

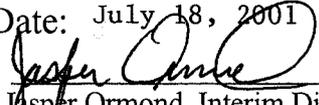


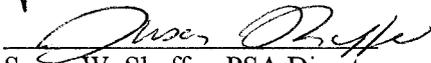
# POLICY STATEMENT

Policy Statement 1100.1

Policy Area: Office of the General Counsel

Effective Date: July 18, 2001

Approved:   
Jasper Ormond, Interim Director

  
Susan W. Shaffer, PSA Director

## TEACHING, SPEAKING AND WRITING ACTIVITIES

### I. PURPOSE AND BACKGROUND OF THE POLICY

This policy establishes the parameters in which employees of the Court Services and Offender Supervision Agency ("CSOSA") and the Pretrial Services Agency ("PSA") (hereafter referred to as "the agency") can participate in teaching, speaking and writing activities. This policy is necessary to help ensure that employees do not inadvertently misrepresent to the general public the official position of the agency or place themselves in danger of violating the agency's standards of conduct. This policy does not impose any restrictions on employees who wish to speak about or publish materials not related to the policies, procedures, and practices of the agency.

### II. COVERAGE

This policy applies to all employees of CSOSA and PSA.

### III. STATEMENT OF POLICY

- A. Agency employees must submit a request for outside employment to the Office of the General Counsel ("OGC") prior to engaging in any outside teaching, speaking and/or writing activities in which they are compensated.
- B. An employee may engage in independent, off-duty teaching, speaking and writing activities when the activity:
  - does not focus on the agency or the employee's official duties and responsibilities;
  - is based on the employee's general experience and/or education; and
  - does not contain privileged information or information that would cause a risk to the security of agency employees or offenders.

*Example 1:* Your hobby is cooking. You have been asked to teach an introductory class on the basics of cooking and you will not receive compensation. You may teach this class without submitting a request for outside employment because it is a one-time seminar for which you will not receive pay.

C. With prior approval, an employee may engage in teaching, speaking and writing that relates to his/her official duties. Teaching, speaking and writing relates to official duties when:

- the circumstances indicate that the invitation to engage in the activity was extended to the employee because of the employee's official position rather than the employee's expertise on the particular subject matter;
- the invitation was extended to the employee by a person who has interests that may be affected substantially by the performance or nonperformance of the employee's official duties;
- the information draws on ideas or official data that is privileged information;
- the subject matter deals in significant part with a matter to which the employee is presently assigned or has been assigned in the last year;
- the subject matter addresses any ongoing or announced policy, program or operation of the agency; or
- the activity is undertaken as part of the employee's official duties.

D. With prior approval, an employee may engage in teaching, speaking and writing as a part of his/her assigned duties.

*Example 2:* The deputy director of PSA has been asked to speak at the National Association of Blacks in Criminal Justice Conference. This is permissible as long as it is cleared by the director of PSA prior to accepting the speaking engagement. The deputy director may use official time to prepare the presentation. He/she may also ask staff to assist in the preparation of the presentation.

E. Agency employees are not permitted to receive compensation from any source, other than the Federal Government, for speaking or writing that relates to the employee's official duties unless the course 1) requires multiple presentations and 2) is offered as part of the regularly established curriculum of an institution of higher education, elementary or secondary school; or is part of a program sponsored and funded by a Federal, state or local government. An employee may accept compensation for activities that are not related to the employee's official duties.

*Example 3:* A CSO is asked to teach a course at the University of the District of Columbia on community corrections. The employee must submit a request for outside employment because he/she is receiving compensation. The employee may accept compensation because the class requires multiple presentations and is offered at an institution of higher education. The CSO can use agency office equipment (e.g., computer, copy machine) provided that it is used during non-work hours and the use is *de minimis*. The CSO is not permitted to disseminate sensitive, non-public information during his/her presentation. Neither can the CSO ask for staff assistance to prepare for the course.

F. An employee may not use privileged information while teaching, speaking or writing in a personal capacity. Neither should there be any use of the employee's official title except as a part of biographical information or in connection with an article published in a scientific or professional journal accompanied by a noticeable disclaimer. An employee may not use official

time or that of another employee to prepare materials used for teaching, speaking or writing activity in a personal capacity.

#### IV. PROCEDURES

##### A. Procedures for Speaking and Teaching Relating to Official Duties

When CSOSA employees receive an offer to speak or teach on matters related to their official duties, they should immediately consult with their supervisor and seek the approval of the appropriate associate director. PSA employees should seek the approval of the deputy director of PSA. The employee must submit information for an accurate review, including who extended the offer, the intended audience, the content of the message to be delivered, and other necessary factors. Approval by the CSOSA associate director or PSA deputy director is essential to insure that the employee's participation in the respective activity will not create a conflict of interest.

*Example: 4* A CSO has been asked to speak at a forum on Probation and Parole in the District of Columbia sponsored by the National Institute of Corrections. The CSO must inform his/her supervisor of who extended the offer, who is the intended audience, and the content of the message to be delivered. The supervisor should consult with the associate director of Community Supervision Services to insure that the employee's participation in the activity is appropriate.

##### B. Procedures for Publication Activity Relating to Official Duties

All employees must submit an outline of the intended publication to their immediate supervisor when they wish to produce a publication that relates to their official duties. In consultation with those in the employee's chain of command, the supervisor shall review the outline to determine whether the employee's official duties conflict with the intended publication activity. The supervisor shall send the outline through the chain of command, and it will be forwarded to the Office of the General Counsel to determine:

- If it contains any information that may not be released under the Freedom of Information Act (FOIA), the Privacy Act (PA), or other statutes or regulations;
- If the manuscript should be approved for publication based upon such factors as the FOIA, PA, whether information included could compromise the security of the agency, or whether the employee has given the impression that he or she is speaking on behalf of the agency; and
- If restrictions/changes should be made to the manuscript before publication is approved.

Other offices, as appropriate, may also be asked to review the document.

The employee will be notified in writing within 30 days after submitting the request to the appropriate office. If approval is not granted, the proposed request will be returned to the employee with the reasons for withholding approval clearly stated in writing. The employee will be given an additional opportunity to modify the request based upon the information obtained during the review process. After the employee has revised the initial request, the employee must re-submit the revised request for another review.

**V. AUTHORITIES AND REFERENCES:**

The regulatory authorities for this policy are 5 C.F.R. § 2635.807 and 5 C.F.R. § 2636.307.

The Agency directive pertaining to Outside Employment is found in the Agency's Standards of Conduct.