

Full-time Personnel Management

Code of Ethics and Standards of Conduct

FOR THE GOVERNOR:

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Applicability. California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and California Air National Guard technicians and to commanders, managers, and supervisors (military or civilian) with authority or responsibility over technician personnel management.

Proponent and Exception Authority. The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulation.

Supplementation. Supplementation of this regulation is prohibited.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

Distribution. Distribution of the regulation is Army - A and Air Force - F.

History. None

Summary. This regulation provides guidance for standards of conduct for California National Guard technicians. It replaces portions of the Technician Personnel Manual, dated March 2000, Chapter 7. This regulation also replaces any Technician AGR Administrative Instruction (TAAI) concerning this subject published before 15 October 2007.

Content (listed by paragraph number)

	Paragraph
Purpose	1
References	2
Public Service is a Public Trust	3
General Principles	4
Gifts, Entertainment, and Favors	5
Outside Employment	6
Financial Interests	7
Use of Government Property	8
Misuse of Information	9
Indebtedness	10
Gambling, Betting, and Lotteries	11
Engaging in Riots or Civil Disorders	12
General Conduct Prejudicial to the Government	13
Standards of Conduct	14

1. Purpose.

The purpose of this regulation is to provide a summary of the rules that pertain to the code of ethics and the standards of conduct for all California National Guard (CNG) technicians.

2. References.

- a. Title 5 United States Code 2635
- b. Title 32 United States Code, Section 709
- c. Department of Defense (DoD) Directive 5500.7, dated 30 August 1993

3. Public Service is a Public Trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

4. General Principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

- a. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
- b. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- c. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- d. An employee shall not, except as listed in paragraph 5 below, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- e. Employees shall put forth honest effort in the performance of their duties.
- f. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- g. Employees shall not use public office for private gain.
- h. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- i. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- j. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- k. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- l. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.
- m. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- n. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

5. Gifts, Entertainment, and Favors.

- a. A technician is prohibited from soliciting or accepting, directly or indirectly, any gift, gratuity, or favor, entertainment, loan or any other thing of monetary value from a person who has, or is seeking to obtain, contractual business or financial relations with the agency.
- b. A technician is prohibited from soliciting contributions from another technician for a gift to a technician in a supervisory or official position.
- c. A supervisor or official is prohibited from accepting a gift presented as a contribution from technicians receiving less salary.

d. A technician is prohibited from making a donation as a gift to a technician in a higher official position. This does not prohibit a voluntary gift of nominal value or a donation in a nominal amount when made on special occasions such as marriage, illness, or retirement.

6. Outside Employment.

A technician is prohibited from engaging in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of their Government employment.

7. Financial Interests.

Technicians are prohibited from having direct or indirect financial interest(s) that conflict substantially, or appears to conflict substantially, with his/her Government employment.

8. Use of Government Property.

Technicians are prohibited from directly or indirectly using, or allowing the use of, Government property for other than official use.

9. Misuse of Information.

Technicians are prohibited from directly or indirectly using, or allowing the use of, official information obtained from the Directorate for Human Resources or in connection with his/her Government employment which has not been made available to the general public, for the purpose of furthering a private interest.

10. Indebtedness.

a. A technician's failure to pay their just debts usually has two undesirable effects. First, since the creditor cannot garnish a technician's salary, the only recourse is to try to enlist the help of the agency personnel office. If this is not successful, the creditor is left with the feeling that the California National Guard and the Federal Government are as much to blame as the technician. Thus, an unfavorable image is created.

b. Secondly, correspondence with the creditor, memoranda to and conferences with the technician involved add considerably to the workload of the office.

c. Accordingly, technicians are required to pay each just financial obligation in a proper and timely manner. A just financial obligation means one acknowledged by the technician or reduced to judgment by a court of law or one imposed by law such as Federal, State, or local taxes.

11. Gambling, Betting, and Lotteries.

Technicians are prohibited from participating in any gambling activity while on Government-owned or leased property or while on duty for the Government. Participation includes operation of a gambling device, conducting a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket.

12. Engaging in Riots or Civil Disorders.

A person convicted of participating in a riot or civil disorder is barred from employment.

13. General Conduct Prejudicial to the Government.

Technicians are prohibited from engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

14. Standards of Conduct.

a. In accordance with Title 32 United States Code § 709, The National Guard Technician Act of 1968, full-time technicians are required to be:

(1) A military technician (dual status)

(2) Members of the National Guard

(3) In a military grade specified by the Defense Secretary concerned

(4) In the appropriate uniform for the member's grade and component of the Armed Forces while duties as a military technician (dual status)

b. Congress enacted the National Guard Technicians Act primarily to enable the National Guard to carry out its military mission and to make technicians eligible for federal retirement and fringe benefits. Therefore, we are charged to promote the ability of our full-time workforce to make a quick transition to active duty status when required. National Guard technicians must perform to stringent military standards and ensure the continual readiness of equipment and personnel for deployment to meet the needs of the national defense and civil emergencies. This is

reflected in the requirement for excepted technicians to maintain compatibility and military membership, and to wear the uniform as a condition of employment.

c. Public Law 104-106 and Technician Personnel Regulation 300-302.7 require all excepted technicians to wear the military uniform appropriate for the service branch of employment and federally recognized grade, and to do so in accordance with regulations pertaining to the proper wear and maintenance of the uniform (AR 600-9, AR 670-1 and AFI 36-2903). The proper wear of the military uniform includes wear of the proper military rank and does not include unauthorized additions or accoutrements. Military customs and courtesies will be adhered to.

d. Inherent of the Law, Department of Defense Directive 5500.7 and Technician Personnel Regulation 735 are the prescribed standards. Technicians are expected to maintain high standards of honesty and integrity on and off duty hours. Grooming and uniform standards will continue to be enforced. Technicians are reminded to refrain from relationships between members that violate the customary bounds of acceptable behavior, to include fraternization and other unprofessional relationships, in order to maintain good order, discipline, conduct, respect, maintenance of unit cohesion, and mission accomplishment. Although supervisors are ultimately held responsible for those under their supervision, these standards are the responsibility of each member. How we appear and present ourselves as a military organization and as individuals affects our public relations and can complement our dual citizen soldier and airmen roles in the communities in which we work and live.