



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

PART 212 FW 1	SUBJECT Ethics Standards of Conduct	RELEASE NUMBER 401
FOR FURTHER INFORMATION CONTACT Division of Human Resources		DATE June 24, 2002

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter provides guidance and policy on the ethical conduct and responsibilities of employees.

DIRECTOR

FILING INSTRUCTIONS:

Remove:

212 FW1, 08/01/01, FWM 373 (3 pages)

Insert:

212 FW 1, FWM 06/24/02, FWM 401 (3 pages)

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1.1 What is the purpose of this chapter? This chapter provides general policy on the ethical conduct and responsibilities of employees, and outlines the duties and responsibilities of ethics officials.

1.2 To whom does this chapter apply? This chapter applies to all employees.

1.3 What is our authority for taking this action?

A. Part I of Executive Order (E.O.) 12674, Principles of Ethical Conduct for Government Officers and Employees.

B. 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch.

C. 5 CFR 3501, Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior.

D. 43 CFR 20, Employee Responsibilities and Conduct.

1.4 What is the Service policy on the ethical conduct and responsibilities of employees? It is our policy and expectation that all employees will maintain especially high standards of honesty, impartiality, character, and conduct to ensure the proper performance of Government business and the continual trust and confidence of the citizens of the United States. The conduct of employees must reflect the qualities of courtesy, integrity, and loyalty to the United States; a deep sense of responsibility for the public trust; promptness in dealing with and serving the public; and a standard of personal behavior that reflects positively upon and will be a credit to both employees and the Service. These principles apply to official conduct as well as private conduct that affects in any way the ability of employees or the Service to effectively accomplish the work of the Department.

1.5 What are the definitions used in this chapter?

A. Designated Agency Ethics Official. The official designated under 5 CFR 2638.201 to coordinate and manage the Department's ethics program.

B. Service Ethics Counselor. The Director of the Service.

C. Deputy Ethics Counselor. The Chief, Division of Human Resources

D. Associate Ethics Counselor. A qualified human resources specialist in the Washington Office who is specifically designated.

E. Assistant Ethics Counselors. Human Resources Officers, and other qualified human resources specialists

in the Washington Office and Regional Offices who are specifically designated.

1.6 What are the responsibilities of ethics officials?

A. The **Designated Agency Ethics Official** is responsible for managing the Department's ethics and conduct program.

B. The **Service Ethics Counselor** is responsible for:

(1) Administering the statutes, regulations, policies, and procedures governing the ethical conduct and responsibilities of employees on a Servicewide basis.

(2) Ordering remedial action where violations of the statutes or regulations regarding the standards of ethical conduct by employees are found. This responsibility may not be further assigned.

C. The **Deputy Ethics Counselor** is responsible, on a Servicewide basis, for:

(1) Developing, implementing, and disseminating policy and procedure on employee standards of ethical conduct.

(2) Coordinating and overseeing the conduct of the annual financial disclosure filing cycle.

(3) Designating Associate and Assistant Ethics Counselors and notifying the Designated Agency Ethics Official of the names and locations of each and any changes.

D. The **Associate Ethics Counselor** is responsible, on a Servicewide basis, for:

(1) Conducting the annual Public Financial Disclosure (SF-278) filing cycle.

(2) Providing ethics advice to the Regional Offices and the Washington Office Branch of Headquarters Human Resources at the request of the Assistant Ethics Counselors on more sensitive, difficult, and controversial issues, or on matters having Servicewide impact.

(3) Reminding employees on an annual basis of the regulations on employee ethics and conduct.

(4) Informing employees annually of the names, locations, and telephone numbers of the Assistant Ethics Counselors who can counsel them on ethics and conduct matters.

E. **Assistant Ethics Counselors** are responsible for carrying out the operational functions of the ethics program under the general direction of both the Service Ethics Counselor and Deputy Ethics Counselor to include:

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- (1) Responding to employee ethics and conduct questions.
- (2) Resolving conflict of interest situations short of remedial action by the Service Ethics Counselor.
- (3) Conducting the annual Confidential Financial Disclosure (OGE-450) filing cycle.
- (4) Collecting, reviewing, and certifying Confidential Financial Disclosure reports from employees whose positions require the filing of such.
- (5) Providing initial ethics orientation to new employees.
- (6) Providing mandatory annual ethics training to employees in covered positions.
- (7) Granting employees permission to conduct outside work for a prohibited source.

1.7 What are the responsibilities of supervisors and employees?

A. Supervisors are responsible for:

- (1) Permitting new employees a minimum of 1 hour of official duty time for the purpose of reviewing Part I of EO 12674 and 5 CFR 2635.
- (2) Ensuring that employees who are responsible for filing financial disclosure reports receive at least 1 hour of annual ethics training.
- (3) Requesting assistance where needed from appropriate ethics counselors in advising employees on ethics and conduct issues.
- (4) Reviewing employee notifications of outside work or activities to determine if there is any conflict of interest with their official duties and responsibilities or the appearance thereof.
- (5) Forwarding employee requests to conduct outside work for a prohibited source to the appropriate servicing ethics counselor.
- (6) Reporting any potential conflict of interest situations to the respective ethics counselors for resolution.

B. Employees are responsible for:

- (1) Being familiar and complying with the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR 2635 and generally outlined in 1.8, below, as well as any supplemental Departmental and Service conduct and ethics regulations.

(2) Consulting with their supervisors and ethics counselors on general questions regarding the applicability of the standards of conduct regulations. On specific matters and for guidance on questions of conflict of interest, we strongly encourage employees to seek the advice and guidance of their ethics counselors.

(3) Notifying their supervisor of any outside work or activity that they will perform frequently or on a standardized schedule. Reports must contain a description of the outside work or activity, an estimate of the number of hours per week spent engaged in the outside work or activity, and a statement providing an opinion of any apparent or potential conflict of interest between the work activity and official duties.

(4) Requesting in writing permission to conduct outside work for a prohibited source. Forward requests through your first level supervisor to the appropriate servicing ethics counselor. (See [Director's Order No. 118](#))

(5) Carrying out the announced policies and programs of the Department and obeying the proper requests and directions of supervisors. While policies related to one's work are under consideration, you may, and are expected to, express your professional opinion and point of view. Once those in authority render a decision, however, we expect you to comply with the decision and work to ensure the success of programs or issues affected by the decision.

(6) Ensuring that all studies or investigations, especially those where the results may affect how the Service implements laws and regulations, adhere strictly to established scientific protocols. If you question the scientific methods being used in a study, including the quality assurance and quality control procedures for the analysis, it is imperative that you use the appropriate channels to address your concerns with the directors of the research. Any measures, taken outside of established study protocols, to "test" any aspect of a study without the knowledge and consent of the principal investigator are always unacceptable and should never be undertaken by any Service employee.

1.8 What are the principles of ethical conduct? To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee must respect and adhere to the principles of ethical conduct set forth below.

A. Place loyalty to the Constitution, the laws, and ethical principles above private gain as public service is a public trust.

B. Not hold financial interests that conflict with the conscientious performance of duty.

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C. Not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interests.

D. 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 Department, or whose interests may be substantially affected by the performance or nonperformance of the employees' duties.

E. Put forth an honest effort in the performance of their duties.

F. Not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

G. Not use public office for private gain.

H. Act impartially and not give preferential treatment to any private organization or individual.

I. Protect and conserve Federal property and not use it for other than authorized activities.

J. Not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

K. Disclose waste, fraud, abuse, and corruption to appropriate authorities.

L. 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.

M. Adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

N. Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this chapter. Whether particular circumstances create an appearance that the law or these standards have been violated will be determined from the perspective of a reasonable person with knowledge of the relevant facts.

1.9 What are the penalties for violations? Employees may be subject to disciplinary and/or adverse action, including removal from Federal service, resulting from failure to comply with any conflict of interest laws, regulations, orders, or policies; or obey the proper requests of supervisors having responsibility for employee performance.