

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: No policy changes are intended with the reissuance of this policy chapter. However, some updates are needed to clarify or remove incorrect information.

Revisions were made to:

- Update the chapter to comply with HRPM formatting and plain language requirements, where feasible.
- Provide the list of applicable authorities governing the standards of conduct for FAA employees.
- Update outdated references and hyperlinks to FAA Orders and the Office of Government Ethics' and Office of Personnel Management's guidance for standards of ethical conduct for Federal employees.
- Remove and replace references to operational deviation and error (see paragraph 7i and 11f).
- Add information to establish a nexus between these Standards of Conduct and employee use of social media (see paragraph 7m).
- Add a clarifying statement regarding an employee's limited or incidental personal use of the agency's systems, internet, email or office equipment in accordance with [FAA Order 1370.121](#) [FAA Information Security and Privacy Program & Policy](#), Appendix 33.
- Add a clarifying statement regarding the prohibition of use of marijuana by Federal employees regardless of any state law (including the District of Columbia) which may permit legal use of marijuana (see paragraph 19b).

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1. Purpose. This chapter establishes the standards on employee responsibilities and conduct for employees of the Federal Aviation Administration (FAA), U.S. Department of Transportation. This guidance outlines the basic obligation of public service and the principles of ethical conduct as an employee of the United States Government. Although it addresses many ethics and conduct requirements, it is not intended to cover all possible situations.

2. Scope. This policy chapter covers all 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. Employees (including their spouse and minor children) are subject to additional ethical and financial disclosure requirements **not** covered in this policy (see [5 CFR, Part 6001, Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation](#)).

3. Authorities. Although Section 347 of the Department of Transportation and Related Agencies Appropriation Act of 1996, Pub. L. 104-50 (1995), exempted the FAA from most provisions of Title 5, United States Code (U.S.C.), there are certain provisions that were not excluded from coverage with the implementation of the personnel management system. This chapter should be used with the applicable authorities as follows:

- a. [Title 5, United States Code \(USC\), Chapter 73, Suitability, Security and Conduct](#)
- b. Executive Order (E.O.) 12674 as modified by [E.O. 12731](#), Principles of Ethical Conduct for Government Officers and Employees (includes regulations and opinions promulgated by the Office of Government Ethics)
- c. [5 Code of Federal Regulations \(CFR\), Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch](#)
- d. [5 CFR, Part 6001, Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation](#)
- e. [FAA Order 3750.7 \(series\) Ethical Conduct and Financial Disclosure Program](#)

4. Definitions.

- a. **Adverse personnel action** is a suspension, an involuntary reduction in pay or grade (this includes an involuntary reduction in pay band level), a furlough of 30 days or less (but not including placement in a non-pay status as the result of a lapse of appropriations or an enactment by Congress) or removals (see [ER-4.2 Maintaining Discipline, paragraph 3](#)).
- b. **Corrective action** includes any action necessary to remedy a past violation or prevent a continuing violation of these standards of conduct, including but not limited to restitution, change of assignment, disqualification, divestiture, termination of an activity, waiver, the creation of a diversified or blind trust, or counseling.
- c. **Disciplinary action** is an action issued to an employee based on misconduct. It can range from a letter of reprimand up to a suspension of 14 days or less (see [ER-4.2 Maintaining Discipline, paragraph 3](#)).

5. Roles and Responsibilities.

a. Office of the Chief Counsel:

- (1) Responsible for the initial and on-going education of employees on the principles of the ethical standards of conduct and financial disclosure.
- (2) Works with the Office of Communications to provide periodic reminders to employees about the standards of conduct and other ethical topics.

b. Office of Human Resource Management:

- (1) Provides information to employees and managers on where to direct questions regarding the standards of conduct and the requirements set forth in the policy.

- (2) Issues periodic notices (electronically or by hard copy) to managers regarding their responsibilities to remind employees about the standards of conduct and their responsibilities for maintaining high standards of ethical conduct to comply with the requirements of this policy.
- (3) Provides advice, guidance and counsel (primarily through the Office of Labor and Employee Relations (LER), Headquarters (HQ) and Regional Operations offices) to managers in the administration of employee relations programs.

c. FAA Managers:

- (1) In addition to the responsibilities described in paragraphs 6 and 7 below, managers, after consulting with their servicing LER Headquarters (HQ) or Regional Operations office, apply the FAA's conduct and discipline program to employees under their supervision.
- (2) Provide positive leadership and serve as role models for their subordinates by demonstrating a commitment and sense of responsibility to their job and compliance with this policy.
- (3) Remind employees (at least on an annual basis) of their obligation to review and comply with the standards of conduct addressed in this policy including, as appropriate, the [Standards of Ethical Conduct for Executive Branch Employees, 5 CFR Part 2635](#), transmitted by [FAA Order 3750.7 \(series\) Ethical Conduct and Financial Disclosure Program](#).
- (4) Verify that required financial disclosures are filed and mandatory annual training regarding ethical conduct and financial disclosure is completed by obligated employees.
- (5) Treat employees with dignity, respect and in a fair and equitable manner in conformance with the FAA Model Equal Employment Opportunity (EEO) Program. Communicate to their staff that they will not tolerate or condone discrimination, or the appearance of discrimination, on the part of any employee.
- (6) Notify (promptly) their [Security Servicing Element \(SSE\)](#) and their servicing LER HQ or Regional Operations office, of known or suspected violations of the law (including suspected criminal activity) on the part of employees. In accordance with [FAA Order 1600.1 Personnel Security Program](#), report any information that would raise doubts about an employee's continued eligibility for access to classified information.
- (7) Adhere to, fully support and comply with all DOT and FAA regulations, policies and programs. Take necessary corrective action or a disciplinary or adverse personnel action when employees under their supervision commit offenses in violation of law, regulations, policies or programs.

d. Employees:

- (1) Must adhere to this policy and observe basic on-the-job rules as described in this policy.
- (2) Become familiar with the standards of conduct and their responsibilities for adhering to the requirements set forth in this policy and other governing provisions (see paragraph 3 – Authorities).

6. Guiding 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 businesslike 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 duty location, such as when teleworking, whether at home or at an alternative worksite, or attending training. Employees, who enter

Government work space, even when not on duty, 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 must maintain high standards of honesty, integrity and impartiality, and conduct themselves in a manner which will ensure that their activities do not discredit the Federal Government 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.

7. General Conduct Expectations. 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.** Maintain regular attendance, report for work on time and in a condition that will permit performance of assigned duties (i.e., wear 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. Employees are to keep their 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. They 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 work attire 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 Classified National Security Information](#) and [FAA Order 1600.75 Protecting 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. 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 \(series\) Ethical Conduct and Financial Disclosure Program](#).
- i.** Immediately report known or suspected violations of law, regulations or policy through appropriate channels and fully participate in inquiries. Including, but not limited to:

- Any personal violation that has the possibility or appearance of impacting on the employee's position.
- Report unsafe air traffic occurrences (i.e., accidents or incidents).

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. Update contact information (i.e., any change in address and/or telephone number) and emergency contact information as soon as possible.

m. Ensure that personal social media activities comply with the requirements of the Standards of Conduct and as reflected in agency supplemental guidance (see [ER-4.1a Use of Social Media by FAA Employees](#)).

8. Safeguarding and Use of Information, Documents, and Records. Employees must ensure the proper handling of Government records and must not disclose or discuss any sensitive unclassified information (SUI) (see [FAA Order 1600.75 Protecting Sensitive Unclassified Information](#)). 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 of information: 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.), Personally Identifiable Information (PII) or information covered under the Privacy Act.

Classified information must not be disclosed to anyone who does not have the appropriate security clearance, and does not have a need to know. Employees must immediately report any improperly stored material. Employees who are not appropriately cleared, who do not have a "need to know," and who have not signed a non-disclosure agreement must not access to classified material in accordance with the requirements set forth in [E.O. 13526 Classified National Security Information \(December 29, 2009\)](#), and also referenced on the Standard Form (SF) 312 - Classified Information Nondisclosure Agreement. For additional information, see also [FAA Order 1600.2 Classified National Security Information](#).

In addition, employees must **not**:

- Divulge any official information obtained through or in connection with their Government employment to any unauthorized person or organization.
- Release any official information in advance of the time prescribed for its authorized issuance.
- Use, or permit others to use, any official information for private purposes that is not available to the general public.
- 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 Personally Identifiable Information (PII) or information contained in Privacy Act records, except as provided in [FAA Order 1370.121 FAA Information Security and Privacy Program & Policy](#), which implements the various laws, regulations and mandates as it relates 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.

9. Safeguarding Public Funds. 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 must 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 Policy](#), or [Section T3.1.4 Delegations of the FAA Procurement Toolset Guidance](#)).

b. Personal services contracts: An employee cannot 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 must avoid all appearances of improper association with contract personnel. A personal services 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 Policy](#), or [Section T3.8.2 Service Contracting of the FAA Procurement Toolset Guidance](#)). If a legal determination is required, contact the Office of Chief Counsel.

c. Disclosure of proprietary or source selection information: A procurement official or other employee who is given authorized or unauthorized access to proprietary or source selection information regarding procurement(s) must not disclose such information directly or indirectly to any person other than a person authorized to receive such information by the Administrator or the contracting officer. 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 verify with 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 Policy](#), or [Section T3.1.6 Non-Disclosure of Information of the FAA Procurement Toolset Guidance](#)).

10. Use of Federal Equipment, Property, Time, Funds and Personnel. FAA equipment, property, time, funds/Governmental monies or personnel, including but not limited to stenographic, typing and word processing assistance, computer hardware, software, telecommunication capabilities, cellular communication devices and services, tablets, duplicating services, mail services (internal and external) or chauffeur services are for official FAA business, or officially approved or sponsored activities. Except, the FAA authorizes limited or incidental personal use of its systems, internet, email or office equipment in accordance with [FAA Order 1370.121 FAA Information Security and Privacy Program & Policy, Appendix 33 – Limited Personal Use](#).

a. Telephones: Government telephones, including facility interphones, are provided for use in conducting official business. Employees are occasionally permitted to make authorized personal calls that are considered necessary in the interest of the Government. (For examples of authorized personal calls, see [FAA Order 1830.8 Federal Telecommunications System Calling Cards and General Government Telephone Usage](#).)

b. Personal mail: Employees may not have their personal mail directed to their place of employment; i.e., FAA owned or leased facility (see [FAA Order 1770.11 Mail Management Standards and Procedures](#)).

Note: Exceptions to this restriction may be granted by managers who, 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, determine an exception is appropriate.

c. Government mail: 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 U.S.C. § 1719](#). Additionally, the use of other mailing services for personal use and paid for by the FAA is 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. Government contractor-issued travel cards: Employees are prohibited from using the Government contractor-issued travel card for personal use. Employees must seek reimbursement of legitimate official business expenses within five working days after completion of a trip or period of travel, or at least once every 21 calendar 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 card includes, but is not limited to (see [DOT's Travel Card Management Policy](#)):

- 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;
- Failure to report the loss of the travel card; and
- Failure to safeguard the Government contractor-issued travel card or PIN resulting in unauthorized use.

e. Government purchase card: All cardholders are responsible for executing proper 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 [T3.2.6 Purchase Card Programs of the FAA Procurement Toolset Guidance](#) for in-depth information about the use of the purchase card).

f. Computers: All internet and electronic media access (using Government supplied resources) must be consistent with the FAA user's assigned duties and responsibilities (i.e., where required by bona fide duties of the employee's position), 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 law and/or

FAA rules, regulations or policies (see [5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch, Subpart G](#), [FAA Order 1370.121 FAA Information Security and Privacy Program & Policy](#), and [ER-4.1a Use of Social Media by FAA Employees](#)). 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, or 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; or
- Engaging in unauthorized fundraising, lobbying or political activities; etc.

g. Passenger carriers: Employees who willfully use or authorize the use of passenger carriers for other than official business will be suspended for at least one month or longer as warranted, or summarily removed from their position and the Federal service, as mandated by [31 U.S.C. § 1349](#) (b). Passenger carriers include a 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 (see [FAA Order 4600.27 Personal Property Management](#), for the references to information pertaining to the authorized use of a motor vehicle).

11. Observing Safety Regulations. Employees must observe all rules, signs and instructions relating to personal safety in the workplace (see [FAA Order 3900.19 Occupational Safety and Health Program](#)). 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.

Employees must observe the following safety precautions in facilities or locations where agency business is conducted or where services or operations are performed:

- a. Report an accident involving injury to persons or damage to property or equipment.
- b. Use protective clothing or equipment when required (e.g., use a safety climbing device when one is provided).
- c. Refrain from behavior that may endanger the safety of, or cause injury to, personnel or damage property or equipment through negligence, dangerous horseplay and/or threatening or violent behavior.
- d. 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 \(series\) Safety Belt Management Program](#)).
- e. Use a hands-free device when using a cell phone while operating a government-owned, leased or rented vehicle, or any other vehicle (including a privately-owned vehicle) while on official Government business, regardless of whether it is required by state law or in keeping with requirements of the District of Columbia. Abstain from any other unsafe activity while driving a government vehicle, such as text messaging.

- f. Report unsafe air traffic occurrences (i.e., accidents or incidents) or safety violations, through direct involvement or observation.
- g. Evacuate the premises during a fire alarm/drill or other order to vacate a work site. Abide by the directions of the floor or area warden, safety, security or management official.

12. Absence and Leave.

a. Attendance at work and approvals to use paid/unpaid leave or paid time off: Employees 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 available paid leave and paid time off 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. Use of sick leave: Sick leave cannot be granted for rest, minor inconvenience or in place of annual leave. However, an employee who becomes ill or injured while on approved annual leave may substitute sick leave (see [LWS-8.1, paragraph 11a](#)). 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 the [Human Resource Policy Manual \(HRPM\), Volume 8: Leave and Work Schedules](#), any absence that is not approved will be charged as AWOL.

c. Tardiness: 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.

13. 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 must 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 must, 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. If the inquiry concerns the employee's front-line manager, employees must notify their middle or senior 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.

14. Letters and Petitions to Congress. The use of appropriated funds to influence the consideration of legislation is prohibited by statute ([18 U.S.C. § 1913](#)). However, the right of employees, either individually or collectively, to petition Congress or any member, 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 must be free from restraint, reprisal or coercion. Employees may not use agency facilities, supplies, equipment, personnel and/or duty time to contact a Congressional committee or member of Congress. This includes oral, written and electronic communications.

15. Recording or Monitoring of Telephone Calls or Covert Recording, Videotaping or Monitoring of Conversations, Meetings, etc.

a. **Monitoring phone calls:** 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 must be for official purposes and generally limited to areas involving air safety such as accident investigations, near-collision reporting, etc. (see [FAA Order 1600.24 Listening-in to or Recording of Conversations on Telephones or Telecommunications Systems](#)).

b. **Unauthorized recordings:** Employees, in the conduct of their official duties, may not use, aid in the use of, or ignore the improper use of, recording, videotaping or monitoring equipment of any kind. Conversations are only recorded for official purposes, and only with the knowledge and consent of all those being recorded.

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 individual state laws which may permit covert/secret tape recording.

c. **Authorized recordings:** 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.

d. **Photography:** In accordance with [FAA Order 1600.69 FAA Facility Security Management Program](#), Paragraph 4-2-12, 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.

16. Defamatory or Irresponsible Statements. While FAA encourages freedom of expression, employees are accountable for the statements they make and the views they express. Employees must 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 in work-related forums or where the persons identifies him/herself as an FAA employee (see [ER-4.1a Use of Social Media by FAA Employees](#)). Remarks made in any forum regardless if made in connection with work or by a person identified as an FAA employee that disrupts the workplace can lead to a disciplinary or adverse personnel action.

17. Workplace Violence. Violent, threatening, harassing and/or confrontational behaviors in any form, at the workplace, 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, but is not limited to:

- Pushing
- Poking
- Physically crowding
- Stalking
- Fist shaking
- Throwing objects regardless of the target of the object being thrown
- Name calling, obscene language or gestures
- 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.

18. Possession of Firearms. Generally, employees, while in or on FAA/GSA-owned or leased property, to include Government and personal vehicles, must not carry or have in their possession, privately owned firearms or other weapons unless authorized by the FAA to do so. This prohibition applies regardless of individual state laws, or requirements set forth by U.S. territories or possessions, or of the District of Columbia which may permit the carrying of firearms. Under some circumstances, outlined in [FAA Order 1600.69 FAA Facility Security Management Program](#), Paragraph 4-2-10, employees in the Alaskan Region may possess weapons in connection with their official duties, such as survival and/or emergency firearms in an operational area, or may possess weapons in connection with their occupancy of permanent or transient FAA housing within the Alaskan Region.

19. Drugs and Alcohol.

a. Testing designated positions: [DOT Order 3910.1 \(series\) Drug and Alcohol-Free Departmental Workplace Program](#) provides information on the drug and alcohol program and specifically identifies those FAA positions designated as a Testing Designated Position (TDP).

Employees occupying a 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. 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.

b. Inappropriate or illicit use of illegal or legal substances: 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. This prohibition applies regardless of any state (including the District of Columbia) law which may permit legal use of marijuana. Legal substances include alcohol, prescription and over-the-counter (OTC) medications. These substances can adversely affect the employee's work performance and/or conduct and have an adverse impact on the employee's credibility.

c. Alcohol: Alcoholic beverages are prohibited on any FAA owned or leased property.

d. Standards and requirements for maintaining safety of the National Airspace System: 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. The FAA must be sure that employees are operating without the constraint of drugs or alcohol, or the consequences of abuse, such as a hangover. 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. Additionally, employees occupying safety-sensitive duties must immediately report to their manager any use of prescription and OTC drugs that will interfere with their ability to safely perform their duties. 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.

20. Eliminating Discrimination and Creating a Model EEO Program.

a. Non-Discrimination policy: The Department of Transportation and the FAA prohibit discrimination against anyone on the basis of race, color, national origin, religion, age (40 and over), sex (including pregnancy and gender identity), genetic information, disability, sexual orientation, or reprisal for participating in protected EEO activity. 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 a disciplinary or adverse personnel action may be taken against any employee found to have engaged in discriminatory conduct. This includes discrimination based on veterans' status, a violation of the Uniformed Services Employment and Reemployment Rights Acts (USERRA), whistleblower retaliation, and other such protected activities under their governing laws and regulations.

(1) Model EEO Program: 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 Initiatives. The precepts outlined in the Model EEO Program (see [FAA Order 1400.8 Federal Aviation Administration \(FAA\) Equal Employment Opportunity \(EEO\) 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) Managerial accountability and responsibility: 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 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. Employees must not be subject to retaliation for making a charge of discrimination, giving testimony, assisting, or otherwise participating in a complaint of discrimination; nor will 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 Accountability Board](#)), Administrator's Hotline, Inspector General complaint, etc.

21. 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: 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, sharing, forwarding 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 in the workplace (see [FAA Order 1110.125 Accountability Board](#)). Examples of actions which are considered in violation of the agency's policy include, but are not limited to:

- Sexual teasing, jokes, remarks or questions
- Sexually suggestive/offensive looks, leering, ogling, staring at a person's body, or sexually suggestive/offensive gestures or actions
- Unwelcome letters, cards, email messages and/or telephone calls
- 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.
- Pressure for dates
- Inappropriate physical touching
- Promise of benefit in exchange for sexual favors
- Threat or act of reprisal for refusal to provide sexual favors

22. 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 U.S.C. § 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 spouses, if the employee is using that person to accomplish indirectly what the employee cannot 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 [5 U.S.C. §§ 7321-7326](#), or [5 CFR Parts 733 and 734](#)). Employees are encouraged to contact the [Office of Special Counsel](#) to seek an advisory opinion whether any activity could be construed as a violation of the Hatch Act.

23. Holding Office in State or Local Government. Employees are prohibited from running for the nomination or as a candidate for a local partisan political office, except as expressly provided in [5 U.S.C.](#)

[§ 7325](#). Because of the unique interrelationship between the FAA and local and state government, employees are urged to seek the advice of their servicing Regional or Center Counsel and/or an agency designated ethics counselor 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.

24. Subversive Activity. In accordance with [5 U.S.C. §§ 7311-7313](#), an employee must not advocate or become a member of any organization which 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.

25. Striking. Employees must not engage in or encourage another Federal employee to engage in a strike, work stoppage, work slowdown, or sickout involving the Federal Government (see [5 U.S.C. § 7311](#) and [18 U.S.C. § 1918](#)).

26. Canvassing, Soliciting or Selling. Employees must 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 used for these purposes.

a. Prohibited activities: 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 or other Government-wide sanctioned efforts (i.e., Toys-For-Tots and Feds Feeds Families) 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 violation of [FAA Order 3750.7 \(series\) Ethical Conduct and Financial Disclosure Program](#). This prohibited activity applies on or off Government premises. However, this prohibition does not apply on occasions of special significance (e.g., retirement, marriage) as long as the contribution is voluntary and a nominal amount (see [5 CFR, Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch](#), relating to gifts between employees).

b. Permissible activities: This prohibition does not apply to:

- (1) Activities that are expressly 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, subject to applicable regulations and agency policy.
- (4) A spontaneous, voluntary collection of nominal amounts from fellow employees for an employee in connection with marriage, birth of a child, illness, retirement or as an expression of condolence, or other significant life activity.

27. Borrowing and Lending Money. Managers cannot borrow money from subordinates, nor have a subordinate act as an endorser or co-signer of a note given as security for a personal loan. Neither can 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 programs.

28. Accepting Notarial Fees. An employee who is a notary public cannot 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.

29. 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 travel 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.

30. Accepting Gifts. With certain exceptions, the Standards of Ethical Conduct for Employees of the Executive Branch, 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 the 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 Gifts and Bequests](#), and [FAA Order 3750.6 No-Charge Transportation Provided by State and Local Government Agencies for Official Travel by FAA Employees](#), for additional information.

31. 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 \(series\) Ethical Conduct and Financial Disclosure Program](#), and in DOT Supplemental Regulations, [5 CFR, Part 6001, Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation](#).

32. Reporting Violations. As mandated under paragraph 7 above and [FAA Order 1600.38 Employee and Other Internal Security Investigations](#), it is the duty of every employee to report any known or suspected violation of law, regulation or policy to their manager, their [Security Servicing Element \(SSE\)](#), 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 (see [FAA Order 1110.125 Accountability Board](#)).

Related Information

Policies

- [ER-4.1a Use of Social Media by FAA Employees](#)
- [ER-4.2 Maintaining Discipline](#)
- [LWS-8.1 Sick Leave for Personal Medical Needs](#)
- [FAA Order 1110.125 Accountability Board](#)
- [FAA Order 1370.121 FAA Information Security and Privacy Program & Policy](#)
- [FAA Order 1400.8 Federal Aviation Administration \(FAA\) Equal Employment Opportunity \(EEO\) Program](#)
- [FAA Order 1600.1 Personnel Security Program](#)
- [FAA Order 1600.2 Classified National Security Information](#)
- [FAA Order 1600.24 Listening-in to or Recording of Conversations on Telephones or Telecommunications Systems](#)
- [FAA Order 1600.38 Employee and Other Internal Security Investigations](#)
- [FAA Order 1600.69 FAA Facility Security Management Program](#)
- [FAA Order 1600.75, Protecting Sensitive Unclassified Information](#)
- [FAA Order 1830.8 Federal Telecommunications System, Calling Cards and General Government](#)

- [Telephone Usage](#)
- [FAA Order 2700.20 Gifts and Bequests](#)
- [FAA Order 3750.6 No-Charge Transportation Provided by State and Local Government Agencies for Official Travel by FAA Employees](#)
- [FAA Order 3750.7 \(series\) Ethical Conduct and Financial Disclosure Program](#)
- [FAA Order 3900.19 Occupational Safety and Health Program](#)
- [FAA Order 4600.27 Personal Property Management](#)
- [FAA Acquisition Management Policy](#)
- [FAA Procurement Toolset Guidance](#)
- [DOT's Travel Card Management Policy](#)
- [DOT Order 3902.9c \(series\) Safety Belt Management Program](#)
- [DOT Order 3910.1 \(series\) Drug and Alcohol-Free Departmental Workplace Program](#)

Human Resources Operating Instructions

- [Table of Penalties](#)

Laws and Regulations

- [Title 5, United States Code \(U.S.C.\), Chapter 73, Suitability, Security and Conduct](#)
- [5 Code of Federal Regulations \(CFR\), Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch](#)
- [5 Code of Federal Regulations \(CFR\), Part 733, Political Activity – Federal Employees Residing in Designated Localities](#)
- [5 Code of Federal Regulations \(CFR\), Part 734, Political Activities of Federal Employees](#)
- [5 Code of Federal Regulations, Part 6001, Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation](#)
- [E.O. 12731 Principles of Ethical Conduct for Government Officers and Employees](#)
- [E.O. 13526 Classified National Security Information \(December 29, 2009\)](#)

Websites

- [Office of Special Counsel](#)

Revision History Log

Date	Revision
September 28, 2015	Pen & Ink to remove reference to the Human Resources Operating Instruction (HROI) – Drugs and Alcohol in Paragraph 15c
July 1, 2008	Amended to enhance and clarify various policy statements and to add policy statements.
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.
August 11, 2000	HRPM ER-4.1 established