



Holiday NewsLetter

NASA Langley Research Center

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Happy Holidays from the OCC



As we enter into the holiday season, many of us enjoy celebrating. The traditions and activities we engage in outside of the office become part of our office holiday routine. To help each of us celebrate in ways acceptable within our ethics rules, we have included guidance regarding exchanging and accepting gifts in the workplace, holding office celebrations, and attending holiday parties.

We've thrown in a couple extra articles: one on Use of Official Titles and Position, and an Intellectual Property Crossword Puzzle. We also extend congratulations to those inventors receiving recently issued patents.

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Change is always a constant here at Langley. We said farewell to Pam Link. Pam accepted a promotion to an Administrative Specialist position in the Systems Analysis and Concepts Directorate. We wish Pam well and thank her for several years of dedicated service in OCC. We also extend a special welcome to Twanna Dixon. Twanna is an employee with Mantech. She serves as OCC's legal secretary, and she will also provide assistance to OHCM. We are excited to have Twanna. If you stop by the office, please introduce yourself and welcome her.

Whether you celebrate Christmas, Hanukkah, Kwanza, or another holiday, the LaRC Office of Chief Counsel wishes you a happy and merry one. Enjoy and be safe.

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LaRC Chief Counsel

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YOUR WORKPLACE GIFT GIVING AND PARTY GUIDE



The holiday season is traditionally a time of parties, receptions, and exchanging gifts. However, even at the Holiday Season, the Standards of Conduct apply. To ensure you don't unwittingly violate the standards, a brief summary of the applicable rules is set out below. If you have any questions, please contact one of our ethics counselors, Ken Goetzke or Pete Polen.

(NOTE: Thanks to the Department of Defense Standards of Conduct Office and ethics counselors throughout the Federal government for the original version of this guidance. Revised December 2011, NASA LaRC, Office of Chief Counsel.)

General Gift Rule:

Federal employees must not accept gifts offered because of their official positions or offered by a "prohibited source," unless an exception applies.

A prohibited source is anyone who:

- Seeks official action by their Federal agency;
- Does business or seeks to do business with their Federal agency;
- Has interests that may be substantially affected by the employee's performance of duty; or
- Is an organization composed of members described above.

Lobbyist Gift Ban:

In addition to the above rule, full-time civilian political appointees may not accept gifts from registered lobbyists or lobbying organizations. For purposes of the lobbyist gift ban, "gifts" are most items of value; examples are free attendance at dinners and other meals, receptions, sporting events, and similar widely attended gatherings. Political appointee includes all full-time non-career Presidential appointees, non-career Senior Executive Service (SES) appointees, and non-career appointees excepted from the competitive service by reason of being of a confidential or policymaking character (e.g., Schedule C, politically appointed term SES or equivalent).

Gifts from Prohibited Source including Federal Contractors:

Federal employees may not accept gifts from contractors and contractor personnel, including attendance at parties, open houses, and receptions, unless one of the following exceptions or exclusions applies:

1. **De minimus Gift:** Federal employees may accept gifts (other than cash) not exceeding \$20, as long as the total amount of gifts that the employee accepts from that source does not exceed \$50 for the year.
2. **Personal Gift:** Federal employees may accept gifts, even from a contractor employee, that are based on a bona fide personal relationship. (Such personal gifts are actually paid for by the contractor employee rather than the contractor.)
3. **Widely-Attended Gathering:** Federal employees may generally attend an open-house or reception, and accept any gift of refreshments if it is a widely-attended gathering, and the employee's ethics counselor (or other agency designee) determines (usually in writing) that it is in the agency's interest that the employee attend.
4. **Open to the Public:** Federal employees may accept invitations (even from contractors) that are open to the public, all Government employees, or to a group defined in a manner that does not discriminate among Federal employees based on position or pay.
5. **Gifts unrelated to Federal employment:** Federal employees may accept invitations offered to a group or class that is not related to Government employment (For example, if the building owner where your office is located throws a reception for all of the tenants of the building).
6. **Modest Items of Food and Refreshments:** Federal employees may accept food items consisting of soft drinks, coffee, pastries, or similar refreshments not constituting a meal since they are not considered to be a gift.
7. **Gifts based on Outside Business or employment relationships:** Federal employees may accept attendance at events that are solely based on outside business or other employment relationships. For example, a Federal employee's spouse works for a Federal contractor. The Federal employee may accompany the spouse to the contractor's holiday party since the invitation is to the spouse as an employee, and not to the Federal employee because of his or her position.

Gifts between Federal Employees:

Federal employees may accept gifts, including attendance at parties, open-houses, and receptions, from other Federal personnel, if one of the following applies:

1. Invitation from a subordinate (who makes less):
Federal employees may accept personal hospitality at the residence of a subordinate that is customarily provided on the occasion.
2. Invitations from a supervisor or a co-worker: No restrictions. Enjoy!





Gifts and Gift Exchanges That Include Contractor Personnel:

1. Gifts from contractors, even during the holidays, may not exceed \$20.
2. Gifts to contractors: Check with the contractor about their restrictions on gift acceptance.

Between Federal Personnel:

Supervisors may not accept gifts from subordinates or Federal employees who receive less pay, unless one of the following exceptions applies:

1. During holidays, which occur on an occasional basis, supervisors may accept gifts (other than cash) of \$10 or less from a subordinate.
2. Supervisors may accept food and refreshments shared in the office and may share in the expenses of an office party.
3. If a subordinate is invited to a social event at the supervisor's residence, the subordinate may give the supervisor a hospitality gift of the type and value customarily given on such an occasion.

Please note, there are no legal restrictions on gifts given to peers or subordinates, however, common sense (and good taste) should apply.

OTHER IMPORTANT INFORMATION:

1. **Soliciting:** You may not solicit outside sources for contributions to a government agency-related party. This includes funds, food, and other items.
2. **Use of appropriated funds:** Generally office parties are unofficial events, and you may not use appropriated funds to pay for them.
3. **Door prizes and drawings:** Beware that door prizes or drawings could involve gambling, which would require compliance with state statutes and Federal regulations. With narrow exceptions, Federal regulations prohibit gambling on Federal property or while in a duty status. GSA regulations ban gambling in GSA owned or controlled buildings.
4. **Greeting cards:** You may not use appropriated funds to purchase and send greeting cards.
5. **Government vehicle:** As a general rule, participation at holiday social events is personal, not official, and therefore use of government vehicles to/from such events is not authorized. However, there may be very limited circumstances in which a senior official or officer is invited to attend because of his official position and where he will be performing official functions at the event as opposed to being invited because he or she is an important person. In these situations, use of a government vehicle may be authorized, subject to normal "home-to-work" transportation restrictions. Note, however, that it would be difficult, if not impossible, to justify the use of a government vehicle when a function involves one's immediate staff/office or events comprised of personal friends. All requests for use of a government vehicle to attend holiday social events should be reviewed on a case-by-case basis.

RULES APPLICABLE TO CONTRACTOR EMPLOYEES:

Many contractors have rules of ethics or business practices that are similar to the Federal rules. Take these rules into consideration before offering contractor employees gifts or opportunities that they may not be able to accept.

Examples:

1. **Office Party (non-duty time):** Your office is having a holiday party during the non-duty lunch hour or after work and asks each person attending to pay \$5 to cover refreshments and to bring a pot luck dish or dessert. Contractor employees may attend, pay \$5, and bring food because these contributions are not considered to be gifts, but a fair share contribution to the refreshments. Remember, contributions must be voluntary, so soliciting must be done with care to ensure there is no pressure. Also, ensure this is non-duty time for the contractor employees as well.
2. **Office Party (duty time):** What about a party that cuts into duty hours? The Government usually may not reimburse a contractor for its employees' morale and welfare expenses. The contractor has to decide whether to let its employees attend and forego payment for their time, or insist that they continue to work. If contractor employees are allowed to attend, the contractor must also decide whether it would pay its employees for that time, even though the Government would not reimburse it. The contractor does not have to pay its employees for that time. Consult the contracting officer and ethics counselor before inviting contractor employees to a function during their duty hours.
3. **Gift to Supervisor:** Your office wants to give the office supervisor a gift. However, you can't solicit other employees for contributions to a group gift. (Group gifts are permitted only for special, infrequent events such as retirements.) As for contractor employees, you can't ask them to contribute anything, as it is considered soliciting a gift from a prohibited source. Even if contractor employees volunteer to contribute cash, it may not be accepted because the \$20 exception does not apply to cash.
4. **Exchange of Gifts:** Your office, including the contractor employees, wants to exchange gifts at the party. Because it is difficult to have truly anonymous gift exchanges, you will want to restrict the value of such "random or exchanged" gifts to the authorized \$10.00 or less if personnel receiving different pay levels are involved. Gift exchanges in which employees purchase gifts for other employees whose names they drew at random are more troublesome. Where contractor personnel are involved, a \$20 per contractor company limit applies. Where an employee may buy a gift for a superior, the \$10 limit is prudent. Some organizations consider such a gift exchange to be exchanges of items of equivalent value, and that everyone participating is paying market value for the items, so no one is receiving a gift. Only in that case would the suggested monetary limits not apply. The best practice is to limit gifts to \$10 or less when involving more than a very small group of equivalently paid co-workers.
5. **Private Parties (Federal Personnel):** One of your Government co-workers is having a party at his house and has invited office personnel, including the contractor employees. A gift of food and refreshments to a contractor employee does not violate Government ethics rules. The contractor employees may want to check with their contractor's rules before accepting (since many contractors have similar ethics rules). If the contractor employee brings a hospitality gift, it may not exceed \$20. If such a gift is edible, even if it exceeds \$20, the host may accept it on behalf of all the guests and share it with them.
6. **Private Parties (Contractor Employee):** If a contractor employee is having a personal party and invites Government personnel, normally Government personnel must decline, since the food, drink, and entertainment is a gift from a prohibited source. Several exceptions may permit attendance, however. Under the \$20 rule, if the average cost per guest does not exceed \$20, Government personnel may accept (However, if the cost per guest is \$40, the "I won't eat more than \$20 worth of food." defense will not work). Also, Government personnel may accept if the invitation is based on a bona fide personal relationship with the contractor employee. Finally, if the party qualifies as a widely-attended gathering (involving a large number of persons representing a diversity of views) and the employee's supervisor determines that it is in the agency's interest for the employee to attend, the employee may enjoy the food, drink, and entertainment. Government personnel who desire to take a gift to show their appreciation for the hospitality should consult with the contractor employee to determine if he or she may accept such a gift in accordance with the contractor's rules of ethics.
7. **Private Parties (Contractor-sponsored):** If the contractor is sponsoring an employee's party or open-house, and you are invited by the contractor (or an employee of the contractor), you may not attend unless one of the exceptions in paragraph #6, above, apply.

HAVE A WONDERFUL HOLIDAY SEASON. PLEASE REMEMBER THAT THIS GUIDANCE ONLY HIGHLIGHTS COMMON QUESTIONS, AND DOES NOT COVER EVERY SITUATION. IF YOU ARE UNSURE, CONTACT YOUR ETHICS COUNSELOR.

USE OF OFFICIAL TITLES AND POSITIONS

Here's the situation: You have been recently nominated to the editorial board for the *Journal of Applied Scientific Obscurity*, and the journal's managers want to list you and your affiliation on the title page of the journal as: "Shirley A. Researcher, NASA Langley Research Center." Should you be concerned?

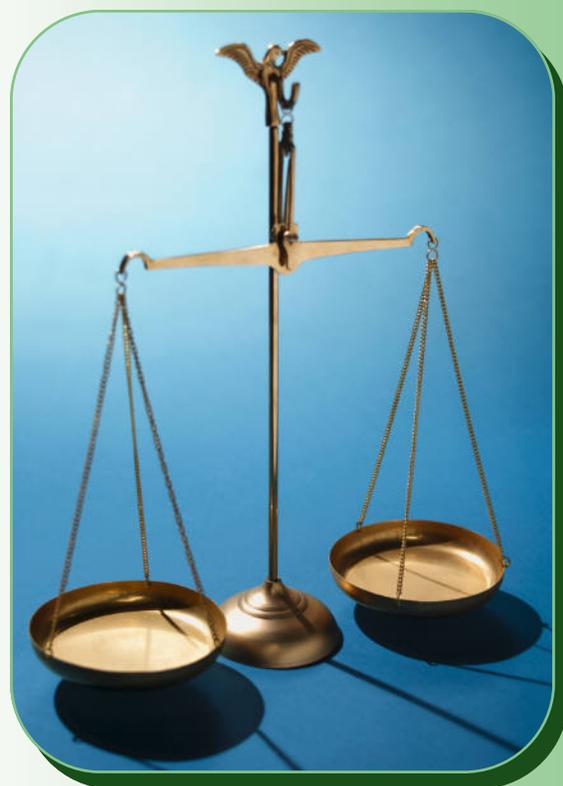
Well, yes...especially if your name is not Shirley. But perhaps even more importantly, whenever outside organizations use NASA titles or affiliations, there is a concern that—intentionally or otherwise—an appearance of an official agency endorsement may be created. Under [government-wide ethics regulations](#), federal employees must not use, or permit the use of their position or title [to endorse any product, service, or enterprise](#) (5 CFR 2635.702(c)). The Space Act, NASA's enabling legislation, [specifically prohibits misuse](#) of NASA's name or initials. For many years, the attorneys in our office, relying on little more than common sense, have concluded that the listing of organizational affiliations in professional publications usually does not create an endorsement concern. Instead, the listing of a professional institution usually denotes that the person has achieved a certain level of professional stature, is active in their field, and capable of holding a job. Along with an assortment of letters representing academic degrees and professional certifications, listing an organization behind the name of an editor or advisory board member serves as a miniature biography.

Thankfully, in an [advisory issued in November 2014](#), the Office of Government Ethics agreed with our office's reasoning ("LA-14-08: Reference to Official Title and Position by Employees Affiliated with Private Organizations in Their Personal Capacity," Nov 19, 2014). The advisory goes even further, stating that the use of U.S. Government titles and positions is allowable in similar situations where an employee is performing such duties in their personal capacity, and definitely applies when their service is part of their official agency duties. The proper test is whether the usage and context would "lead a reasonable person to construe that the government sanctions or endorses the employee's personal activities or the outside organization."

In many situations (your nametag at an obligatory mixer event; beginning of a technical presentation; or as one of several biographical details), the usage of titles and positions clearly carry little risk that any inappropriate endorsement might be implied. In other cases, a disclaimer explaining that the employee's service is done in his or her personal capacity would be sufficient to eliminate any potential appearance that NASA has endorsed the activity. Finally, in some situations (mud wrestling and meetings of the Flat Earth Society come to mind) any usage of NASA titles would be inappropriate.

More restrictive rules, however, apply to use of any NASA emblems (e.g., the NASA "Meatball") Insignia. Use of these identifiers is governed by a different regulation, [14 C.F.R. Part 1221](#), and except as specifically authorized, [cannot be used by non-NASA organizations](#).

For additional information on these and other burning legal issues, contact the Office of Chief Counsel.





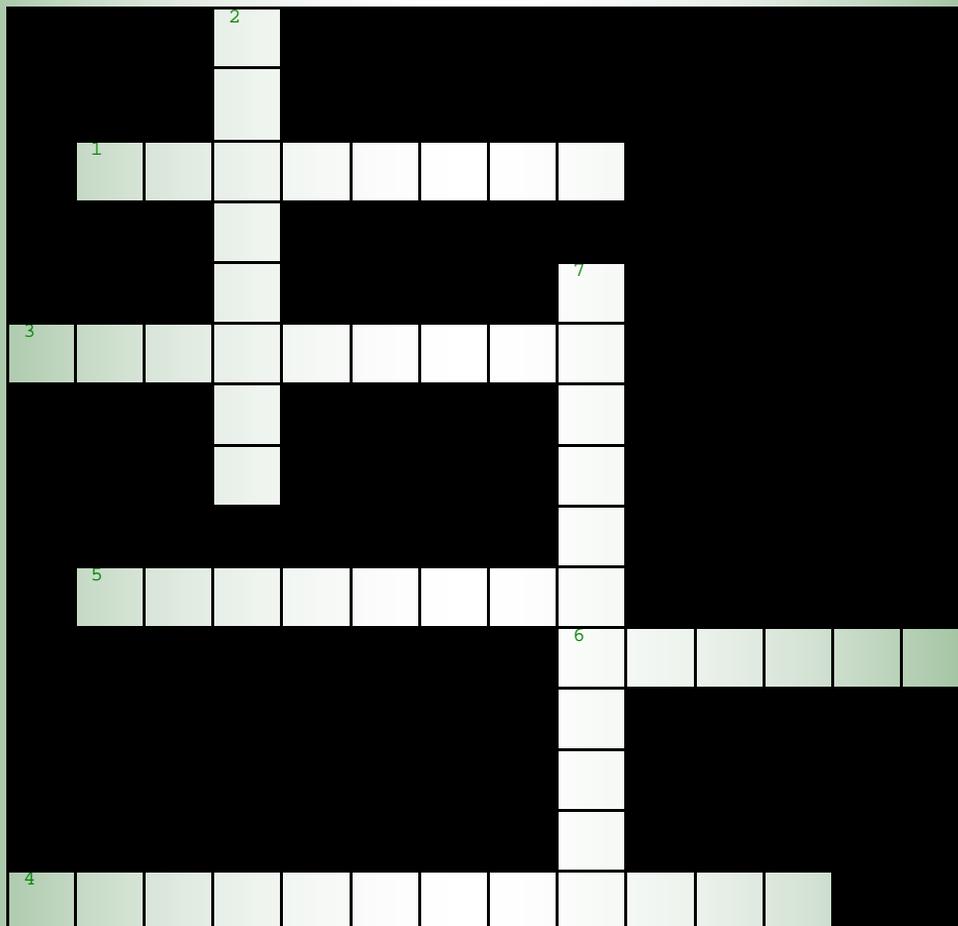
RECENTLY ISSUED PATENTS

September 1, 2014 – December 1, 2014

- ◆ Alan T. Pope and Chad L. Stephens - NASA LaRC, and Nina M. Blanson -Independent Inventor. Patent Number 8,827,717, issued September 9, 2014 for Physiologically Modulating Videogames or Simulations Which Use Motion-Sensing Input Devices
- ◆ Elliott Radcliffe and Ahmed Naguib - Michigan State University; and William M. Humphreys, Jr. – NASA LaRC. Patent Number 8,848,942, issued September 30, 2014, Acoustic Beam Forming Array Using Feedback-Controlled Microphones for Tuning and Self-Matching of Frequency Response
- ◆ Bing Lin and Yongxiang Hu - NASA LaRC. Patent Number 8,855,932, issued October 7, 2014 for Method and Apparatus for Measuring Surface Air Pressure
- ◆ Mahyar R. Malekpour - NASA LaRC. Patent Number 8,861,552, issued October 14, 2014 for Fault-Tolerant Self-Stabilizing Distributed Clock Synchronization Protocol for Arbitrary Digraphs
- ◆ Alan T. Pope – NASA LaRC; and Olafur S. Palsson - University of North Carolina. Patent Number 8,858,325, issued October 14, 2014 for Team Electronic Gameplay Combining Different Means of Control
- ◆ William T. Yost, K. Elliott Cramer and Daniel F. Perey - NASA LaRC. Patent Number 8,875,580, issued November 4, 2014 for Method and Apparatus to Detect Wire Pathologies Near Crimped Connector
- ◆ Russell H. Thomas - NASA LaRC; and Michael J. Czech and Ronen Elkoby - The Boeing Company. Patent Number 8,876,043, issued November 4, 2014 for Aircraft Engine Exhaust Nozzle System for Jet Noise Reduction
- ◆ Qamar A. Shams and Tianshu Liu - NASA LaRC. Patent Number 8,882,049, issued November 11, 2014 for Airfoil System for Cruising Flight
- ◆ Diego F. Pierrottet - Coherent Applications, Inc.; and Larry B. Petway, Farzin Amzajerdian, Bruce W. Barnes, George E. Lockard and Glenn D. Hines – NASA LaRC. Patent Number 8,897,654, issued November 25, 2014, for System and Method for Generating a Frequency Modulated Linear Laser Waveform

INTELLECTUAL PROPERTY CROSSWORD

1.	He invented Tang.
2.	New England football team that applied to register the trademark "19-0" to reference their perfect season weeks only before they lost to the New York Giants in the 2008 Super Bowl.
3.	Device that was invented 48 years after cans were introduced.
4.	French manufacturer of luxury consumer goods that sued Nevada-based Haute Diggity Dog for infringement for its line of dog products bearing labels such as Chewnel #5, Dog Perignon, and Sniffany & Co.
5.	Type of 10,000 patents that were issued by the US Patent and Trademark Office from July 1790 (when the first U.S. patent was issued), to July 1836, but destroyed in a fire, which left only the inventors' copies to reconstruct the collection.
6.	He filed 1,093 U.S. patents, including those for the light bulb, electric railways and the movie camera. When he died in 1931, he held 34 patents for the telephone, 141 for batteries, 150 for the telegraph and 389 patents for electric light and power.
7.	Type of intellectual property that protects the recipes for Listerine®, WD-40®, Twinkie®, Coca-Cola® and the KFC® 11 herbs and spices.



Answers:
 1. Mitchell
 2. Patriots
 3. Can opener
 4. Louis Vuitton
 5. X-patents
 6. Edison
 7. Trade secret



Humor

From a series of “Pentagon Rules”:

- If you touch a staff action, you own it.
- If anyone wants your opinion, they’ll give it to you.

More corollaries to Murphy’s Law:

- Winger’s Rule – If it sits on your desk for fifteen minutes, you’ve just become the expert.
- Murphy’s Eighth Corollary - It is impossible to make anything foolproof because fools are so ingenious.
- Pattison’s Law of Electronics – If wires can be connected in two different ways, the first way blows the fuse.
- Liebman’s Law of Auto-motion – If you get a great parking spot, you’ve probably shown up on the wrong day.
- Maverick’s Observation – You can fool some of the people all of the time and all of the people some of the time – and them’s pretty good odds.