

Human Resources Policy Manual (HRPM)

Volume 4: Employee Relations

ER-4.1

Standards of Conduct

This Chapter applies to: (1) Non-bargaining unit employees/positions (2) bargaining unit employees/positions, except those employees/positions where any bargaining obligation has not been met or where the applicable collective bargaining agreement contains conflicting provisions.

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Background information: A pen and ink change is made to this Chapter to remove reference to the Human Resource Operating Instruction (HROI) – Drugs and Alcohol in Paragraph 15 a.

1. Policy: All Federal Aviation Administration (FAA) employees are expected to comply fully with the letter and spirit of the Standards of Conduct set forth in this Human Resources Policy Manual (HRPM) and with those contained in FAA Order 3750.7, Ethical Conduct and Financial Disclosure. The agency's policy on employee conduct applies to all FAA employees and is designed to encourage employees to maintain a level of behavior and performance that will promote the efficiency of the Federal service and conform to accepted ethical principles.

An employee's conduct on the job has a direct bearing on the proper and effective accomplishment of official duties and responsibilities. Employees are expected to approach their duties in a professional and business like manner and maintain such an attitude throughout the workday. It is also expected that employees will maintain a professional decorum at all times while in a temporary duty travel status or otherwise away from their regularly assigned post of duty, such as telecommuting, whether at home or at a telecommuting site, or attending training. Employees who enter Government work space, even on their regular day off, must maintain a professional attitude and decorum. Those employees in direct contact with the public bear a heavy responsibility as their conduct and professionalism significantly impacts the image of the Federal service and the FAA.

Employees are also expected to conduct themselves off-duty in a manner which will not adversely reflect on the agency's ability to discharge its mission, cause embarrassment to the agency by the employee's activity or behave in a manner that will cause the public and/or managers to question their reliability, judgment and trustworthiness in carrying out their responsibilities as employees of the Federal Government.

2. Employee Responsibilities: All employees are responsible for conducting themselves in a manner, which will ensure that their activities do not discredit the Federal Government and the FAA. Employees must observe the following basic on-the-job rules:

- a. Regular attendance, report for work on time and in a condition that will permit performance of assigned duties (i.e., in appropriate clothing and/or outfitted with required tools or equipment; free from any effects of alcohol and/or drugs that impair job performance or conduct; physically fit as needed by job requirements; and in a mentally alert condition to perform the duties of his/her position).
- b. Render full and industrious service in the performance of assigned duties. Keep manager fully apprised of the status of assignments in an effort to ensure an efficient workflow.
- c. Respond promptly to, and fully comply, with directions and instructions received from their manager or other management officials.
- d. Exercise courtesy and tact at all times in dealing with fellow workers, managers, contract personnel and the public. Employees must treat everyone with dignity and respect and support and assist in creating a

productive and hospitable work environment. Employees are obligated to avoid disrespectful, abusive or other inappropriate behavior toward other personnel, management officials and customers.

- e. Maintain a clean and neat personal appearance to the maximum practicable extent during working hours. Employees are expected to dress appropriately in clothing that communicates professionalism appropriate to the position held. Individual decisions related to dress should reflect sound and professional judgment.
- f. Safeguard and handle appropriately all classified information and unclassified information that should not be given general circulation as provided for in FAA Order 1600.2, Safeguarding Controls and Procedures for Classified National Security Information and Sensitive Unclassified Information.
- g. Conserve, protect and assure appropriate use of Federal funds, time, property, equipment, materials, information and personnel (both Federal and contract).
- h. Observe and abide by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten. Employees will familiarize themselves with the Standards of Conduct contained in this Human Resources Policy Manual (HRPM), as well as, the Standards of Ethical Conduct for Executive Branch Employees, 5 CFR Part 2635, transmitted by FAA Order 3750.7, Ethical Conduct and Financial Disclosure.
- i. Immediately report known or suspected violations of law, regulations or policy through appropriate channels and fully participate in inquiries. For instance, this includes immediately reporting an operational error or deviation or reporting any personal violation that has the possibility or appearance of impacting on the employee's position (e.g., employees occupying safety- or security-sensitive positions reporting an arrest for an alcohol or drug-related infraction before the start of their next scheduled work shift and, in addition, safety-sensitive employees must report such an infraction within 48 hours to the Regional Flight Surgeon).
- j. Uphold with integrity the public trust involved in the position to which assigned.
- k. Observe and abide by prohibitions against any violent, threatening, harassing and/or confrontational behaviors towards others, as well as prohibitions on discrimination and misconduct of a sexual nature.
- l. Report any change in address and/or telephone number to their manager as soon as possible.

3. Managers' Responsibilities: In addition to the responsibilities described above, managers, which includes agency management officials at all levels and team leaders, are also responsible for applying the FAA's conduct and discipline program to employees under their supervision. Managers must:

- a. Remind employees to review the Standards of Conduct addressed in this Human Resources Policy Manual (HRPM). Also, managers must ensure that employees have reviewed, at least once, the Standards of Ethical Conduct for Executive Branch Employees, 5 CFR Part 2635, transmitted by FAA Order 3750.7, Ethical Conduct and Financial Disclosure. In addition, managers shall ensure that those employees required to complete a financial disclosure are reminded of their obligation to do so and reminded of the need to attend the mandatory annual training.
- b. Provide positive leadership and serve as a role model for their subordinates by demonstrating a commitment and sense of responsibility to their job and loyalty to the organization.
- c. Treat their employees with dignity, respect and in a fair and equitable manner in conformance with the FAA Model EEO Program. In addition, managers will communicate to their staff that they will not tolerate or condone discrimination, or the appearance of discrimination, on the part of any employee.
- d. Promptly notify their servicing security organization and their servicing Human Resources Management Division (HRMD) Labor/Employee Relations Staff, of known or suspected criminal activity on the part of employees; and in accordance with FAA Order 1600.1(series), Personnel Security Program, report any

information that would raise doubts about an employee's continued eligibility for access to classified information.

- e. Embrace, fully support and comply with all DOT and FAA regulations, policies and programs. Take necessary corrective action when employees under their supervision commit offenses in violation of policies or programs.

4. Safeguarding and Use of Information, Documents and Records: Employees shall ensure the proper handling of Government records and shall not disclose or discuss any sensitive unclassified information (SUI). SUI includes any unclassified information, in any form (i.e., print, electronic, etc.) that must be protected from uncontrolled/unauthorized release to persons inside or outside the FAA. The FAA generally handles four types: "For Official Use Only (FOUO)"; Sensitive Security Information (SSI); Sensitive Homeland Security Information (SHSI); and Protected Critical Infrastructure Information (PCII). Such information may not be released unless specifically authorized to do so, or as required, on a "need-to-know" basis, in the proper discharge of official duties. Examples of such information include drug and alcohol testing information (e.g., random testing schedules), EEO matters (e.g., complaints, settlement/resolution agreements, etc.) or Personal Identifiable Information (PII) (Privacy Act information). Classified information shall not be disclosed to anyone who does not have the appropriate security clearance. See FAA Order 1600.2(series), Safeguarding Controls and Procedures for Classified National Security Information and Sensitive Information, for additional information. In addition, employees shall not:

- a. Divulge any official information obtained through or in connection with their Government employment to any unauthorized person or organization.
- b. Release any official information in advance of the time prescribed for its authorized issuance.
- c. Use, or permit others to use, any official information for private purposes that is not available to the general public.
- d. Remove official documents or records from files for personal or inappropriate reasons. Falsification, concealment, mutilation or unauthorized removal of official documents or records, either hard copy or automated, is prohibited by law. Any employee who knowingly provides inaccurate information strikes at the heart of the employee-employer relationship and impeaches the employee's reliability, veracity, trustworthiness and ethical conduct. Employees occupying safety- or security-sensitive positions and/or testing designated positions (TDP), are held to a higher standard when completing official documents directly related to the safety of the national airspace system (NAS), such as FAA Form 8500-8, Application for Airman Medical Certificate or SF-86, Questionnaire for National Security Positions.
- e. Disclose any Personal Identifiable Information (PII) information or information contained in Privacy Act records, except as provided in FAA Order 1280.1(series), Protecting Personally Identifiable Information, which implements the various laws, regulations and mandates as it related to Privacy within the FAA. Individuals who demonstrate egregious disregard or a pattern of error in safeguarding PII will have their authority to access information or systems removed.

5. Safeguarding Public Funds: All employees whose duties involve the expenditure of public funds must have knowledge of and observe all applicable legal requirements and restrictions. In addition, employees are expected to be prudent and exercise sound judgment in the expenditure of such funds.

- a. **Unauthorized Commitments:** Only contracting officers and other designated employees, acting within the scope of their authority, may enter into contracts or other agreements and expend funds on behalf of the Government. An agreement that is entered into by an FAA employee who does not have the authority to enter into agreements on behalf of the FAA is an unauthorized commitment. Unauthorized commitments are a serious violation of fiscal law and statutes. Persons who enter into unauthorized commitments will be held accountable. Managers shall make every effort to prevent unauthorized commitments and must consider whether discipline is appropriate for an employee who enters into an unauthorized commitment regardless of whether the procurement action is later ratified. See Section 3.1.4, "Contracting Authority" of the Acquisition Management System or Section T3.1.4 of the FAA Procurement Toolbox Guidance for additional information.
- b. **Personal Services Contracts:** An FAA employee shall not award or be involved in the award or administration of personal services contracts unless specifically authorized in accordance with the policy and guidelines contained in the FAA Acquisition Management System. Additionally, employees will

avoid all appearances of improper association with contract personnel. A personal service contract is a contract that, by its expressed terms or as administered, establishes what is tantamount to an employer-employee relationship between the Government and the contractor's personnel. Such a relationship is created when the Government exercises relatively continuous supervision and control over the contractor personnel performing the contract. See Section 3.8.2.3, "Personal Services Contracts" of the Acquisition Management System or Section T3.8.2 of the FAA Procurement Toolbox Guidance for additional information. If a legal determination is required, contact the Office of Chief Counsel.

- c. **Disclosure of Proprietary or Source Selection Information:** No procurement official or other employee who is given authorized or unauthorized access to proprietary or source selection information regarding a procurement shall disclose such information directly or indirectly to any person other than a person authorized by the FAA Administrator or the contracting officer to receive such information. An employee, who does not know whether information is proprietary or source selection information or who does not know whether he or she may disclose or receive such information, has an affirmative obligation to inquire of the contracting officer or the Procurement Legal Division whether the information is proprietary or source selection sensitive. See Section 3.1.6, "Disclosure of Information" of the Acquisition Management System or Section T3.1.6 of the FAA Procurement Toolbox Guidance for additional information.

6. Use of Federal Equipment, Property, Time, Funds and Personnel: Employees may not use or permit others to use Federal equipment, property, time, funds/Governmental monies or personnel, including but not limited to stenographic and typing assistance, computer hardware, software, telecommunication capabilities, cellular communication devices and services, duplicating services, mail services (internal and external) or chauffeur services, for other than official business or officially approved or sponsored activities.

- a. Government telephones, including facility interphones, are provided for use in conducting official business. Occasionally, employees are permitted to make authorized personal calls that are considered necessary in the interest of the Government. Refer to FAA Order 1830.8, Federal Telecommunications System, Calling Cards and General Government Telephone Usage, for examples of authorized personal calls.
- b. Employees may not have their personal mail directed to their place of employment. Exceptions to this policy may be granted by managers in unusual circumstances such as when an employee is on travel over 50 percent of the time or for employees in an overseas post of duty.
- c. The use of U.S. Government-furnished postage, either metered or stamps, for personal benefit or advancement, including application for a Federal position, is prohibited by 18 USC 1719. The use of other mailing services for personal use and paid for by the FAA is also prohibited. Employee organizations and their members are also prohibited from using Government or FAA paid mailing services to distribute organizational information or conduct organizational business.
- d. Employees are prohibited from using the Government contractor-issued travel credit card for personal use. Employees will seek reimbursement of legitimate official business expenses within five (5) working days after completion of a trip or period of travel, or every 30 days if the employee is on continuous travel status. Prompt payment of account balances is mandatory in order to avoid delinquency and embarrassment to the FAA. Misuse of the travel credit card includes, but is not limited to: failure to timely file a travel voucher resulting in delinquency; failure to pay account balance after reimbursement; obtaining travel advances that exceed expected expenditures; personal use to include ATM withdrawals; delinquency in excess of 60 days; inappropriate purchases of wireless cell devices/services and failure to report the loss of the travel card, safeguard the travel card or PIN resulting in unauthorized use. See FAA Travel Policy, Chapter 302, for further information.
- e. **Government Purchase Card:** All cardholders are responsible for executing card transactions within assigned dollar thresholds and in accordance with applicable procedures. The cardholder must safeguard the purchase card and card number and assure that all transactions are supported by appropriate documentation. The cardholder and approving officials are responsible for assuring that the purchase card is not used for prohibited purchases. See FAST Procurement Toolbox T3.2.2.5., for in-depth information about the use of the purchase card.
- f. **Computers:** All Internet and electronic media access accomplished by FAA users (utilizing Government supplied resources) shall be consistent with assigned duties and responsibilities or

consistent with the official business interests of the FAA. Incidental, non-government use of the Internet and Government-owned computers is permissible as long as such use does not interfere with official business and involves minimal additional expense to the Government. Such incidental use must not violate any Federal or FAA rules, regulations or policies. All employees are subject to unannounced periodic monitoring to assure that the employee is not engaging in any activity that would discredit the FAA. Non-permissible use includes, but is not limited to: seeking, transmitting, collecting or storing defamatory, discriminatory, sexually oriented, harassing material; propagating chain letters or broadcasting inappropriate or unsolicited messages; concealing or misrepresenting user identity or affiliation; using FAA resources for commercial purposes, financial gain or in support of outside individuals or entities; engaging in unauthorized fundraising, lobbying or political activities; etc. See FAA Order 1370.79(series), Internet Use Policy, FAA Order 1370.81, Electronic Mail Policy, FAA Order 1370.82, Information Systems Security Program, and DOT H 1350.2, DOT Internet Policy, for further information.

- g.** Employees who willfully use or authorize the use of passenger carriers for other than official business shall be suspended for at least one month or longer as warranted, or summarily removed from the Service, as mandated by 31 USC 1349 (b). Passenger carrier includes motor vehicle, aircraft, boat, ship or other similar means of transportation owned or leased by the U. S. Government. Employees will also be held accountable for inadvertent misuse of a Government vehicle. In these instances, discipline will be applied in accordance with the Table of Penalties for misuse of Government property. Refer to FAA Order 4670.2, Motor Vehicle Management, for information pertaining to the authorized use of a motor vehicle.

7. Observing Safety Regulations: Employees must observe all rules, signs and instructions relating to personal safety in the workplace. See FAA Order 3900.19(series), Occupational Safety and Health for additional information. In addition to avoiding accidents, employees must report potentially unsafe or unhealthful working conditions and/or practices to their manager or the appropriate safety and health official, and cooperate fully with agency safety staff. Nonobservance of safety precautions, such as the acts described below, is prohibited:

- a.** Failure to report an accident involving injury to persons or damage to property or equipment.
- b.** Failure to use protective clothing or equipment (e.g., failure to use a safety climbing device when one is provided).
- c.** Endangering the safety of, or causing injury to, personnel or damaging property or equipment through negligence, dangerous horseplay and/or threatening or violent behavior.
- d.** Failure to wear a safety/seat belt while operating or occupying a motor vehicle while on official Government business. This includes operating a privately owned vehicle (POV), Government owned vehicle (GOV) and contract or leased vehicle. See DOT Order 3902.9(series) for additional information.
- e.** The District of Columbia and many States prohibit the use of a cell phone, unless it is hands-free, while operating a vehicle. In keeping with this safety precaution, employees are prohibited from using a cell phone, unless it is hands-free, while operating a government vehicle. Employees are also prohibited from any other unsafe activity while driving a government vehicle, such as text messaging.
- f.** Failure to report an operational error or deviation.
- g.** Failure to evacuate the premises during a fire alarm/drill or other order to vacate a work site. Failure to abide by the directions of a Floor Warden, safety, security or management official.

8. Absence and Leave:

- a.** All FAA personnel are expected to be dependable and reliable in attendance. Unplanned and frequent absences negatively impact the mission of the FAA and cause disruption to the workplace. Employees must schedule and use earned leave in accordance with established procedures. Employees must obtain prior approval of all absences from duty including leave without pay (LWOP). Employees are required to contact their manager, normally within one hour of the employee's scheduled start time, to request and explain the need for unscheduled leave. Excessive unplanned absences negatively reflect on the employee's dependability and reliability.

- b. Sick leave cannot be granted for rest, minor inconvenience or in place of annual leave. Employees must provide sufficient information why sick leave is needed so the manager can determine whether the requested leave can be granted. Failure to provide adequate information will result in denial of the leave. Evidence of frequent unscheduled and/or questionable use of sick leave without medical documentation may result in the employee being placed under the terms of a leave restriction and/or charges of absence without leave (AWOL) and/or failure to follow leave requesting procedures. In accordance with the guidelines outlined in Human Resources Policy Manual (HRPM), Volume 8 Leave and Work Schedules, any absence that is not approved will be charged as AWOL.
- c. Tardiness includes delay in reporting to work at the employee's scheduled starting time, returning late from lunch or scheduled break periods and overdue return to the employee's work site after leaving the work station on official business. Unexplained and unauthorized tardiness is prohibited and will be charged to AWOL, which can be recorded in one-minute increments. Also, employees will be charged AWOL for unauthorized early departures from the workplace.

9. Giving Statements and/or Testimony:

- a. It is the duty and requirement of every employee to give oral and/or signed statements, as directed, to any manager, Special Agent or DOT official conducting an investigation, inquiry or hearing in the interest of the agency. Such statements must be complete and truthful.
- b. When directed by the Administrator (or his/her authorized representative), an employee shall take an oath or make an affirmation about his/her testimony or written statement before an agent authorized by law to administer oaths, and the employee shall, if requested, sign his/her name to the transcript of testimony, affidavit or written statement which the employee provided. No employee may refuse to testify or provide complete and truthful information pertinent to matters under investigation or inquiry.
- c. All employees must give complete and truthful information in response to requests received from Congress, the General Accounting Office, the Office of the Inspector General, the Office of Personnel Management or other duly authorized investigative bodies, regarding matters under their jurisdiction. It is FAA policy to fully cooperate with such bodies in the public interest. Employees must notify their manager, or their middle or senior-level manager if the inquiry concerns the front-line manager, of any such request.
- d. Employees will produce any documentation held by the employee relative to any inquiry or investigation. Employees may not discuss their statements or testimony unless permitted by an authorized official.

10. Letters and Petitions to Congress: The use of appropriated funds to influence the consideration of legislation is prohibited by statute (18 USC 1913). However, the right of employees, either individually or collectively, to petition Congress or any member thereof or to furnish information to any committee or member of Congress is provided by law. While the FAA desires that employees seek to resolve any problem or grievance within the agency, any employee exercising the right to correspond with a member of Congress shall be free from restraint, reprisal or coercion. Employees may not use agency facilities, supplies, equipment, personnel and/or duty time when contacting, either orally, electronically and/or in writing, about personal business to anyone, including any committee or member of Congress.

11. Recording or Monitoring of Telephone Calls or Covert Recording, Video Taping or Monitoring of Conversations, Meetings, etc:

- a. Telephone eavesdropping is prohibited. Advance notice must be given whenever another individual is placed on the line for any purpose whatsoever. An advance verbal warning must be given when an automatic recording device or a speaker telephone is used. The use of recording devices, portable or otherwise, on telephones shall be for official purposes and generally limited to areas involving air safety. This includes accident investigations, near-collision reporting, Command Communications Network and the Washington Tactical Switch. For further information, refer to FAA Order 1600.24(series), Listening-in to or Recording of Conversations on Telephones or Telecommunications Systems.
- b. FAA employees, in the conduct of their official duties, may not use, aid in the use of, or ignore the improper use of, secret recording, video taping or monitoring equipment of any kind. Conversations shall be recorded for official purposes only, and only with the knowledge and consent of all those being recorded.

- c. Covert/secret taping, either audio or video, of any conversation or meeting occurring at the workplace or conversation or meetings off-site that deal with workplace issues and matters of official concern are prohibited. Examples of such meetings are promotion interviews, EEO meetings with a counselor or investigator, meetings between a manager and a subordinate, etc. This prohibition applies regardless of any State law which may permit covert/secret tape recording.
- d. The prohibitions do not preclude the use of normal or standard types of recording equipment used openly in areas involving air safety or official investigations, or under circumstances wherein the prior concurrence of all parties is clearly and specifically indicated and understood.
- e. In accordance with FAA Order 1600.69(series), Facility Security Management Program, Chapter 3, photography will not be permitted on or within an FAA facility. The Facility Manager must coordinate with the Regional Servicing Security Element (SSE) prior to allowing permission of any photography at an FAA facility.

12. Defamatory or Irresponsible Statements: While FAA encourages freedom of expression, employees are accountable for the statements they make and the views they express. Employees shall not make irresponsible, false, disparaging, disrespectful or defamatory statements which attack the integrity of individuals or organizations, or disrupt the orderly conduct of official business, nor may they make statements urging or encouraging other employees to act or speak irresponsibly, or to commit unlawful acts.

13. Workplace Violence: Violent, threatening, harassing and/or confrontational behaviors in any form are unacceptable and will not be tolerated. Threatening behavior may include harassment in the form of intimidation, or any oral and/or written remarks or gestures that communicate a direct or indirect threat of physical harm, or otherwise frightens, or causes an individual concern for their personal safety. Such inappropriate behavior may include pushing, poking, physically crowding, stalking, fist shaking, throwing objects regardless of the target of the object being thrown, name calling, obscene language or gestures, or any other intimidating or abusive action which creates a fearful environment and apprehension of harm. Employees and managers are responsible for enforcing the highest standards of personal safety and welfare at the workplace. Consequently, employees must immediately report threats of violence, violent incidents, dangerous horseplay, irrational or other inappropriate behavior to their managers.

14. Possession of Firearms: No employee, while in or on FAA/GSA-owned or leased property, to include Government and personal vehicles, shall carry or have in their possession, privately owned firearms or other weapons unless authorized by the FAA to do so in connection with his/her official duties, such as survival and emergency firearms in an operational area, such as the Alaskan Region. See FAA Order 1600.69(series), Facility Security Management Program, Appendix 12, for additional information. This prohibition applies regardless of any State law which may permit the carrying of firearms.

15. Drugs and Alcohol:

- a. DOT Order 3910.1 (series) provides information on the drug and alcohol program and specifically identifies those FAA positions designated as TDP's.
- b. The FAA is concerned with the decision of any employee who inappropriately or illicitly uses illegal and legal substances. Illegal substances include, but are not limited to, cocaine, marijuana, opiates, amphetamines and phencyclidine. Legal substances include alcohol, prescription and over-the-counter (OTC) medications. These substances can affect the employee's work performance and/or conduct and have an adverse impact on the employee's credibility. For instance, a person's credibility could be seriously impacted when an employee is in the workplace, and although not drunk, still smells of alcohol. Often others do not wish to work around a person smelling of alcohol or do not trust the judgment or decision making skills of the employee.
- c. As an employer with responsibility for aviation safety, the FAA is especially concerned when an employee's actions could affect the safety or security of the National Airspace System (NAS) and/or the flying public. The confidence of the flying public depends upon absolute trust in the integrity of the air transportation system. FAA must be sure that employees are operating without the constraint of drugs or alcohol, or the consequences of such abuse, such as a hangover. Alcoholic beverages are prohibited on any FAA owned or leased property. Employees occupying Testing Designated Positions (TDP), who inappropriately or illicitly use substances, on or off the job, place their jobs in jeopardy. This includes arrest for drug and alcohol related crimes, such as driving under the influence (DUI).

Employees must avoid this kind of off-duty behavior since it indicates irresponsibility and lack of judgment and is incompatible conduct while occupying a TDP. As stated in employee responsibilities, employees occupying safety- or security-sensitive positions must report an arrest for an alcohol or drug-related infraction before the start of their next scheduled work shift and, in addition, safety-sensitive employees must report such an infraction within 48 hours to the Regional Flight Surgeon. In addition, employees occupying safety-sensitive duties must immediately report to their manager any use of prescription and OTC drugs. The FAA will not allow any employee known to inappropriately or illicitly use substances to perform any safety- or security-sensitive duties until the FAA has determined that such an employee is no longer a risk to public safety or national security.

16. Eliminating Discrimination and Creating a Model EEO Program:

- a. The FAA Personnel Management System (PMS), paragraph VIII, Prohibited Personnel Practices, prohibits discrimination against anyone on the basis of race, color, national origin, religion, age, sex, disability, sexual orientation, political affiliation or marital status. In addition, the Administrator's Non-Discrimination Policy Statement states that the FAA has a zero tolerance policy with respect to any form of discrimination and that disciplinary action may be taken against any employee found to have engaged in discriminatory conduct.
 - (1) The FAA is committed to providing a work environment where unlawful discrimination is eliminated and where the contributions of all employees are supported and encouraged without regard to non-merit factors. To facilitate this effort, the FAA developed the Model EEO Program that directly supports the FAA Strategic Plan. The precepts outlined in the Model EEO Program are applicable to all employees. All conduct must be appropriate and supportive of a hospitable and productive work environment. For instance, discriminatory conduct, the making of disparaging remarks, expressing stereotypical views or displaying and/or distributing offensive material are prohibited in the workplace.
 - (2) Every level of management is required to provide positive leadership and support for the agency's EEO policies and programs through ensuring that all agency programs, practices and activities are developed and administered in accordance with pertinent laws and agency policy prohibiting discrimination. Managers must not engage in unlawful discrimination or inappropriate behavior in carrying out their authority to take, direct others to take, recommend or approve any personnel action with respect to FAA employees and applicants. Managers are responsible for taking proactive steps to create and maintain a workplace that is hospitable and free of discrimination, intimidation and other offensive behaviors and materials. Managers will be held accountable if they fail to take appropriate action to correct intimidating and offensive activity in the workplace.
- b. **Coercion or Retaliation:** It is a violation of FAA policy to coerce, threaten, retaliate against, or interfere with any person in the exercise of rights prescribed under Title VII of the Civil Rights Act of 1964, as amended or the FAA Personnel Management System (PMS) of 1996. No employee shall be subject to retaliation for making a charge of discrimination, giving testimony, assisting, or otherwise participating in a complaint of discrimination; nor shall an employee be retaliated against for filing an EEO complaint or grievance or participating in the grievance process, or addressing his/her concerns through the Accountability Board (See FAA Order 1110.125), Administrator's Hotline, Inspector General complaint, etc..

17. Sexual Harassment and Misconduct of a Sexual Nature: As an employer, the FAA is committed to providing a workplace that is free of sexual harassment or misconduct of a sexual nature. All employees have a right to work in an environment where they are treated with dignity and respect.

- a. Sexual Harassment, pursuant to 29 CFR §1604, exists when unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature occurs and:
 - (1) Submission to such conduct is made either explicitly or implicitly a term of an individual's employment,
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

- b. Misconduct of a Sexual Nature:** This is conduct that may not rise to the statutory definition of sexual harassment, but is nonetheless inappropriate for the workplace and will not be tolerated. For instance, viewing and/or printing material of a sexual nature from the Internet is inappropriate.
- c. Misconduct in Violation of the Agency's Policy:** All employees have a responsibility to behave in a proper manner and to take appropriate action to eliminate sexual harassment or other misconduct of a sexual nature in the workplace. The FAA established the Accountability Board which addresses sexual misconduct exhibited at the workplace. See FAA Order 1110.125, Accountability Board, for more information. Examples of actions which are considered in violation of the agency's policy include, but are not limited to:
- (1) Sexual teasing, jokes, remarks or questions.
 - (2) Sexually suggestive/offensive looks, leering, ogling, staring at a person's body, or sexually suggestive/offensive gestures or actions.
 - (3) Unwelcome letters, cards, cc mail messages and/or telephone calls.
 - (4) Posting, distributing, showing, viewing, accessing through the Internet or other electronic media sources, materials of a sexual nature. Sexually explicit materials are prohibited at the worksite, regardless of whether or not a specific complaint is filed.
 - (5) Pressure for dates.
 - (6) Inappropriate physical touching.
 - (7) Promise of benefit in exchange for sexual favors.
 - (8) Threat or act of reprisal for refusal to provide sexual favors.

18. Political Activity: It is the right of all employees to vote as they choose and to express their opinions on all political subjects and candidates as specifically authorized in the Hatch Act (5 USC 7321). However, employees are responsible for acquainting themselves with restrictions on partisan political activity and for not engaging in prohibited actions. Any political activity that is prohibited in the case of an employee acting independently is also prohibited in the case of an employee acting in cooperation with others or through an agent. Employees are accountable for political activity by persons other than themselves, including wives or husbands, if the employees are thus accomplishing by collusion and indirection what they may not lawfully do directly and openly. This does not mean that an employee's spouse may not engage in politics independently upon his or her own initiative and in his or her own behalf. See Title 5, Chapter 73, or 5 CFR Part 733 and 734 for additional guidance. Employees are encouraged to contact the Office of Special Counsel (OSC) to seek an advisory opinion whether any activity could be construed as a violation of the Hatch Act.

19. Holding Office in State or Local Government: No employee shall run for the nomination or as a candidate for a local partisan political office, except as expressly provided in Title 5, Chapter 73. Because of the unique interrelationship between the FAA and local and state government, employees are urged to seek the advice of their Regional or Center Counsel to help determine if a particular office represents a real or apparent conflict of interest. Employees who hold local or state office must observe both the letter and spirit of the prohibition on active participation in partisan politics.

20. Subversive Activity: In accordance with Title 5, Chapter 73, no employee shall advocate or become a member of any organization which the employee knows advocates the overthrow of the constitutional form of Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States.

21. Striking: No employee shall engage in or encourage another Federal employee to engage in a strike, work stoppage, work slowdown, or sickout involving the Federal Government. See Title 5, Chapter 73, for further information.

22. Canvassing, Soliciting or Selling: Employees shall not engage in private activities for personal or non-personal financial gain or any other unauthorized purpose while on Government owned or leased property, nor may Government time, personnel or equipment be utilized.

- a. This prohibition applies specifically, but is not limited to, such activities as:
- (1) Canvassing, soliciting or selling, particularly for personal or private monetary gain. This prohibition also applies to such efforts for charities, schools, etc., except when directly linked to the agency-wide Combined Federal Campaign effort each year.
 - (2) Canvassing or soliciting membership, except as authorized in connection with organized, sanctioned employee groups.
 - (3) Soliciting contributions from other employees for a gift to anyone in a superior official position in contravention of FAA Order 3750.7. This prohibited activity applies on or off Government premises. However, this prohibition does not apply on occasions of special significance (e.g., retirement, marriage, etc.) as long as the contribution is voluntary and a nominal amount. See FAA Order 3750.7, Appendix 6, Subpart C, Gifts Between Employees.
- b. This prohibition does not apply to:
- (1) Activities that are specifically authorized by appropriate authority.
 - (2) Soliciting contributions for charitable, health, welfare and similar organizations as authorized by appropriate authority (e.g., Combined Federal Campaign).
 - (3) Those activities of voluntary groups of Federal employees commonly accepted as normal social, welfare or recreational functions of such groups.
 - (4) A spontaneous, voluntary collection for an employee in connection with marriage, birth of a child, illness, retirement or as an expression of condolence, or other significant life activity, when conducted by co-workers of approximately equal status to the employee.

23. Borrowing and Lending Money: Managers shall not borrow money from subordinates or have a subordinate act as an endorser or co-maker of a note given as security for a personal loan. Neither shall an employee lend money to any other employee, superior official or peer, for the purpose of monetary profit or other gain. These prohibitions do not apply to the operation of recognized credit unions or to employee welfare plans.

24. Accepting Notarial Fees: An employee who is a notary public shall not charge or receive fees for performing notarial acts in connection with his or her official duties. The prohibition on acceptance of fees does not apply to notarial acts performed in an unofficial capacity during off-duty hours and off Government-controlled property.

25. Meeting Financial Obligations: All employees are expected to discharge their just financial obligations, especially those such as Federal, state or local taxes. Employees are also expected to honor all other valid debts, including personal commercial debts, Government contractor-issued credit card debts, claims based on court judgments, Federally insured student loans and tax delinquencies, and to make and adhere to arrangements for settlement of debts.

26. Accepting Gifts: With certain exceptions, FAA Order 3750.7, Ethical Conduct and Financial Disclosure, Appendix 6, Subpart B, prohibits employees from accepting any gifts, favors, gratuities, or any other thing of monetary value, including free transportation, from any person or company that is subject to FAA regulations, that has or is seeking to have contractual relations with FAA, or that has interests that might be affected by the performance or non-performance of the duties of the particular employee. See FAA Order 2700.20(series), Gifts and Bequests and FAA Order 3750.6(series), No-Charge Transportation Provided by State and Local Government Agencies for Official Travel by FAA Employees, for additional information.

27. Outside Employment and Financial Interests: Employees must comply fully with the letter and spirit of the guidance and information relating to outside employment and financial interests contained in FAA Order 3750.7, Ethical Conduct and Financial Disclosure, Appendix 6, Subparts D and H, and in DOT Supplemental Regulations, 5 CFR 6001.

28. Reporting Violations: As mandated under "Employee Responsibilities," and FAA Order 1600.38 (series) it is the duty of every employee to report any known or suspected violation of law, regulation or policy to their

manager, the servicing security organization, the Administrator's Hotline, or the Inspector General, etc. Employees are obligated to preserve information and evidentiary items that may relate to the suspected violation and to release such information as directed. Failure to report a violation may result in discipline unless the failure to report is justified by applicable law. In rare instances, when reporting a violation of sexual harassment, misconduct of a sexual nature or other discriminatory behavior through the managerial chain is not feasible, the employee must notify the Accountability Board (FAA Order 1110.125).

Related Information

Policies

- FAA Order 1110.125, Accountability Board

Human Resources Operating Instructions

- Table of Penalties
- Addressing Findings of Discrimination

Reference Materials

- Douglas Factors In-Depth

Revision History Log

Date	Revision
August 11, 2000	HRPM ER-4.1 established
September 29, 2006	Paragraph 16 revised from Model Work Environment (MWE) to Model EEO Program in compliance with EEOC MD-715 requirements however effective date was maintained as 08-11-2000.
July 1, 2008	Amended to enhance and clarify various policy statements and to add policy statements.