

## § 305.5

another culture, and to interact and communicate with other people regardless of cultural, social, and economic differences.

(d) *Skills*. By the end of training, in addition to the attributes mentioned above, a Trainee must demonstrate competence in the following areas:

(1) *Language*. The ability to communicate in the language of the country of service with the fluency required to meet the needs of the overseas assignment.

(2) *Technical competence*. Proficiency in the technical skills needed to carry out the assignment.

(3) *Knowledge*. Adequate knowledge of the culture and history of the country of assignment to ensure a successful adjustment to, and acceptance by, the host country society. The Trainee must also have an awareness of the history and government of the United States which qualifies the individual to represent the United States abroad.

(e) *Failure to meet standards*. Failure to meet any of the selection standards by the completion of training may be grounds for deselection and disqualification from Peace Corps service.

### § 305.5 Procedures.

Procedures for filing, investigating, and determining allegations of discrimination on the basis of race, color, national origin, religion, age, sex, handicap or political affiliation in the application of any provision of this part are contained in MS 293 (45 CFR part 1225).

## PART 306—VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

CROSS REFERENCE: ACTION regulations concerning the volunteer discrimination complaint procedure, appearing in 45 CFR part 1225, are applicable to Peace Corps volunteers. Part 1225 appears at 46 FR 1609, Jan. 6, 1981.

## PART 307—PEACE CORPS STANDARDS OF CONDUCT

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AUTHORITY: E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964-1965, Supp. 306; 5 CFR part 735.

SOURCE: 52 FR 30151, Aug. 13 1987, unless otherwise noted.

### Subpart A—General

#### § 307.735-101 Introduction.

(a) Section 735.101 of title 5 of the Code of Federal Regulations requires each agency head to issue his or her agency regulations regarding the ethical conduct and other responsibilities of all of its employees. All employees are responsible for complying with

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these regulations. One of the main purposes of the regulations in this part is to encourage individuals faced with questions involving subjective judgment to seek counsel and guidance. The Designated Agency Ethics Official (DAEO) and Deputy and Alternate DAEO in the Office of General Counsel are designated to be the counselors for Peace Corps with respect to these matters. They will provide authoritative advice and guidance to any Peace Corps employee, former employee, or potential employee who seeks it.

(b) The Peace Corps Committee on Conflict of Interest will review and monitor the Agency's policies and procedures on conflict of interest. The committee shall consist of the General Counsel, the Associate Director for Management, the Director for Compliance, the Director of Contracts, the Associate Director for International Operations, and the Director's designee, who shall be a nonvoting member. Committee membership is not delegable. The Designated and Deputy Agency Ethics Officials shall act as advisors to the Committee and shall record the Committee's decisions. The Committee, by majority vote, shall have the authority to:

(1) Adopt the procedures necessary to insure the implementation of and compliance with the conflict of interest regulations found at §§307.735-301 through 307.735-305.

(2) Issue interpretive opinions or clarifying statements on actual or hypothetical situations involving the provisions of §§307.735-301 through 307.735-305.

(3) Accept and review reports filed under §307.735-302(b).

(4) Grant specific relief from the provisions of §§307.735-303 through 307.735-305 by a majority vote of the committee, if after due consideration the committee finds that:

(i) No actual conflict of interest exists, and

(ii) The purpose of the rule would not be served by its strict application, and

(iii) A substantial inequity would otherwise occur. In each such case the committee shall issue a written decision setting forth its findings as required above. The committee may make any exception subject to such

conditions and restrictions as it deems appropriate.

(c) Any violation of the regulations in this part may be cause for remedial or disciplinary action. Remedial action may include changes in assigned duties, disqualification for a particular assignment, divestment of a conflicting interest, and other action as appropriate. Violation of those provisions of the regulations in this part which reflect legal prohibitions may also entail penalties provided by law.

(d) This part applies to all employees of Peace Corps. "Employee" as used in this part includes regular employees, Presidential appointees, "special Government employees," experts and consultants whether employed on a full-time, part-time, or intermittent basis, and Foreign Service National employees (FSNs).

### § 307.735-102 Definitions.

(a) *Special Government employee* as used herein means a person appointed or employed to perform temporary duties for Peace Corps with or without compensation, on a full-time, part-time, or intermittent basis, for not to exceed 130 days during any period of 365 days.

(b) *Regular Government employee* as used herein means any officer or employee other than a Special Government employee.

(c) *Organization* as used herein includes profit and non-profit corporations, associations, partnerships, trusts, sole proprietorships, foundations, individuals and foreign, State and local government units.

(d) *Potential Contractor* means any organization or individual that has submitted a proposal, application, or otherwise indicated in writing its intent to apply for or seek a specific contract or other agreement.

(e) *Associated with* means:

(1) That the person is a director of the organization or is a member of a board or committee which exercises a recommending or supervisory function in connection with a Peace Corps project;

(2) That the person serves as an employee, officer, owner, trustee, partner, consultant, or paid advisor (general membership in an organization is not

included within the definition of “associated with”; however, because general membership in an organization doing business with the Peace Corps can result in problems of the appearance of conflicts of interest, each such general membership should be evaluated by the DAEO);

(3) That the person, his or her spouse, minor child, or other member of his or her immediate household, owns, individually or collectively, any voting shares of an organization;

(4) That the person, his or her spouse, minor child, or other member of his or her immediate household, owns, individually or collectively, either beneficially or as trustee, a financial interest in an organization through stock, stock options, bonds, or other securities, or obligations; or

(5) That a person has a continuing financial interest in an organization, such as a bona fide pension plan, valued at \$10,000 or more, through an arrangement resulting from prior employment or business or professional association; or

(6) That the person’s spouse or other member of his or her immediate household has a personal or nonpersonal services contract or is employed by a Peace Corps contractor and assigned to a Peace Corps contract.

In accordance with the provisions of 18 U.S.C. 208(b) (1) and (2), the DAEO may determine that a financial interest under (e)(3) or (4) of this section is not so substantial as to affect the integrity of the employee’s services, or make a blanket determination by a general rule published in the FEDERAL REGISTER that certain classes of holdings are too remote or inconsequential to affect the integrity of the employee’s services.

The term *associated with* does not include an indirect interest, such as ownership of shares in a diversified mutual fund, bank or insurance company, which in turn owns an interest in an organization which has, or is seeking or is under consideration for a contract or other agreement. Such an “indirect” interest is hereby determined pursuant to 18 U.S.C. 208(b)(2) to be too remote to affect the integrity of the employee’s services.

**Subpart B—General Conduct and Responsibilities of Employees**

**§ 307.735-201 Proscribed actions—Executive Order 11222.**

As provided by the President in Executive Order No. 11222, whether specifically prohibited by law or in the regulations in this part, no U.S. regular or special Government employees shall take any action which might result in, or create the appearance of:

(a) Using public office or employment for private gain, whether for themselves or for another person, particularly one with whom they have family, business, or financial ties.

(b) Giving preferential treatment to any person.

(c) Impeding Government efficiency or economy.

(d) Losing complete independence or impartiality.

(e) Making a Government decision outside official channels.

(f) Affecting adversely the confidence of the public in the integrity of the Government.

(g) Using Government office or employment to coerce a person to provide financial benefit to themselves or to other persons, particularly anyone with whom they have family, business or financial ties.

**§ 307.735-202 General conduct prejudicial to the Government.**

An employee may not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct prejudicial to the Government (5 CFR 735.209).

**§ 307.735-203 Criminal statutory prohibitions: Conflict of interest.**

(a) *Regular Government employees.* Regular employees of the Government are subject to the following major criminal prohibitions:

(1) They may not, except in the discharge of their official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies to both paid and unpaid representation of another (18 U.S.C. 203 and 205).