

| WHICH LANE ARE YOU IN? | |
|---|--|
| Official Capacity (on behalf of EPA, as an employee) | Personal Capacity |
| <p>Generally ...</p> <ul style="list-style-type: none"> • Consistent with statutory authority and Agency or office mission and assigned duties. • Need supervisory approval to engage in the activity. • Cannot be compensated by an outside party. <p>Use of Government Time, Resources and Non-Public Information</p> <ul style="list-style-type: none"> • You can use official time on the activity, consistent with supervisory approval. • You can use EPA resources including computer, copier, EPA email address or phone number, administrative support. • You cannot use non-public information. <p>Identifying Yourself and Disclaimers</p> <ul style="list-style-type: none"> • Use your official title. • Depending on the level of review, you may need to include a disclaimer. <p>Social Media</p> <p>Relatively few employees are responsible for maintaining or using EPA’s official social media posts. See EPA’s policies on official use of social media.</p> | <p>Generally ...</p> <ul style="list-style-type: none"> • If what you want to do qualifies as an “outside activity” under EPA’s supplemental ethics rules, you may need prior written approval from an ethics official. • You may not be compensated if the activity relates to official duty. <p>Use of Government Time, Resources and Non-Public Information</p> <ul style="list-style-type: none"> • Refrain from engaging in personal activities on EPA time. Do not use your EPA badge, email address or other EPA identifiers when acting in your personal capacity. • Personal use of the EPA equipment is permitted only in accordance with EPA’s limited personal use policy, which allows for <i>de minimis</i> use, but never for prohibited activities such as charitable fundraising, lobbying, political activity, compensated outside activity or illegal activities. • There is no expectation of privacy in the federal workplace or when using EPA equipment or resources. Remember, your alternate work location is considered federal workspace when you are on Flexiplace and the ethics rules apply the same when you work remotely as when you are in the office. • Do not use nonpublic information, which is any information gained through EPA employment that you know or should know has not been made available to the general public, is exempt from disclosure, or that has not been authorized for release. • You may not take pictures inside federal buildings (including private buildings leased by federal occupants; e.g., EPA Region 10) without the permission of the occupying Agency. 41 C.F.R. § 102-74.420. |

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Misuse of Position and Representing Back

- Avoid appearing to misuse your EPA position for your own personal gain or for the gain of others or to create the appearance that the federal government endorses your personal activities. ***Avoid deliberate use of your EPA position or affiliation to bolster your personal position or to lend it greater or emphasized credence.*** For example, you could carry a sign at an event that says “I love puppies.” You could even carry a sign that says, “Federal employee loves puppies.” But you should NOT carry a sign that says “EPA employee loves puppies.”
- In your personal capacity, you cannot represent the interests of a third party back to the federal government, regardless of whether you are compensated. 18 U.S.C. §§ [203](#) & [205](#). For example, you could write a letter to your Senator, expressing your personal opinion about a proposed legislative action, but you could not write and sign a letter on behalf of a third party about the same proposed action.

Identifying Yourself and Disclaimers

- You can reference your official title if it is one of at least three biographical details you provide and you make it clear that you are speaking in your personal capacity, not in your official capacity or on behalf of EPA. You might also need to include a [disclaimer](#).
- If you don’t mention your EPA position, you do not need to include a disclaimer.
- If it is clear from the language or context of your speaking or writing that you are representing personal rather than Agency views, then you have addressed endorsement concerns, but you

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still must be careful not to use your EPA position for private gain. See Misuse of Position, above, and [OGE letter 10 x 1](#).

Social Media

- The ethics rules apply to social media just as they do to other forms of communication.
- Because there is no expectation of privacy in the federal workplace or when using EPA equipment or resources, ***we recommend against using EPA equipment, server, etc. to access personal social media accounts.***
- Do not use or post nonpublic information in personal social media accounts.
- Because you are generally prohibited from taking photos inside federal office space, you, therefore also should not post such photos to your personal social media accounts.
- The Office of Government Ethics has a terrific [legal advisory on ethics and personal use of social media](#).

Fundraising

- Don't use your EPA position to further outside fundraising efforts. There are some restrictions when engaged in fundraising, even on personal time. [5 C.F.R. § 2635.808](#).
- You can't ever personally solicit funds from a subordinate or from a "prohibited source," which is any entity or person who is doing business with EPA, seeks to do business with EPA or is regulated by EPA.