

Ethics and the CFC: Important Changes for the 2018 Campaign



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Fundraising and Ethics

- Standards of Ethical Conduct for Employees of the Executive Branch only allows fundraising in the federal workplace if it is authorized by federal statute, regulation, or executive order. There is no exception for “worthy causes.”
- Fundraising is defined as the raising of funds for a nonprofit organization through the solicitation of funds or sale of items.

Fundraising and Ethics

- Collecting in-kind items is not considered to be fundraising, but there are other ethics rules that may apply to these collections.
 - Examples include Toys for Tots and Feds Feed Families.
 - GSA building regulations also control activities.
- Collections of in-kind items and goods may not include any solicitation of money.

Combined Federal Campaign (CFC)

- The Combined Federal Campaign (CFC) is authorized by federal regulation and it is the only authorized solicitation of employees in the federal workplace on behalf of charitable organizations.
- The objectives of the CFC include:
 - Providing a convenient channel through which federal employees may contribute; and
 - Minimizing or eliminating disruption of the federal workplace that fundraising may entail.

Combined Federal Campaign - Authorities

- The Office of Personnel Management (OPM) oversees and implements the CFC through law and policy guidance.
 - Executive Order 12353 (Mar. 23, 1982) (as amended)
 - 5 C.F.R. Part 950 – Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations
 - 5 C.F.R. Part 2635 – Standards of Ethical Conduct for Employees of the Executive Branch
 - 41 C.F.R. Subtitle C, Chapter 102 – Federal Management Regulation

Ethical Principles for the CFC

- Public service is a public trust.
- An employee shall not solicit or accept any gift or other item of monetary value from any person or other 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.
- Employees shall not use public office for private gain.
- Employees shall act impartially and not give preferential treatment to any private organization.
- Employees shall protect and conserve federal property and shall not use it for other than authorized activities.

Who May Participate in the CFC?

- Current federal civilian and active duty military employees may make contributions to CFC.
- Contractor personnel and other persons present on federal premises, as well as retired federal employees, may make single contributions to the CFC.
 - Employees may not solicit contractors or other persons on federal premises.
 - Contractors may voluntarily attend CFC events if they are not “on government time.”
 - Retired employees may make a contribution from their annuities.
- Only federal employees may serve as keyworkers, CFC coordinators, or volunteers.

Voluntary Participation in the CFC

- True voluntary giving is fundamental to the CFC. Activities contrary to the non-coercive intent of the CFC is prohibited. This means:
 - NO solicitation of employees by their supervisor or by any individual in their supervisory chain of command.
 - NO supervisory inquiries about whether an employee participates in the CFC or the amount of an employee's donation.
 - NO setting of 100% participation goals.
 - NO establishing personal dollar goals and quotas.
 - NO developing and using lists of contributors/non-contributors.
 - NO providing and using contributor lists for purposes other than the necessary collection and forwarding of contributions and allotments.
 - NO using CFC contribution history as a factor in a supervisor's performance appraisal of subordinates.

Government Resources & the CFC

- Government resources may be used for the CFC in accordance with relevant regulations, ethics rules, and DHS policy.
- Government equipment and employee time may not be used if it would be disruptive to DHS's mission.
- Government property may not be used if it would transfer ownership of the property from DHS to an employee.
- Appropriated funds may not be used for:
 - Refreshments
 - Personal gifts to employees, such as incentives to participate or prizes.
- Any use of appropriated funds must be approved by CFO prior to obligating the funds.

No Endorsements Through the CFC

- Employees are prohibited from giving preferential treatment to, or endorsing, any private organization.
 - Employees may not endorse or encourage employees to donate to a specific charity.
 - Employees may not solicit donations on behalf of any specific charity.
 - Employees may not allow any charity to use their official title or position or the DHS seal/insignia.
 - Employees may not provide preferential treatment or access for any specific charities.

Recent Changes to the CFC

- Federal employees and members of the uniformed services can be solicited to make pledges of volunteer time. Executive Order 13743 (Oct. 13, 2016).
 - OPM will issue guidance on pledges of volunteer time.
 - Pledges are for volunteering during personal time unless it fits within the DHS Management Directive on Volunteer Community Service (Directive Number 254-01).
- Current Federal civilian and active duty military employees may make contributions using payroll deduction or by electronic means, including credit/debit cards and e-checks, as approved by the Director. ...For the first five campaign periods after implementation of these regulations, LFCCs will be permitted to still provide donors the option of using non-electronic pledging based on guidance issued by OPM. 5 C.F.R. § 950.102(d).
 - NO CASH!

Recent Changes to the CFC

- Employee solicitations shall be conducted during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential. Campaign kick-offs, victory events, awards, and other non-solicitation events to build support for the CFC are encouraged.
- Special CFC events are permitted during the campaign if approved by the appropriate agency head or government official, consistent with agency ethics regulations. ...If prizes are offered, they must be modest in nature and value. ...Any special CFC event and associated prize or gift must be approved in advance by the Agency's ethics official.... No funds may be raised or collected at these events. 5 C.F.R. § 950.502(b).

Recent Changes to the CFC

- As a result of these recent changes to the CFC regulations, there are a number of important changes to special CFC events:
 - NO fundraising is permitted at special CFC events. This means that events like bake sales or auctions are no longer permitted.
 - Employees may donate online during special CFC events.
 - “Jeans/Jersey day” may be held but no money for the CFC may be collected. Event must be to generate interest in the CFC and clothes must be appropriate for the office. Designation of specific dates is recommended.
 - Raffles may be held but no money for the CFC may be collected for a ticket.
 - Any prizes must be modest in nature and value. This is fact dependent, but prizes that appear improper to a reasonable observer will not be permitted.
 - Special CFC events, as well as any prize, must be approved in advance by the appropriate DHS official and a DHS ethics official.

Special CFC Events

- A number of requirements for special CFC events have not changed.
 - Employees must submit DHS Form 514 (and supporting materials) to their component ethics office for review and recommendation prior to final approval by DHS CFC Campaign Manager.
 - Special CFC events may not hinder or interfere with the DHS mission or general decorum.
 - Employees may not solicit any gifts/prizes from non-federal sources.
 - Gambling is prohibited on federal property.
 - Special CFC events must be consistent with ethics regulations.
 - Special CFC events must be to generate interest in the CFC and open to all employees.

Questions



Please contact Trish Besselman or Brent Evans with any questions.

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