



**United States
Department of
Agriculture**

**Food Safety
and Inspection
Service**

**FSIS Directive
4735.3**

Revision 1

Employee Responsibilities and Conduct

EMPLOYEE RESPONSIBILITIES AND CONDUCT

TABLE OF CONTENTS

PART ONE—BASIC PROVISIONS

	Title	Page No.
I.	PURPOSE	1
II.	CANCELLATION	1
III.	REASON FOR REISSUANCE	1
IV.	REFERENCES	1
V.	ABBREVIATIONS AND FORMS.	2
VI.	POLICY	2
VII.	DEFINITIONS	3
	A. Adverse Action	3
	B. Discipline	3
	C. Just Financial Obligation	3
VIII.	COVERAGE	3
IX.	EMPLOYEE RESPONSIBILITIES	3
X.	SUPERVISORY RESPONSIBILITIES.	3
XI.	AGENCY CONTACTS FOR ASSISTANCE	4

PART TWO—MISCONDUCT AND DISCIPLINE

I.	GENERAL PRINCIPLES.	5
II.	RESPONSIBILITIES FOR REPORTING	6
III.	HANDLING REPORTS	6
IV.	CONTENTS OF REPORTS	6
V.	REPORTING SPECIAL SITUATIONS.	7
	A. Forgery of U.S. Treasury Checks.	7
	B. Prohibited Political Activity	7
	C. Bribery or Attempted Bribery	7
VI.	MISCONDUCT FOR WHICH DISCIPLINARY AND OR ADVERSE ACTIONS CAN BE IMPOSED	7
VII.	MEASURES WHICH CAN BE IMPOSED FOR MISCONDUCT.	8
	A. Caution or Warning	8
	B. Official Letter of Reprimand	8
	C. Suspension Without Pay	8
	D. Demotion	8
	E. Removal	8
	F. Nonpay Absence Status.	8
VIII.	TRANSMITTAL OF RELATED INFORMATION	9
	ATTACHMENT 2-1, Office of Inspector General National and Regional Offices	11

PART THREE—ETHICAL CONDUCT

	Title	Page No.
I.	ETHICS	15
II.	(RESERVED)	15

PART FOUR—EMPLOYEE INDEBTEDNESS

I.	FINANCIAL OBLIGATIONS	17
II.	DEALING WITH CREDITORS	17
III.	EMPLOYEE RESPONSIBILITIES	18
IV.	LERD ACTION	18
V.	HANDLING DELINQUENT INCOME TAXES AS DEBTS	19
	A. Federal Income Taxes	19
	B. State and Local Taxes	19
VI.	TREASURY OFFSET PROGRAM	19
VII.	SALARY OFFSET	19
VIII.	BANKRUPTCY	20

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

FSIS DIRECTIVE

4735.3
REVISION 1

6/7/07

EMPLOYEE RESPONSIBILITIES AND CONDUCT

PART ONE—BASIC PROVISIONS

I. PURPOSE

This directive outlines employee responsibilities and conduct, prohibited activities, approval requirements, and appeal provisions.

II. CANCELLATION

This directive cancels FSIS Directive 4735.3, dated 8/20/84, Amendment 1, dated 3/6/85, and Amendment 2, dated 11/27/87.

III. REASON FOR REISSUANCE

This directive is completely rewritten to:

- A. Update information on misconduct and discipline.
- B. Add information concerning employee indebtedness.
- C. Remove information on ethical conduct. See FSIS Directive 4735.9.

IV. REFERENCES

- 5 CFR 315 Career and Career-Conditional Employment
- 5 CFR 432 Performance Based Reduction In Grade and Removal Actions
- 5 CFR 581 Processing Garnishment Orders for Child Support and/or Alimony
- 5 CFR 582 Commercial Garnishment of Federal Employees' Pay
- 5 CFR 735 Employee Responsibilities and Conduct
- 5 CFR 752 Adverse Actions
- 5 CFR 2635 Standards of Ethics Conduct for Employees of the Executive Branch

DISTRIBUTION:
All Employees

OPI:
LERD - Employee Relations Branch

FSIS Directive 3830.2	Government Travel Charge Card Program
FSIS Directive 4550.2	Garnishment of Wages for Child Support, Alimony and Commercial Debt
FSIS Directive 4630.2	Leave
FSIS Directive 4630.6	Family and Medical Leave Program
FSIS Directive 4735.4	Reporting Assault, Harassment, Interference, Intimidation or Threat
FSIS Directive 4735.9	Ethics and Conflicts of Interest
USDA Bulletin 735-1	USDA Employee Responsibilities and Conduct
Consumer Credit Protection Act of 1968	
Debt Collection Improvement Act of 1996	
Fair Labor Standards Act of 1938	

V. **ABBREVIATIONS AND FORMS**

The following are used in their shortened form in this directive:

AWOL	Absent Without Leave
CFR	Code of Federal Regulations
ERB	Employee Relations Branch, LERD
FMS	Financial Management Section, U.S. Department of Treasury
IRS	Internal Revenue Service
LERD	Labor and Employee Relations Division
NFC	National Finance Center
OIG	Office of Inspector General, USDA
RIG	Regional Inspector General
SAC	Special Agent-in-Charge
SES	Senior Executive Service
TOPS	Treasury Offset Program
AD-870	Reporting Alleged or Suspected Bribery Attempts
IRS Form 2159	IRS Payroll Deduction Agreement

VI. **POLICY**

It is FSIS policy that employees maintain high standards of honesty, integrity, impartiality, and conduct. It is essential that employees 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.

VII. DEFINITIONS

A. **Adverse Action.** The term that refers to more severe forms of action. This includes suspensions of more than one pay period, reduction in grade, and removal.

B. **Discipline.** The term that refers to less severe action. This includes official letters of reprimand and suspensions of one pay period or less.

C. **Just Financial Obligation.** A debt acknowledged by the employee or reduced to judgment by a court, or one imposed by law, such as Federal, state, or local taxes.

VIII. COVERAGE

A. All FSIS employees are subject to the provisions of law and regulations on conduct.

B. Whenever parts of this directive conflict with provisions of a collective bargaining agreement, the agreement shall be controlling for those employees covered by the agreement.

IX. EMPLOYEE RESPONSIBILITIES

Employees must follow the conduct principles set forth in:

- A. Applicable laws.
- B. Regulations.
- C. Executive orders.
- D. This directive.

X. SUPERVISORY RESPONSIBILITIES

All supervisors, as part of their supervisory duties, must:

- A. Tell all newly assigned employees of:
 - 1. Conduct requirements stated in this directive.
 - 2. Any special conduct requirements for their particular position.
- B. Discuss conduct requirements with each employee annually during the employee's performance rating and obtain certification from the employee that this was done.

- C. Advise employees on questions regarding conduct issues.
- D. Report all instances of misconduct as outlined in Part Two, paragraph I.
- E. Subject themselves to possible disciplinary action if they fail to report known acts of misconduct or take appropriate action.

XI. **AGENCY CONTACTS FOR ASSISTANCE**

- A. Assistant Administrators.
- B. Director, Human Resources Division.
- C. Director, LERD.
- D. Chief, Employee Relations Branch, LERD.
- E. Supervisory Employee Relations Specialist, ERB, LERD.
- F. Employee Relations Specialists, ERB, LERD.
- G. Agency Ethics Officer, OM.

PART TWO—MISCONDUCT AND DISCIPLINE

I. GENERAL PRINCIPLES

Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain. The following are fundamental principles for ethical conduct:

A. Employees should:

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 shall only use it for authorized activities.
4. Disclose waste, fraud, abuse, and corruption to appropriate authorities.
5. Satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, state, or local taxes that are imposed by law.
6. Obey all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.
7. Avoid any actions creating the appearance that they are violating the law or the ethical standards. An appearance of a violation is based on the perspective of a reasonable person with knowledge of the facts.

B. Employees should **not**:

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 the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

4. Knowingly make unauthorized commitments or promises that involve binding the Government.
5. Use public office for private gain.
6. Engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

II. RESPONSIBILITIES FOR REPORTING

A. Supervisors will promptly report all cases of known, alleged, or suspected misconduct. Supervisors who fail to report misconduct or take other appropriate action are evading their responsibilities and subjecting themselves to possible disciplinary or adverse action.

B. Employees who have reason to believe that misconduct was committed should promptly report it to their supervisors (except in the special situations described in paragraph V.). Employees who feel their report should not be routed through their supervisor should report to the next higher level supervisor.

III. HANDLING REPORTS

Supervisors, other program officials, or managers should not 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 to LERD.

IV. CONTENTS OF REPORTS

Include the following information:

- A. Who committed the offense.
- B. What offense was committed.
- C. When the offense was committed.
- D. Where the offense was committed.
- E. Effects of the misconduct.
- F. Who has knowledge of the offense, and to what extent.
- G. Reference to known previous misconduct on the part of the employee pertinent to the case.
- H. Offers made by the employee to refund or repay improper claims for pay, overtime, or travel. (Do not accept actual payment or refund.)

I. Any other supporting information or material (**example:** Time and Attendance Reports, activity reports, program directives, or medical documentation).

V. **REPORTING SPECIAL SITUATIONS**

A. **Forgery of U.S. Treasury Checks.** Report to the nearest U.S. Department of Treasury office. Follow up with a report to LERD.

B. **Prohibited Political Activity.** Report to the Agency Ethics Officer. 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, must 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 must not disclose the information, or the fact that it was reported, 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 must report it immediately to OIG.

3. **Where and How to Report.** Attachment 2-1 lists the addresses, telephone numbers, and territories of OIG. The special number on the bribery billfold card (Form AD-870) may also be used. Make reports by the most expeditious means available.

VI. **MISCONDUCT FOR WHICH DISCIPLINARY OR ADVERSE ACTIONS CAN BE IMPOSED.**

Misconduct is not limited to the following list; yet, this list describes inappropriate behavior that FSIS will not tolerate:

- A. Submitting false or inaccurate documents.
- B. Misuse of Government property.
- C. Offensive or intimidating conduct of various kinds.
- D. Misuse of Government issued credit cards for travel.
- E. Unauthorized possession or removal of property belonging to someone else.

- F. Negligence.
- G. Unsatisfactory attendance.
- H. AWOL.
- I. Working under the influence of intoxicants.
- J. Illegal drug use or distribution.
- K. Unauthorized political activity.
- L. Safety violations.
- M. Illegal discrimination or retaliation.

VII. **MEASURES WHICH 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.** The employee is placed in an involuntary nonduty and nonpay status. It is more severe than a letter of reprimand.

D. **Demotion.** A reduction in grade or pay. When imposed for misconduct, it is usually more severe than a suspension without pay.

E. **Removal.** 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, be applied in lieu of, or along with, disciplinary measures. (See FSIS Directive 4630.2 for more detailed provisions.)

1. **Applicability.** Employees are considered AWOL when they:
 - a. Are absent without prior approval or emergency.
 - b. Do not notify the supervisor of illness or absence.
 - c. Fail to return to duty after an approved period of absence.

d. Fail to provide administratively acceptable medical documentation, if requested or required.

2. **Correction of Charge to AWOL Status.** If an employee later submits acceptable evidence of emergency or illness which prevented a proper request for leave, the AWOL charged can be retroactively corrected to annual or sick leave, or Leave Without Pay. **NOTE:** 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.

VIII. **TRANSMITTAL OF RELATED 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, chain, or pouch mail must be in an inside envelope, securely sealed and marked "FOR OFFICIAL USE ONLY – INSERT OFFICE, STAFF, OR EMPLOYEE NAME," as appropriate.

OFFICE OF INSPECTOR GENERAL NATIONAL AND REGIONAL OFFICES

Department of Agriculture

Rm. 117-W, Jamie L. Whitten Building
1400 Independence Avenue SW.
Washington, D.C. 20250-2301

Inspector General
Phyllis K. Fong
(202) 720-8001

Regional Offices:

Northeast Region/Investigations

5601 Sunnyside Ave, Suite 2-2230
Beltsville, MD 20705-5300

States Served:

CT, ME, MA, NH, NJ, NY, RI, and VT
DE, D.C., MD, NC, PA, VA, and WV

SAC
(301) 504-2000

Northeast Region/Audit

5601 Sunnyside Avenue, Suite 2-2230
Beltsville, MD 20705-5300

States Served:

DE, D.C., MD, PA, VA, WV, CT, ME, MA,
NH, NJ, NY, PR, RI, VT, and VI

RIG
(301) 504-2100

Southeast Region/Investigations

401 W. Peachtree Street NW., Rm. 2329
Atlanta, GA 30308-3519

States Served:

AL, FL, GA, PR, SC, TN, and VI

SAC
(404) 730-3170

Southeast Region/Audit

401 W. Peachtree Street NW., Rm. 2328
Atlanta, GA 30308-3519

States Served:

AL, FL, GA, KY, MS, NC, SC, and TN

RIG
(404) 730-3210

Midwest Region/Investigations

111 N. Canal Street, Suite 1130
Chicago, IL 60606-7295

States Served:

IN, KY, MI, OH, the eastern district of WI,
and the northern district of IL

SAC
(312) 353-1358

Midwest Region/Audit

111 N. Canal Street, Suite 1130
Chicago, IL 60606-7295
States Served:
IL, IN, MI, MN, OH, and WI

RIG
(312) 353-1352

Southwest Region/Investigations

101 South Main, Rm. 311
Temple, TX 76501
States Served:
AZ, AR, LA, MS, NM, OK, and TX

SAC
(254) 743-6535

Southwest Region/Audit

101 South Main, Rm. 324
Temple, TX 76501
States Served:
AR, LA, NM, OK and TX

SAC
(254) 743-6565

Great Plains Region/Investigations

8930 Ward Parkway, Room 3016
Kansas City, MO 64114
States Served:
CO, IA, KS, MN, MO, MT, NE, ND,
SD, UT, WY, the western district of WI,
and the southern district of IL

SAC
(816) 926-7606

Great Plains Region/Audit

8930 Ward Parkway, Room 3016
Kansas City, MO 64114
States Served:
CO, IA, KS, MO, MT, NE, ND, SD, UT,
and WY

RIG
(816) 926-7666

Financial & IT Operations/Audit

8930 Ward Parkway, Room 3016
Kansas City, MO 64114
States Served:
Fort Collins Computer Center, Ft. Collins, CO;
OCFO/National Finance Center, New Orleans, LA;
Rural Development Finance Office, St. Louis, MO;
FSA Kansas City Operations & OO Kansas City
Computer Center, Kansas City, MO

RIG
(816) 926-3860

Western Region/Investigations

75 Hawthorne Street, Suite 200
San Francisco, CA 94105-3920

States Served:

AK, CA, HI, ID, NV, OR, WA, Territory of Guam,
and Trust Territories of Pacific

SAC
(415) 744-2887

Western Region/Audit

75 Hawthorne Street, Suite 200
San Francisco, CA 94105-3920

States Served:

AK, CA, HI, ID, NV, OR, WA,
Territory of Guam, and Trust Territories
of Pacific

RIG
(415) 744-2851

PART THREE—ETHICAL CONDUCT

I. ETHICS

All matters covering ethics are now covered under FSIS Directive 4735.9, Ethics and Conflicts of Interest. FSIS Directive 4735.9 covers employment restrictions, outside employment and activities, financial interests and land ownership, gifts and gratuities, purchase of product, and political activity. Direct questions on ethics to the Agency Ethics Officer.

II. (RESERVED)

PART FOUR—EMPLOYEE INDEBTEDNESS

I. FINANCIAL OBLIGATIONS

All employees are expected to promptly pay all just financial obligations. If a dispute between an employee and a private individual or a firm alleges a debt or financial obligation where the debt is not acknowledged by the employee or reduced to judgment, FSIS will not act as a collector or take any action against the employee related to the debt.

II. DEALING WITH CREDITORS

Creditors receive the same consideration and cooperation offered to any person requesting assistance from FSIS. Creditors are treated courteously, but they:

- A. Are denied access to employees (either by phone or in person) for the purpose of presenting or collecting debts while employees are on official duty.
- B. Cannot transfer to FSIS their responsibilities for collection of debts.
- C. Are governed by the garnishment laws under the Consumer Credit Protection Act, and Fair Labor Standards Act, as required by 5 CFR, Parts 581 and 582. The Agency follows garnishment laws to collect child support, alimony, commercial debts, salary offsets, and student loans.
- D. Must furnish the following information in writing as a basis for a garnishment:
 - 1. Request for Information, answers, or interrogatories.
 - 2. Employee's name.
 - 3. Employee's social security number.
 - 4. Employee's address of record.
 - 5. Current balance owed.
 - 6. Date and amount of original debt.
 - 7. Specific legal action taken, if any.

III. EMPLOYEE RESPONSIBILITIES

Employees must:

- A. Pay their just financial obligations when due.
- B. Furnish LERD with all requested information about debt when a court ordered debt complaint is received.
- C. Adhere to agreements reached with creditors to satisfy unpaid debts.

IV. LERD ACTION

- A. Ensure that creditors provide sufficient information (see subparagraph II.D.).
- B. Review court orders for legal sufficiency.
- C. Review payroll records and employment history to determine the employee's ability to pay debt. (Avoid personal involvements in disputes between creditors and employees regarding ability to pay and whether or not debt is just.)
- D. Notify the creditor of the employee's:
 - 1. Current employment status.
 - 2. Plan for paying the debt through payroll deduction. (When the weekly disposable income exceeds 30 times but not less than 40 times the hourly minimum wage rate, or is equivalent to or greater than 40 times the hourly minimum wage.)
 - 3. Inability to comply with the order through payroll deduction. (When the weekly disposable income is equal to or less than 30 times the hourly minimum wage.)
- E. Notify the employee:
 - 1. When a court ordered interrogatory or order is received in favor of the creditor.
 - 2. Of a plan for paying the debt through payroll deduction. (When the weekly disposable income exceeds 30 times but not less than 40 times the hourly minimum wage rate, or is equivalent to or greater than 40 times the hourly minimum wage.)
 - 3. When the Agency is unable to comply with the order through payroll deduction. (When the weekly disposable income is equal to or less than 30 times the hourly minimum wage.)

4. To obtain their own defense against legal process, if necessary, because the Federal Government does not represent the employee's interest in the legal process.

V. **HANDLING DELINQUENT INCOME TAXES AS DEBTS**

A. **Federal Income Taxes.** The Internal Revenue Code permits the IRS to apply a levy on accrued salary and wages of Federal employees to satisfy delinquent tax claims. The employee is expected to arrange a settlement directly with IRS. Should an employee fail to do so, IRS may file a levy on the employee's entire take-home pay. This levy is filed with NFC, and a copy is forwarded to the employee. Delinquent IRS tax settlement agreements are prepared on an IRS Payroll Deduction Agreement (Form 2159) and processed by LERD.

B. **State and Local Taxes.** Employees are expected to cooperate with state and local taxing authorities on request.

VI. **TREASURY OFFSET PROGRAM**

A. FMS oversees TOPS. TOPS is a tool used to collect delinquent non-tax debts owed by Federal employees to Federal and state agencies. Before a Federal payment is made to an employee, FMS compares information on the recipient with delinquent debtor information stored in a single database. If the debtor database and the payment stream find a match, the payment is offset up to the amount of the delinquency. Travel advances and reimbursements are subject to the offset. Employees, who have delinquent debts that have been referred to FMS, will have their travel advance or travel voucher payments offset to satisfy the debt.

B. LERD provides employees with telephone numbers to TOPS and the TOPS Tax Levy Program.

C. TOPS notifies employees that delinquent debts have been referred to FMS for administrative offset 60 days before transferring the debt to FMS.

VII. **SALARY OFFSET**

Federal Agencies not using TOPS issue Salary Offset orders to collect an outstanding debt from a Federal employee.

A. The agency attempting to collect the debt will provide sufficient information (see subparagraph II.D.).

B. LERD follows the same process for collecting commercial debts (see paragraph IV.).

VIII. **BANKRUPTCY**

A. The United States Bankruptcy Court has jurisdiction over an employee's wages once a Chapter 13 case is filed and an order issued. The Court Trustee and the employee develop payment agreements.

B LERD reviews and processes the order in NFC's database.

C. LERD notifies the Court Trustee of the employee's:

1. Current employment status.
2. Plan for paying the agreement through payroll deduction.

D. LERD notifies the employee of the:

1. Plan for paying the agreement through payroll deduction.
2. Termination of any Savings Bonds.



Assistant Administrator
Office of Management