

Office of Government Ethics

91 x 15 -- 05/02/91

Letter to an Individual dated May 2, 1991

Your letter of April 15, 1991, requested that the Office of Government Ethics inquire into the matter of indebtedness of an employee of [a Federal agency]. Your letter acknowledged that the proper method of seeking collection on any debt which a Government employee owes to you is through the established legal and court procedures. However, you have expressed concern that some form of personnel action has not been taken against [the employee] for his alleged indebtedness to you and others, and that [the employee] has protected himself through legal maneuvering under bankruptcy and anti-garnishment laws.

You are correct that executive branch standards of ethical conduct require employees to satisfy in good faith their just financial obligations. This means that employees must show an honest intention to fulfill in a timely manner their financial obligations, such as taxes and debts acknowledged by the employee or reduced to judgment by court. However, an employee's agency is not obligated to determine the validity or amount of any disputed debt nor to collect debts on the alleged creditor's behalf.

The issue of when an employee's just debts are not being satisfied in good faith must be resolved by his or her agency, since this is a personnel and disciplinary matter over which the agency exercises primary responsibility. The Office of Government Ethics is not equipped to review the propriety of an agency's discretion with respect to taking action in the case of the many thousands of executive branch employees who, like other citizens, may lawfully maintain debts and avail themselves of protections such as the bankruptcy and anti-garnishment laws to which you alluded.

While we appreciate your interest in insuring that Government employees are disciplined when violations of ethical standards may occur, we suggest that you pursue your complaint directly with the [agency]. You indicated that the Office of Personnel Management has already referred your inquiry to the inspector general for the [agency], and you should follow up with that office.

Sincerely,

Stephen D. Potts
Director