

August 10, 2016

FEDERAL LAWS RELATING TO EMPLOYEE CONDUCT

Many activities may violate not only these standards of conduct, but also federal statutes. As a result, in addition to any disciplinary action an employee may be subject to, civil and criminal penalties may be imposed if the misconduct also violates a related federal statute. At a minimum, employees should be aware of the statutory prohibitions against the following:

- Seeking, accepting, or agreeing to accept a gift in return for influence in the performance of an official act or for personal gain in the performance of an official act (18 U.S.C. § 201).
 - Representing others or accepting payment in matters involving the Smithsonian or the United States (18 U.S.C. §§ 203, 205).
 - Receiving any salary or any contribution to or supplementation of salary from any outside source as compensation for official services as an employee (18 U.S.C. § 209).
 - Procurement officials seeking, accepting, or agreeing to receive any money, gratuity, or other thing of value from any officer, employee, representative, agent, or consultant of a competing contractor during the conduct of a federal procurement (41 U.S.C. § 423).
 - Embezzling or converting public money, property, or records to one's personal use (18 U.S.C. § 641).
 - Taking or failing to account for public funds with which an employee is entrusted in his or her official position (18 U.S.C. § 643).
 - Embezzling or converting money or property in the possession of an employee by reason of the employee's employment (18 U.S.C. § 654).
 - Lobbying with appropriated funds (18 U.S.C. § 1913).
 - Disloyalty and striking (5 U.S.C. § 7311 and 18 U.S.C. § 1918).
 - Disclosure of confidential information (18 U.S.C. § 1905).
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- Habitual use of intoxicants to excess (5 U.S.C. § 7352).
- Misuse of a federal vehicle (31 U.S.C. § 1344).
- Misuse of the franking privilege (18 U.S.C. § 1719).
- Use of deceit in an examination or personnel action in connection with federal employment (18 U.S.C. § 1917).
- Fraud or false statements in a matter involving the United States (18 U.S.C. § 1001).
- Mutilating or destroying a public record (18 U.S.C. § 2071).
- Unauthorized use of documents relating to claims involving federal funds (18 U.S.C. § 285).
- Acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. § 219).
- Appointing, employing, promoting, or advancing a relative or advocating such actions for a relative (5 U.S.C. § 3110).
- Engaging in prohibited personnel practices, including discrimination (5 U.S.C. § 2302).
- Restrictions on political activities (“Hatch Act”) (5 U.S.C. §§ 7321–7326).
- Gifts to superiors (5 U.S.C. § 7351).
- Post-employment restrictions (18 U.S.C. § 207).
- Acts affecting a personal financial interest (18 U.S.C. § 208).