



From the Inspector General

“Holding the Line...on misuse of subordinates’ time”

Actual case studies for navigating the sometimes not-so-bright line defining senior official misconduct

The Complaint: This edition of “Holding the Line” addresses the misuse of subordinates’ official and personal time. The three cases cited illustrate a “not substantiated” finding (“holding the line”), a “substantiated” finding (“crossing the line”), and one somewhere in the middle (“walking a fine line”).

The applicable standard: The Joint Ethics Regulation, DoD5500.07-R, Chap 2, incorporates 5 CFR 2635.705(b), *Use of official time*—An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

The Cases:

1 - HOLDING THE LINE: A full-time Reserve general officer directs his staff to make regular appointments for his physical therapy and haircuts. Additionally, FSS personnel have been seen in his office performing one-on-one out-processing for his upcoming PCS. Do these actions violate the JER?

IG Finding: As both medical readiness and compliance with grooming standards are required for AF members, it is reasonable that a senior official would ask the staff controlling his calendar to assist with making appointments to meet these requirements. Regarding the FSS activities, one-on-one service was provided to all general officers on base. Misuse of subordinates’ official time — **NOT SUBSTANTIATED**.

2 - CROSSING THE LINE: An Active Duty general officer is the senior member in an AF career field and also serves as president of a national professional organization with historically close ties to DoD. The general routinely tasks members of his staff to attend meetings, write speeches, prepare written materials, and conduct other activities in support of the Non-Federal Entity (NFE)

Future Topics

- ⇒ Hostile Work Environment / Toxic Leadership
- ⇒ Improper use of GOVs
- ⇒ Unprofessional Relationships

professional organization. Does this violate the JER?

IG Finding: When the activities performed directly relate to the general’s official AF role, staff support is allowable. However, in this case, the taskings in question supported his role as president of the NFE and therefore fell outside his staff’s official duties. Misuse of subordinates’ official time — **SUBSTANTIATED**.

3 - WALKING A FINE LINE: A member of the Senior Executive Service (SES) provides her staff a “kitty” of her personal funds to cover small expenses—coffee, candy, etc. for the office. The kitty is also used to pay for the SES’s lunch, which her staff picks up nearly every day. According to the SES: “Members of my staff frequently go out to fast food places and pick up lunch. They know I never look up from whatever I’m doing; if somebody doesn’t pick something up for me, I simply won’t eat. So, whoever’s going out will use money from the kitty and bring me back a sandwich or hamburger or whatever. But I never ask anybody to do it.”

IG Finding: There is a twist here. Picking up lunch was a *personal* task done on behalf of the SES on a nearly daily basis and *not* within the staff’s official assigned duties. However, such an arrangement is authorized if it is voluntary, done on the subordinate’s personal time, and fairly compensated. Here, the lunch run was considered voluntary and it was done on personal time, but there was no compensation for that time rendered by the SES. Thus, accepting this service constitutes an improper gift under 5 CFR 2635.302(b). *IG Finding:* Misuse of subordinate’s *official* time—**NOT SUBSTANTIATED**; but... Misuse of subordinate’s *personal* time — **SUBSTANTIATED**.

Questions to determine if you’re “Holding the Line”:

- Is it an activity directly related to either your position or your staff member’s job description?
- Are the amounts of time spent by staff reasonable?
- Is your staff using personal funds or personal time to perform the task?
- How does it look to an Airman?

ex-ploit vt 1. To utilize to the greatest possible advantage; 2. To make use of unethically or selfishly
If you have any ethics-related questions, contact your servicing SJA or local ethics officer!

“Holding the Line” is a product of SAF/IGS. Please contact Ms. Allison Weber at allison.c.weber.civ@mail.mil or 703-692-6345 if you have questions or a suggestion for a future edition of this newsletter.
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