

# Town Hall Meeting for Political Appointees

September 23, 2008

NAC/Building 1/Room 11065



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# Agenda

- 0900-0910 Welcome/Overview
- 0910-0920 Transition Planning – White House Liaison Perspective
- 0920-0930 Security Out-Processing
- 0930-1000 Benefits, Leave & Retirement
- 1000-1015 Ethics & Post-Employment Restrictions
- 1015-1030 Parking, Passports & Property
- 1030-1045 Records Management
- 1045-1055 DHS Alumni Outreach
- 1055-1105 Questions and Answers



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# Security Out-Processing

Presented by

Jeffrey Purdie

U.S. Department of Homeland  
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# FEDERAL BENEFITS FOR EXITING APPOINTEES

September 23, 2008

## Presented by:

Office of the Chief Human Capital  
Officer Staff

U.S. Department of Homeland  
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# LEAVE

- **Annual Leave**

- Unused annual leave is refunded in a lump sum payment via Direct Deposit within 4 to 6 weeks after separation. The payment equals what you would have earned if you had remained in the Federal Service on annual leave. Taxes are deducted from the lump sum payment.

- **Sick Leave**

- No payment is made for accrued sick leave. Your balance at the time of separation is re-credited to your leave account if you are re-employed in a Federal position in the future.



# SEVERANCE PAY

- Employees on non-career SES or Schedule C appointments are not eligible for severance pay.



# UNEMPLOYMENT COMPENSATION

- Non-career and Limited Term SES and Schedule C employees who resign by request or who are separated due to a change in Department leadership or as a result of transition to a new Presidential Administration **may be eligible** for unemployment compensation.
- Entitlement is based on the eligibility provisions of each State's laws. You must register with the office in the jurisdiction where you worked.
- If you move out of the jurisdiction where you worked, you can file your claim with the State office nearest to your new residence.
- A list of State unemployment offices is provided in the Appendix of the Guide for Exiting Political Appointees.”



# HEALTH BENEFITS

- After separation, your health insurance coverage continues for 31 days at no cost.
- You may file an election for Temporary Continuation of Coverage (TCC) by completing the Standard Form (SF) 2809. Forms are available at this session.
- TCC provides coverage for up to 18 months, but you must pay both employee and employer cost, plus a 2% administrative fee. The web link to information on TCC costs can be found in the “Guide.”
- You have the option to convert to an non-group contract when the TCC group coverage ends.



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# FLEXIBLE SPENDING ACCOUNT (FSA & FEDVIP)

- Health care Flexible Spending Accounts terminate on the date of separation.
- Any health care expenses incurred prior to the date of separation will be reimbursed, those occurring after separation will not be reimbursed.
- Dental and Vision insurance through FEDVIP will also terminate as of the date of separation.



# LONG TERM CARE INSURANCE (LTC)

- Long term care insurance continues as long as you continue to pay the premiums.
- You will need to contact LTC Partners directly to arrange for future premium payments if you wish to continue coverage.
- The LTC Partners web link is in the “Guide.”



# FEDERAL LIFE INSURANCE (FEGLI)

- FEGLI continues at no cost for 31 days after separation.
- During this period, all or any part of coverage can be converted without medical examination to an individual (non-group) life insurance policy. Use Standard Form (SF) 2819 to convert coverage. Forms are available at this session and at the OPM website, [www.opm.gov](http://www.opm.gov).
- You will be responsible for the entire cost of the policy.
- Rates depend on age and level of coverage.



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# RETIREMENT ELIGIBILITY

- With very few exceptions, Federal employees hired after 1984 are automatically covered under the Federal Employees Retirement System (FERS). Anyone who has had continuous service prior to and since 1984, and believes that they may be under the Civil Service Retirement System (CSRS) will require individual counseling on eligibility.
- Under FERS, voluntary retirement is available:
  - At minimum retirement age (MRA), 55 to 57, depending on your year of birth, with 30 years of service
  - At age 60 with 20 years of service
  - At age 62 with 5 years of service
- Reduced FERS annuity is possible at MRA with as little as 10 years of service. Consult the DHS Retirement Counselor if you fall into this category.



# REFUND OF RETIREMENT CONTRIBUTIONS

- If you are not eligible for retirement, you may request a refund of the amount of money you have contributed to the defined benefit portion of your retirement plan. Social Security contributions are not refundable.
- If you are covered by FERS and receive a refund, and later return to the Federal Government, you will receive no retirement credit for that period of service.
- A FERS refund is a permanent forfeiture of the service covered by the refund for all retirement purposes.
- FERS employees use SF-3106 to apply for a refund. Forms are available at this session, and the OPM website, [www.opm.gov](http://www.opm.gov).



# THRIFT SAVINGS PLAN (TSP)

- **You will automatically receive a refund if you have less than \$200 in your TSP account.**
  
- **If you have more than \$200 in your account, you have the following options:**
  - Take a partial or full withdrawal
  - Purchase a life annuity
  - Rollover all or part to a traditional IRA
  - Leave money in your TSP account, where it will continue to earn interest
  
- **Additional information on TSP options can be found in the Appendix of the “Guide.”**



# QUESTIONS???



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# US DEPARTMENT OF HOMELAND SECURITY

## 2008 Ethics Briefing

## Transition Town Forum

*Presented by: Robert Coyle*

September 23, 2008



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# Seeking Employment



## 5 C.F.R. § 2635, Subpart F:

- Required to disqualify from participating in a Government matter affecting the financial interests of a prospective employer while you are “seeking employment.”

## 18 U.S.C. § 208:

- Disqualification required while you are “negotiating” for employment – discussing terms of employment (not just salary);
- Creates a disqualifying financial interest.



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# Seeking Employment

When does “seeking employment” begin?

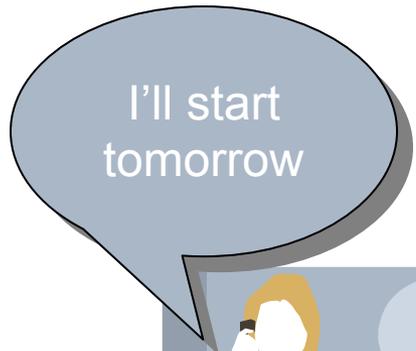
When you:

- Directly or indirectly engage in negotiations for employment with any person; or
  - Negotiations - 18 U.S.C. § 208: engaged in discussion or communication with another person mutually conducted with a view toward reaching an agreement regarding possible employment.
  
- Make an unsolicited communication regarding possible employment.



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# Seeking Employment



**Accepting  
the job offer**



**Deferring  
discussions**



**Starting  
negotiations**



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# Seeking Employment

- When does “seeking employment” end?
  - When either party affirmatively rejects the possibility of future employment, or
  - Two (2) months pass with no response to an unsolicited communication (e.g., sending a resume).
- If employment is accepted, disqualification continues until departure from Federal service.



# Procurement Integrity Act

## 41 U.S.C. § 423

- Written notification of an employment contact with a competing contractor is required during the conduct of a procurement.
  - Must notify your immediate supervisor and ethics office
- Applies to an ongoing procurement over \$100,000
- You must either:
  - reject the possibility of employment, or
  - immediately disqualify yourself from participation, and submit a written disqualification statement.



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# Seeking Employment



- Gifts offered by prospective employers:
  - you may accept gifts customarily provided by a potential employer in connection with *bona fide* employment discussions.
  - Must disqualify yourself from official matters
  - Must report gifts on financial disclosure report if value meets reporting threshold.





## Post-Employment

Lifetime Representation Ban

(18 U.S.C. § 207(a)(1))

After leaving Government service, you may not:

- appear before or communicate with any Federal employee on behalf of another with the intent to influence the Government, regarding:
  - a “particular matter involving specific parties” in which you
  - personally and substantially participated as a Government employee.



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# “Appearance or Communication”

- Letters
- Applications
- E-mails
- Personal appearances (even if you do not speak)
- Phone calls

Must include an intent to influence Government action; element of controversy

Social contacts permissible.



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# “Particular matters involving specific parties”

## Examples:

- Contracts
- Grants
- License applications
- Litigation or other judicial proceedings
- Enforcement actions, claims, requests for rulings or other determinations
- Investigations, arrests, charges.



# “Particular matters involving specific parties”

Does not include:

- Formulation of general policy, standards, or objectives
- Rulemaking
- Legislation



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# “Personal and Substantial Participation”

- Decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise;
  - Personal: to participate directly, including participation of a subordinate when actually directed by you;
  - Substantial: your involvement was significant to the matter, not incidental.



# Post-Employment

Two-Year Representation Ban

18 U.S.C. § 207(a)(2)

For two years after either leaving Government service or your official responsibility ends, you may not:

- appear before or communicate with any Federal employee on behalf of another with the intent to influence the Government regarding a “particular matter involving specific parties” that was
- under your official responsibility during your last year of government service.



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# “Official Responsibility”

- Areas assigned by statute, regulation, Executive Order, job description, or delegation of authority
- Agency heads have official responsibility for all matters under consideration in their agency
- Supervisors have official responsibility for matters that subordinates are working on in the scope of their official duties.



# Post Employment

- These sections do not prohibit:
  - “behind-the-scenes” activities
  - Representations before Congress
  - Representations on new matters
- Recommend seeking a written ethics opinion in advance of contact.



# “Senior Employee” Restrictions

18 U.S.C. §§ 207(c) and (f)

- If your “basic pay” is 148,953\* or higher, you are a “senior employee.”
- Senior Executive Service: “basic pay” is *entire* pay.
- General Schedule (GS): “basic pay” excludes locality pay or any other pay. No GS employees will be “senior” employees.
- \*current amount for 2008 salary period; subject to change in January 2009.



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# Additional Restrictions for “Senior Employees”

## 18 U.S.C. § 207 (c):

- May not appear or communicate on any matter before an employee of the entire Department for one year after service or employment as a “senior employee”
- on behalf of another with the intent to influence Government action.
- Representation on new matters is prohibited.



# “Senior Employee” Restrictions

## 18 U.S.C. § 207(f):

- May not knowingly aid, advise, or represent a foreign entity (government of a foreign country or foreign political party) for one year after departure
- before an any officer or employee of any agency or department of the United States
- with the intent to influence a Government decision.
- Includes Congress
- Prohibits “behind-the-scenes” advice.



# Exceptions

- Acts on behalf of:
  - the U.S. Government, District of Columbia or as an elected official of a State or local government
  - International organizations in which the U.S. participates with prior certification from the Secretary of State
- Testimony under oath or to be made under penalty of perjury
  - Restrictions for expert witness testimony.



# Exceptions

- Exceptions to 18 U.S.C. § 207(c) restrictions:
  - Carrying out duties on behalf of State and local governments
  - Statements based on “special knowledge” without compensation
  - Providing scientific and technical information after certification by the head of Department
  - Communications or appearances on behalf of a candidate, campaign, or campaign committee, or political party.



# Penalties

- Violations of the criminal ethics statutes carry civil or criminal penalties, including fines, imprisonment, and/or injunctive relief.
- 18 U.S.C. § 216.



# Procurement Integrity Act

- One-year bar on accepting compensation from the winning contractor if you had a major role in a contract over **\$10 million**.
- Certain positions and/or actions are covered (e.g., source selection, program management, decisions to make payments/claims).
- Exception for employment within a different division that makes different products or services.



# QUESTIONS?

- Contact your ethics official



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# Office of the Chief Administrative Officer Separation Presentation

Office of Administrative Operations  
Asset and Logistics Management



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# Office of Administrative Services

## ■ Parking

- **NAC:** All hang tags for the inner and outer lots must be returned either to the office parking administrator or to parking POC (b)(6) located in (b)(2)(high).
- **7<sup>th</sup>&D, VTA, NYA, 15<sup>th</sup> St., 9<sup>th</sup> St., and Rosslyn:** Garage parking passes must be returned to the parking coordinator for that location or to the garage parking coordinator. Garage parking POC is (b)(6).

## ■ Passports

- Return all Official and Diplomatic, POC is (b)(6). These are the property of the United States government and are transferable to another federal agency only through the approval of the U.S. State Department.
- If you will be transferring to another federal agency and will be requiring an Official passport in the future, include a letter when returning the passport with your new agency information, DHS will inform State Department to hold the passport for transfer. Your new agency can then request the passport from the State Dept.



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# Office of Administrative Services

- Transit Benefits
  - Employees separating from DHS must notify the Transit Subsidy Program Coordinator to withdraw from the transit program. All advanced benefits even if it has been used or has expired must be returned.
  - The calculation for returning benefits is based on the separation date and the monthly allotment.
  - Transit POC is (b)(6) please send e-mail with separation information to (b)(6)
    - Regulation: Public Law 102-486, Section 1911, Employer Provided Transportation Benefits, effective December 31, 1992
    - Regulation: 26 code of Federal Regulations, Part 1, and 602, qualified Transportation Fringe Benefits, dated January 11, 2001



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# Asset and Logistics Management

- (b)(6)
- POC's can assist you in identifying the correct individuals in your organization responsible for accountable equipment.
- Accountable equipment that must be returned/turned in, to include:
  - IT Gear, Computers, Laptops
  - GETS Cards
  - Blackberry's
  - Cell Phones
  - Flags and Seals
  - Gifts exceeding \$20
  - Art borrowed from museums or GSA
  - All government credits cards: fuel, purchase and travel



- Moving Boxes

- Moving boxes are available by calling the DHS Service Center at (b)(6) Please mention that this is for a transition move.



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# Homeland Security



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Records Management at DHS

# Guidance for Departing Officials



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# Records Tell the Story...

Good recordkeeping:

- meets DHS business needs
- demonstrates good management
- provides accountability
- preserves the National experience
- protects rights



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# Federal Records

A Federal record may be anything created or received in the course of government business.

A Federal record can be:

- on any media: e.g. paper, electronic, digital, microfilm, microfiche, audio tape, video tape, film
- temporary (destroyed at some point in time)
- permanent (retained FOREVER)



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# A DHS document, paper or electronic, is a record if it:

- Reflects significant actions taken in course of business
- Conveys valuable information about DHS programs, policies, decisions, actions
- Conveys statements of policy or rationale for decisions
- Documents oral exchanges during which policy is formulated or activities are planned
- Facilitates action by DHS officials
- Protects legal, financial, and other rights of the Government and persons affected by Government actions
- Documents essential transactions of DHS, such as scientific research or reports of inspections of shipped goods
- Documents administrative functions of DHS



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# Records Schedules

Are your basic tool, the foundation of any records management program. They...

- Describe records series;
- State how long files must be retained;
- Grant authority for disposal.



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# Types of Records

- Federal Records: made or received by an agency in the course of business.
- Personal Papers: unrelated to agency business (files relating to political activities, personal and family matters or social and civic activities).
  - Personal Papers/Files:
  - Separate, pack and clearly mark personal papers.
  - Delete all personal items such as email, documents, etc from computer.



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# Removing Federal Records

Approval granted if:

- Removal will not diminish the official records.
- The materials, if made public, would not compromise or impede the DHS mission.
- The materials are not classified.
- The information removed is not otherwise prohibited by law.



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# Electronic Records

- DHS Records
- Move all records (email, documents, spreadsheets, etc.) to the network drive.
- Compile a list the Federal records copies requested for removal.
- Send Form 550-1 and list to DHS Records Officer for approval.



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# NARA Bulletin 2008-02

- Criminal penalties for the unlawful removal or destruction of Federal records and unlawful disclosure of national security information.
  - 18 U.S.C. 2071 and 36 CFR 1228.102
  - 18 U.S.C. 793, 794, and 798.



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# For Assistance

DHS Senior Records Officer

Kathy Schultz

(b)(6)

(b)(6)

Records Management Mail Box

[dhsrecordsmanagement@hq.dhs.gov](mailto:dhsrecordsmanagement@hq.dhs.gov)



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# DHS Alumni Outreach Program

September 23, 2008



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# DHS Alumni Outreach

**Interested in continuing to follow the Department and homeland security issues after your departure? Join the Alumni network!**

DHS Alumni are, by your expertise and experiences, the ideal audience to benefit from continued education and engagement regarding ongoing programs, resources and most of all the accomplishments made by the Department.

Regardless of when you joined the Department, your contributions have made this country safer while at the same time helping to build the Department from the ground up.



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# DHS Alumni Relationship Building

OPA Strategic Communications strives to engage DHS Alumni beyond just a “one-way paper push” to electronic mailboxes. In fact, quite the opposite should occur. We want you, our alumni, to share with us press releases, op-eds, blogs, and reports for your organizations.

OPA Strategic Communications should be viewed as your direct connection back into DHS. In essence, we are committed to serving as ambassadors or even “go-to” people on behalf of the department. Realizing of course the circumstances may warrant the need to call upon others within the Department, nevertheless, OPA Strategic Communications is an available resource.

OPA Strategic Communications is proud of the fact that almost 200 people are a part of the DHS Alumni outreach efforts.



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# DHS Alumni Resources

- Press Releases
- News Articles
- Leadership Journal Entries
- Transcripts of DHS Leadership Testimony
- DHS Newsletter
- Strategic Communication Updates during emergency situations
- Invitations to DHS events



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# DHS Alumni Questionnaire

NAME:

ADDRESS:

TELEPHONE NUMBER:

EMAIL:

FORMER POSITION WITHIN DHS:

COMPANY/FIRM/ORGANIZATION:

CURRENT POSITION:

WEB SITE:

**Please indicate your current areas of focus, interest and/or expertise**

Border Security

Intelligence and Analysis

Citizenship/Immigration

Cyber Security

Emergency Management

International Relations

Research & Development

Science & Technology

Critical Infrastructure

Transportation

Secure Documents

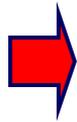
Other



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# DHS Alumni Questionnaire

## Please indicate preferences:



- Please send me electronic updates regarding DHS initiatives and policies
- I am willing to serve as a volunteer Subject Matter Expert to media upon request
- I would like further information regarding DHS briefings, events and meetings

Please indicate your interest in various DHS issues. Also indicate whether or not you would be interested in serving as a DHS surrogate (offering oral or written commentary) upon request of either DHS or the media.



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# DHS Alumni – Assurance of Privacy

The Department recognizes and respects the fact that some alumni may choose not to participate in outreach efforts. In order to ensure privacy rights, only those alumni who voluntarily complete and return the DHS Alumni Questionnaire will have their contact information uploaded into the DHS Alumni Database. DHS Alumni should realize that an ongoing strategy exists and their inclusion in the database is welcomed should they change their minds.



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# For More Information

Please direct any questions regarding DHS Alumni Outreach to [dhspublicliaison@dhs.gov](mailto:dhspublicliaison@dhs.gov). This is the same address you should use when returning your completed surveys.

Please call <sup>(b)(6)</sup> [REDACTED] if you would prefer to speak directly with a representative from OPA Strategic Communications.



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# Homeland Security



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