

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4735.3
Rev. 2

8/11/21

EMPLOYEE RESPONSIBILITIES AND CONDUCT

CHAPTER ONE - BASIC PROVISIONS

I. PURPOSE

This directive outlines employee responsibilities and ethical conduct requirements and prohibited activities. This directive is revised in its entirety to update information on misconduct and discipline, update information on ethical conduct, correct formatting, and remove information on Employee Indebtedness (covered in [FSIS Directive 4550.2](#), *Garnishment of Wages for Child Support, Alimony, Commercial Debt and Taxes*).

NOTE: All FSIS employees are subject to the provisions of the Code of Federal Regulations, [Departmental Regulation \(DR\), 4070-735-001](#), *Employee Responsibilities and Conduct*, and executive orders on conduct. Whenever parts of this directive conflict with provisions of a collective bargaining agreement, the bargaining agreement will be controlling for those employees.

II. CANCELATION

FSIS Directive 4735.3 Rev. 1, Employee Responsibilities and Conduct, 6/7/07

III. POLICY

FSIS employees are required to maintain high standards of honesty, integrity, impartiality, and conduct. They are required to carry out their responsibilities following Agency policies to retain the confidence of citizens. Citizen confidence in the Agency is influenced not only by the manner in which employees serve the public but in the way they conduct themselves in the eyes of the public. The avoidance of misconduct and conflicts-of-interest on the part of Government employees through informed judgment is indispensable to the maintenance of these standards.

IV. SUPERVISORY RESPONSIBILITIES

A. All supervisors are to:

1. Tell all newly assigned employees of conduct requirements stated in this directive and any special conduct requirements for their particular position;
2. Discuss conduct requirements with each employee annually during the setting of the employee's performance standards and obtain a signed copy of the Performance Plan and Appraisal from the employee;

3. Advise employees on questions regarding conduct issues; and
4. Report all instances of misconduct as listed in Chapter Two Paragraph V.

NOTE: Supervisors subject themselves to possible disciplinary action if they fail to report known acts of misconduct or take appropriate action.

CHAPTER TWO—MISCONDUCT AND DISCIPLINE

I. GENERAL

A. Public service positions require employees to place loyalty to the Constitution, the laws, and ethical principles above private gain. The following are fundamental principles that are required of employees for ethical conduct. Employees are to:

1. Put forth honest effort while performing their duties;
2. Act impartially and not give preferential treatment to any private organization or individual;
3. Protect and conserve Federal property and only use it for authorized activities;
4. Disclose waste, fraud, abuse, and corruption to the USDA, Office of Inspector General (OIG) at www.usda.gov/oig/hotline.htm, or by phone at 800-424-9121, or fax at 202-690-2474;
5. Satisfy in good faith their obligations as citizens, including all just financial obligations, especially Federal, state, or local taxes that are imposed by law;
6. Avoid engaging in discrimination based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, political beliefs, or reprisal or retaliation for prior civil rights activity; and
7. Avoid any actions creating the appearance that they are violating the law or ethical standards. An appearance of a violation is based on the perspective of a reasonable person with knowledge of the facts.

B. Employees are not allowed to:

1. Hold financial interests that conflict with the conscientious performance of duty;
2. Engage in financial transactions using nonpublic Government information or allow improper use of such information to further any private interest;
3. Solicit or accept any gift or item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by FSIS, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties (covered in [FSIS Directive 4735.9](#), *Office of Field Operations Assignment Restrictions and Rules on Gifts from Regulated Industry*);
4. Knowingly make unauthorized commitments or promises that involve binding the Government;

5. Use public office for private gain; or
6. Engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official FSIS duties and responsibilities.

II. ALL EMPLOYEE RESPONSIBILITIES FOR REPORTING MISCONDUCT

A. Employees who have reason to believe that misconduct has been committed are to promptly report it to their supervisors. Employees who think their report should not be routed through their immediate supervisor, because they think their supervisor may be involved, are to report the incident to the next higher-level supervisor.

B. Supervisors are to promptly report all cases of known, alleged, or suspected misconduct to the next higher-level supervisor and discuss with the assigned Labor and Employee Relations Division (LERD) specialist. Supervisors who fail to report misconduct or take other appropriate action are evading their responsibilities and subjecting themselves to possible disciplinary or adverse action. Supervisors, other program officials, or managers are not to investigate any alleged misconduct unless requested to do so by LERD. However, informal inquiries to clarify information received should be made before forwarding the information and documentation with [FSIS Form 4700-1, Investigative and/or Disciplinary Request Form](#) (level 2 e-authorization is needed to access this form), to LERD via e-mail: LERD@usda.gov. In the event an investigation is necessary, supervisors, other program officials, or managers should submit FSIS Form 4700-1, along with the information and documentation, to Internal Affairs (IA) via e-mail: IAInvestigationRequest@usda.gov.

III. CONTENTS OF REPORTS

The employee or supervisor reporting the misconduct is to include the following information:

1. Who committed the misconduct;
2. What misconduct was committed;
3. When the misconduct was committed;
4. Where the misconduct was committed;
5. Effects of the misconduct;
6. Who has knowledge of the misconduct, and to what extent;
7. Reference to known previous misconduct on the part of the employee being reported in the case;
8. Offers made by the employee to refund or repay improper claims for pay, overtime, or travel. (Do not accept actual payment or refund.); and
9. Any other supporting information or material (**example:** Time and Attendance Reports, activity reports, program directives, or medical documentation).

IV. REPORTING SPECIAL SITUATIONS

A. **Forgery of U.S. Treasury Checks.** Report to the nearest U.S. Department of Treasury office

<https://home.treasury.gov/>. Follow up with a report to the Financial Services Center (FSC) FSCGeneral@usda.gov.

B. Prohibited Political Activity. Report to the USDA Ethics Officer www.ethics.usda.gov. Follow up with a report to LERD.

C. Bribery or Attempted Bribery.

1. **Employees.** Employees who are offered a bribe, or who believe that a bribe was offered to, solicited by, or accepted by another employee, are to report that information directly to OIG. This includes situations where a direct offer was not made, but the employees suspect that they are being approached indirectly and that a bribe could reasonably be implied. Employees are not to disclose that they think they have been bribed, or that they have reported the bribe, to anyone without prior OIG or Federal Bureau of Investigation approval.
2. **Management Officials.** Any management official who receives information pertaining to bribery or attempted bribery not previously reported are to report it immediately to OIG.

D. Where and How to Report to OIG. The attachment lists the addresses and telephone numbers for OIG. The 24-hour Bribery/Assault Line (202) 720-7257 may also be used to report bribes to OIG. Make reports by the most expeditious means available.

V. MISCONDUCT FOR WHICH DISCIPLINARY OR ADVERSE ACTIONS CAN BE IMPOSED

Misconduct for which disciplinary or adverse actions can be imposed is not limited to the below list; however, this list describes inappropriate behavior that FSIS will not tolerate. See [Departmental Regulation \(DR\), 4070-735-001](#) for additional information.

1. Submitting false or inaccurate documents;
2. Misuse of Government property;
3. Offensive or intimidating conduct of various kinds;
4. Misuse of Government issued credit cards;
5. Unauthorized possession or removal of property belonging to someone else;
6. Negligence in performing responsibilities and duties;
7. Unsatisfactory attendance; tardiness, excessive absence;
8. Absent without leave (AWOL);
9. Working under the influence of intoxicants;
10. Illegal drug use or distribution;
11. Unauthorized political activity;

12. Safety violations;
13. Illegal discrimination or retaliation;
14. Failure to follow instructions;
15. Harassment; or
16. Inappropriate activity on social media.

VI. MEASURES THAT CAN BE IMPOSED FOR MISCONDUCT

A. **Caution or Warning.** The supervisor gives a verbal or written notice to an employee that some aspect of performance or conduct is deficient. A caution or warning is an informal measure and not a disciplinary action.

B. **Official Letter of Reprimand.** An official authorized to take disciplinary actions issues a Letter of Reprimand based on delinquency or misconduct.

C. **Suspension Without Pay.** An official authorized to take disciplinary or adverse actions issues a decision to place the employee in an involuntary nonduty and nonpay status. It is more severe than a Letter of Reprimand.

D. **Demotion.** An official authorized to take adverse actions issues a decision to demote an employee resulting in a reduction in grade or pay. It is usually more severe than a suspension without pay.

E. **Removal.** An official authorized to take adverse actions issues a decision to remove the employee. The employee is separated from FSIS and Federal Service. Effected when required by law or when it will promote FSIS efficiency.

F. **Nonpay Absence Status.** Not a disciplinary measure but may, under the circumstances specified below, be applied in lieu of, or along with, disciplinary measures. (See [FSIS Directive 4630.2](#) Leave, for more detailed provisions.)

1. **Applicability.** Employees are considered AWOL when they:

- a. Are absent without prior approval and are not in an emergency situation;
- b. Do not notify the supervisor of illness or absence;
- c. Fail to return to duty after an approved period of absence; or
- d. Fail to provide administratively acceptable medical documentation, if requested, or required in accordance with [FSIS Directive 4630.2](#)

NOTE: Correction of Charge to AWOL Status. If an employee later submits an OPM-71, *Request for Leave or Approved Absence*, with acceptable evidence of emergency or illness that prevented a proper request for leave, the AWOL charged can be retroactively changed to annual or sick leave or Leave Without Pay. An employee is placed in AWOL status as a result of the employee's own actions. It is not a disciplinary act instigated by the supervisor.

VII. TRANSMITTAL OF INFORMATION

To ensure the information being forwarded remains confidential, all information (letters, reports, and documents) relating to misconduct and discipline transmitted through U.S. mail, supervisor, or interoffice mail is to be placed in an envelope and securely sealed. For documents delivered by supervisor or interoffice mail the envelope is to be marked "FOR OFFICIAL USE ONLY – INSERT OFFICE, STAFF, OR EMPLOYEE NAME," as appropriate.

CHAPTER THREE—ETHICAL CONDUCT AND FINANCIAL OBLIGATIONS

I. ETHICS

All matters covering ethics, such as employment restrictions, outside employment and activities, financial interests and land ownership, gifts and gratuities, purchase of product, and political activity, are covered under Standards of Ethical Conduct for Employees of the Executive Branch. For additional information on ethics direct questions to DAEO.Ethics@usda.gov.

II. FINANCIAL OBLIGATIONS

All employees are to promptly pay all just financial obligations. If a dispute between an employee and a private individual or a firm occurs where the private individual or firm alleges a debt or financial obligation and the employee does not acknowledge the debt or the debt is reduced to judgment, FSIS will not act as a collector or take any action against the employee related to the debt. Reference [FSIS Directive 4550.2](#) *Garnishment of Wages for Child Support, Alimony, Commercial Debt and Taxes*).

III. QUESTIONS

Refer questions regarding this directive to FSISHR1@usda.gov.

Assistant Administrator
Office of Policy and Program Development

ATTACHMENT

OFFICE OF INSPECTOR GENERAL

OIG Headquarters

USDA, Office of Inspector General

Room 117-W Jamie Whitten Bldg
1400 Independence Avenue SW
Washington, DC 20250
Phone: (202) 720-8001
Fax: (202) 690-1278

Contacting Specific OIG Offices

Office of Investigations: (202) 720-3306
Office of Audit: (202) 720-6945
Media Inquiries: (202) 720-9110
FOIA: (202) 720-5677
Office of Counsel: (202) 720-9110
Office of Management: (202) 720-6979

Special Numbers

TDD: (202) 720-3090
Hotline: (800) 424-9121
Hotline Local (DC): (202) 690-1622
Hotline TDD (202) 690-1202