



relationship with industry officials provides more time for performing official duties.

### III. **CHANGES**

The procedures for handling complaints and accusations are revised to improve the processing and prompt resolution of cases. Supervisors and management officials must follow the procedures in this directive to resolve complaints or accusations against employees.

### IV. **CANCELLATION**

This change transmittal is canceled when contents are filed. For recordkeeping purposes, users may either retain or destroy this transmittal.

Alberta C. Frost  
Deputy Administrator  
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## **INDUSTRY ACCUSATIONS AGAINST INSPECTION PERSONNEL**

### I. **PURPOSE**

This directive establishes policy and prescribes procedures for processing and resolving industry accusations and complaints against inspection personnel resulting from official duties or activities.

### II. **CANCELLATION**

This directive cancels FSIS Directive 5810.1, dated 4/25/85.

### III. **REASON FOR REISSUANCE**

This directive is completely revised to strengthen procedures for resolving accusations and complaints against inspection personnel.

### IV. **REFERENCES**

FSIS Directive 4735.3, Employee Responsibilities and Conduct  
The Collective Bargaining Agreements

### V. **FORMS AND ABBREVIATIONS**

The following will appear in their shortened form in this directive:

FO                      Field Operations  
OIG                     Office of Inspector General

VI.                    **POLICY**

A.            Industry officials have the right to appeal decisions and actions of inspection personnel, including supervisory personnel, when they disagree with the interpretation of regulatory requirement(s).

B.            It is FSIS policy to:

1.            Conduct an inquiry into all complaints and accusations against inspection personnel.

2.            Seek prompt resolution of accusations made against inspection personnel by industry officials.

3.            Ensure that all parties receive information on the pending accusation.

C.            Inspection employees must display professional behavior. Inspection employees must carry out regulatory duties in a manner that does not cause industry to question their motives as unfair or biased.

VII.                  **DEFINITIONS**

A.            **Assault or Threat of Assault.** Any actions that result in bodily harm or perceived as a willful attempt or threat to inflict bodily harm.

B.            **Harassment.** An act or behavior to torment, vex, or make anxious. Harassment includes offensive remarks and creating a hostile environment.

C.            **Inspection Personnel.** Any employee who is assigned to inspection duties or is a supervisor of inspectors.

D.            **Interference.** An act or behavior to hamper, hinder, block, or impede the actions or activities of another person. Interference includes non-threatening actions intended to prevent or adversely affect the performance of official duties.

E.            **Intimidation.** An act or behavior to wield power or influence the outcome of a situation. Such actions may leave a person feeling vulnerable or in fear of consequences.

F.            **Retaliation.** An activity perceived as an action to get even or to control a particular situation or business relationship.

## VIII. BRIBERY OR ATTEMPTED BRIBERY AND OTHER CRIMINAL ACTIVITIES

When an inspection employee is suspected of:

A. **Bribery or attempted bribery activities** (i.e., soliciting, accepting, or offering a bribe; or attempt to extort funds through reimbursable services and overtime procedures), immediately telephone the USDA OIG to report such activity. Attachment 2 lists the addresses, telephone numbers, and territories of OIG offices.

B. **Other criminal activities or instances** of serious misconduct, contact the District Manager and/or Employee Relations Specialist.

## IX. RESPONSIBILITIES

Supervisors and management officials must follow the procedures in this directive when a complaint or accusation against an employee is filed. Supervisory officials must incorporate the work relationship principles into resolutions. (See Attachment 1.)

A. **Complaints.** Occasionally people disagree with one another. Disagreements may occur as a result of carrying out regulatory duties. Inspection personnel must avoid unprofessional behavior. Sometimes after a heated discussion, a "cooling off" period is advisable before continuing the discussion. Complaints may be received by the immediate supervisor, circuit supervisor, or district manager. When complaints or disagreements are received, the district manager or designee contacts plant officials or others and attempts to resolve the conflict.

B. **Accusations.** May involve acts of intimidation, retaliation, interference, and harassment.

1. When a plant owner or operator contacts the district manager with accusations against inspection personnel, the district manager secures the information in subparagraphs a. through d. if such information is not included in a letter from the plant owner or operator. (**NOTE:** If the plant is staffed with State employees under provisions of the Talmadge-Aiken Act, the State official designated as the Coordinator receives, reviews, and attempts to resolve the accusation. The owner or operator of a plant may contact the district manager if he or she is not satisfied with the disposition of the matter.) The district manager obtains the following information to conduct an inquiry into the alleged incident:

a. Name of complainant.

b. Name of Agency employee(s).

c. Statement explaining the nature and scope of the incident(s) including date(s) and time(s), and names of witnesses.

d. Explanation of prior attempts to resolve problem, if applicable.

2. The district manager reviews the accusation. When the allegations deal with possible misconduct, contact the employee relations specialist as soon as possible. The district manager also determines:

a. **Within 10 working days** from receipt of allegation:

(1) If the employee is covered by a bargaining unit agreement. If covered, the supervisory official follows the provisions of Article XXX, Section E of the Basic Agreement.

(2) The work status of the employee. The supervisory official considers the severity of the accusation, history, and preliminary information, to determine the appropriate work status decision. The three options for work status are: no change in assignment, detail employee to another assignment, or place employee on administrative leave.

b. **Within 20 working days** from receipt of the accusation, whether to conduct or direct a review of the situation. The district manager also selects at least one of the following actions:

(1) **Attempts Resolution.**

(a) Prepares and issues a confirmation letter to the complainant and describes the basis for resolution.

(b) Provides a copy of letter to the accused employee.

(c) Sends a copy of letter with the complete case file to the Associate Deputy Administrator, FO.

(2) **Forwards Attempts Not Resolved.**

(a) Forwards the case file to the employee relations specialist for consideration of disciplinary action.

(b) Forwards a copy of the incoming accusation to the Associate Deputy Administrator, FO.

(c) Sends the complainant a letter on the status of the accusations, as appropriate.

(d) Forwards the case file to the Associate Deputy Administrator, FO. The district manager sends the complainant a letter on the status of the case.

3. The Associate Deputy Administrator, FO, reviews case

files of:

a. **Unresolved Cases.**

(1) Reviews, within 10 days, the supervisory official's work status decision of the accused employee. (See subparagraph 2. a. (2) for work status categories.) Determines if a change in work status is needed. Adjusts work status as needed and instructs the supervisory official in writing. The supervisory official forwards a copy of letter to accused employee.

(2) Directs further review of the accusation, as necessary.

(3) Issues a Report of Findings and Corrective Actions within 120 days of receipt of the case. Provides copies of the Report of Findings and Corrective Actions to the accused employee and affected supervisory officials.

(4) Notifies the complainant of the disposition of the accusation.

(5) Issues status reports to the accused employee and complainant.

b. **Resolved Cases.** Determines, within 20 days, the appropriateness of the district manager's actions and provides counsel and direction.

Alberta C. Frost  
Deputy Administrator  
Office of Management

ATTACHMENTS

- 1 Relationship Principles
- 2 OIG Office Locations

ATTACHMENT 1

**RELATIONSHIP PRINCIPLES**

The following principles provide a guide to help foster better relationships with industry. Supervisors and nonsupervisors should consider these principles and incorporate these principles in daily work activities.

1. **Maintain open, honest, and straightforward communication.**

Meaning and intent are conveyed by more than words alone. Tone of voice, expression, listening ability, and apparent receptiveness to the responses of others all have an impact on those you wish

to reach. Policy published in regulations and directives must be known, understood, and consistently applied to make communications effective. Communications must also be consistent with long-range interests and goals.

2. **Have mutual respect.**

Give respect, get respect. As Civil Service employees, our behavior must not be abusive or disrespectful to those we regulate. Do not permit your behavior to give people cause to question your motives as being anything more than fair and objective.

3. **Be issue oriented; do not personalize.**

We should focus on the issue being discussed and not allow personalities to get in the way. If others personalize a situation, do not get hooked. We must discipline ourselves not to let personal problems and preferences influence our work behavior and actions.

4. **Maintain a work environment that is absent of the fear of retaliation and intimidation.**

Our work environment permits the decisions of inspectors and supervisors to be questioned without fear of retaliation and intimidation. Employees must understand that it is OK for the industry to appeal a decision. Industry officials should feel free to question the decisions and actions of inspection personnel. Some industry officials believe that inspectors and supervisors will harass, retaliate, and intimidate them whenever inspection personnel decisions and actions are questioned. We must ensure that our regulatory decisions are able to withstand the scrutiny and criticism of others.

5. **Understand each other's roles and responsibilities.**

Some individuals believe that industry's first commitment is to profit and secondarily to produce a safe, wholesome, and unadulterated meat and poultry product. However, meatpackers and processors must produce safe food to make a profit and to stay in business. We will operate under the premise that industry is responsible for producing safe, wholesome, and unadulterated meat and poultry products.

ATTACHMENT 2

**REGIONAL OFFICES OF THE INSPECTOR GENERAL**

**Great Plains Region**

Special Agent in Charge

9435 Holmes Road, Room 210 South Dakota, Utah, and Wyoming

Kansas City, MO 64131

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Montana, Nebraska, North Dakota,

**Midwest Region**

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**North Atlantic Region**

Special Agent in Charge  
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New Hampshire, New Jersey, New York,  
Puerto Rico, Rhode Island, Vermont,  
and Virgin Islands

**Northeast Region**

Special Agent in Charge  
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**Southwest Region**

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Temple, TX 76501  
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Arkansas, Louisiana, Oklahoma, and  
Texas

**Western Region**

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Alaska, Arizona, California, Hawaii,  
Idaho, New Mexico, Nevada, Oregon,  
Territory of Guam, Trust Territories of  
Pacific, and Washington