



## NATIONAL MEDIATION BOARD

### Contractor Ethics Guidelines

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#### 1. **Introduction**

To ensure that every citizen can have complete confidence in the Federal Government, each contractor working for the National Mediation Board (NMB) shall respect and adhere to the guidelines of ethical conduct set forth in this section.

#### 2. **Applicability**

##### A. ETHICAL GUIDELINES FOR PERSONAL SERVICE CONTRACTS

(1) Contractors must always identify themselves in both written and oral communications as a contractor employee. Contractors can not use organizational titles normally held by government employees such as "Program Manager" or "Staff Member". Contractors can not hold themselves out as government employees.

(2) Contractors do not make decisions, only recommendations, for agency programs.

(3) Contractors cannot decide on the budget for a program or decide which companies will be solicited or which company will be awarded a contract.

(4) Contractors shall not hold financial interests that conflict with the conscientious performance of the contract.

(5) Contractors shall not engage in financial transactions using confidential Government information or allow the improper use of such information to further any private interest.

(6) Contractors shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the agency, or whose interests may be substantially affected by the performance or nonperformance of the contractor's duties.

(7) Contractors shall put forth honest effort in the performance of their duties. Contractors must maintain adequate records to support charges for services and expenses and must make an accounting to the agency on request.

(8) Contractors shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the agency.



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(9) Contractors shall protect and conserve Federal property and shall not use it for other than authorized activities. Contractors cannot market or solicit future business using government resources such as e-mail and faxes or while billing the agency for their time. Contractors cannot use government resources, such as e-mail, intranet, or internet provided for the use of government employees, for personal use or other contractor related uses, unless specifically within the contract scope.

(10) Contractors shall not engage in other employment or activities, including seeking or negotiating for employment, that conflict with the performance of the duties outlined in this agreement.

(11) Contractors shall disclose waste, fraud, abuse, and corruption to the appropriate authorities.

(12) Contractors shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.

(13) Contractors shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Contractors shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

#### B. CONTRACTORS PROVIDING SERVICES UNDER SECTION 153 OF THE RAILWAY LABOR ACT

The Board recognizes that the majority of personal services contracts it enters into are for arbitrators providing services under Section 153 of the Railway Labor Act (RLA). Therefore, in addition to the guidelines outlined in A above, the following provisions apply to contractors providing services under Section 153 of the RLA:



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#### General Responsibilities

- (1) An arbitrator must be candid, accurate, and fully responsive to the agency concerning qualifications, availability, and all other pertinent matters.
- (2) An arbitrator must observe policies and rules of the agency in cases referred by the agency.
- (3) An arbitrator must not seek to influence an administrative agency by any improper means, including gifts or other inducements to agency personnel. It is improper for an arbitrator to use the parties to lobby the agency for money for the arbitrator.

#### Use of Assistants

- (1) An arbitrator must not delegate any decision-making function to another person without consent of the parties and the NMB.
  - a. Without prior consent of the parties or the NMB, an arbitrator may use the services of an assistant for research, clerical duties, or preliminary drafting under the direction of the arbitrator, which does not involve the delegation of any decision-making function.
  - b. If an arbitrator is unable, because of time limitations or other reasons, to handle all decision-making aspects of a case, it is not a violation of professional responsibility to suggest to the parties an allocation of responsibility between the arbitrator and an assistant or associate. The arbitrator must not exert pressure on the parties or the NMB to accept such a suggestion. The arbitrator cannot bill the NMB for work not performed by the arbitrator.

#### Fees and Expenses

- (1) An arbitrator occupies a position of trust in respect to the parties and the agency. In charging for services and expenses, the arbitrator must be governed by the same high standards of honor and integrity that apply to all other phases of arbitration work.



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(2) An arbitrator must endeavor to keep total charges for services and expenses reasonable and consistent with the nature of the case or cases decided.

(3) The arbitrator has a professional responsibility to truthfully and accurately submit to the agency the bill for his/her services and expenses. An arbitrator must maintain adequate records to support charges for services and expenses and must make an accounting to the agency on request.