervisory approval.

- a. **Limitations.** The specific editorial activities must be approved and must involve no more than 10 percent of the employee's work time, contribute to the mission and activities of NARA, be in lieu of any other approved research project, and conform to the other provisions of par. 20.
- b. **Approvals.**
 - i. Employees submit proposals to engage in editorial activities according to the procedures in subpar. 20(b)(1).
 - ii. Office heads approve or disapprove all requests to engage in editorial activities by employees in the Washington, DC, area and requests by employees of field units to serve as chief editor of any scholarly journal.
 - iii. Directors of field units approve or disapprove requests by employees of field units to edit local or single state newsletters or other publications.
- c. **Approval by the Archivist.** When a proposed editing project will involve more than 10 percent of an employee's work time, it must be approved by the Archivist. The employee seeking to engage in such editorial activities must submit a memorandum, through proper management channels, to the Archivist describing the editorial project, the time involved, and a full justification for seeking to engage in the project. Each request will be determined on its own merits. The Archivist may approve such editing activities if they

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are considered to be of unusual significance to NARA and are directly related to the mission and activities of NARA.

22. Leadership role in professional organizations. Prior to agreeing to stand for election or to accept a leadership position in a professional organization, if an employee anticipates seeking NARA support of participation in the activities of the organization in the form of official time, administrative leave, or travel funds, the following procedures apply.

- a. The employee prepares a memorandum describing the responsibilities of the position, the time involved, the potential resource commitment (especially official travel funds and official time or administrative leave) anticipated during the term, and the benefits to NARA. The memorandum is addressed, through proper management channels, to the office head if the employee is in the Washington, DC, area (or if the organization is a national or regional organization), and to the director of the field unit if the employee is in the field and the organization is a state or local one.
- b. Office heads and directors of field units should make every effort, within resource limits and workload considerations, to provide official time and travel funds, or administrative leave subject to Office of Personnel Management guidelines, to employees serving in leadership positions in professional organizations. Office heads and directors of field units should inform employees if NARA will not be able to support such leadership activities with official time and travel funds or administrative leave.

23. Attendance at workshops, seminars, meetings, and teaching. NARA employees may attend meetings, participate on panels, speak at professional meetings, present papers, teach classes, and conduct workshops for purposes that are beneficial to NARA programs as part of their official duties provided they have obtained prior approval. Such activities should improve the employee's performance of official duties and increase public confidence in NARA's ability to effectively carry out its programs.

- a. **Prior approval.** NARA employees who wish to participate in these activities as part of their official duties must obtain prior approval from the appropriate office head in the Washington, DC, area or the appropriate field unit director.
 - i. Requests by the directors of field units are approved by the same official who approves their requests for annual leave. Requests shall describe the participation, the time involved, and the benefits to NARA. Route all requests through proper management channels to the approving official as far in advance of the activity as possible. The approving official will assess the request in terms of the benefits to NARA, the employee's professional development, and relevant workload constraints.
 - ii. Directors of field units may approve projects as part of official duties or grant administrative leave for professional activities not to exceed three days per activity. Office heads may approve projects as part of official duties or grant administrative leave not to exceed five days per activity. For longer periods, the unit head sends the request, with a recommendation, through the office head and

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NA to the Archivist for approval. The Archivist approves all requests for official travel or administrative leave by office heads.

- b. **Leave status.** Participation in professional activities by NARA employees may be considered part of their official duties or charged to administrative leave, annual leave, or leave without pay as appropriate. Employees also may participate during nonduty hours.
 - i. **Official duty.** Office heads and directors of field units may request travel authorizations for employees who meet the criteria in subpar. a. They may request travel authorizations for other employees if they can demonstrate that the employee's attendance, participation, or teaching will benefit NARA programs. Employees not participating as part of their official duties with no charge to leave may apply for administrative leave or annual leave.
 - ii. **Administrative leave.** Employees who wish to participate in professional activities may be granted administrative leave, normally not to exceed 80 hours per year, if their participation can be expected to benefit NARA programs. Employees granted administrative leave will travel at no cost to the Government.
 - iii. **Other leave.** An employee may participate in professional activities, at his/her own expense, while on annual leave, leave without pay, or during nonduty hours. The employee may accept expense reimbursement from the sponsoring organization or institution provided that such reimbursement is only for travel, lodging, and/or meal expenses incurred for the activity and provided also that the employee has received approval for outside employment according to the procedures described in subpar. 26b. The employee may not accept an honorarium for an appearance, speech, or article but may direct the payment of an honorarium to a charitable organization that meets the requirements described in section 170(c) of the Internal Revenue Code of 1986, provided that no such payment shall exceed \$2,000 or be made to a charitable organization from which the employee, or a parent, sibling, spouse, child or dependent relative of the employee derives any financial benefit. The National Archives Trust Fund qualifies as a charitable organization under section 10(c).
- c. **Clearance of remarks.** If a speech, presentation, article, or paper contains statements of NARA policy or practice, the remarks must be reviewed and cleared according to the procedures described in par. 29.

24. Payment for NARA employee participation in professional activities. NARA will consider paying an employee's expenses for participation in professional activities when the employee has obtained prior approval as indicated in subpar. 23a and 26.

- a. Acts as an official representative of NARA;
- b. Serves as an officer of the sponsoring organization;
- c. Speaks at the program or serves on a program committee; or
- d. Teaches a class or workshop.

25. Reimbursement. Any NARA employee seeking reimbursement for participation in professional activities within the criteria in par. 24 must obtain prior approval to participate at

NARA's expense. The request will include the estimated costs and provide the criteria under which the participation qualifies for NARA reimbursement. All such requests should be as timely as possible for incorporation into the office travel budget. For guidelines on completing travel authorizations and vouchers see ch. 6 of this manual.

26. Honorariums or other expense reimbursements from sponsoring organizations or institutions.[Language from Interim Guidance 1996-170, May 7, 1996.]

- a. **Employees not in duty status.** An employee may, while on annual leave or leave without pay or otherwise during nonduty hours, accept reimbursement for expenses or compensation, including honoraria, that is offered by an organization, institution, or individual for appearances, speeches, articles, employment, or other activities that are unrelated to the employee's official duties. Before commencing outside employment or activities for compensation, including professional activities, individual employees must obtain the approval of their supervisors and designated NARA officials by submitting NA Form 3015, Application to Engage in Outside Employment, Business, or Professional Activities, in accordance with the procedures set forth in part 3 of this chapter. Employees may not receive compensation for teaching, speaking, or writing that is related to their official duties, as defined at 5 C.F.R. 2635.807. Non-career SES employees are subject to the limitations on outside earned income and outside activities, including teaching, set forth beginning at 5 C.F.R. 2636.301. Full-time non-career Presidential appointees may not earn any outside income, including honoraria, while serving in office in accordance with 5 C.F.R. 2635.804.
- b. **Employees participating in professional activities as part of their official duties.** NARA employees participating in professional activities as part of their official duties may not receive full or partial expense reimbursement or any honorarium from a sponsoring organization, institution, or individual. "Official duties" includes participation in professional activities while on administrative leave. Under certain conditions, outside persons or groups may reimburse NARA or the National Archives Trust Fund in accordance with NARA 95-131 [superseded by NARA 601, NARA Travel Policy, March 24, 2008] for official duty travel by NARA employees.
- c. **Acceptance of compensation.**
 - i. Compensation may be accepted for a series of 3 or more appearances, speeches (including lectures), or articles on the same subject, provided they are not directly related to the employee's official duties.
 - ii. Compensation may be accepted for:
 - a. The writing of books, chapters of books, or works of fiction.
 - b. Performances, such as dramatic readings.
 - c. Performances using an artistic, athletic, or other such skill, for conducting a worship service, or for making a demonstration or display. (However, employees may not accept compensation for attending or making remarks at a conference or other gathering.)

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27. Conflict of interest. Employees may direct questions about expense reimbursements, the status of charitable organizations, or other questions about potential conflicts of interest to the Designated Agency Ethics Official for NARA (NSL NGC).

28. Professional development.

- a. Participation in professional activities normally involves the exchange of ideas or a presentation of new ideas that properly can be classified as training. When employees in a developmental position and/or their supervisors wish their participation to be credited as training, the supervisor submits a Request, Authorization, Agreement and Certification of Training, SF 182, prior to the activity. For guidelines see ch. 17.
- b. Office heads in the Washington, DC, area and directors of field units should set aside funds to pay the expenses of employees whose attendance at professional activities otherwise would not qualify for reimbursement. Such funds may be used at the discretion of the approving official when participation in professional activities by an employee would benefit NARA activities, functions, or programs, or otherwise benefit NARA as an institution. Employees may submit requests for reimbursement of expenses to the appropriate approving official, using the procedures in par. 25.

29. Clearance of speeches and remarks.

- a. NARA encourages the presentation of papers, articles, and speeches by employees. NARA management has an interest in ensuring that statements of NARA policy and practice are correct. Papers, articles, and speeches must be submitted for advance review only in the following circumstances:
 - i. If the employee is acting as NARA's official spokesman and interpreting NARA policy or practices, the remarks or publication must be cleared by the office head in the Washington, DC, area or by the director of the field unit.
 - ii. If an employee is invited to prepare an oral presentation, paper, article, or book relating to archival or records management activities for distribution or publication and it contains statements of NARA policy or practices, or may have an impact on public perception of NARA, the office head in the Washington, DC, area or the director of the field unit should review the material. The official review is limited to a review of the accuracy of statements relating to NARA policies and practices.
- b. It is the employee's responsibility to distinguish in any paper, article, presentation, or other remarks between personal opinion and NARA policy and practice and to make the audience or reader aware of that distinction.
- c. When an employee is required to provide an organizational identification, the proper identification is the National Archives and Records Administration. Except for this citation in a brief biographical note or vita, it is illegal to exploit Government employment for private gain.

30. Membership dues. The use of appropriated funds for the payment of membership fees or dues for NARA employees as individuals, except as authorized by specific appropriation, by express terms in a general appropriation, or in connection with approved employee training (5

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U.S.C 4109-4110) is prohibited (5 U.S.C 5946). Such fees may be paid for a NARA institutional membership. Any NARA organizational unit head requesting payment for a NARA institutional membership submits a Requisition for Equipment, Supplies, or Services, NA Form 5007, showing the name of the organization and the individual to contact, through normal management channels to the Acquisitions Management Branch (NAMA) Acquisitions Services Division (NAA) in the Washington, DC, area or through the administrative officer to the appropriate GSA finance division in the field.

Note: Par. 31 is superseded by Interim Guidance 98-234.

31. Official NARA representatives. NARA employees are appointed official representatives (i.e., Designated official) to international and standards-setting organizations in the following manner.

- a. Appointment process.
 - i. Office heads nominate NARA representatives to international and standards-setting organizations.
 - ii. The names of nominees are sent to N, who makes the appointments.
- b. Notification of appointment.
 - i. After an appointment has been made, the Office head from whose unit the designated official was chosen notifies NA and the appropriate organization of the appointed official's name.
 - ii. NA prepares and issues annually, and when changes occur, a list of NARA designated officials to international and standards-setting organizations.
- c. Reports. Designated officials shall prepare a formal written report of each meeting they attend in their official capacity.
 - i. Each report shall chronicle the proceedings of the meeting and summarize the designated official's statements made during the meeting.
 - ii. The report must be completed within 30 calendar days of each meeting.
 - iii. One copy of each report shall be sent through the designated official's office head to the Archives Library Information Center. The Center will list the reports in the quarterly Library Notes and the ALIC News, allowing interested persons to request copies to keep abreast of NARA views on archival topics.

32 thru 35. **Reserved.**

PART 3. OUTSIDE EMPLOYMENT, BUSINESS, AND PROFESSIONAL ACTIVITIES

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36. Purpose. This part sets policies and procedures for prior review and approval of activities, including employment, business, and professional activities, that NARA employees wish to engage in on their own time and outside of their official duties. The purpose of this part is to ensure that NARA employees are not, as a result of their outside activities: (1) placed in actual or potential conflict of interest situations, including conflicts between their personal financial interests and their official duties; or (2) otherwise at risk of violating the Ethics in Government Act, other Federal ethics statutes, or the Government-wide Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).

37. Coverage.

- a. This part applies to all NARA employees who:
 - i. Wish to engage in compensated outside employment, business, or professional activities, including self-employment and teaching, speaking, or writing for compensation;
 - ii. Wish to serve in a leadership position (officer, director, or similar position) of a nonprofit, charitable, religious, professional, social, fraternal or similar organization that is a "prohibited source" (defined in subpar. 38 (c)); or
 - iii. Provide uncompensated professional services or advice to an organization for which the employee would normally receive compensation.
- b. This part does not apply to NARA employees who:
 - i. Serve as a designated NARA representative to a professional or other organization;
 - ii. Participate in the activities of a professional or other organization through attendance at a professional workshop, seminar, meeting, course of instruction, or convention while in an official duty status (including administrative leave);
 - iii. Are members (not in leadership positions) of nonprofit, charitable, religious, professional, social, fraternal, or similar organizations;
 - iv. Wish to serve in an uncompensated leadership position of nonprofit, charitable, religious, professional, social, fraternal, or similar organization that is not a prohibited source; or
 - v. Are special Government employees (e.g. intermittent employees).

38. Definitions.

- a. **DAEO** means NARA's Designated Agency Ethics Official (Deputy GC NGC).
- b. **Employment** means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes, but is not limited to:
 - i. Personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker;

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- ii. Writing when done under an arrangement with another person for production or publication of the written product; and
- iii. Speaking when done under circumstances when a fee would normally be offered to the speaker.
- c. **Prohibited source** means any person, business concern, or other organization who:
 - i. Is seeking official action by NARA;
 - ii. Does business or seeks to do business with NARA;
 - iii. Conducts activities regulated by NARA;
 - iv. Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or
 - v. Is an organization a majority of whose members are described in subpars. 38c(1) thru 38c(4).

39. Requesting DAEO advice. Employees and supervisors should contact the DAEO (GC) (NGC) by telephone, e-mail (ETHICS mailbox), or memo, for advice on whether a proposed outside employment, business, or professional activity could present a problem under the ethics laws or regulations. In situations where a proposed activity presents a problem(s), the DAEO will work with employees and supervisors to determine whether participation in a proposed activity can be modified to comply with ethics laws and regulations.

40. Submitting requests for approval of outside activities. All requests must be approved before the employee engages in the outside activity. By seeking guidance from GC NGC and approval from the appropriate officials before engaging in outside activities, businesses, or employment, employees can avoid violating federal ethics laws and the Standards of Conduct. In addition, employees who rely in good faith on guidance obtained from GC NGC and engage in outside activities that are later found to be improper may be able to avoid or lessen any criminal penalties and/or administrative discipline that is imposed as a result of the improper activity.

a. Format of request for approval.

- i. **Nonbargaining unit employees.** The employee submits an NA Form 3015, Application to Engage in Outside Employment, Business or Professional Activities, or a memo containing the information shown in Figure 19.1 to his/her immediate supervisor.
- ii. **Bargaining unit employees.** The employee submits a memo containing the information shown in Figure 19.1 to his/her supervisor.
- b. **Immediate supervisor.** The immediate supervisor completes section II of the NA Form 3015 or writes his/her recommendation on the memo, prepares two additional copies, and forwards all copies to the appropriate approving official listed in par. 41. An immediate supervisor, if listed in par. 41, has approval authority.

41. Approving officials.

- a. Washington, DC, area division directors or equivalent; Staff and Service Directors; the Inspector General (OIG); the Executive Director of the National Historical Publications and Records Commission (NHPRC); director, ISOO; directors of the Washington National Records Center (NCW), NWMW, the National Personnel Records Center

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(NCP), NRP, and the Nixon Presidential Materials Staff (NLNP); NLNS; and directors of Presidential Libraries and Staffs, Federal Records Centers, and Regional Archives have approval authority. The directors of NCW NWMW and NCP NRP may redelegate this authority to assistant directors.

- b. The Office Head or Service Director approves the application of a Washington, DC, area division director. The Director of the Field Operations Division (NCF), the Assistant Archivist for Presidential Libraries (NL), or the Director of the Regional Archives System (NSR) approves the application of a field unit director.
- c. ND approves the application of an Office Head, Staff Director, or Service Director. N approves applications of OIG, ISOO, NHPRC, and ND.

42. Evaluating applications. The supervisor and approving official must:

- a. Review applications to evaluate whether the proposed activity is prohibited under one or more of the conditions in par. 43.
- b. Consult the DAEO before approving activities involving teaching, speaking or writing for compensation. (Additional ethics concerns may be involved.)
- c. Allow an employee to clarify the information submitted and make adjustments in the work schedule or conditions of the outside activity before making a final determination.

43. Grounds for denying applications. Ethics laws and regulations prohibit outside activities that will:

- a. Involve the improper use of official time or of Government facilities, office space, equipment, supplies, telephones, or other Federal property by the applying employee or by another NARA employee;
- b. In any way associate or appear to associate NARA or the employee in his/her official capacity with, or imply an endorsement by either, of any non-Government policy, product, service, or organization;
- c. Draw upon information gained from NARA employment if that information is not now or would not be, if requested, made available to the public;
- d. Create an actual or apparent conflict of interest;
- e. Cause an employee to receive a salary or anything of monetary value from a private source as compensation for his/her services to the Government;
- f. Involve conduct prohibited by statute or Federal regulation, including the Standards of Conduct;
- g. Conflict with the employee's NARA work schedule.

44. Special requirements applicable to certain noncareer employees.

- a. In addition to the general restrictions on outside activities and employment found in Federal ethics laws and regulations, including the Standards of Conduct, there are special restrictions on the outside activities and employment of certain noncareer employees. These restrictions, provided in 5 CFR 2636.301 - 2636.307, apply to, among others, noncareer employees who hold Schedule C appointments, noncareer Senior Executive Service (SES) appointments, or employees who hold appointments to noncareer positions

covered by certain pay schedules other than the GS schedule. In short, such noncareer employees may not:

- i. Receive outside earned income in excess of the 15 percent limitation described in 5 CFR 2636.304;
 - ii. Receive compensation or allow the use of his/her name in violation of the restrictions relating to professions involving a fiduciary relationship described in 5 CFR 2636.305;
 - iii. Receive compensation for serving as an officer or board member of any association, corporation, or other entity in violation of 5 CFR 2636.306. The term "association, corporation, or other entity" includes for-profit entities, as well as not-for-profit entities such as charitable organizations, professional associations, and units of state or local governments (e.g., local boards of education); and
 - iv. Receive compensation for teaching unless the DAEO authorizes the activity in advance in accordance with 5 CFR 2636.307.
- b. Employees who have been appointed by the President to a full-time noncareer position are prohibited by section 102 of Executive Order 12674, as amended, from receiving any outside earned income for outside employment or any other activity performed while holding the presidential appointment.

45. Duration of approval. Approvals of applications for outside employment are made for a maximum of three years.

- a. When an employee wishes to change his/her outside employment, business, or professional activity in a way that changes any of the information required by Figure 19.1 or NA Form 3015, the employee must submit a new application.
- b. When an employee assumes new official duties, the approving official must review an approved application to ensure that the evaluation criteria in par. 42a are still met. A new application must be submitted if the change in official duties also results in a change of approving officials.
- c. When a violation of one or more of the prohibitions in par. 43 becomes known after an application has been approved, the approving official, in consultation with the DAEO, revokes the approval.

46. Recordkeeping. The approving official retains the original of an approved application, forwards one copy to the DAEO, and returns one copy to the employee. All copies of a disapproved application are returned to the employee.

Figure 19.1

Application to Engage in Outside Employment, Business, or Professional Activities:

The following information must be provided in a memo or on NA Form 3015:

Request to engage in (or continue to engage in) outside employment which includes:

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- Name of employee
- Position, title, and grade
- Hours of work/shift in NARA
- Organizational location (office, division, or branch)
- Building location (street and city)
- Name and address (including ZIP code) of employer OR that you will be self-employed
- Nature of employer's business
- Nature of employee's outside duties
- Duration of employment (indefinite or specify date)
- If regular schedule, provide schedule of days and hours to be worked and total hours per week
- If no regular schedule, state the total hours per week to be worked
- Anticipated starting date
- The following statement:
- "I am familiar with the limitations placed on outside employment, business, or professional activity by the Standards of Ethical Conduct for Executive Branch Employees and certify that in my opinion the above described employment or activity is consistent with these limitations and will not interfere with the performance of my present duties in NARA."
- Signature and date