

EXHIBIT A

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LIBRARY OF CONGRESS REGULATIONS



LCR 2023-3

SUBJECT: Outside Employment and Activities

SERIES: 2023 Personal Conduct and Personal Activities of Staff	STATUTORY AUTHORITY: <u>2 U.S.C. §136</u>	RESPONSIBLE OFFICE: Office of the Librarian
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Section 1. Purpose

This policy concerns the outside employment and other outside activities of staff members, including outside activities that draw upon staff members' skills that reflect Library training or experience, that make use of knowledge or information gained on the job, or that are the result of work performed in whole or in part during official duty hours.

Section 2. Outside Employment

- A. Generally, staff members shall not engage in outside employment or other outside activities not compatible with the full and proper discharge of the duties and responsibilities of their Library employment. Incompatible activities of staff members include, but are not limited to,
 - 1. acceptance of a fee, compensation, gift, payment of expense, or any other thing of substantial monetary value in circumstances in which acceptance may result in or create the appearance of conflict of interest;

2. outside employment of such a nature as to impair their mental or physical capacity to perform their Library duties and responsibilities in an acceptable manner;
 3. activities that may reasonably be construed by the public to be official acts of the Library of Congress;
 4. activities that establish relationships or property interests that may result in a conflict between their private interests and their official duties;
 5. employment that may involve the use of information, secured as a result of employment by the Library, to the detriment of the Library or the public interest or to the preferential advantage of any person, corporation, public agency, or group; or
 6. employment with any person, firm, or other private organization having business either directly or indirectly with the Library, when such employment might result in or give the appearance of a conflict of interest or otherwise be incompatible with law.
- B. Except as provided by 2 U.S.C. §162 and 162a, staff members shall not receive any salary or anything of monetary value from a private source as compensation for their services to the Library. See also 18 U.S.C. §§201(c), 209.
- C. Staff members may
1. engage in outside employment or other outside activities that are unrelated to their specific Library functions and that do not affect their ability to discharge the duties and responsibilities of their Library employment, but shall not carry on such outside activities during their official duty hours;
 2. participate in the activities of national or state political parties not proscribed by law; and
 3. participate in the affairs of or accept an award for a meritorious public contribution or achievement from a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.
- D. Staff attorneys are encouraged, in off-duty hours and consistent with local court rules and official responsibilities, to participate in programs that provide legal assistance and representation to indigent persons. Such participation, however, shall not include representation precluded by the provisions of 18 U.S.C. §205.
- E. The provisions of 18 U.S.C. §205 do not, nor shall this policy preclude staff attorneys, if consistent with the faithful performance of their Library duties, from acting without compensation as representatives or attorneys for staff members who are subjects of disciplinary, personnel security, or other personnel administrative proceedings within the Library. Staff attorneys who do perform in this capacity are subject to the limitations on the use of official time set out in LCR 2020-1, *Grievances, Adverse Actions, Appeals: Policy and General Provisions*; LCR 2010-3.1, *Resolution of Problems, Complaints, and Charges of Discrimination in Library Employment and Staff Relations under the Equal Employment Opportunity Program*; and the various collective bargaining agreements. Staff attorneys who are managers or supervisors or who are on the staff of the Office of the General Counsel, the Office of Counsel for Personnel, the Office of the Director of Personnel, or the Equal Employment Opportunity Complaints Office are excluded from

performing in this capacity.

Section 3. Teaching, Writing, and Lecturing

- A. Staff members are encouraged to engage in teaching, lecturing, or writing that is not prohibited by law. Generally, personal writings and prepared or extemporaneous speeches that are on subjects unrelated to the Library and to staff members' official duties are not subject to review.
- B. In speaking and writing on controversial matters, staff members are expected to disassociate themselves explicitly from the Library and from their official positions. Personal writings as well as prepared or extemporaneous speeches by staff members shall not be subject to prior review. Where, however, the subject matter of such writing relates to library science or the history, organization, administration, practices, policies, collections, buildings, or staff of the Library as well as matters relating to a field of a staff member's official specialization or the special clientele which a staff member serves, and where some association may be made with a staff member's official status, staff members shall: (1) assure accurate presentation of facts about the Library and Library-related matters; (2) avoid the misrepresentation of Library policies; (3) avoid sources of potential damage to their ability to perform official Library duties in an objective and nonpartisan manner; and (4) assure, when appropriate, that staff members' opinions clearly differentiate from Library policy.

Section 4. Copyright Claims

Staff members are advised that no copyright subsists in any work prepared by Federal employees pursuant to their employment. Accordingly, it is improper for staff members to claim copyright in any material prepared by them within the requirements of their duties or to authorize a publisher to do so.

Section 5. Book Endorsements

- A. Staff members shall not endorse books. In rare instances in which staff members' opinions are requested for a special purpose because of their unusual competence in a particular field, an exception to this general policy may be requested. Such exceptions shall be made solely in the interest of the Library and shall be approved by the Librarian or his or her designee for this purpose.
- B. Endorsement, as used herein, is defined as a statement prepared for use in the promotion of a publication. The term is not to be confused with book review, which is a statement prepared for publication in a recognized medium for the evaluation of publications.

Section 6. Evaluations of Library Materials

Requests for private evaluations of library material may be accepted by staff members as outside employment provided staff members do not undertake any part of this work during their duty hours and provided further that the results of their work are not associated directly or indirectly with their official duties or with the Library of Congress.

Section 7. Intermediaries and Product Recommendations

Except as required by their official duties, staff members shall not recommend or suggest the use of any particular or identified nongovernmental intermediary to deal with the Library nor shall they recommend

any device or product tested by or for or used by the Library.

Section 8. Memberships in Organizations

- A. Staff members shall not, **in their official Library capacity**, serve as members of a business organization except where express statutory authority exists, where statutory language necessarily implies such authority, or where the Librarian of Congress has determined that such service would be beneficial to the Library and consistent with such staff members' service as Library employees. However, staff members may serve **in an individual capacity** as members of such an organization, provided that (1) such membership does not violate restrictions set out in this policy; and (2) their official titles or organizational connections are not shown on any listing or presented in any activity of the organization in such a manner as to imply that they are acting in their official Library capacity.
- B. Staff members may be designated to serve as liaison representatives of the Library to a business organization provided that (1) the activity relates to the work of the Library; (2) the staff members do not participate in the policy determinations of the organization; and (3) the Library is in no way bound by any vote or action taken by the organization.

Section 9. Service as Officers or on Boards or Committees of Professional Associations

- A. It is the policy of the Library to encourage staff members to participate actively in the work of professional groups when such activities will contribute to staff members' professional interests or to Library programs and when such participation will not materially interfere with staff members' official duties or involve extensive travel expense to the Library (see also LCR 2022-3, Attendance at Professional Meetings).
- B. Staff members, invited or nominated to serve as officers or on boards or committees of professional groups, shall notify their immediate supervisor before accepting such nominations or making commitments to serve. Where circumstances do not permit an advance notification, the staff member shall report the matter to his or her supervisor as soon as possible.

Section 10. Post-Employment Restrictions

- A. These restrictions only apply to acts by a former staff member who, for at least 60 days, in the aggregate, during the one-year period before that former staff member's service as such staff member terminated, was in a position for which the rate of basic pay, exclusive of any locality base pay adjustment, is equal to or greater than the basic rate of pay payable for Level 5 of the Senior Executive Service. 18 U.S.C. §207(e)(6).
- B. For one year following termination of Library employment (retirement, resignation, or otherwise), affected staff members shall not (1) knowingly make, on behalf of any other person (except the United States) a communication or appearance before any Library staff member with the intent to influence him or her on any official matter; or (2) knowingly represent, aid, or advise any foreign entity (foreign government) on any U.S. Government matter before any U.S. Government department or agency. 18 U.S.C. §207(e)(5), (f).
- C. The Director of Personnel shall take such steps as may be necessary to assure that affected staff members leaving Library employment are reminded of these restrictions.



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