

**For:** FFAS Employees

**Standards of Ethical Conduct: Use of Official Government Position**

**Approved by:** Deputy Administrator, Management



**1 Overview**

**A**

**Background**

The Standards of Conduct:

- apply to all Executive Branch employees
- are based on the criminal statutes and Executive Order 12674, as amended by Executive Order 12731
- regulate employee conduct when dealing with the following:
  - receiving gifts
  - accepting travel
  - outside work
  - teaching, speaking, and writing
  - outside activities
  - seeking employment
  - fundraising
  - misuse of the following:
    - position
    - Government time
    - equipment
    - information.

Employees need to be aware of the ethics regulations when performing their official duties.

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<p><b>Disposal Date</b></p> <p>January 1, 2003</p>	<p><b>Distribution</b></p> <p>All FAS, FSA, and RMA employees; State Offices relay to County Offices</p>
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**Notice PM-2289**

**1 Overview (Continued)**

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**B**

**Purpose**

This notice reminds employees of the proper use of their official position.

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**C**

**Coverage**

All FAS, FSA, and RMA employees are covered by this notice.

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**D**

**Penalty for  
Violations**

According to 5 CFR Part 2635, a violation of this regulation or of any supplemental agency regulations may be cause for appropriate corrective or disciplinary action under 5 CFR Part 752.

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**Notice PM-2289**

**1 Overview (Continued)**

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**E**

**Contacts**

Employees may contact the following for additional information.

<b>IF employee is located in...</b>	<b>THEN contact...</b>
<ul style="list-style-type: none"> <li>• the National Office</li> <li>• FAS Overseas Office</li> <li>• RMA Regional and Compliance Field Office</li> </ul>	<p>Tonya S. Willis, HRD, at 202-418-8972 or e-mail at <a href="mailto:tonya_willis@wdc.fsa.usda.gov">tonya_willis@wdc.fsa.usda.gov</a>.</p>
<ul style="list-style-type: none"> <li>• APFO</li> <li>• KCAO</li> <li>• KCCO</li> <li>• KCFO</li> <li>• KC-ITSDO</li> <li>• KC-ITSTO</li> <li>• FSA in St. Louis</li> <li>• the State Office</li> <li>• the County Office and is a Federal employee</li> <li>• RMA in Kansas City</li> </ul>	<p>any of the following:</p> <ul style="list-style-type: none"> <li>• Noreen Joice, KCAO, at 816-926-6643 or e-mail at <a href="mailto:NAJOICE@kcc.usda.gov">NAJOICE@kcc.usda.gov</a></li> <li>• Patti Hill, KCAO, at 816-926-2632 or e-mail at <a href="mailto:PNHILL@kcc.usda.gov">PNHILL@kcc.usda.gov</a></li> <li>• Clifton Cain, KCAO, at 816-823-5076 or e-mail at <a href="mailto:CPCAIN@kcc.usda.gov">CPCAIN@kcc.usda.gov</a></li> <li>• Tony Murphy , KCAO, at 816-926-7514 or e-mail at <a href="mailto:RAMurphy@kcc.usda.gov">RAMurphy@kcc.usda.gov</a></li> <li>• Charlene White, KCAO, at 816-823-1411 or e-mail at <a href="mailto:CRWhite@kcc.usda.gov">CRWhite@kcc.usda.gov</a>.</li> </ul>
<p>the County Office and is a non-Federal employee</p>	<p>the State Office.</p> <p><b>Note:</b> The State Office shall contact the National Office if unable to address questions or situations received from non-Federal County Office employees.</p>

## 2 Guidance

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### A Website Addresses

Employees should visit the:

- Department's Office of Ethics website at [www.usda.gov/ethics](http://www.usda.gov/ethics) to view the entire text of the Standards of Ethical Conduct at 5 CFR Part 2635

**Note:** Click on "Rules of the Road".

- U.S. Office of Government Ethics (OGE) website at [www.usoge.gov](http://www.usoge.gov) to view the following booklets:
  - Do It Right
  - A Brief Wrap on Ethics.

**Note:** Click on "Forms, Publications, and Other Ethics Documents", and then click on "Booklets".

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### B Additional Information

Employees may also read OGE Standards of Ethical Conduct for Employees of the Executive Branch regulations in 3-PM, paragraph 122.

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### 3 Lobbying Congress

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#### A

##### **Lobbying Congress in Official Position**

Employees are prohibited from using **appropriated funds** to lobby a member of Congress on matters of personal interest. This includes matters of concern to any outside organization in which the employee is a member or officer.

Employees may not use appropriated funds to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence a member of Congress in any manner, on a matter of personal interest.

**Example:** Employees may not sit at their desk, using government time, telephone, paper, furniture, equipment, or supplies to lobby for or against any bill or resolution in which they have a personal interest.

Employees are required to refrain from using their official position to further their personal views by promoting or opposing legislation about programs of the Department.

**Example:** Frank, an FSA Program Specialist, has a strong position on a bill before Congress to fund a new farming program. As a Government employee, he may inform Department employees and members of the general public of the bill before Congress. He may not, however, direct or urge anyone to write to their congressman to vote for or against the bill.

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#### B

##### **Lobbying Congress as a Private Citizen**

Employees always have the **right** to petition Congress, either individually or collectively, on any subject. An employee's right to petition Congress, a member of Congress, or to furnish information to either House of Congress, shall **not be interfered with or denied** as long as they do it:

- as a private citizen
  - on their own time
  - with their own supplies or equipment.
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#### 4 Use of Official Title

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##### A

##### Acting in an Official Capacity

When acting in an official capacity as a representative of the Agency, employees shall use their official title. This may be on written documents, in verbal introductions, or in other forms of being addressed.

If appropriate or by custom, an employee may use their official title in social introductions or exchanges on non-official occasions, provided that they are ordinarily addressed using that term or rank in connection with a personal activity.

**Example:** The Honorable Mr. Sleight, Superintendent Brown, or a rank, such as a military or ambassadorial rank.

An official title may also be used in a biographical summary as a matter of fact.

**Example:** Mr. Gaither has been State Executive Director of the “\_\_\_\_” State FSA Office.

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##### B

##### In Employees Private Capacity

In an employee's private capacity, they **may not** use their official title in any of the following:

- a letter to the editor
- a personal letter to a member of Congress
- an article or book
- a directory
- on the letterhead or signature block of a private organization's stationery.

**Example:** Sillette, an FSA Farm Loan Manager, is frustrated over the way she is being serviced at the branch of a local bank where she has a personal business account. She is planning to prepare and send a strongly worded letter to the President of the local bank expressing her concerns and requesting specific actions she wants taken. Even though Sillette deals directly with the bank as a Farm Loan Manager in her daily duties, she **may not** use FSA letterhead or use her official title in a letter to the local bank.

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## 5 Using Official Position for Private Gain

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### A

#### **Inducement or Coercion of Benefits**

Employees shall not use or permit the use of their Government position, title, or any authority associated with their public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to themselves or to friends, relatives, or persons with whom they have an affiliation with in a non-Governmental capacity.

**Example:** A friend asks for help in resolving a problem that she is having with the insurance company about her application for indemnity payments. You work at RMA which has some oversight authority in the matter. Your friend asks you to contact the RMA Reinsurance Branch and assumes that if you mention that you work in the Agency it might persuade the office to act on her matter more promptly.

Employees should not make the call. By invoking their official authority in their attempt to influence action to benefit a friend, they would be using access that they have to the Reinsurance Branch because of their job to give the friend special treatment. As a Government employee, it would violate the standard against using public office for private gain.

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### B

#### **Appearance of Governmental Sanction**

Employees shall not use or permit the use of their Government position, title, or any authority associated with their public office in a manner that could reasonably be construed to imply that the Agency or the Government sanctions or endorses the personal activities or those of another.

**Example:** Javon is an FFAS Senior Computer Specialist. He has just purchased a state-of-the-art computer system for home use. All of his friends think he is a “computer guru”. Included in a letter accompanying an order for more software for that home computer, he praised the software and the computer system he had previously purchased. He wrote, “ This system is fantastic! It works faster than anything I have ever used from any other company. If you keep designing products like this I will use them exclusively. Javon Prince, Computer Specialist, Department of Agriculture, Farm & Foreign Agricultural Service”. He was surprised when he saw their next catalog with his comments, title, and Agency’s name appearing prominently on a page selling that software.

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5 Using Official Position for Private Gain (Continued)

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**B**

**Appearance of  
Governmental  
Sanction  
(Continued)**

Javon could certainly tell the developers that he was pleased with the items he purchased and used in his private capacity. However, he should not have signed the letter with his Government title and Agency's name. When the company printed his comments with his name, title, and Agency, it became especially problematic since it appeared that his Agency agreed with his assessment of the products and his endorsement of the company.

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**C**

**Governmental  
Sanction When  
Teaching,  
Speaking, or  
Writing**

When teaching, speaking, or writing in a personal capacity, a Government employee must avoid the appearance of Governmental sanction. When so doing, they may refer to his title or position only as permitted in the Standards of Conduct, 5 CFR 2635.807(b)(1)-(3), subpart H which allows an employee to use or allow the using of his official title or position in connection with teaching, speaking, and writing (as an outside activity) or to promote any book, seminar, course, program, or similar undertaking only if:

- for the purposes of identification
- the title or position is included as a part of several biographical details provided it is given no more prominence than other significant biographical details
- the title or position is used in connection with the publication of an article in a scientific or professional journal and the article is accompanied by a disclaimer (reasonably prominent and satisfactory to the agency) stating that the author's views do not necessarily represent the views of the agency or the United States.

If teaching, speaking, or writing is performed in a private, unofficial capacity, it should be disassociated from the employee's official position to ensure no appearance of governmental sanction of the activity.

An employee may sign a letter of recommendation using his official title only in response to a request from an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual with whom he has dealt in the course of Federal employment or whom he is recommending for Federal employment.

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5 Using Official Position for Private Gain (Continued)

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C

**Governmental  
Sanction When  
Teaching,  
Speaking, or  
Writing  
(Continued)**

**Example #1:** Donna Tucker, an employee at the Department of Health and Human Services, Healthy Start Program is giving a presentation on investing in mutual funds. This presentation is completely unrelated to her Government responsibilities and undertaken in her private capacity. She may be introduced as follows: “Donna Tucker, a graduate of Howard University, worked for 15 years as a Registered Nurse and Clinician, specializing in labor and delivery, before becoming a supervisor and coordinator of the Healthy Start Program at the Department of Health and Human Services. She is a member of the Mutual Fund Investors of America, as well as the National Association of Registered Nurses.

While Donna’s current Government position is mentioned, it has no greater prominence than other significant biographical details used to identify her.

**Example #2:** An FSA employee, who is asked to provide a letter of recommendation for a former subordinate on his staff, may:

- provide the recommendation using official stationery
- sign the letter using his official title.

However, if the request is for the commendation of a personal friend with whom he has not dealt in the Government, the employee should not use official letterhead or sign the letter of recommendation using his official title, unless the recommendation is for Federal employment. In writing the letter of recommendation for his personal friend, it may be appropriate for the employee to refer to his official position in the body of the letter.

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5 Using Official Position for Private Gain (Continued)

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**D**

**Endorsements**

Employees shall not use or permit the use of their Government position or title or any authority associated with their public office to endorse any product, service, or enterprise except:

- as permitted by statutory authority to promote product, services enterprises
- according to agency programs or in support of the Agency's mission.

All FFAS employees may, however, provide endorsement or support for charitable and other fundraising activities administered by the Office of Personnel Management, such as the Combined Federal Campaign.

Employees may endorse any outside program in their private capacity; however, their endorsement may not make reference to their official title or position with the Department.

**Example #1:** A Commissioner of the Consumer Product Safety Commission may not appear in a television commercial in which she endorses an electrical appliance produced by her former employer, stating that it has been found by the Consumer Product Safety Commission to be safe for residential use.

**Example #2:** An Assistant Attorney General may not use his official title or refer to his Government position in a book jacket endorsement of a novel about organized crime written by an author whose work he admires. Nor may he do so in a book review published in a newspaper.

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5 Using Official Position for Private Gain (Continued)

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**E**  
**Performing**  
**Official Duties**  
**Affecting a**  
**Private Interest**

To ensure that the performance of their official duties does not give rise to an appearance of using their public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative, or person with whom the employee is affiliated in a non-Governmental capacity shall comply with any applicable requirements 5 CFR 2635.502, impartiality provisions in the Standards of Conduct.

**Note:** Employees can access the Standards of Ethical Conduct on the Department's website according to subparagraph 2 A. 5 CFR 2635.502 can be found under subpart E.

**Example:** Lester is an FSA employee. He is assigned the job of awarding a Government contract from several bids. He discovers that a close friend is 1 of the bidders. Because this matter could affect the financial interests of his close friend, Lester should take steps under 5 CFR 2635, subpart E if he is uncertain whether he should work on this matter or he may seek the assistance of an agency ethics official.

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**F**  
**Using Terms of**  
**Address and**  
**Ranks**

An employee who is ordinarily addressed using a general term of address, such as "The Honorable", or a rank, such as a military or ambassadorial rank is not prohibited from using that term of address or rank in connection with a personal activity.

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