

Ethics at a Glance . . .



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

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TO: All USDA Employees

FROM: Thomas J. Vilsack *TJV*
Secretary

SUBJECT: Ethical Conduct

Maintaining high ethical standards is essential to gaining the public's trust. Everyone who enters into public service for the United States has a duty to the American public to maintain the highest standards of integrity. The faith and confidence of the American public in the integrity of its Government rest not only on what we do, but also on how we do it.

I have every reason to believe that the vast majority of employees at the Department of Agriculture work diligently to meet both the letter and the spirit of the ethics laws and regulations. Your sense of integrity and commitment to ethical standards are something in which the American public can take pride. In this, we must not only follow our personal standards of integrity but also adhere to specific time-tested ethics laws, regulations, and principles that govern our participation in official matters where those matters intersect with our personal interests. Honorable intentions and personal ethos do not excuse conduct that causes the public to doubt the integrity and fairness of our programs and services.

Accordingly, all employees of the Department of Agriculture need to be thoroughly familiar with and faithfully observe all applicable ethics laws and regulations, including the Federal conflict of interest statutes and applicable regulations, namely the *Standards of Ethical Conduct for Employees of the Executive Branch* and the *Supplemental Standards of Ethical Conduct for Employees of the Department of Agriculture*. These can be accessed under "Rules of the Road" at the USDA Office of Ethics website: www.usda.gov/ethics.

While these laws and regulations are detailed and fairly technical, employees can always focus on the 14 core principles set forth at the end of this memorandum. Moreover, all incoming non-career employees at USDA shall become familiar and comply fully with the requirements set forth in President Obama's Executive Order concerning Ethics Commitments by Executive Branch Personnel, issued on January 21, 2009. Finally, I expect all USDA employees to meet all ethics training and financial disclosure requirements in a timely manner.

Maintaining high ethical standards of conduct is not just a worthy goal; it is vital to our being able to accomplish our mission. We are faced with meeting some of the most challenging issues of our time, and we cannot afford to be sidetracked—even for a moment—by allegations of unethical conduct, whether based in fact or on appearance. We can only increase the public's confidence in the integrity and effectiveness of our programs by ensuring that we know the rules and abide by both the letter and the spirit of those rules.

14 CORE PRINCIPLES OF GOVERNMENT ETHICS

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using non-public Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, 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 employee's agency, or whose interests may be substantially affected by the performance or non-performance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens including all just financial obligations and especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees 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. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

USDA ETHICS AT A GLANCE . . .

GIFTS FROM OUTSIDE SOURCES (Subpart B - 5 CFR 2635.201-205)

- As a Federal employee, you may not accept gifts from a prohibited source, or accept gifts given because of your official position, except in certain limited circumstances discussed below. You may never solicit a gift.
- **Prohibited source.** A prohibited source is any person, company or organization which:
 - Does business with USDA, or
 - Is seeking to do business with USDA, or
 - Conducts activities regulated by USDA, or
 - Has interests that may be substantially affected by the performance or non-performance of your duties, or
 - Is an organization a majority of whose members fit any of the above categories.
- **Non-gifts.** Some things are not considered gifts and may be accepted. They include:
 - Loans and discounts available to the public or to all Federal employees for their private use;
 - Inexpensive refreshments such as soft drinks, coffee or donuts;
 - Plaques, certificates, and trophies; and
 - Rewards and prizes.
- **Exceptions.** You may accept:
 - A gift worth up to \$20 per occasion, up to a maximum value of \$50 from any source per calendar year.
 - Gifts based on close personal relationships.
 - Gifts based on outside activities or social events.
- **Limitations.** You may never accept, even if otherwise permitted as an exception:
 - Gifts in return for being influenced in the performance of your official duties;
 - Gifts you solicited or coerced; and
 - Gifts that are accepted so frequently that a reasonable person might question it.
- **Disposition.** If you receive a gift not allowable under the standards, you should:
 - Return it; or
 - Reimburse the donor for the fair market value of the gift; or
 - With your supervisor's approval, donate it to charity, destroy it, or share it with the entire office (if it's perishable, such as food).

GIFTS BETWEEN EMPLOYEES (Subpart C - 5 CFR 2635.301-304)

- **Two Rules.** You may not:
 - Give a gift to your official superior (supervisor or anyone up the chain).
 - Accept a gift from any lesser-paid employee.
- **Exceptions.** Its OK to give or receive a gift under any one of the following circumstances:
 - You may accept a gift from a lesser-paid employee who IS NOT your subordinate, AND there is a personal relationship which would justify the gift.
 - The gift is for a traditional occasion such as a birthday or Christmas, and is worth \$10 or less.
 - You receive food or refreshments that are shared at the office.
 - A small contribution for a gift on a special occasion like a wedding, or a person leaving for a new job.
 - The gift is in connection with personal hospitality, like a bottle of wine on being invited to someone's home.

CONFLICTING FINANCIAL INTERESTS (Subpart D - 5 CFR 2635.401-403)

- **The rule.** You may not participate in any matter, as part of your official duties, if it would have a direct and predictable effect on your financial interests. OR those of your spouse, minor child, or certain others (outside employer, general partner, etc.).
- **Acquiring or holding interests.** You are not allowed to have any financial interests that might be a conflict of interest with your duties. If you do, it may be necessary to divest them, or disqualify yourself from certain matters. Talk to your agency ethics official for advice.

IMPARTIALITY IN PERFORMING OFFICIAL DUTIES (Subpart E - 5 CFR 2635.501-503)

- **What it means.** This section is about situations where your official duties could affect your own financial interests, or those of your business partner, or those of someone in your household, like your spouse or minor child.
- **What to do,** If you're in such a situation, or one where a reasonable person might question your impartiality, don't work on that matter until you have informed your supervisor and your agency ethics official about it. Your ethics official will let you know whether you may proceed or not

SEEKING OTHER EMPLOYMENT (Subpart F - 5 CFR 2635.601-606)

- **Thinking about leaving?** If you're seeking employment with a person or company, or have an arrangement concerning future employment with them, then you can't participate in any matter involving that person or company as part of your official duties, if their financial interests could be affected by your performance of your duties.

MISUSE OF POSITION (Subpart G - 5 CFR 2635.701-705)

- **Providing help.** If your friends or relatives have any kind of dealing with USDA, you cannot use your position to try to intercede on their behalf and help them.
- **Endorsements.** You cannot use your position to endorse any product, service or company, except where it is part of your official duties to do so (e.g., a Foreign Agricultural Service official meeting with foreign officials to promote purchase of American products).
- **Inside Information.** You cannot use nonpublic information (information you receive in the course of your job that is not available to the general public) for the financial gain of yourself or others.
- **Property.** Generally, government property may only be used for government purposes. This includes government buildings and real estate property, telephones, typewriters, computers (including software and hardware), equipment, supplies, copiers, government vehicles and government-issued credit or charge cards.

There are long-standing exceptions, such as brief use of the government telephone to check on children with a babysitter, or to make a long-distance call with your personal calling card.

Also, employees may make limited use of government office equipment for personal needs if the use does not interfere with official business and involves minimal cost to the Agency. Such use should occur on personal time. A supervisor or manager may revoke or limit this privilege.

There are also exceptions concerning the use of space, equipment (such as computers or copiers), and internal mail distribution systems (including e-mail) on behalf of professional associations. (See 5 CFR 251.202).

Though not technically "government property," you are prohibited from using the contractor-issued U.S. Government travel charge card for other than reimbursable travel expenses outside of your permanent duty location. You may not make personal use of any other government-issued purchase card. (credit card)

OUTSIDE- ACTIVITIES (Subpart H 5 CFR 2635.801-809)

- **The rule.** You cannot engage in outside employment or any outside activity if it conflicts with the official duties of your government job.

REMEMBER: If you have any questions, ask your mission area or agency ethics advisor!

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web site - www.usda.gov/ethics

Political Activities -- Do's and Don'ts

Restrictions on Political Activity by Senate Confirmed Presidential Appointees

You may **not**:

- . Solicit political contributions at any time from anyone.
- . Solicit subordinates to engage in off-duty volunteer or paid political activity **cc** they should volunteer or apply to the campaign or party committee directly.
- . Use government long distance lines for calls or faxes **cc** instead, use your personal or a campaign credit or calling card.
- . Use your staff to prepare your political materials or arrange for exclusively political travel; but coordinating mixed travel is a necessity.
- . Subsidize political activity with government travel
 - _ mixed official travel in conjunction with House, Senate or Party events must be allocated using the hard time formula;
 - _ mixed travel in conjunction with a Presidential campaign event should be allocated 100% towards the political purpose;
 - _ payment by the party or candidate committee must be in advance and at the commercial, not government rate, unless that rate makes the official travel more expensive.
- Accept compensation for holding a campaign office or performing service for a campaign - you are already compensated for a 24-hour day.
- _ Seek the nomination for, or election to, a partisan political office
- _ Exceed your personal contribution limits by making cash donations or in-kind support if your travel is not being covered by the campaign:
 - _ \$1,000 per candidate per election
 - _ Additional \$1,000 in campaign related travel expenses per election
 - _ Presidential candidates accepting public funds can accept no private contributions for the general election.
 - _ (Note: all contributions are posted on the Internet by the FEC)

Permissible Political Activity by Senate Confirmed Presidential Appointees

You may:

- . Mix official, personal and political travel - if properly allocated.
- . Take an active part in political activities (other than direct fundraising) on government premises.
- . Attend and speak at fundraisers; but may not solicit contributions.
- . Participate in political activities while wearing an official uniform or insignia.
- . Use your Government office to hold campaign meetings.
- . Write political speeches; but not direct non-PAS subordinates to do so.
- . Publicly endorse candidates.
- . Take an active part in, or manage, a partisan political campaign.
- . Attend political events and actively participate therein.
- . For events at which you are speaking, permit political event organizers to use your name, preceded by "the Hon." on the invitation, but not identify you by title. Your title, for biographical purposes, may, however, be noted on the program at the event.
- . Sign a petition.
- . Seek the nomination for, or election to, a non-partisan office.
- . Serve as an uncompensated officer of a political party or other political group.

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