

FFAS
HANDBOOK

Personnel Operations

For FAS Including Overseas, FSA Except
CO Employees, and RMA

SHORT REFERENCE

3-PM
(Revision 3)

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

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Washington, DC 20250

Personnel Operations 3-PM (Revision 3)	Amendment 10
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Approved by: Deputy Administrator, Management



Amendment Transmittal

A Reason for Amendment

Part 6.5 and Exhibit 32 have been added to include information about the Career Intern Program.

Page Control Chart		
TC	Text	Exhibit
3, 4	6-9, 6-10 6-13 6.5-1 through 6.5-12 (add)	1, pages 1-4 32, page 1 (add)

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Part 1 Basic Provisions and Delegations of Authority

1 Overview

A

Handbook Purpose

This handbook:

- clarifies area of responsibility in the FFAS personnel management program for offices having delegated classification, employment, or adverse action authority
 - provides internal operating policies, procedures, and standards that supplement OPM and USDA regulations.
-

B

Authority and Responsibility

HRD:

- has the authority and responsibility for formulating and administering the following personnel programs for FFAS:
 - Federal Civil Service
 - Foreign Service
 - non-Federal COC employee program

Note: This includes developing and implementing all policies, directives, procedures, standards, and guidelines under which national and field personnel programs shall operate.

- shall give technical direction, guidance, and assistance as necessary to all offices.

Note: This includes broad policy interpretations and recommendations for new policy or changes and adjustments in existing policies.

KCMO, PD is responsible for providing a complete personnel management operations program for the offices serviced. These operations shall be carried out according to USDA and FFAS policies, procedures, and requirements, including special provisions specified in this handbook.

State Offices are responsible for providing personnel operations for non-Federal County Office employees.

Where Federally recognized bargaining units and a negotiated bargaining agreement exist, the negotiated bargaining agreement takes precedence.

Continued on the next page

1 Overview (Continued)

C

Related Handbooks See the following handbooks for more information on these personnel functions.

Handbook	Personnel Function
2-INFO	Information Available to the Public
3-INFO	Privacy Act Operations
1-PM	Organizational Development and Relationships
2-PM	Position Classification and Appeals, including position sensitivity and Fair Labor Standards Act
5-PM	Performance Management System
6-PM	Employee Development and Training
7-PM	Incentive Awards Program
8-PM	Safety and Health Programs, including Employee Assistance Program and Workers Compensation Program
13-PM	Personnel Management Evaluation Program
15-PM	Grievances, Debt Complaints, and Drug Testing
17-PM	Leave Administration
19-PM	EEO Program and Complaints
20-PM	Time and Attendance Reporting Note: 20-PM is for State Offices only.

Continued on the next page

1 Overview (Continued)

C
Related Handbooks
 (Continued)

Handbook	Personnel Function
22-PM	County Office Personnel Management, including: <ul style="list-style-type: none"> • leave • retirement • health and life insurance • time and attendance • adverse actions • EEO
23-PM	Career Enhancement Program
27-PM	County Office Classification, Employment, and Pay Administration
28-PM	County Office Personnel Processing
29-PM	Reduction in Force
30-PM	RMA Employee Development and Training
31-PM	Reasonable Accommodation
32-PM	Pay Administration

D
Sources of Authority

5 U.S.C., as amended, is the primary statutory authority for FFAS personnel management programs. Related sources include regulations and directives developed by OPM, USDA, FFAS, and other Federal agencies, as well as 5 CFR.

2-8 (Reserved)

9 Delegations of Authority

A

Administrator Authority

FAS, FSA, and RMA Administrators have delegated authority for:

- classification and employment for all positions in their respective agency except SES and Senior Level positions
 - adverse and disciplinary actions for all positions in their respective agency except those in USDA Personnel Bulletin No. 751-1.
-

B

Redelegation of Authority to National Office Positions

FAS, FSA, and RMA Administrators have redelegated classification, employment, and adverse and disciplinary action as follows:

- DAM; Assistant DAM; Director, HRD; and Deputy Director, HRD have FFAS-wide authority for:
 - classification
 - employment
 - adverse and disciplinary action
 - Chief, ELRB, HRD has FFAS-wide adverse and disciplinary action authority
 - Chief, Domestic Operations Branch, HRD; Chief, Foreign Operations Branch, HRD; and HRD Position Classification Specialists and Personnel Management Specialists, GS-9 and above, have FFAS-wide classification authority
 - Chief, Domestic Operations Branch; Chief, Foreign Operations Branch; and HRD Personnel Staffing Specialists and Personnel Management Specialists, GS-9 and above, have FFAS-wide employment authority
 - immediate supervisors have authority to issue proposed notices of adverse and disciplinary action for positions within their assigned jurisdictions.
-

Continued on the next page

9 Delegations of Authority (Continued)

C

Re Delegations to KCMO

The delegation of personnel authorities to Field Offices will not preclude National Office officials from taking action that would:

- influence FFAS-wide or agency-wide policy
- correct incorrect actions
- meet special or unique needs.

The following KCMO positions have been delegated specific authorities for offices serviced by KCMO:

- Director or Acting Director, KCMO; Chief, PD; and Deputy Chief, PD have authority for:
 - classification
 - employment
 - adverse and disciplinary action
- Deputy Director, Management has authority for:
 - classification
 - employment
- Chief, ELRB, PD has adverse and disciplinary action authority
- Chief, Employment Branch, PD has employment authority
- Chief, Classification and Organization Branch, PD has classification authority
- Position Classification Specialists, GS-9 and above, have classification authority
- Personnel Staffing Specialists, GS-9 and above, have employment authority
- immediate supervisors have authority to issue proposed notices of adverse action for positions within their assigned jurisdictions.

Continued on the next page

9 Delegations of Authority (Continued)

D

Re Delegations to Supervisors

Immediate supervisors in FFAS have authority to issue proposed notices of adverse and disciplinary action for positions within their assigned jurisdictions. All notices of adverse and disciplinary action shall be cleared through Chief, ELRB, servicing personnel office. See subparagraph 14 A.

10 OPM Recruitment and Examining Authority

A

Recruitment and Examining Authority

KCMO, PD has delegated authority from OPM to recruit and examine all series and grade levels nationwide, except for Administrative Law Judge positions, positions formerly covered by the Administrative Careers in America, and GS-4 and below clerical positions that require clerical testing.

B

KCMO Special Examining Unit Responsibilities

KCMO Special Examining Unit responsibilities include the following:

- publicizing each vacancy
 - developing rating criteria
 - evaluating and ranking candidates' applications based on knowledge, skills, abilities, and other characteristics determined by position requirements
 - referring and issuing certificates of qualified candidates to requesting personnel offices according to applicable OPM regulations
 - disposing of unused applications.
-

Continued on the next page

10 OPM Recruitment and Examining Authority (Continued)

**C
State Office, RSO,
and CFO
Responsibilities**

State Office, RSO, and CFO responsibilities include the following:

- distributing copies of vacancy announcements received from the KCMO Special Examining Unit to:
 - County Offices
 - colleges and universities
 - business and civic groups
 - private organizations
 - minority and women’s groups
- recruiting candidates to meet affirmative action objectives
- documenting recruiting efforts
- selecting candidates referred on SF-39.

State Offices shall return SF-39 to KCMO, PD with appropriate documentation. RSO’s and CFO’s shall refer SF-39 and documentation to HRD for routing to KCMO, PD.

**D
HRD
Responsibilities**

HRD responsibilities include the following:

- preparing SF-39 for each separate grade level and providing to KCMO, PD
 - sending completed SF-39 to selecting official when received from the KCMO Special Examining Unit
 - returning SF-39 with selection to the KCMO Special Examining Unit with appropriate documentation.
-

11 OPM-Delegated Authorities

A

Specialized Authorities

HRD and KCMO, PD have delegated authority for specialized personnel actions under certain authorities without prior approval of OHRM or OPM. These specialized authorities and those authorized to approve them include the following.

Delegations of Authority	HRD	KCMO, PD
Advanced In-Hiring Rates based on Superior Qualifications [5 U.S.C. 5333(a) and 5 CFR 531.203 (b)], when special need is not the basis for the action	X	
Appointment based on Legislative or Judicial Service (5 U.S.C. 3304)	X	
Appointment based on Service in the Office of the President or Vice President or on the White House Staff (5 CFR 315.602)	X	
Appointment of Severely Handicapped or Mentally Retarded Sons and Daughters for Summer or Student Employment [5 CFR 213.3101(d)]	X	X
Approval of Alternate Standards for Motor Vehicle Operators (5 CFR 930.105)	X	X
Approval of Training Agreements except those involving Accelerated Time-in-Grade provisions or having nationwide coverage (5 U.S.C. 41)	X	X
Approval of Training Plans for Disabled Veterans (38 U.S.C. 31)	X	X
Approval when filling certain positions with Severely Physically Handicapped Persons [5 CFR 213.3102(u)]	X	X
Assignment of Excepted Employees to Competitive Positions (Schedules A and B) (5 CFR Part 213)	X	X
Conversion to Career Employment of Certain Employees Serving Indefinite or TAPER Appointments (5 CFR 315.704)	X	X
Dual Employment: Pay for More than One Position for More than 40 Hours a Week (5 U.S.C. 5533 and 5 CFR 550.504)	X	
Emergency-Indefinite Appointments (5 CFR 230.402)	X	X

Continued on the next page

11 OPM-Delegated Authorities (Continued)

A
Specialized
Authorities
(Continued)

Delegations of Authority	HRD	KCMO, PD
Exclusion from General Schedule and Approval of Maximum Stipends for Certain Student-Employees (5 U.S.C. 5103, 5351, and 5352)	X	
Exclusion for Presidential Appointees from Annual and Sick Leave (5 U.S.C. 63)	X	
Extension Beyond One Month of Emergency Appointments of Family Members (5 CFR 310.202)	X	X
Extension of One Month Temporary Limited Appointments for Special Needs (5 CFR 316.402)	X	X
Notification of Selection Procedures for Excepted Positions (5 CFR 302.401)	X	X
Noncompetitive Appointment of Certain Disabled Veterans [5 CFR 3.1(a)(2) and 5 CFR 315.604(b)]	X	X
Onsite Evaluation Function (Executive Order 9830)	X	X
Overseas Limited Appointments (5 CFR 301.201)	X	
Payment for Travel and Transportation to First Post of Duty (5 U.S.C. 5723)	X	
Payment for Travel for Interviews at GS-13 and Below (CG Decision B106116 and 5 CFR Part 572)	X	X
Remote Worksite Commuting Allowances (5 U.S.C. 5942)	X	X
Term Promotions (5 CFR 335.102)	X	X
Waiver Limitations on Appointment of Retired Military Within 180 Days of Discharge (5 U.S.C. 3326)	X	
Waiver of Reduction of Military Retirement Pay (5 U.S.C. 5532 and 5 CFR 550.603)	X	
Waiver of Road Test for Motor Vehicle Operators (5 CFR 930.107)	X	X

Continued on the next page

11 OPM-Delegated Authorities (Continued)

**B
Records**

HRD and KCMO shall maintain records for each action taken under the delegated authority. These records must be available for audit by OPM or OHRM for at least 2 years. All actions shall be taken according to appropriate CFR, FPM, and DPM requirements. Records of all actions taken must include the following:

- type of action
 - processing time
 - name of person who authorized the final action
 - date of the decision
 - a brief statement specifying the rationale for the decision
 - name of the individual affected by the action
 - brief documentation of recruiting efforts that preceded use of any authority involving a workforce shortage or employment need.
-

12 Servicing Areas

A**HRD Servicing Area**

HRD provides personnel services for the following FFAS offices and positions:

- all FAS, FSA, and RMA positions in the Washington, DC metropolitan area
- FAS positions overseas
- all positions in RSO's
- all positions in the following CFO's:
 - Dallas
 - Indianapolis
 - Raleigh
 - Sacramento
 - St. Paul
- all SES positions, including:
 - Director, KCMO
 - Director, KCCO
 - Deputy Administrator, Research and Development, RMA
- all Schedule C positions, including SED's
- all Senior Level positions
- all experts and consultants
- all STC members
- Director, APFO
- Director, Caribbean Area Office
- *--all CED grade level determinations.--*

Continued on the next page

12 Servicing Areas (Continued)

B

KCMO, PD Servicing Area

KCMO, PD provides personnel services for the following FFAS offices, except employees identified in subparagraph A:

- KCMO, including employees duty stationed in St. Louis
- KCCO
- APFO
- State and Caribbean Area Offices
- RMA offices located in Kansas City metropolitan area.

The KCMO Special Examining Unit provides personnel services for:

- FSA
 - FAS
 - RMA.
-

13 Limitations

A

Limitations for Using Delegations

The following apply to using all delegations in this part.

- Incumbents of designated positions shall exercise employment, classification, and adverse action authorities, and shall receive appropriate formal or on-the-job training in the functions before exercising the authority. There shall be **no** further delegation of these authorities.
 - Employees assigned to positions in which they will exercise these delegated authorities shall not approve personnel actions for their own positions or persons in direct line of supervision above them, except actions such as pay adjustments or step increases.
 - Employees exercising delegated authority will be expected to validate their actions during postaudits and inspections by HRD, USDA, or OPM.
-

14 Adverse Action Requirements

**A
Adverse and
Disciplinary Actions**

The Director, HRD and Chief, PD, KCMO shall:

- handle notices of adverse and disciplinary action based on misconduct or unsatisfactory performance according to the following 5 CFR Part 752 and 5 CFR Part 432 requirements:
 - proposing official shall be the first line supervisor of the employee
 - deciding official shall be the second line supervisor of the employee
 - all notices of adverse and disciplinary action shall be cleared through Chief, ELRB, servicing personnel office
 - retain copies of all approved proposed and final notices within their respective jurisdictions, and supporting documentation based on misconduct and unsatisfactory performance.
-

**B
RIF Actions**

See 29-PM for RIF actions.

**C
Adverse NACI
Review**

The Chief, ELRB, HRD is designated as the NACI Officer for FFAS.

- If OPM’s investigation reports information adverse to the continued employment of FFAS personnel, the Chief, ELRB, HRD and Chief, ELRB, PD, KCMO shall adjudicate the matter and advise the appropriate employment office.
 - Employment offices shall continue to process cleared NACI’s as authorized.
-

15 KCMO Reports

A

Clearance
Requirements

KCMO, PD shall submit all of the following through HRD:

- any reports to or communications with:
 - OHRM
 - OPM regional or central offices
- any action or case that requires prior:
 - approval
 - review
 - consideration.

Exception: Reports or actions related to the delegated examining authority do not require clearance through HRD.

16-29 (Reserved)

Part 2 Employment Policies

Section 1 Basic Policies

30 Nondiscrimination

A

FFAS Policy

FFAS policy is to provide employment and advancement opportunities to all employees and applicants for employment in all aspects of the employment process, on the basis of merit without discrimination on the basis of:

- age
 - color
 - disability
 - national origin
 - marital status
 - race
 - religion
 - sex
 - political affiliation
 - personal sponsorship.
-

31 Internal Advancement Opportunities

A

Supervisory Options

Supervisors are encouraged to redesign and restructure vacant positions to facilitate entry level recruitment and career enhancement opportunities. This includes establishing:

- entry level crossover positions for employees in dead end positions who currently possess the required experience or education to qualify for a 2-grade position
 - career enhancement positions for employees in dead end jobs who do not possess the required experience or education to qualify for a 2-grade position
 - 1-grade bridge positions, usually at the GS-5, GS-6, or GS-7 level that would allow employees to earn specialized experience to eventually enable them to compete for a 2-grade position.
-

32 Requests for Personnel Action

**A
Supervisor
Responsibilities**

When requesting personnel action, supervisors shall:

- complete SF-52 to request a personnel action
 - prepare a position description, as required by 2-PM, for the following:
 - vacancies
 - reassignments
 - redescriptions of duties
 - details to classified positions
 - promotions
 - changes to lower grade
 - obtain required approving official signature
 - submit approved SF-52 and position description to the appropriate personnel office.
-

**B
Effective Dates for
Personnel Actions**

Accessions shall be effective at the beginning of a pay period.

- This applies even though a holiday occurs before the next workday.
- In an emergency or for student hires, the effective date may be set at any time during the pay period as required.

Promotions, reassignments, and other position changes shall be effective at the beginning of the next pay period after approval by the appropriate personnel office and time-in-grade requirements are met.

33 Modification of OPM Qualification Standards

A

Documenting Modified Qualification Standards

If OPM qualification standards are modified for reassignment actions, the rationale for the reassignment must be sufficiently documented in OPF to show that the reassignment was intentional and did not result from misinterpretation of the OPM standard.

34 Nepotism

A

Policy

No supervisor/employee relationship may exist between relatives.

Relatives of FAS, FSA, or RMA employees may be hired within the same agency **only** under 1 of the following circumstances:

- if hired according to competitive procedures from a Certificate of Eligibles issued by OPM or delegated Special Examining Unit
 - if hired according to competitive procedures under the STEP application process
 - if appointed to a nontemporary position on the basis of eligibility for reinstatement under CS regulations
 - if qualified and eligible for special appointments, such as CTAP, disability, disabled veterans, volunteers from Peace Corps or VISTA, and SCEP
 - if necessary to meet urgent needs resulting from an emergency posing an immediate threat to life and property, or a national emergency. Appointments under these conditions are temporary, not to exceed 30 calendar days, and may be extended for an additional 30 calendar days if the emergency still exists. Close relatives may not be noncompetitively appointed to other temporary positions.
-

B

Definition of Relative

Relative means a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

35 State Office Guidelines

A
COC Employee
Restrictions

COC employees shall not serve as employees in any State Office capacity.

B
Duty Stations for
State Office
Employees

State Offices may make changes in the duty station of certain employees, according to this subparagraph.

- DD's may reside outside their district.
 - STC may designate:
 - DD's official duty station
 - headquarters for travel purposes.
- Note:** Travel headquarters may be the State Office, a County Office, or DD's residence.
- Changes in official duty station do not constitute an adverse action.
 - The State Office shall be the official duty station for STC members and SED's.
 - For each employee for whom a change in duty station is required, submit SF-52 to the Chief, KCMO, PD. Include the appropriate data to make the change. KCMO, PD shall:
 - process SF-50 to change the duty station in the NFC data base
 - send copies of SF-50B of change actions to State Offices.
-

36-45 (Reserved)

Section 2 Personnel Actions

46 Appointments

A
Appointment
Responsibilities

When hiring employees, official job offers are made by HRD or KCMO, PD. Supervisors shall not instruct an employee to report to duty until approval is given by the servicing personnel office.

B
Verifying
Employment
Eligibility for
Appointees

The Immigration Reform and Control Act of 1986 provides that employers shall hire only U.S. citizens and aliens who are authorized to work in the United States. It is the responsibility of each office to:

- verify employment eligibility of anyone hired after November 6, 1986
- complete I-9.

The Department of Justice, Immigration and Naturalization Service publication "Handbook for Employers" has been distributed to all offices to help in determining acceptable documentation.

47 Details and Temporary Promotions

**A
Details**

The agency may detail an employee in the competitive service to a position either in the competitive service or excepted service. Details shall not be made to evade competitive principles or the proper classification of a position.

The releasing office shall prepare SF-52 for the following details:

- exceeding 30 calendar days
 - reimbursable
- Note:** Contact BUD for all reimbursable details.
- from Field Office to National Office
 - outside the agency
 - to commissions, councils, boards, or other similar bodies
 - to Congress or Congressional committees
 - from excepted position to position in the competitive service.

SF-52's are not required for details of 30 calendar days or less, provided they are not subject to the provisions in this subparagraph.

**B
Temporary
Promotions**

Temporary promotions may be granted for periods not to exceed 5 years. Competitive procedures shall be used for temporary promotions in excess of 120 calendar days. Employees detailed to higher-graded positions for more than 30 calendar days, but less than 120 calendar days, should be temporarily promoted. Supervisors are encouraged to rotate details to higher grades or temporary promotions among eligible employees in the office.

An employee temporarily promoted to a higher grade shall be returned to the former grade and step with entitlement to any WGI's in the employee's regular position. Grade and pay retention are not applicable upon demotion.

Continued on the next page

47 Details and Temporary Promotions (Continued)

**C
Classification and
Backpay**

An employee is entitled only to the salary of the position to which appointed, regardless of duties performed.

If an employee performs higher-level duties, the employee is not entitled to the salary of the higher level until promoted to that level. The U.S. Supreme Court has held that there is no substantive right to backpay for periods of wrongful position classification.

48 Resignations

**A
Notice to Resign**

Employees should give reasonable notice of intention to resign. Employees shall submit SF-52 before resignation. When SF-52 is not available, a letter or electronic mail message is acceptable.

**B
Reasons for
Resignation**

An employee is not required to give reasons for resignation. When a reason is given in writing, show it on SF-52; otherwise, leave reason off of SF-52.

Supervisors shall not:

- modify or enter additional reasons on SF-52 or other documents that the employee signs and submits as their resignation
 - provide references of a derogatory nature, either orally or in writing, without first clearing it with their personnel office or the official responsible for the interpretation of the Privacy Act.
-

Continued on the next page

48 Resignations (Continued)

C

Effective Date

The effective date of resignation shall normally be the date requested by the employee. A resignation shall be effective as of COB, unless otherwise indicated.

When a resignation is effective at the end of a pay period, the effective date shall be either of the following:

- COB on the Friday before the end of the pay period
- Saturday, the last day of the pay period, if the preceding Friday is a holiday.

Do not carry an employee in LWOP status to complete a pay period for holiday pay or leave-earning purposes.

49 AD-139 and AD-1106

A

Completing AD-139 and AD-1106

The office initiating SF-52 for the separating employee shall also initiate AD-139 or AD-1106.

Field Offices will route AD-139 to their appropriate personnel office for every Field Office employee separating from FFAS.

The National Office shall provide AD-1106 to HRD for every employee separating from FFAS National Offices.

- Employee is responsible for obtaining clearances on or before separation date.
 - The supervisor is responsible for ensuring that clearance has been completed and AD-1106 is sent to HRD.
-

Continued on the next page

49 AD-139 and AD-1106 (Continued)

B

**Final Salary
Payment**

Final salary payment may be withheld until the personnel office accounts for all agency property and documents assigned to the employee. The personnel office shall withhold final salary and lump sum payments for annual leave only when they are advised to do so in writing by 1 of the clearance offices or the employee's Division Director.

- Office shall notify the personnel office to withhold payment and the reason why.
 - Notification to personnel office shall be made by the Wednesday after the end of the pay period in which the employee separates.
 - Personnel office shall submit AD-343 to NFC by the Wednesday following the close of the employee's last payroll period, if it becomes necessary to withhold final salary and lump sum payments, or to setoff a lesser amount because of employee debts.
-

C

**Crediting Sick and
Annual Leave**

Unused sick leave will be recredited if re-employed with the Federal Government.

Unused annual leave will be paid in a lump sum payment.

Continued on the next page

49 AD-139 and AD-1106 (Continued)

D

Completing AD-139 Complete AD-139 according to the following table.

Step	Action
1	Complete the 4 blanks at the top of AD-139. Place the Social Security number in the upper-right corner.
2	Complete items 1 through 10, and 13.
3	<p>Enter the following in the "Remarks" section:</p> <ul style="list-style-type: none"> • if the employee is transferring to another USDA agency or another appointing office in FSA, enter specific information concerning the transfer <p>Example: Employee is transferring from HRD to Nebraska State FSA Office.</p> <ul style="list-style-type: none"> • 1 of the following about the employee's lump sum payments: <ul style="list-style-type: none"> • no lump sum payment due • lump sum payment due <p>Note: Include exact number of hours due and the hourly rate.</p> • no lump sum payment due for unused compensatory time • lump sum payment due for unused compensatory time <p>Note: Include exact number of hours due and the hourly rate.</p> <ul style="list-style-type: none"> • accounting distribution code.

50 Processing Separations

**A
Personnel Office
Responsibilities**

Servicing personnel offices shall:

- provide SF-8 on or before the last day of active duty to employee who resigns, separates, transfers, or is expected to be in a nonpay status for 7 calendar days or more

Note: Before issuance, insert agency name to the right of NFC address.

- maintain SF-52's, SF-50's, and OPF's according to OPM Guide to Personnel Recordkeeping.
-

**B
ID Cards**

Field Offices shall:

- obtain employee's AD-53 upon learning that an employee is to separate
- issue new AD-53's to retirees in the field.

MSD shall:

- obtain employee's ID card for National Office employees who separate
 - issue ID cards for retirees.
-

51-60 (Reserved)

Section 3 Probationary Periods for New Supervisors and Managers

61 Overview

A

Purpose of Probationary Periods

Probationary periods:

- provide the agency with an opportunity to assess each newly appointed supervisor's and manager's development on the job
 - allow the agency to return an employee to a nonsupervisory or nonmanagerial position without undue formality should circumstances warrant.
-

B

Improper Use of Probationary Period

Probationary periods are not to be used to assess technical ability or program knowledge not directly related to supervisory or managerial performance.

62 Coverage

A

Length of Probationary Period

Newly appointed supervisors or managers serve a single probationary period of 1 year (365 calendar days).

B

Previous Supervisory Service

FFAS employees who satisfactorily complete a probationary period are not required to serve another such period.

Employees who are transferred, reassigned, or promoted to another supervisory or managerial position shall have service in the former position counted toward completion of the new probationary period.

Exception: When an employee was separated for cause or returned to a nonsupervisory or nonmanagerial position because of unsatisfactory performance, do not count the service toward completion of the probationary period required under any subsequent appointment.

Continued on the next page

62 Coverage (Continued)

C

Break in Service

When there is a break in service, other than for cause, during a probationary period, a supervisor or manager is required to complete the remaining time in the trial period.

Any nonpay time in excess of 22 workdays extends the probationary period by an equal amount.

63 Documentation

A

**Personnel Office
Action**

Personnel offices shall document SF-50 to reflect the probationary periods for all newly appointed supervisors and managers.

B

Supervisory Action

The immediate supervisor of each newly appointed supervisor or manager shall document the satisfactory or unsatisfactory completion of the probationary period on AD-773P. AD-773P shall be recorded in OPF.

64 Removal From Supervisory or Managerial Position

A

**Unsatisfactory
Evaluation**

If evaluating an employee's performance reveals supervisory or managerial deficiencies that make the employee unsuited for continued employment in the position, the employee shall be returned to a nonsupervisory or nonmanagerial position. Employees who are returned to a nonsupervisory or nonmanagerial position shall be given sufficient factual information for the basis of the action.

The decision to return an employee to a nonsupervisory or nonmanagerial position shall be:

- initiated by the employee's immediate supervisor
 - approved by the Division Director or appropriate Deputy Administrator.
-

Continued on the next page

64 Removal From Supervisory or Managerial Position (Continued)

**B
Return to
Nonsupervisory or
Nonmanagerial
Position**

An employee who is returned to a nonsupervisory or nonmanagerial position under this section is:

- entitled to be returned to a position in USDA of no lower grade and pay than the one the employee left to accept the supervisory or managerial position

Note: This is a management right authorized by 5 U.S.C. 3321 and is not subject to negotiated grievance procedures.

- not entitled to grade or pay retention.

The personnel action to return the employee to a nonsupervisory or nonmanagerial position is documented as a reassignment or demotion.

**C
Appeals**

The return of an employee to a nonsupervisory or nonmanagerial position for reasons related to supervisory or managerial performance is not an adverse action and is not appealable. This action is covered by grievance procedures. Demotions for reasons unrelated to supervisory or managerial performance are adverse actions and shall be processed accordingly.

65-79 (Reserved)

Part 3 Merit Promotion Plan

80 Overview

A

Background

The FFAS Merit Promotion Plan has been revised to adopt the common Merit Promotion Plan developed by FSA, NRCS, and RD. See Exhibit 8.

This plan does not cover bargaining unit positions covered by negotiated agreements.

81-86 (Withdrawn--Amend. 3)

***--87 Panel Interview Process**

A**Purpose**

In the absence of guidance, paragraphs 87 through 89 standardize the panel interview process.

The panel interview process is a collective capacity to provide a balanced and comprehensive assessment of a candidate's ability. It was devised for conducting interviews to select key management positions but may be used for filling any vacancy.

B**Obtaining the Information**

Panel interviews provide information on how a candidate will perform in the target position through understanding how the candidate has performed in past positions. Information is obtained by having each candidate describe, in detail, past and/or current experiences that they believe demonstrate their ability to perform in the position for which they have applied.

The panel interview process gives the selecting official a better picture of the relative strengths and weaknesses of the candidates, and addresses the question of relative "job fit".

B**Weighing the Information**

This process is **not** designed or intended to rerate, rerank, or pare the candidates on the best qualified list. The information provided to the selecting official may have the effect of eliminating some candidates from further consideration, but this is a result of the selecting official weighing the information provided, rather than a direct result of the process itself.--*

***--88 Process Responsibilities**

A**Manager and/or
Selecting Official
Responsibility**

Management determines whether the panel interview will be used to conduct interviews for supervisory and/or non-supervisory positions and at what grade level. See current agency requirements for position to be filled. The selecting official is responsible for:

- ensuring that panel interviews are conducted according to this procedure
 - maintaining official records for 2 years after the panel interview.
-

B**Planning
Interviews**

The selecting official chooses the panel members and makes every effort to ensure that the panel is diverse. Each panel member will be notified of the date, time, and location of the interviews with a brief description of the interview process. See Exhibit 9. In addition, candidates shall be informed of the date, time, and location of the interview with a brief description of the interview process. See Exhibit 10 for sample instructions.

If the selecting official is **not** present, a panel member will lead the interviews by introducing the candidate and panel members, giving an overview of the position and selection process, and answering any questions from the panel or the candidate. A human resources specialist will be consulted if needed.

C**Civil Rights
Observer
Responsibility**

A civil rights observer may be present at panel interviews. A member of the Office of Civil Rights or the Civil Rights Council, the State Civil Rights Coordinator or Special Emphasis Program Manager may serve as observer.

The role of the civil rights observer is to ensure that the evaluations and any conversation about the process is **not** discriminatory in nature. The observer will **not** take part in the interview or attempt to influence the panel discussion. If any irregularity is observed, it should be brought to the attention of the selecting official.--*

***--89 Panel Interview Question and Assessments**

A**Developing Questions**

Questions used in the interview must be developed before the interview with the criteria for evaluating the responses to each question. All candidates will respond to the same questions. The questions should **not** be a restatement of KSA's or KSA-based statements listed in the vacancy announcement or the position description. They must be job-related and should be structured so that the panel is able to determine to what extent the candidate possesses the knowledge, skill, or ability. Normally 5 to 7 questions are sufficient, however, the number is **not** as important as the content of the question. Avoid using acronyms that may confuse outside candidates. The questions may or may not be given to all candidates before the interview.

B**Assessing Candidates**

Candidates shall be rated on their response to each question. At the conclusion of each interview, the panel shall assess the candidate using the scale of **High, Medium, and Low**. See Exhibit 11.

If the selecting official was **not** part of the panel, they shall receive an oral briefing by the panel. In this way, they can hear the panel members full range of opinions and perspectives and their rationale for the final assessment of each candidate.

C**Documentation**

All documents generated in this panel interview process will become part of the official file maintained by the selecting official. Those documents are:

- instructions to the candidate
 - instructions to the panel member
 - interview questions and the criteria for evaluating the responses
 - the panel's assessment of the candidates (a signed copy of Exhibit 11).--*
-

90-99 (Reserved)

Part 4 Career Transition Assistance Programs**100 Overview**

A**Background**

On September 12, 1995, the President issued a memorandum to the heads of executive departments and agencies on career transition assistance for Federal employees.

B**Operation Period**

CTAP and ICTAP procedures will remain in effect until September 30, 1999, or until otherwise amended, extended, or revoked.

C**Purpose**

This part explains how transition and placement services are to be provided in the FFAS mission area for Federal employees.

D**Labor Management Agreement**

Where negotiated labor management agreements existed before July 9, 1997, and conflicted with Federal and USDA regulations, the negotiated agreement will take precedence.

Labor management agreements on or after July 9, 1997, must comply with OPM and USDA CTAP regulations.

E**Definitions**

Definitions in 5 CFR 330.604 and 330.703 apply. However:

- agency is defined as USDA
 - component is defined as "those parts of the Department within a local commuting area that are assigned to a separate agency code"
 - affected employee is an employee who has been displaced or identified as surplus and who meets the criteria in subparagraph 102 A.
-

101 Responsibilities

A

**DAM
Responsibilities**

DAM has the overall authority and responsibility for developing, implementing, and administering CTAP and ICTAP.

B

**HRD and KCMO,
PD Responsibilities**

HRD and KCMO, PD shall:

- implement and administer FFAS CTAP and ICTAP
- designate an FFAS CTAP and ICTAP coordinator
- provide training on CTAP and ICTAP policies to managers and supervisors of affected employees
- provide career and employee counseling and referral services to affected employees
- arrange official employee briefings for affected employees
- provide advice to help employees identify training and professional and personal development opportunities
- provide resources for self-development and building skills
- provide computer workstations and library materials
- coordinate workshops on:
 - personality and skill assessments
 - preparing SF-171's
 - preparing OF-612's
 - preparing KSA's
 - preparing resumes
 - interviewing techniques
 - job search techniques.

Continued on the next page

101 Responsibilities (Continued)

**C
Supervisor
Responsibilities**

Supervisors shall:

- seek assistance from their servicing personnel office, as appropriate, to restructure and redesign existing positions to minimize the effects of identifying employees as surplus or displaced
 - cooperate fully with the intent and spirit of this policy.
-

**D
Employee
Responsibilities**

Employees shall:

- become familiar with and use existing career transition resource services and facilities
 - communicate with staffing specialists to determine other occupations for which they may qualify.
-

102 Transition Services

A**Eligibility
Requirements**

Transition services listed in subparagraph B apply to employees:

- in Tenure Group I or II (career and career conditional) in the competitive service at grade levels GS-15 (or equivalent) and below
- in SES
- who have been officially identified as surplus within USDA or who have received an official notice of separation
- who have received a **proposed** removal notice for declining a directed reassignment outside the local commuting area as a result of a transfer of function
- who have been **separated** from their position as a result of RIF, reorganization, transfer of function, a disability, or a compensable injury.

Note: Although transition services will be available for all Federal employees, including those not meeting the criteria in this subparagraph, affected employees will have priority use of transition services.

Continued on the next page

102 Transition Services (Continued)

**B
Types of Services
Available**

The following services are available at existing career transition resource facilities:

- computers and printers
- software for preparing SF-171, OF-612, or resume
- job information services
- retirement information services
- group and individual counseling
- various employment-related workshops and seminars
- various resource materials, such as books, videos, and audio tapes.

Additionally, the following world wide websites are available to assist surplus or displaced Federal employees in finding other employment:

- <http://www.usajobs.opm.gov> for OPM's USAJOBS, which provides information on Federal employment and complete vacancy listings that are updated daily
- <http://safetynet.doleta.gov>, which is operated by the U.S. Department of Labor in partnership with OPM. "Planning Your Future -- A Federal Employee's Survival Guide" provides a wide range of critical information to Federal employees impacted by downsizing and are attempting to make successful career transitions within the public or private sector.

Note: Additional services may be provided to address changing needs of employees and FFAS.

Continued on the next page

102 Transition Services (Continued)

C

**Location of Career
Transition Resource
Facilities**

Trained personnel are available at these centers to help familiarize employees with these services. For further information, contact career transition resource facilities according to the following table.

Location	Telephone Number
Metro Area Reemployment Center 800 North Capitol Street Room 660 Washington, DC 20002	202-565-6672
Metro Area Reemployment Project 12000 Government Center Parkway Suite 364 Fairfax, VA 22035	703-324-7390
Career Development Center Wheaton Plaza South, Suite 510 11160 Veirs Mills Road Wheaton, MD 20902	301-946-1806
Private Industry Council 1802 Brightseat Road, Fourth Floor Landover, MD 20785	301-386-5522 (extension 440)
Career Center Network 3001 East Madison Street Baltimore, MD 21205	410-396-9044
Team USDA Career Management Resource Center 1400 Independence Avenue, SW. AG Promenade, Room SM7 Washington, DC 20250	202-720-5626 (voice and TDD)
HRD, Training and Development Branch 2101 L Street, NW. Room 303A, STOP 0574 Washington, DC 20037	202-418- 9041 (TDD 202-418-9107)
PD, Employee Development Branch 8930 Ward Parkway Kansas City, MO 64114	816-926-1177 (TDD 816-926-3063)

Note: Field Offices that do not have access to these centers, or do not have the travel or training budget to make these centers available, may use State Dislocated Worker Units. These units are mobile and are available for onsite visits.

Continued on the next page

102 Transition Services (Continued)

D**Using Excused
Absences**

Upon request, managers and supervisors shall provide each employee who has been identified for expected displacement or has been identified as surplus, and who meets the criteria in subparagraph A, at least 40 hours of "on-the-clock" time to make use of career transition resource services and facilities. Although there is no set time in which employees must use this "on-the-clock" time, the 40 hours must be used within the time period specified in subparagraph 100 B. Supervisors, in coordination with HRD or PD, may provide additional time on a case-by-case basis.

Interviews within USDA and the local commuting area should be considered official time. Managers and supervisors should make use of their authority to grant administrative leave for job interviews within or outside the Federal Government. Field Office managers and supervisors should be prepared to reimburse employees for travel expenses to use career transition resource services and facilities.

E**Access to
Services Upon
Separation**

Upon separation, displaced employees shall continue to have access to career transition resource services and facilities for up to 90 workdays **after** their separation date.

Requests for additional time should be submitted:

- at least 30 workdays before the expiration of the 90-workday period
- to the Director, HRD, or Director, PD.

A decision will be made on a case-by-case basis within 14 workdays of receipt of the employee's request.

103 Retraining Affected Employees

A**Retraining
Authorized**

To the extent possible, managers and supervisors shall retrain affected employees for other occupations before hiring external candidates to fill a USDA vacancy. Managers and supervisors should make every possible effort to provide retraining; such as details, on-the-job training, rotational assignments, and official classroom training; to employees who lack specialized knowledge in a specific program area, but who possess appropriate skills to perform the job.

Caution should be used in determining the cost and number of courses taken. Supervisors, managers, and employees should coordinate the development of an IDP to address individual employee training needs with their servicing employee development specialist.

104 Priority Placement Services

A**Eligibility
Requirements**

Priority placement applies to employees who:

- are or were in Tenure Group I or II (career and career conditional)
 - hold, or last held, a position in the competitive service
 - have a current or last performance rating of at least fully successful, or equivalent
 - apply for a vacancy that is at or below the grade level from which the employee may be or is being separated, which does not have a greater promotion potential than the position from which the employee may be or is being separated
 - file a complete application for a specific vacancy announcement within the timeframes described in the announcement, with proof of eligibility
-

Continued on the next page

104 Priority Placement Services (Continued)

**A
Eligibility
Requirements
(Continued)**

- are determined to be otherwise eligible and well qualified
 - have received a proposed removal notice for declining a directed reassignment outside the local commuting area as a result of a transfer of function
 - have been identified as surplus in a USDA agency, and who apply for a USDA vacancy in their current position's local commuting area
 - have received a RIF notice and are displaced, and who apply for a vacancy in their current or former position's local commuting area, whether within USDA or another covered Federal agency.
-

**B
Priority
Placement
Begins**

Employees meeting the criteria in subparagraph A are eligible for priority placement services beginning the date of the following:

- RIF notice
 - Certificate of Expected Separation
 - other certification identifying the employee as being in a surplus or displaced occupation or organization
 - proposed separation for declining a directed reassignment or transfer of function outside the local commuting area.
-

Continued on the next page

104 Priority Placement Services (Continued)

C**USDA and
FFAS Priority
Placement Ends**

Priority placement under USDA and FFAS CTAP ends when 1 of the following occurs:

- RIF separation
- cancellation of the Certificate of Expected Separation, RIF notice, proposed removal notice for declining a directed reassignment of transfer of function outside the local commuting area, or other official agency certification identifying the employees as surplus
- declination of a career, career conditional, or excepted appointment, without time limitation, for which the employee has applied and has been rated well qualified
- placement in a position without time limitation.

Upon RIF separation from FFAS, employees will no longer be eligible under USDA and FFAS CTAP, but will be eligible under the Federal Government's ICTAP. Additionally, separated employees will be placed on USDA's RPL.

D**Federal
Government
Priority
Placement Ends**

Priority placement under ICTAP ends after 1 of the following occurs:

- 1 year after RIF separation
 - February 28, 1997, for former InterAgency Placement Program registrants
 - upon cancellation of the RIF notice
 - upon receiving a position without time limitation
 - upon declination of a job offer with a particular Federal agency.
-

Continued on the next page

104 Priority Placement Services (Continued)

E

Excepted Service Employees Employees appointed under Schedule A or Schedule B authorities are eligible to receive selection priority for comparable positions under similar authorities.

F

Qualification Reviews Personnel staffing specialists shall determine whether affected applicants meet the definition of well qualified before unaffected applicants are paneled and referred to the selecting official. A subject-matter expert may be consulted, if necessary, in making this determination.

Office	Criteria
National Office (FAS, FSA, and RMA) RSO CFO's, except Kansas City	Applicants must receive at least a "3" on each KSA, or an average score of "3" on the total number of KSA's.
APFO Kansas City CFO KCMO KCCO Research and Development, RMA State Offices County Offices (for Federal employees only)	Applicants must receive at least a final rating of "80".

Upon determination that an affected employee does not meet the well qualified definition, as described in this subparagraph, for the position they are applying to, the Director, HRD, or the Director, PD, shall ensure that their qualifications are reviewed by another staffing specialist or subject-matter expert.

The affected applicant shall be notified in writing of their eligibility or ineligibility and subsequent well-qualified determinations. Additionally, if another affected applicant is selected for the position, the nonselected affected applicants shall be notified immediately.

105 Personnel Actions

A

Covered Actions

The appointment of candidates external to each component, within the FFAS mission area, to competitive service vacancies without first giving priority consideration to affected employees within the respective components is prohibited. The following personnel actions are covered by this prohibition:

- reassignments
- changes to lower grades
- competitive promotions
- reinstatements
- temporary appointments of 121 calendar days or more, including extensions
- temporary promotions of 121 calendar days or more, including extensions.

B

Exempt Actions

The following actions are **not** covered by this part:

- promotions, changes to lower grades, or reassignments, when no well-qualified surplus or displaced employees exist within the component and within the local commuting area
- placement of a component or agency employee through promotion, change to lower grade, or reassignment, when no affected component or agency employees apply
- re-employment of a former component employee exercising regulatory or statutory re-employment rights, including the re-employment of injured workers who have either been restored to earning capacity by the Office of Worker's Compensation, or who have received a notice that their compensation benefits will cease because of recovery from the disabling injury or illness
- position changes resulting from disciplinary or reclassification actions
- temporary appointments of less than 121 calendar days, including extensions

Continued on the next page

105 Personnel Actions (Continued)

B**Exempt Actions
(Continued)**

- extensions of temporary or term actions, up to the full period allowed, provided that the original action, upon which the extension is based, was made on or before February 29, 1996, or for actions initially made after February 29, 1996, where the original vacancy announcement specified that the position was open to CTAP candidates and that if they were found well qualified, they would be afforded selection priority

Note: The original announcement must have stated that an extension was possible without further announcement.

- exchange of positions between or among agency employees, when the actions involve no increase in grade or promotion potential (job swap)
- conversion of an employee on an excepted appointment that confers eligibility for noncompetitive conversion into the competitive service
- placement activities under 5 CFR Part 351
- placement of an employee into a new position as a result of a reorganization, when the former position ceases to exist, and no actual vacancy results
- placements made under the Intergovernmental Personnel Act as provided in 5 CFR Part 334
- the filling of a position through an excepted appointment
- details
- time-limited (temporary) promotions of fewer than 121 calendar days, including extensions
- noncompetitive movement of surplus or displaced employees within the local commuting area from which the employee is being displaced
- movement of Excepted Service employees within a component

Continued on the next page

105 Personnel Actions (Continued)

B**Exempt Actions
(Continued)**

- a placement under 5 U.S.C. 8337 or 8451 to allow continued employment of an employee who has become unable to provide useful and efficient service in his or her current position because of a medical condition
 - a placement that is a "reasonable offer" as defined in 5 U.S.C. 8336(d) and 8414(b)
 - career ladder promotions or position changes resulting from reclassification actions, such as accretion of duties or application of new classification standards
 - recall of seasonal employees from nonpay status
 - the internal placement of an injured or disabled worker who can be reasonably accommodated
 - an action taken to return an employee to their former, or comparable, position during a supervisory probationary period
 - actions taken by component Administrators, or designee, pursuant to a settlement of a formal complaint, grievance, appeal, or litigation
 - the retention of individuals whose positions are brought into the competitive service under 5 CFR 316.701 or 316.702 and subsequent conversion, when applicable, under 5 CFR 315.701
 - the retention of an employee for whom OPM has approved a rule 5.1 variation
 - the re-employment of a former employee who retired under a formal trial retirement and re-employment program, and who seeks re-employment under the program's provisions, within applicable time limits
 - the placement of an SES member under 5 U.S.C. 3594
 - the noncompetitive movement of displaced employees as a result of reorganizations, transfer of function, or mass transfer
 - the reappointment of a former employee into hard-to-fill positions, and whose unique skills and experience are required to conduct formal skills-based training programs.
-

106 Order of Priority

A

Internal to USDA

Advertisements with an area of consideration **internal** to USDA:

- are covered under USDA’s CTAP regulations
- must follow the order of consideration as specified in this table.

Area of Consideration	Order of Priority
FFAS or USDA	<ol style="list-style-type: none"> 1. displaced within USDA 2. surplus within USDA 3. all others, such as merit promotion and competitive or noncompetitive reassignments within USDA.

B

External to USDA

Advertisements with an area of consideration **external** to USDA:

- are covered under OPM’s ICTAP regulations
- must follow the order of consideration as specified in this table.

Area of Consideration	Order of Priority
Government-wide All Sources	<ol style="list-style-type: none"> 1. displaced within USDA 2. surplus within USDA 3. RPL 4. displaced outside USDA 5. all others, such as merit promotion and competitive or noncompetitive reassignments within and outside USDA.

Note: If 2 or more affected employees apply for the vacancy and are found well qualified, any of these eligible employees may be selected.

107 Supplements for Field Offices

A

Supplemental Information

KCMO may establish CTAP and ICTAP supplemental information. Supplements shall be forwarded to HRD for review.

108 Expected or RIF Separation Procedures

A

Issuing Certifications

Issuing certifications for surplus and displaced employees shall be in writing and shall include the following:

- title, series, grade, geographic location, and full performance level of the employee's current position
- identification of a contact person
- requirements to receive priority placement under CTAP and ICTAP
- requirements to use career transition resource services.

Certificates are to be signed by the Director, HRD, or designee. Certifications lasting longer than 6 months will be reviewed, as appropriate, by the Director, HRD, to ensure validity. Upon receiving written certification, employees shall receive an official briefing explaining their CTAP and ICTAP eligibility.

B

Identifying Surplus and Displaced Employees

To maximize placement opportunities for employees in locations that are targeted for reduction, all employees in a competitive level that is targeted for reduction will be issued a Notice of Expected Separation. This Notice of Expected Separation is not a formal RIF notice. Servicing personnel offices may also choose to issue notices identifying employees as being in surplus occupations.

C

Posting Vacancy Announcements

Vacancy announcement shall clearly describe the basic eligibility requirements, suitability requirements, where applicable, and related evaluation criteria that affected applicants will be measured against in making a "well-qualified" determination.

Continued on the next page

108 Expected or RIF Separation Procedures (Continued)

D**Career
Transition
Assistance
Program Report
(PE-173R)**

The Director, HRD, shall submit PE-173R no later than December 31 of each year. This is an annual report covering each FY activity under CTAP and ICTAP.

PE-173R shall include the following:

- selections of CTAP and ICTAP eligible employees from other Federal agencies
- CTAP and ICTAP candidates found basically qualified
- CTAP and ICTAP candidates found not basically qualified
- CTAP and ICTAP candidates found well qualified
- CTAP and ICTAP candidates found not well qualified
- selections of competitive service Tenure Group I or II employees from other Federal agencies who are not displaced
- declinations from CTAP and ICTAP eligible candidates
- competitive service Tenure Group I or II appointments from outside the Federal government
- placement made from the agency's RPL
- the number of second reviews and the results of these reviews of CTAP and ICTAP applicants.

The Director, PD, shall identify a point of contact in KCMO that will provide PE-173R to the Director, HRD.

109-120 (Reserved)

Part 5 Conflict of Interest

121 Principles of Ethical Conduct

A

Basic Obligation of Public Service

Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain.

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct in subparagraph B, as well as the implementing standards in 5 CFR Part 2635, and in supplemental departmental regulations.

B

General Ethics Principles

The following general principles apply to every employee. Where a situation is not covered by the standards in 5 CFR Part 2635, employees shall apply the following principles in determining whether their conduct is proper.

- Public service is a public trust, requiring employees to place loyalty to the Constitution, laws, and ethical principles above private gain.
 - Employees shall not hold financial interests that conflict with the conscientious performance of duty.
 - Employees shall not:
 - engage in financial transactions using nonpublic Government information
 - allow the improper use of this information to further any private interest.
 - An employee shall not, except as permitted by 5 CFR Part 2635, Subpart B, 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 employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
-

Continued on the next page

121 Principles of Ethical Conduct (Continued)

B**General Ethics Principles (Continued)**

- Employees shall put forth honest effort in the performance of their duties.
 - Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
 - Employees shall not use public office for private gain.
 - Employees shall act impartially and not give preferential treatment to any private organization or individual.
 - Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
 - Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
 - Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
 - Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those that are imposed by law, such as Federal, State, or local taxes.
 - Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
 - Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards in 5 CFR Part 2635. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.
-

122 OGE Standards of Ethical Conduct for Employees of the Executive Branch

A**OGE Final Rule**

OGE issued a final rule (5 CFR Part 2635) that establishes uniform standards of ethical conduct for offices and employees of the executive branch of the Federal Government.

5 CFR Part 2635 covers the following:

- general provisions
 - gifts from outside sources
 - gifts between employees
 - conflicting financial interests
 - impartiality in performing official duties
 - seeking other employment
 - misuse of position
 - outside activities
 - related statutory authorities.
-

B**General Provisions**

The General Provisions subpart contains:

- definitions
 - employee coverage
 - information on supplemental agency regulations
 - disciplinary and corrective actions
 - ethics advice.
-

C**Gifts From Outside Sources**

The Gifts From Outside Sources subpart:

- contains standards that prohibit an employee from soliciting or accepting any gift from a prohibited source or given because of the employee's official position unless the item is excluded from the definition of a gift or falls within 1 of the exceptions set forth in this subpart
 - addresses proper disposition of gifts.
-

Continued on the next page

122 OGE Standards of Ethical Conduct for Employees of the Executive Branch (Continued)

D**Gifts Between Employees**

The Gifts Between Employees subpart contains standards that prohibit an employee from giving, donating to, or soliciting contributions for, a gift to an official superior and from accepting a gift from an employee receiving less pay than himself, unless the item is excluded from the definition of a gift or falls within 1 of the exceptions set forth in this subpart.

E**Conflicting Financial Interests**

The Conflicting Financial Interests subpart contains 2 provisions relating to financial interests. One is a disqualification requirement and the other is a prohibition on acquiring or continuing to hold specific financial interests.

An employee may acquire or hold any financial interest not prohibited by 5 CFR 2635.403. However, an employee is prohibited according to 5 CFR 2635.402 from participating in an official capacity in any particular matter in which, to his or her knowledge, he or she or any person whose interests are imputed to him or her has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

F**Impartiality in Performing Official Duties**

The Impartiality in Performing Official Duties subpart contains 2 provisions intended to ensure that an employee takes appropriate steps to avoid an appearance of loss of impartiality in the performance of his or her official duties.

Under 5 CFR 2635.502, unless the employee receives prior authorization, he or she should not participate in a particular matter involving specific parties which he or she knows is likely to affect the financial interests of a member of his or her household, or in which he or she knows a person with whom he or she has a covered relationship is or represents a party, if the employee determines that a reasonable person with knowledge of the relevant facts would question his or her impartiality in the matter.

An employee who is concerned that other circumstances would raise a question regarding his or her impartiality should use the process in 5 CFR 2635.502 to determine whether he or she should or should not participate in a particular matter.

Continued on the next page

122 OGE Standards of Ethical Conduct for Employees of the Executive Branch (Continued)

G**Seeking Other Employment**

The Seeking Other Employment subpart:

- contains a disqualification requirement that applies to employees when seeking employment with persons who otherwise would be affected by the performance or nonperformance of the employees' official duties
 - specifically addresses the requirement of 18 U.S.C. 208(a) that an employee disqualify himself or herself from participation in any particular matter that will have a direct and predictable effect of the financial interests of a person "with whom he or she is negotiating or has any arrangement concerning prospective employment"
 - beyond this statutory requirement, addresses the issues of lack of impartiality that require disqualification from particular matters affecting the financial interests of a prospective employer when an employee's actions in seeking employment fall short of actual employment negotiations.
-

H**Misuse of Position**

The Misuse of Position subpart contains provisions relating to the proper use of official time and authority, and of information and resources to which an employee has access because of his or her Federal employment. This subpart sets forth standards relating to the following:

- use of public office for private gain
 - use of nonpublic information
 - use of Government property
 - use of official time.
-

I**Outside Activities**

The Outside Activities subpart contains provisions relating to outside employment, outside activities, and personal financial obligations of employees that are in addition to the principles and standards in other paragraphs of this part and in 5 CFR Part 2635.

Continued on the next page

122 OGE Standards of Ethical Conduct for Employees of the Executive Branch (Continued)

J**Related
Statutory
Authorities**

The Related Statutory Authorities subpart contains additional statutes to which an employee's conduct must conform. 5 CFR 2635.902 references some of the more significant statutes. It is not comprehensive and includes only references to statutes of general applicability. While it includes references to several of the basic conflict of interest statutes whose standards are explained in more detail in 5 CFR Part 2635, it does not include references to statutes of a more limited applicability, such as statutes that apply only to officers and employees of the Department of Defense.

123 Employee Responsibilities and Conduct

A**CFR Standards**

5 CFR Part 735, which became effective February 3, 1993, was revised to address restrictions on certain gambling activities, conduct prejudicial to the Government, and special preparation of persons for civil service and foreign service examinations. See Exhibit 12.

B**USDA Employee
Responsibilities
and Conduct**

7 CFR Part 0, Appendix I has been replaced with USDA Personnel Bulletin No. 735-1, Employee Responsibilities and Conduct, dated November 12, 1996. This bulletin addresses the following:

- prohibited conduct - general
- foreign gifts
- attendance and leave
- sale of personal property
- use of government vehicles
- activities with regard to farm organizations
- prohibitions on employees serving abroad
- miscellaneous provisions
- computers
- retaliation and reprisal
- reporting misconduct
- miscellaneous statutory provisions.

See Exhibit 13 for details.

124 Designated Ethics Officials and Advisors

A**USDA Ethics Officials**

The following designated ethics officials administer the Department-wide ethics program:

- Designated Agency Ethics Official
 - Director, OHRM
 - Agency Deputy Ethics Official.
-

B**FFAS Ethics Officials and Advisors**

The following designated ethics officials administer the FFAS-wide ethics program:

- Director, HRD
- Chief, ELRB, HRD
- Personnel Officer, PD, KCMO
- Chief, ELRB, PD, KCMO
- Agency Ethics Advisors.

Note: Advice and assistance to supervisors, managers, and employees are rendered by the Agency Ethics Advisors.

C**Annual Reminder**

HRD shall issue an annual temporary directive listing the name, address, and telephone numbers of individuals listed in this paragraph.

125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993

A**Background**

The Hatch Act Reform Amendment of 1993, effective February 3, 1994, permits Federal employees to take an active part in political management or in political campaigns.

Note: Career SES members and Senior FSO's are **not** covered under the Hatch Act Reform Amendment of 1993. See paragraph 127 for permitted and prohibited political activities.

Continued on the next page

**125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)**

B**Participating in Nonpartisan Activities**

Employees may:

- express their opinion privately and publicly on political subjects
 - be politically active in connection with a question that is not specifically identified with a political party, such as a constitutional amendment referendum, approval of a municipal ordinance, or any other question or issue of similar character
 - participate in the nonpartisan activities of a civic, community, social, labor, or profession organization, or of a similar organization
 - participate fully in public affairs, except as prohibited by other Federal law, in a manner that does not compromise their efficiency or the integrity of USDA.
-

C**Examples of Participating in Nonpartisan Activities**

An employee may participate, including holding office, in any nonpartisan group. This participation may include fundraising as long as the fundraising:

- is not in any way connected with any partisan political issue, group, or candidate
- complies with Federal, Agency, and any other applicable regulations, such as property management regulations.

An employee, individually or collectively with other employees, may petition or provide information to Congress as provided in 5 U.S.C. 7211.

Continued on the next page

125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)

D
Participating
in Political
Organizations

Employees may:

- be members of a political party or other political group, and participate in its activities
 - serve as or be 1 of the following:
 - an officer of a political party or other political group
 - a member of a national, State, or local committee of a political party
 - an officer or member of a committee of a political group
 - a candidate for any of these positions
 - attend and participate fully in the business of nominating caucuses of political parties
 - organize or reorganize a political party organization or political group
 - participate in a political convention, rally, or other political gathering
 - serve as a delegate, alternate, or proxy to a political party convention.
-

E
Example of
Participating
in Political
Organizations

Employees may:

- make motions or place a name in nomination at a nominating caucus
- serve as a vice president of a political action committee or an officer of a candidate's campaign committee as long as the duties of the office do not involve personal solicitation, acceptance, and receipt of political contributions.

Note: Ministerial activities that precede or follow the official acceptance and receipt, such as handling, disbursing, or accounting for contributions, are not covered under the definitions of "accept" and "receive" in Exhibit 2. See subparagraphs L and 126 B on permitted and prohibited activities related to fundraising.

Continued on the next page

125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)

F
**Participating
in Political
Campaigns**

Subject to prohibitions in subparagraph 126 G, employees may:

- display pictures, signs, stickers, badges, or buttons associated with political parties, candidates for partisan political office, or partisan political groups

Note: An independent contractor is not covered by the Hatch Act Reform Amendment of 1993 and may display political buttons while performing the duties for which he or she is contracted.

- initiate or circulate a nominating petition for a candidate for partisan political office
 - canvass for votes in support of or in opposition to a partisan political candidate or a candidate for political party office
 - endorse or oppose a partisan political candidate or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material
 - address a convention, caucus, rally, or similar gathering of a political party or political group in support of or in opposition to a partisan political candidate or a candidate for political party office
 - take an active part in managing the political campaign of a partisan political candidate or a candidate for political party office.
-

G
**Examples of
Participating
in Political
Campaigns**

Employees may:

- broadcast endorsements for a partisan political candidate using a public address system attached to their private automobile
 - canvass voters by telephone for a political party or partisan political candidate
-

Continued on the next page

**125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)**

G

Examples of Participating in Political Campaigns (Continued)

- stand outside of polling places on election day and hand out brochures for a partisan political candidate or political party
 - appear in a television or radio broadcast that endorses a partisan political candidate and is sponsored by the candidate’s campaign committee, a political party, or a partisan political group
 - take annual leave, during official travel, to give an address at a breakfast for a candidate for partisan political office
 - manage the political campaign of a candidate for public office, including supervising paid and unpaid campaign workers
 - place a sign or banner in their front yard supporting a partisan political candidate.
-

H

Participating in Elections

Employees may:

- register and vote in any election
 - act as recorder, watcher, challenger, or similar officer at polling places
 - serve as an election judge or clerk, or in a similar position
 - drive voters to polling places for a partisan political candidate, partisan political group, or political party.
-

I

Example of Participating in Elections

Employees may drive voters to polling places in a privately owned vehicle, but not in a Government-owned or Government-leased vehicle.

Continued on the next page

125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)

J
**Candidacy for
Public Office**

Employees may run as:

- an **independent** candidate in a **partisan** election for local offices covered by 5 CFR Part 733 (Exhibit 16)

Notes: These employees may accept or receive political contributions in connection with the local elections of the municipality or political subdivision, but employees may not solicit political contributions from the general public.

Candidacy for, and service in, a partisan political office shall not do either of the following:

- result in neglect of, or interference with, the performance of the duties of the employee
 - create a conflict, or apparent conflict, of interest.
- a **candidate** in a **nonpartisan** election.
-

K
**Example of
Candidacy for
Public Office**

An employee who is a candidate for public office in a **nonpartisan** election is not barred by the Hatch Act Reform Amendment of 1993 from soliciting, accepting, or receiving political contributions for his or her own campaign; however, this solicitation, acceptance, or receipt must comply with Federal, Agency, and other appropriate regulations.

L
**Participating in
Fundraising**

Employees may make political contributions to a political party, political group, campaign committee of a candidate for public office in a partisan election, and multicandidate political committee of a Federal labor or Federal employee organization.

Continued on the next page

125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)

L

**Participating in
Fundraising
(Continued)**

Subject to the prohibitions in subparagraph 126 B, employees may:

- attend political fundraisers
 - accept and receive political contributions in a partisan election described in 5 CFR Part 733
 - solicit, accept, or receive uncompensated volunteer services from any individual
 - solicit, accept, or receive political contributions, as long as:
 - the person who is solicited for a political contribution belongs to the same Federal labor organization, or Federal employee organization, as the employee who solicits, accepts, or receives the contribution
 - the person who is solicited for a political contribution is not a subordinate employee
 - the request for a contribution is made to the multicandidate political committee of a Federal labor organization or to the multicandidate political committee of a Federal employee organization that was in existence on October 6, 1993.
-

M

**Examples of
Participating in
Fundraising**

A GS-12 employee who belongs to the same Federal employee organization as a GS-5 employee may solicit a contribution for the multicandidate political committee when the employee is not on duty as long as the GS-5 employee is not under the supervisory authority of the GS-12 employee.

An employee may give a speech or keynote address at a political fundraiser when he or she is **not on duty**, as long as the employee does not solicit political contributions, as prohibited in subparagraph 126 B.

Continued on the next page

125 Permitted Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)

M

**Examples of
Participating in
Fundraising
(Continued)**

An employee's name may appear on an invitation to a political fundraiser as a guest speaker as long as the reference in no way suggests that the employee solicits or encourages contributions. See example in subparagraph 126 C.

Note: The employee's official title **may not** appear on invitations to any political fundraiser, except that an employee who is ordinarily addressed using a general term of address, such as "The Honorable," may use or permit the use of that term of address for this purpose.

When an employee is **not** on duty, the employee may engage in activities that do not require personal solicitations of contributions, such as organizing mail or telephone solicitations for political contributions and stuffing envelopes with requests for political contributions. However, the employee may not sign the solicitation letter unless the solicitation is for the contribution of uncompensated services of individuals who are not subordinate employees. An employee may not knowingly send a letter soliciting the contributions of their subordinate employee's uncompensated services. However, the employee may sign a letter that solicits contributions of uncompensated volunteer services as part of a general mass mailing that might reach a subordinate, as long as the mass mailing is not specifically targeted to the employee's subordinate employees.

An employee who is **not** on duty may participate in a telephone bank soliciting the uncompensated services of individuals. However, an employee may not make telephone solicitations for political contributions **even if the solicitation is anonymous**.

An employee may serve as an officer or chairperson of a political fundraising organization or committee as long as the employee does not personally solicit, accept, or receive political contributions. For example, the employee may organize or manage fundraising activities as long as he or she does not violate the preceding provisions.

An employee may help organize a fundraiser, including supplying names for the invitation list, as long as the employee does not personally solicit, accept, or receive contributions.

An employee on travel may engage in political activity when the employee is not on duty without taking annual leave.

126 Prohibited Political Activities Under the Hatch Act Reform Amendment of 1993

A Using Official Authority

An employee may not use his or her official authority of influence for the purpose of interfering with or affecting the result of an election.

Activities include, but are not limited to:

- using his or her official title while participating in political activity
- using his or her authority to coerce any person to participate in political activity
- soliciting, accepting, or receiving uncompensated individual volunteer services from a subordinate for any political purpose.

Examples: An employee who signs a letter seeking uncompensated volunteer services from individuals may not identify himself or herself by using his or her official title. However, the employee may use a general form of address, such as “The Honorable.”

An employee may not require any person to contribute to a partisan political campaign to win a Federal contract.

An employee may not ask his or her subordinate employees to provide uncompensated individual volunteer services for a political party, partisan political group, or candidate for partisan political office. **Moreover, he or she may not accept or receive these services from a subordinate employee who offers to donate them.**

B Fundraising

Employees may not knowingly:

- personally solicit, accept, or receive a political contribution from another person, except as provided in subparagraph 125 L
 - personally solicit political contributions in a speech or keynote address given at a fundraiser
 - allow their official title to be used in connection with fundraising activities
 - solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate.
-

Continued on the next page

126 Prohibited Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)

C

Examples of Prohibited Fundraising Activities

An employee may not host a fundraiser at his or her home. However, a spouse who is not covered under the Hatch Act Reform Amendment of 1993 provisions may host such a fundraiser and the employee may attend. The employee may not personally solicit contributions to the fundraiser. Moreover, the employee may not accept or receive political contributions, except as provided in subparagraph 125 L.

An employee's name may not appear on an invitation to a fundraiser as a sponsor of the fundraiser, or as a point of contact for the fundraiser.

An employee may not ask a subordinate employee to volunteer for a partisan political campaign.

An employee may not call the personnel office of a business or corporation and request that the corporation or business provide volunteers or services for a campaign. However, an employee may call an individual who works for a business or corporation and request that specific individual's services for a campaign.

D

Candidacy for Public Office

An employee may not run for the nomination or as a candidate for election to a partisan political office, except as specified in subparagraph 125 J.

E

Soliciting or Discouraging the Political Participation of Certain Persons

Employees may not knowingly solicit or discourage the participation in any political activity of any person who:

- has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before the employee's employing office
- is the subject of, or a participant in, an ongoing audit, investigation, or enforcement action being carried out by the employee's employing office.

Note: FAS, FSA, and RMA shall determine when a matter is pending and ongoing within the employing offices.

Continued on the next page

126 Prohibited Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)

F

Example of Soliciting or Discouraging the Political Participation of Certain Persons

An employee with agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate as long as the group has not been specifically targeted as having matters before FAS, FSA, or RMA.

G

Participating in Political Activities While on Duty

Except for employees who are appointed by the President and with the advice and consent of the Senate, employees may not participate in political activities while:

- on duty
 - wearing a uniform, badge, insignia, or other similar item that identifies the employing agency or the position of the employee
 - in any room or building occupied in the discharge of official duties
 - using a Government-owned or Government-leased vehicle in the discharge of official duties.
-

H

Examples of Participating in Political Activities While on Duty

State and County Office employees who use their private vehicles to perform official duties on a recurrent basis may place a partisan political bumper sticker on the vehicle, as long as the bumper sticker is covered while the vehicle is used for official duties. Employees who use their privately owned vehicle only on an occasional basis to drive to another agency or training course, are not required to cover the partisan political bumper sticker on their vehicle.

Employees who use their privately owned vehicle for official duties must cover any partisan political bumper stickers while the vehicle is used for official business, if the vehicle is clearly identified as being on official business.

Employees may not place a partisan political bumper sticker on any Government-owned or Government-leased vehicles.

Employees may place bumper stickers on their privately owned vehicle and park the vehicle in a parking lot of an Agency or in a non-Federal facility for which the employee receives a subsidy from the Agency.

Continued on the next page

**126 Prohibited Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)**

H

**Examples of
Participating
in Political
Activities While
on Duty
(Continued)**

When FAS, FSA, or RMA leases offices in commercial buildings and those buildings include the headquarters of a candidate for partisan political office, the FAS, FSA, or RMA employee may do volunteer work when he or she is not on duty, at the candidate's headquarters and in other areas of the building that have not been leased by the Government.

Note: When the Agency has leased all of the space in a commercial building, employees may not participate in political activity in the public areas of the building.

Officials of labor organizations who are on official time to perform representational duties are on duty.

Employees may not wear partisan political buttons or display partisan political pictures, signs, stickers, or badges while they are on duty or at their work place.

Employees may not engage in political activity in the cafeteria of a Federal building, even if the cafeteria is in space leased by a contractor.

An employee who works at home may engage in political activities at home when he or she is not in a pay status or representing the Government in an official capacity.

An employee may not engage in political activity in the cafeteria of a Federal building, even if the cafeteria is in space leased by a contractor.

An employee who contributes financially to a political action committee through voluntary allotment made under 5 CFR 550.311(b) may not complete the direct deposit forms while he or she is on duty, in a room or building defined in 5 CFR 734.101, or in a Federally owned or leased vehicle.

An employee who contributes financially to a political action committee through a voluntary allotment may not personally deliver his or her completed direct deposit form, or the completed direct deposit form of another employee, to the payroll employees who would process or administer these forms. However, the employee may mail his or her direct deposit form to his or her agency payroll office.

Continued on the next page

**126 Prohibited Political Activities Under the Hatch Act Reform Amendment of 1993
(Continued)**

**I
Campaigning for
a Spouse or
Family Member**

An employee who is the spouse or family member of a candidate for partisan political office, candidate for political party office, or candidate for public office in a nonpartisan election is subject to the same prohibitions as other employees according to this notice.

**J
Examples of
Campaigning for
a Spouse or
Family Member**

An employee who is married to a candidate for partisan political office may attend a fundraiser for his or her spouse, stand in the receiving line, sit at the head table, and urge others to vote for his or her spouse. However, the employee may not personally solicit, accept, or receive contributions of money or the paid or unpaid services of a business or corporation, or sell or collect money for tickets to the fundraiser.

An employee who is married to a candidate for partisan political office may appear with his or her spouse in a political advertisement or a broadcast, and urge others to vote for his or her spouse, as long as the employee does not personally solicit political contributions.

127 Political Activities for Career SES Members and SFS Officers

**A
Permitted
Political
Activities**

Career SES members and SFS officers may:

- register and vote as they choose
 - assist in voter registration drives
 - express opinions about candidates and issues
 - participate in campaigns where none of the candidates represent a political party
 - contribute money to political organizations or attend political fundraising functions
-

Continued on the next page

127 Political Activities for Career SES Members and SFS Officers (Continued)

A**Permitted
Political
Activities
(Continued)**

- attend political rallies and meetings
 - join political clubs or parties
 - sign nominating petitions
 - campaign for or against referendum questions, constitutional amendments, and municipal ordinances.
-

B**Prohibited
Political
Activities**

Career SES members and SFS officers are prohibited from engaging in partisan political management or partisan political campaigns. Specifically, they may not work on campaigns where any of the candidates are running as representatives of a political party, such as the Democratic or Republican party. SES members and SFS officers may not:

- be candidates for public office in partisan elections
 - campaign for or against a candidate or slate of candidates in partisan elections.
 - make campaign speeches
 - collect contributions or sell tickets to political fundraising functions
 - distribute campaign material in partisan elections
 - organize or manage political rallies or meetings
 - hold office in political clubs or parties
 - circulate nominating petitions
 - work to register voters for 1 party only
 - wear political buttons at work.
-

128 OGE-450, Confidential Financial Disclosure Report

A

Purpose

OGE-450 is a safeguard for the employee as well as the Government. OGE-450 provides a mechanism for determining actual or potential conflicts between an employee's public responsibilities and his or her private interests and activities.

B

Filing OGE-450

All **covered** employees shall file OGE-450:

- within 30 calendar days of entering a **covered** position
 - on an annual basis thereafter.
-

Continued on the next page

C
Example of
OGE-450

Following is an example of OGE-450.

Form Approved: OMB No. 3209-0006

OGE Form 450, 5 CFR Part 2634, Subpart I
 U.S. Office of Government Ethics (2/96)

**INSTRUCTIONS FOR OGE FORM 450,
 CONFIDENTIAL FINANCIAL DISCLOSURE
 REPORT**

A. Why You Must File

This report is a safeguard for you as well as the Government. It provides a mechanism for determining actual or potential conflicts between your public responsibilities and your private interests and activities. This allows you and your agency to fashion appropriate protections against such conflicts.

B. Who Must File

Agencies are required to designate positions at or below GS-15, O-6, or comparable pay rates, in which the nature of duties may involve a potential conflict of interest. Examples include contracting, procurement, administering grants and licenses, regulating/auditing non-Federal entities, other activities having a substantial economic effect on non-Federal entities, or law enforcement.

All special Government employees (SGEs) must file, unless exempted by their agency or subject to the public reporting system. Agencies may also require certain employees in positions above GS-15, O-6, or a comparable pay rate to file.

C. When To File

New entrant reports: Due within 30 days of assuming a position designated for filing, unless your agency requests the report earlier. No report is required if you left another filing position within 30 days prior to assuming the new position. (SGEs must file new reports upon each reappointment or redesignation, at the time specified by the agency.)

Annual reports: Due not later than October 31, unless extended by your agency.

D. Reporting Periods

New entrant reports: The reporting period is the preceding twelve months from the date of filing.

Annual reports: The reporting period covers October 1 through September 30 (or that portion not covered by a new entrant report). However, no report is required if you performed the duties of your position for less than 61 days during that twelve-month period. (All reappointed or redesignated SGE's file reports, regardless of the number of days worked).

E. Where To File

With ethics officials at the agency in which you serve or will serve, or in accordance with their procedures.

F. Definitions

Dependent Child - means your son, daughter, stepson, or stepdaughter if such a person is either:

- (1) unmarried, under age 21, and living in your household; or
- (2) a "dependent" of yours for Federal income tax purposes. See 26 U.S.C. 152.

Honoraria - means payments (direct or indirect) of money or anything of value to you or your spouse for an appearance, speech or article, excluding necessary travel expenses. Also included are payments to charities in lieu of honoraria.

Special Government Employee (SGE) - is defined in 18 U.S.C. 202(a) as an officer or employee of an agency who performs temporary duties, with or without compensation, for not more than 130 days in a period of 365 days, either on a full-time or intermittent basis.

G. General Instructions

1. Filers must provide sufficient information about outside interests and activities so that ethics officials can make an informed judgment as to compliance with applicable conflict of interest laws and standards of conduct regulations.

Part I: Assets & Income

Assets:

1. Report all assets held for investment or for the production of income by you, your spouse, and dependent children, with a value greater than \$1,000 at the end of the reporting period or which produced more than \$200 in income during the reporting period.

Salary and Earned Income:

1. **For yourself:** report all sources of salary and earned income greater than \$200 during the reporting period.
2. **For your spouse:** report all sources of salary and earned income if greater than \$1,000 (for honoraria, if greater than \$200).

Continued on the next page

C
Example of
OGE-450
(Continued)

<p>3. For dependent children: no earned income needs to be reported.</p> <p>Examples of Assets:</p> <ul style="list-style-type: none"> • Stocks • Tax Shelters • Mutual Funds • Annuities • Trust Holdings • Trades & Businesses • Investment Life Insurance <p>Examples of Income:</p> <ul style="list-style-type: none"> • Investment Income • Dividends • Rents and Royalties • Interest • Capital Gains 	<p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Your personal residence, unless you rent it out; 2. Federal Government salary or retirement benefits such as the Thrift Savings Plan; 3. Social Security benefits; 4. Money owed to you, your spouse, or dependent child by a spouse, parent, sibling or child; 5. Accounts including certificates of deposit, savings accounts, interest-bearing checking accounts, or any other forms of deposit in a bank, savings and loan association, credit union or similar financial institution; 6. Money market mutual funds and money market accounts; 7. U.S. Government obligations (including Treasury bonds, bills, notes and saving bonds); 8. Government securities issued by U.S. Government agencies or Government-sponsored corporations, such as TVA, GNMMA, FNMA; and 9. The underlying holdings of a trust that: 1) was not created by you, your spouse, or dependent children, and 2) the holdings or sources of income of which you, your spouse, and dependent children have no past or present knowledge. An example is a trust created by a relative, from which you receive periodic income but have no knowledge about its assets. Just identify the trust by name and date of creation. 	<p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Mortgages on your personal residence unless you rent it out; 2. Personal liabilities owed to a spouse, or the parent, sibling, or child of you, your spouse, or dependent child; 3. Loans for personal automobiles, household furnishings, or appliances, where the loan does not exceed the purchase price; and 4. Revolving charge accounts where the outstanding liability does not exceed \$10,000 at the end of the reporting period.
<p>Examples of Income:</p> <ul style="list-style-type: none"> • Fees • Salaries • Commissions • Retirement Benefits • Honoraria 	<p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Your personal residence, unless you rent it out; 2. Federal Government salary or retirement benefits such as the Thrift Savings Plan; 3. Social Security benefits; 4. Money owed to you, your spouse, or dependent child by a spouse, parent, sibling or child; 5. Accounts including certificates of deposit, savings accounts, interest-bearing checking accounts, or any other forms of deposit in a bank, savings and loan association, credit union or similar financial institution; 6. Money market mutual funds and money market accounts; 7. U.S. Government obligations (including Treasury bonds, bills, notes and saving bonds); 8. Government securities issued by U.S. Government agencies or Government-sponsored corporations, such as TVA, GNMMA, FNMA; and 9. The underlying holdings of a trust that: 1) was not created by you, your spouse, or dependent children, and 2) the holdings or sources of income of which you, your spouse, and dependent children have no past or present knowledge. An example is a trust created by a relative, from which you receive periodic income but have no knowledge about its assets. Just identify the trust by name and date of creation. 	<p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Mortgages on your personal residence unless you rent it out; 2. Personal liabilities owed to a spouse, or the parent, sibling, or child of you, your spouse, or dependent child; 3. Loans for personal automobiles, household furnishings, or appliances, where the loan does not exceed the purchase price; and 4. Revolving charge accounts where the outstanding liability does not exceed \$10,000 at the end of the reporting period.
<p>Notes:</p> <ol style="list-style-type: none"> 1. For pensions, you will ordinarily just need to indicate the name of the sponsoring employer. However, if you have control over the specific investment assets held in your pension account (it is not independently managed), you must also list those underlying investments or attach an account statement that lists them. 2. For publicly available mutual funds, you are only required to indicate the name of the fund, not the investments that the mutual fund holds in its portfolio. You must, however, always indicate the full name of the specific mutual fund in which you hold shares, not just the general family fund name. 3. For other publicly available investment funds, such as publicly offered units of limited partnerships, the disclosure requirements are the same as for mutual funds -- list the full name of the limited partnership, but not its underlying portfolio investments. 4. For a privately held trade or business, report its name, location, and description of activity. 	<p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Mortgages on your personal residence unless you rent it out; 2. Personal liabilities owed to a spouse, or the parent, sibling, or child of you, your spouse, or dependent child; 3. Loans for personal automobiles, household furnishings, or appliances, where the loan does not exceed the purchase price; and 4. Revolving charge accounts where the outstanding liability does not exceed \$10,000 at the end of the reporting period. 	<p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Mortgages on your personal residence unless you rent it out; 2. Personal liabilities owed to a spouse, or the parent, sibling, or child of you, your spouse, or dependent child; 3. Loans for personal automobiles, household furnishings, or appliances, where the loan does not exceed the purchase price; and 4. Revolving charge accounts where the outstanding liability does not exceed \$10,000 at the end of the reporting period.
<p>Part II: Liabilities</p> <p>Report for Yourself, Spouse, and Dependent Children:</p> <ol style="list-style-type: none"> 1. Liabilities over \$10,000 owed to any creditor at any time during the reporting period. 	<p>Part III: Outside Positions</p> <p>Report for Yourself:</p> <ol style="list-style-type: none"> 1. All positions outside the U.S. Government held at any time during the reporting period (including positions no longer held), whether or not paid. <p>Positions include an officer, director, trustee, general partner, proprietor, representative, executor, employee, or consultant of any of the following:</p> <ol style="list-style-type: none"> 1. A corporation, company, firm, partnership, trust, or other business enterprise; 2. A non-profit organization; 3. A labor organization; and 4. An educational or other institution outside the Federal Government. <p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Positions held in any religious, social, fraternal, or political entity; 2. Positions solely of an honorary nature; and 3. Positions held by a spouse or dependent child. 	<p>Part III: Outside Positions</p> <p>Report for Yourself:</p> <ol style="list-style-type: none"> 1. All positions outside the U.S. Government held at any time during the reporting period (including positions no longer held), whether or not paid. <p>Positions include an officer, director, trustee, general partner, proprietor, representative, executor, employee, or consultant of any of the following:</p> <ol style="list-style-type: none"> 1. A corporation, company, firm, partnership, trust, or other business enterprise; 2. A non-profit organization; 3. A labor organization; and 4. An educational or other institution outside the Federal Government. <p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Positions held in any religious, social, fraternal, or political entity; 2. Positions solely of an honorary nature; and 3. Positions held by a spouse or dependent child.

C
Example of
OGE-450
(Continued)

<p style="text-align: center;">Part IV: Agreements and Arrangements</p> <p>Report Your Agreements or Arrangements for:</p> <ol style="list-style-type: none"> 1. Current or future employment; 2. A leave of absence from private or other non-Federal employment; 3. Continuation of payment by a former employer other than the Federal Government (including severance payments); and 4. Continuing participation in an employee pension or benefit plan maintained by a former employer other than the Federal Government. <p>Do Not Report:</p> <ol style="list-style-type: none"> 1. A spouse or dependent child's agreements or arrangements. 	<p>Do Not Report:</p> <ol style="list-style-type: none"> 1. Anything received from relatives, the U.S. Government, D.C., State, or local governments; 2. Bequests and other forms of inheritance; 3. Gifts and travel reimbursements given to your agency in connection with your official travel; 4. Gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and 5. Gifts or reimbursements received by a spouse or dependent child totally independent of the relationship to the filer (<i>Example: a spouse's reimbursement in connection with private employment.</i>) <hr style="border: 1px solid black;"/> <p style="text-align: center;">Privacy Act Statement</p> <p>Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674, and 5 CFR Part 2634, Subpart I, of the Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this form is for review by Government officials of your agency, to determine compliance with applicable Federal conflict of interest laws and regulations. Additional disclosures of the information on this report may be disclosures of the information on this report may be made: (1) to a Federal, State or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge-issued subpoena; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration or the General Services Administration in record management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; and (6) in a judicial or administrative proceeding, if the information is relevant to the subject matter. This confidential</p>	<p>report will not be disclosed to any requesting person unless authorized by law.</p> <p>Penalties</p> <p>Falsification of information or failure to file or report information required to be reported may subject you to disciplinary action by your employing agency or other authority. Knowing and willful falsification of information required to be reported may also subject you to criminal prosecution.</p> <p>Public Burden Information</p> <p>This collection of information is estimated to take an average of one and a half hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Associate Director for Administration, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; and to the Office of Management and Budget, Paperwork Reduction Project (3209-0006), Washington, DC 20503. Do not send your completed OGE Form 450 to this address. See Section E for where to file.</p> <p>Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number is displayed in the upper right-hand corner of the first page of this OGE Form 450).</p>
<p style="text-align: center;">Part V: Gifts and Travel Reimbursements</p> <p>Note: Part V is not applicable to new entrants and SGE's.</p> <p>Report for You, Your Spouse, and Dependent Children:</p> <ol style="list-style-type: none"> 1. Travel-related cash reimbursements received from one source during the reporting period totaling \$250 or more. 2. Any other gifts totaling \$250 or more from any one source. A "gift" is defined as anything of value, unless you give something of equal or greater value to the donor. This includes tangible items and in-kind transportation, food, lodging, and entertainment. <p>Note: Gifts or reimbursements valued at \$100 or less need not be included in determining the \$250 reporting threshold.</p>	<p>Mere disclosure of the required information does not authorize holdings, income, liabilities, affiliations, positions, gifts or reimbursements which are otherwise prohibited by law, Executive Order, or regulation.</p> <p>If you need assistance in completing this form, contact the ethics officials in the agency in which you serve or will serve.</p>	

128 OGE-450, Confidential Financial Disclosure Report (Continued)

C
Example of
OGE-450
(Continued)

Form Approved:
OMB No. 3219-0006

Executive Branch Confidential Financial Disclosure Report

OGE Form-450, 5 CFR Part 2634, Subpart 1
U.S. Office of Government Ethics (2/96)

Employee's Name (Last, first, middle initial)	Position/Title	Grade	Reporting Status: <input type="checkbox"/> New entrant <input type="checkbox"/> Annual
Agency	Branch/Unit and Address	Work Phone	If New Entrant, Date of Appointment
Check box if special Government employee (SGE) <input type="checkbox"/>	If an SGE, Home Address (Number, Street, City, State and ZIP Code)		

I certify that the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge.

Date Received by Agency	Signature and Title of Supervisor/Other Intermediate Reviewer (if agency requires)	Date
Signature of Agency's Final Reviewing Official and Title	Comments of Reviewing Officials	

(Check box if continued on reverse)

None <input type="checkbox"/>	Assets and Income Sources (Identify specific employer, business, stock, bond, mutual fund, type/location of real estate, etc.)	(X) If no longer held	Nature of Income over \$200 (Rent, interest, dividends, capital gains, salary, etc.)	Date (Only, for honoraria)
	Examples Rental Condo, Anchorage, Alaska Drs. Jones & Smith, Homestead, USA (S) Alexandria Medical Clinic, Alexandria, VA Franklin Equity Mutual Fund	X	Rent Salary Salary Dividends/Capital Gains	
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			

Part I: Assets and Income

Identify for you, your spouse, and dependent children: (1) assets with a fair market value greater than \$1,000 at the close of the reporting period or greater than \$200 at the close of the reporting period; (2) earned income such as salaries, fees, honoraria (other than U.S. Government salary or retirement benefits, such as the Thrift Savings Plan) which generated over \$200 in income during the reporting period; (3) interest, dividends, and capital gains to be reported if greater than \$1,000 (greater than \$200 for honoraria). No earned income needs to be reported for dependent children.

Assets include (but are not limited to): stocks, bonds, mutual funds, annuities, IRAs, trusts, commodity futures, trades and businesses, and partnership interests.

Exclude your personal residence unless you rent it out and deposit accounts in financial institutions. See instructions for additional exclusions.

Use copies of blank pages for continuation

Continued on the next page

128 OGE-450, Confidential Financial Disclosure Report (Continued)

C
Example of
OGE-450
(Continued)

OGE Form 450, 5 CFR Part 2634, Subpart 1
U.S. Office of Government Ethics (2/96)

Employee's Name (Last, first, middle initial) _____ Work Phone _____

Part II: Liabilities
None

Report for you, your spouse, and dependent children liabilities over \$10,000 over any one year during the period of reporting charge accounts, and the period of revolving charge accounts. Exclude a mortgage on your personal residence unless it is rented out; loans for autos, household furniture or appliances; and liabilities owed to certain family members (see instructions).

Part III: Outside Positions
None

Report any positions, whether or not compensated, which you held outside the U.S. Government during the reporting period. Positions include *but are not limited to*: an employer, partner, proprietor, general partner, representative, executive, or consultant for a business, non-profit or labor organization, or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature. You need not report any positions of your spouse or dependent children.

Part IV: Agreements and Arrangements
None

Report your agreements or arrangements for current or future employment, less of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. You need not report agreements or arrangements of your spouse or dependent children.

Part V: Gifts and Travel Reimbursements
None

Do not complete this part if you are a new entrant or special Government employee.

Report for you, your spouse, and dependent children gifts or travel reimbursements you have received from one source totaling \$250 or more. Exclude anything valued at 2 percent or less of the reporting period's net family assets, independent of their relationship to you; anything from a relative or from the U.S. Government; anything given to your agency in connection with your official travel; and food, lodging, or entertainment received as personal hospitality at the donor's residence or premises.

Creditors (Name and address)		Type of Liability (Mortgage, promissory note, etc.)
Example	First Alaska Bank, Anchorage, Alaska	Mortgage on rental property in Anchorage, AK
1		
2		
3		

Organization (Name and address)		Type of Organization	Position	(X) If no longer held
Example	Dee, Jones & Smith, Hometown, USA	Law firm	Associate	X
1				
2				
3				

Terms of Any Agreement or Arrangement		Parties	Date
Example	Will receive retained pension benefits (independently managed, fully funded, defined contribution plan)	Dee, Jones & Smith, Hometown, USA	12/95
1			
2			
3			

Source		Description (For travel-related items, include itinerary)	Date
Example	Dee, Jones & Smith, Hometown, USA	Leather briefcase as a departing gift	12/95
1			
2			
3			
4			

Continued on the next page

128 OGE-450, Confidential Financial Disclosure Report (Continued)

D
Filing
OGE-450-A

OGE-450-A is to be used **only**:

- by current employees of the executive branch, other than special Government employees, according to 5 CFR 2634.905(d)
- if a previous OGE-450 is on file with FFAS and the employee can certify to the following information:
 - no new reportable assets or sources of income for the employee, spouse, or dependent children
 - neither the employee nor spouse has new reportable sources of income from non-Federal employment
 - no new reportable liabilities (debts) for the employee, spouse, or dependent children
 - no reportable outside positions for the employee
 - no reportable agreements or arrangements concerning future, current, or past non-Government employment for the employee
 - no new reportable gifts or travel reimbursements for the employee, spouse, or dependent children
 - no change in the employee's position or duties.

Note: Falsification of this certificate may subject an employee to disciplinary action by the Agency or other authority. Knowing and willful falsification of the certificate may also subject the employee to criminal prosecution.

Continued on the next page

128 OGE-450, Confidential Financial Disclosure Report (Continued)

E
Example of
OGE-450-A

Following is an example of OGE-450-A.

OGE OPTIONAL FORM 450-A U.S. OFFICE OF GOVERNMENT ETHICS (4/97)	SEE PRIVACY ACT AND PENALTIES STATEMENTS ON REVERSE SIDE (OR ON ATTACHED PAGE)
<u>CONFIDENTIAL CERTIFICATE OF NO NEW INTERESTS (EXECUTIVE BRANCH)</u> IN LIEU OF ANNUAL OGE FORM 450	
<p>This optional form is to be used <u>only</u> by current employees of the executive branch (other than special Government employees), in accordance with 5 CFR 2634.905(d). If you have a previous OGE Form 450 on file with your agency and can certify to all of the following statements, your agency may permit you to use this OGE Optional Form 450-A instead of filing an annual OGE Form 450. If you cannot certify to all of the following statements or otherwise do not wish to use this OGE Optional Form 450-A, you must complete a new OGE Form 450 as your annual report. Consult your agency ethics office for more information.</p>	
<p>After examining a copy of my last confidential financial disclosure report (OGE Form 450), I certify to the following:</p>	
<p>A. <u>NO NEW INTERESTS.</u> Since filing my last OGE Form 450:</p> <ol style="list-style-type: none"> 1. I have no new reportable assets or sources of income, for myself, my spouse, or my dependent children; 2. Neither my spouse nor I have new reportable sources of income from non-Federal employment; 3. I have no new reportable liabilities (debts), for myself, my spouse, or my dependent children; 4. I have no reportable outside positions for myself; 5. I have no reportable agreements or arrangements concerning future, current, or past non-Government employment for myself; 6. I have no new reportable gifts or travel reimbursements for myself, my spouse, or my dependent children. 	
<p>(For a description of what interests are reportable, see OGE Form 450 and its accompanying instructions, and/or other agency guidance.)</p>	
<p>B. <u>NO CHANGE IN POSITION/DUTIES.</u> Since filing my last OGE Form 450, I have not changed jobs at my agency. (The term "changed jobs" includes a new position, description or other significant change in duties.)</p>	
<p>I certify that the above statements are true, complete, and correct, to the best of my knowledge.</p>	
<p>Signature of Employee _____ Date _____</p>	
<p>Printed Name _____ Work Phone _____</p>	
<p>Position/Title _____ Agency/Unit _____</p>	
<p>FOR AGENCY USE _____ Date received: _____</p>	
<p>Notes: _____</p>	

Continued on the next page

E
Example of
OGE-450-A
(Continued)

OGE OPTIONAL FORM 450-A
U.S. OFFICE OF GOVERN-
MENT ETHICS (4/97)

PRIVACY ACT STATEMENT

Pursuant to Title 1 of the Ethics in Government Act of 1976 (5 U.S.C. App.) and Executive Order 12674, the Office of Government Ethics regulations at 5 CFR Part 2634, Subpart I, permit the completion of this Certificate of No New Interests in lieu of an annual OGE Form 450, in appropriate cases.

The primary use of this form is for review by Government officials at your agency, to determine compliance with applicable Federal conflict of interest laws and regulations. Additional disclosures of this certificate may be made: (1) to a Federal, State, or local law enforcement agency, if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) to a court or party in a court or Federal administrative proceeding, if the Government is a party or in order to comply with a judge-issued subpoena; (3) to a source, when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration or the General Services Administration, in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; and (6) in response to a request for discovery or for the appearance of a witness in a judicial or administrative proceeding, if the information is relevant to the subject matter.

This Certificate of No New Interests is confidential. No member of the public shall have access to it, except as authorized by law.

PENALTIES

Falsification of this certificate may subject you to disciplinary action by your employing agency or other authority. Knowing and willful falsification of the certificate may also subject you to criminal prosecution.

Continued on the next page

128 OGE-450, Confidential Financial Disclosure Report (Continued)

F**Covered
Employee
Designation**

Agencies are required to designate positions at or below GS-15 or comparable pay rates, in which the nature of duties may involve a potential conflict of interest. Examples include contracting, procurement, administering grants and licenses, regulating and auditing non-Federal entities, other activities having a substantial economic effect on non-Federal entities, or law enforcement.

See Exhibit 20 for a detailed definition of covered employee as stated in 5 CFR 2634.904.

Note: Employees in pay plans SES, FE, SL, and certain GS employees file SF-278. The SF-278 program is administered by OHRM. SF-278's are due May 15 each year. Employees who fail to file by the due date or after the filing extension date are subject to a \$200 late filing fee.

G**New Entrant
Reports**

New entrant reports are due within 30 calendar days of assuming a position designated for filing. The reporting period is the preceding 12 months from the date of filing. No report is required if the employee left another filing position within 30 calendar days before assuming the new position.

Note: Special government employees, such as STC members, must file new reports upon **each** reappointment or redesignation.

Continued on the next page

128 OGE-450, Confidential Financial Disclosure Report (Continued)

H

Annual Reports Annual reports are due no later than October 31, unless extended by HRD or KCMO, PD. The reporting period covers October 1 through September 30, or that portion not covered by a new entrant report.

No report is required if an employee performed the duties of his or her position for less than 61 calendar days during that 12-month period.

I

Where to File All covered employees shall complete and submit OGE-450's according to the following table.

IF the employee is...	THEN submit OGE-450 to the following final reviewing official...
<ul style="list-style-type: none"> • National Office employee • FSO (overseas) • RMA employee located in RSO • RMA employee located in CFO, except Kansas City • STC member, after review by SED (subparagraph 129 B) 	Director, HRD.
<ul style="list-style-type: none"> • KCMO employee • KCCO employee • RMA employee located in Kansas City • AO's 	Chief, PD, KCMO.
<ul style="list-style-type: none"> • State Office Federal employee, except AO's • County Office Federal employee • APFO employee 	Administrative Officer in the State Office, APFO, or Caribbean Area Office.

Continued on the next page

128 OGE-450, Confidential Financial Disclosure Report (Continued)

J**Extensions**

Requests for extensions must:

- be in writing and received by the final reviewing official no later than the date provided in the annual OGE-450 filer notice
 - provide sufficient justification to show "good cause."
-

K**File Retention**

Completed OGE-450's shall be maintained separately by the officials designated as custodians for these OGE-450's and shall not be made a part of OPF's.

OGE-450's and any required supplemental forms shall be held in confidence and afforded adequate physical security, such as a filing cabinet with lock.

OGE-450's and supplemental forms shall be retained for a period of 6 years.

Note: See subparagraph 129 F for designation of custodian.

L**Disclosure of Information**

No information as to the contents of OGE-450's shall be disclosed, except to the agency head and other persons designated as custodians and reviewers.

An official, custodian, reviewer, or other employee having possession of OGE-450 shall not allow access to, or allow information to be disclosed from, OGE-450 except to carry out the purpose of the regulation.

Information from OGE-450 shall not be disclosed outside of the Department, except as OPM or the Secretary of Agriculture may determine for good cause shown. All requests for release of information on OGE-450 shall be submitted through the agency head to OHRM. Requests shall indicate who is requesting the information and why the information is needed.

129 OGE-450 Responsibilities

A

HRD, PD, and AO Responsibilities

HRD, PD, and AO shall:

- provide new entrant filers with instructions and OGE-450 to complete
- prepare a list of covered employees to serviced activities by no later than September 15 of each year
- review and file OGE-450's
- follow up on delinquent filers
- provide advice and assistance
- recommend appropriate administrative action for covered employees to the agency head as provided in 5 CFR 2634.701(d).

Note: AO's OGE-450's shall be forwarded to KCMO, PD, for review. No review of AO's OGE-450 shall be conducted at the State Office.

B

SED Responsibilities

SED's or their designees shall serve as an intermediate reviewer for each STC member's OGE-450. This includes reviewing the STC member's OGE-450, paying particular attention to those areas that may pose a conflict of interest or the appearance of a conflict of interest, such as financial institution-related activities, such as ownership of bank stock, board of directors, banker, ownership interests, or other involvement with a commercial lender. A final review of OGE-450 will be conducted by HRD.

Continued on the next page

129 OGE-450 Responsibilities (Continued)

C**Office and Staff
Directors'
Responsibilities
Serviced by HRD**

Office and Staff Directors shall:

- inform covered employees of the requirement to complete OGE-450's using the list provided by HRD
- provide covered employees with a pre-addressed envelope labeled as follows:
 - employee's name
 - division or office
 - "For Official Use Only: Contains OGE-450. To Be Opened by Addressee Only."
- inform covered employees to address questions on completing OGE-450's to:
 - Director, HRD
 - Chief, ELRB
 - Agency Ethics Advisor
- obtain sealed envelopes from covered employees containing completed OGE-450's in sufficient time to respond to HRD by the due date provided
- prepare a memorandum listing the name and position of covered employees whose OGE-450's are not submitted and the reason
- submit all collected and completed OGE-450's to:

Director, HRD
ATTN: Ethics Advisor
USDA/FSA/HRD/STOP 0591
1400 Independence Avenue, SW.
Washington, DC 20250-0591.

Continued on the next page

129 OGE-450 Responsibilities (Continued)

D**Office and Staff
Directors'
Responsibilities
Serviced by
KCMO, PD**

Office and Staff Directors shall:

- inform covered employees of the requirement to complete OGE-450's using the list provided by PD
- provide covered employees with a pre-addressed envelope labeled as follows:
 - division or office
 - "For Official Use Only: Contains OGE-450. To Be Opened by Addressee Only."
- inform covered employees to address questions on completing OGE-450's to:
 - Chief, PD
 - Chief, ELRB
 - Agency Ethics Advisor
- obtain sealed envelopes from covered employees containing completed OGE-450's in sufficient time to respond to PD by the due date provided
- prepare a memorandum listing the name and position of covered employees whose OGE-450's are not submitted and the reason
- submit the completed OGE-450 to KCMO, PD, ELRB.

E**Employee
Responsibilities**

All covered employees who received OGE-450 shall:

- complete OGE-450

Note: OGE-450's shall be returned if they are incomplete or completed in pencil.

- sign and date OGE-450 with an ink pen

Note: FFAS does not require supervisory review of OGE-450.

Continued on the next page

129 OGE-450 Responsibilities (Continued)

E
Employee
Responsibilities
(Continued)

- seal OGE-450 in the envelope provided and forward to Office or Staff Director or Administrative Officer by the due date.

Note: KCMO, KCCO, and RMA employees located in Kansas City shall send completed OGE-450 directly to KCMO, PD, ELRB.

F
Agency’s Final
Reviewing
Official

The Agency’s final reviewing official for OGE-450’s is as follows.

Location	Final Reviewing Official
KCMO-serviced activities	The Agency Ethics Advisor, ELRB, PD, KCMO, shall be the final reviewer and custodian of completed OGE-450’s.
National Office-serviced activities	The Agency Ethics Advisor, ELRB, HRD, shall be the final reviewer and custodian of OGE-450’s.
Federal employees located in State	The Administrative Officer shall be the final reviewer and custodian of OGE-450’s, except for their own OGE-450 and those of STC members. AO’s OGE-450 shall be forwarded to KCMO, PD, for review and final adjudication. STC member’s OGE-450 shall be forwarded to HRD for review and final adjudication.

G
FSO’s Located
Overseas

HRD shall:

- review FSO logs annually to determine the location of FSO’s overseas
 - prepare and issue annual memorandum that includes the annual filing requirements and instructions on where to send the completed OGE-450 and a blank OGE-450.
-

130 Conflict of Interest Situations

**A
Resolving
Conflict of
Interest
Situations**

Every effort shall be taken to resolve any conflict of interest situations or appearance of conflict of interest situations at the lowest possible management level.

If the matter cannot be resolved at the lowest management level, it shall be elevated to the Chief, ELRB in either KCMO, PD or HRD.

The Chief, ELRB or designee shall resolve easily recognized or possible conflict of interest situations in consultation with the appropriate management official.

**B
Employee's
Request for Final
Determination**

When a determination has been made concerning a possible conflict, or resolution of a conflict, the employee shall have an opportunity to request a final determination from the respective Deputy Administrator, EDSO, or Administrator, as appropriate.

The employee needs to provide supporting justification and documentation to ensure that all relevant facts are known to the Deputy Administrator, EDSO, or Administrator before the final determination. The employee may also offer any suggestions for resolution.

The Deputy Administrator, EDSO, Administrator, or designee may consult with any of the following in making a determination:

- Chief, ELRB
 - Director, HRD
 - Deputy Administrator
 - Administrator, FAS, FSA, or RMA
 - Chief, Employee Relations Division, OHRM
 - Departmental Ethics Counselor, OGC
 - Office of the Secretary
 - OGE.
-

**C
Final
Determination**

When a final determination has been made that requires action by the employee, such as divestiture, recusal, or resignation from an outside position, the employee shall take the required action or be subject to administrative action.

131 Outside Employment or Activities

A**General**

Departmental regulations do not require USDA employees to obtain prior approval for outside employment and activities. FFAS has not issued supplemental agency regulations; therefore, employees are not required to request prior approval of outside employment or activity.

Note: Bargaining unit employees are covered by their respective negotiated agreement procedures.

B**Conflicting
Outside
Employment**

An employee shall not engage in outside employment or any other outside activity that conflicts with his or her official duties. Any activity conflicts with an employee's official duties if:

- it is prohibited by statute or by an agency supplemental regulation
- under the standards in 5 CFR 2635.402 and 2635.502, it would require the employee's disqualification from matters so central or critical to the performance of his or her official duties that the employee's ability to perform the duties of his or her position would be materially impaired.

Note: Employees are cautioned that even though an outside activity may not be prohibited under 5 CFR Part 2635, Subpart H, it may violate other principles or standards in 5 CFR Part 2635 or require the employee to disqualify himself or herself from participation in certain particular matters under 5 CFR Part 2635, Subpart D or E.

Employees are encouraged to consult with their Agency Ethics Advisors. See 5 CFR Part 2635, Subpart H, and USDA Personnel Bulletin No. 735-1 (Exhibit 13).

132 Processing and Servicing FSA Assistance Under FLP

A**7 CFR Part 1900,
Subpart D,
Chapter 18**

7 CFR Part 1900, Subpart D, Chapter 18, addresses the processing and servicing of FmHA, or its successor agency (in this instance, FSA), assistance to employees, relatives, and associates as it relates to FSA FLP.

B**Restrictions in
Processing,
Approving,
Servicing, or
Reviewing Loans**

To reduce the potential for employee conflict of interest, any processing, approving, servicing, or reviewing activity, including access through automated information systems, is conducted only by employees who:

- are not themselves the recipient
- are not members of the family or known close relatives of the recipient
- do not have an immediate working relationship with the recipient, the employee related to the recipient, or the employee who would normally conduct the activity
- do not have a business or close personal association with the recipient.

See 7 CFR 1900.152 for definitions pertaining to the restrictions in processing, approving, servicing, or reviewing loans.

Continued on the next page

132 Processing and Servicing FSA Assistance Under FLP (Continued)

C**Identifying and Reporting Employee Relationships**

7 CFR Part 1900, Subpart D, Chapter 18, outlines the procedures for identifying and reporting employee relationships. Specifically, it addresses:

- applicant responsibilities
 - Field and National Office employee responsibilities
 - designated agency official responsibilities
 - relationship or association established after application for farm loan assistance
 - SED responsibilities
 - Administrator's responsibilities
 - status of loan assistance when there is a change in relationship or association or the employee's duty station.
-

133-137 (Reserved)

138 Ethics Training

A**Regulatory Basis for Initial and Annual Ethics Training**

5 CFR 2638.703 and 2638.704 provide:

- the regulatory basis for providing initial ethics orientation to all FFAS employees
 - annual ethics training for certain FFAS employees.
-

B**Initial Ethics Training**

Upon entrance to an FFAS position, all employees shall receive:

- the following written materials:
 - Standards of Ethical Conduct for Employees of the Executive Branch
 - the New Ethics Rules at a Glance - Highlights
 - 5 CFR Part 735, Employee Responsibilities and Conduct (Exhibit 12)
 - Personnel Bulletin No. 735-1, Employee Responsibilities and Conduct (Exhibit 13)
 - list of FFAS Agency Ethics Advisors and the Designated Agency Ethics Officials
 - 1 hour of official duty time to review the written materials
 - FFAS-20 (subparagraph C). Employees are required to complete and submit the certification to the servicing personnel office within **1 month** of their entrance on duty.
-

Continued on the next page

138 Ethics Training (Continued)

D**Annual Ethics Training**

FFAS is required to provide annual ethics training to all covered employees each calendar year. Each training course must include, as a minimum:

- a reminder of the employees' responsibilities under Executive Order 12674, as modified, the Standards of Ethical Conduct for Employees of the Executive Branch, and any supplemental agency regulation
 - a reminder of the employees' responsibilities under the conflict of interest statutes in 18 U.S.C. Chapter 11
 - the names, titles, and office addresses and telephone numbers of the Designated Agency Ethics Official and other Agency Ethics Officials available to answer questions regarding the employees' ethical responsibilities.
-

E**Employees Subject to Attend Annual Ethics Training**

The following employees are subject to annual ethics training:

- OGE-450 filers
 - SF-278 filers
 - political appointees, such as SED's and STC's
 - contracting officials
 - personnel specialists
 - management analysts
 - computer analysts
 - other positions as designated by the Department or FFAS.
-

Continued on the next page

138 Ethics Training (Continued)

F**Course
Presentation**

The annual ethics training for covered employees, who are not SF-278 filers, may be presented verbally or by written means. Covered employees must receive a 1-hour verbal briefing at least once every 3 calendar years. There is no minimum time requirement for the written briefing.

SF-278 filers shall continue receiving 1-hour verbal briefings annually and must have a qualified individual present. Presence is defined as direct and immediate access on the part of public filers to a qualified individual by physical presence or other appropriate means of access, such as telecommunications or a telephone hook-up.

G**Qualified
Individual**

A qualified individual shall:

- present the training, if the training is presented in person
 - prepare the recorded materials or presentation, if the training is presented by telecommunications, computer-based methods, or recorded means.
-

Continued on the next page

138 Ethics Training (Continued)

G**Qualified Individual (Continued)**

Qualified individuals include the following:

- Designated Agency Ethics Official
- Alternate Agency Ethics Official
- Deputy Ethics Official
- any OGE employee whose services are made available by OGE
- Agency Ethics Advisor
- individual determined by the Designated Agency Ethics Official or his or her designee to possess sufficient familiarity with the conflict of interest statutes and standards of ethical conduct regulation applicable to agency employees to respond to routine questions raised during training.

Note: Administrative Officers are qualified individuals.

139 AD-815, Post-Employment Restrictions

A**Restrictions**

Effective January 1, 1991, Title 18, Section 207 sets forth 6 substantive prohibitions restricting the activities of individuals who leave Government service or who leave certain high-level positions in the executive branch. Each of these restrictions is summarized in AD-815 (subparagraph B).

None of the provisions bar any individual, regardless of rank or position, from accepting employment with any private or public employer after Government service. Section 207 only prohibits individuals from engaging in certain activities for persons or entities other than the United States, whether or not done for compensation. None of these restrictions bar self-representation.

Continued on the next page

B
Example of
AD-815

Following is an example of AD-815.

AD-815
 (09/97)

UNITED STATES DEPARTMENT OF AGRICULTURE
 Post-Employment Restrictions

The "Ethics Reform Act of 1989" revised the law governing post-employment activities of Federal employees (18 U.S.C. 207). The law, as revised, applies to Federal employees who terminated their employment on or after January 1, 1991.

Note: Employees who terminated on or before December 31, 1990, are covered by the post-employment law in existence at that time, not by the revised law.

The following summarizes the criminal post-employment restrictions now in effect. It is a guide only. Additional civil post-employment restrictions under 41 U.S.C. 423(f) may be applicable to certain employees involved in Federal procurements of over \$10 million. For informal assistance in interpreting and applying the post-employment restrictions, you may contact the Department's ethics counselors, identified in Department and agency employee conduct regulations:

I. Restrictions on ALL Former Employees.

A. Permanent Restriction on Representation on Particular Matters.

1. After you leave Federal employment, you may not **knowingly communicate** with, or **appear** before, a current employee of the United States, on **behalf of any other person** (except the United States), with the **intent to influence** the current employee's actions in a **specific matter** in which you **participated** for the Government.

2. For a violation to occur, your participation as a Federal employee must have been: **personal** (for example, you personally gave advice or made a recommendation or decision); **substantial** (for example, your advice or recommendation was considered by the agency in making a decision or taking an action); and at a time when the matter involved one or more **specific parties**. Also, at the time of your communication with, or appearance before, a current employee, the United States must either be a **party** to the matter or have a **direct and substantial interest** in the matter.

3. Example of violation -- A Federal employee considers a claim made by an outside party, then retires and represents the same claimant in a continuation of the same claim.

B. Two-Year Restriction Concerning Particular Matters Under Official Responsibility.

1. You cannot **knowingly communicate** with, or **appear** before, a current employee of the United States on **behalf of any other person** (except the United States), with the **intent to influence** the current employee in a **particular matter** involving one or more specific parties

Continued on the next page

B
Example of
AD-815
(Continued)

which you knew or should have known was under **your official responsibility** within a period of **1 year** before the date of the termination of your Federal employment. For a violation to occur, the United States must be a party or have a direct and substantial interest in the particular matter.

2. **Example of violation** – A division director retires. Within 2 years, he or she contacts a current department employee with the intent to influence that employee's recommendation on a specific loan application from a specific applicant. The same loan application was being considered in a branch subordinate to the division director within 1 year prior to the date of the division director's retirement.

II. One-Year Restriction on Aiding or Advising.

A. This restriction prohibits changing sides in trade or treaty negotiations. It applies to any former Federal employee:

1. Who **personally and substantially participated** in any ongoing trade or treaty negotiation on behalf of the United States **within the 1-year period** preceding the date on which his or her employment with the United States terminated; **and**

2. who had access to **information** concerning such trade or treaty negotiation which is **exempt by law from disclosure and** which is so **designated** by the department or agency.

B. If you **are** such a former Federal employee, you **shall not, on the basis of that information which you knew or should have known** was so designated, **knowingly represent, aid, or advise any other person** (except the United States) concerning such **ongoing trade or treaty negotiations** for **1 year** after your employment with the United States Government terminates.

C. **Example of violation** – A former Department employee participated as an employee of the Department in trade negotiations. He or she had access to information exempt by law from disclosure. Using that information, the employee advises another person as to strategy to follow in the ongoing trade negotiation.

III. One-Year Restriction on Certain Senior Personnel.

A. **"Senior Personnel,"** also called **"Senior Employees,"** include employees paid at or above the rate of basic pay payable for level 5 of the Senior Executive Service (ES-5):

B. Within **1 year** after service as a "Senior Employee," you may not **knowingly make, with the intent to influence, any communication to or appearance before any current Department employee** in connection with **any matter** on which you seek official action by **any current Department employee**.

C. **Example of violation** – Within 1 year of leaving the Department, an employee who

Continued on the next page

B
Example of
AD-815
(Continued)

3

qualified as a "Senior Employee" contacts a current employee of the Department of Agriculture with the intent to influence official action by the contacted employee, or any other employee, on a matter within the Department.

Note: A "Senior Employee" need not have participated in the matter in any degree whatsoever, as a Department employee, nor must the matter have been under his or her official responsibility before termination of employment, to violate this provision.

IV. One-Year Restriction on Very Senior Personnel.

A. "**Very Senior Personnel**" includes only the Secretary within the Department of Agriculture.

B. For 1 year after service as a "Very Senior Employee," the Secretary may not **knowingly communicate with, or appear before, on behalf of another person**, either any employee of the Department or any Executive Level employee in any agency of the Government with the **intent to influence** the action of the employee on any matter (see NOTE, above).

V. **One-Year Restriction Relating to Foreign Entities.** If you are a **Senior Employee** or **Very Senior Employee**, you may not, within 1 year of leaving your position, **knowingly represent** the interests of the government of a foreign country or of a foreign political party before any current employee of any department or agency of the United States with the intent to influence a decision of the employee in carrying out his or her official duties. You also may not aid or advise a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the United States in carrying out his/her official duties.

VI. **Special Rules for Detailees.** If you are detailed from one department or agency to another, you are an employee of both departments or agencies for purposes of the post-employment rules.

VII. Definitions. For purposes of Section 207

A. "Intent to influence" is the intent to affect any official action by a Government entity of the United States through any employee of the United States, including Members of Congress.

B. "Participated" is an action taken as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other such action.

C. "Particular matter" is any investigation, application, request for ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding.

VIII. **Exceptions.** Certain limited exceptions permit activities which otherwise would be restricted. If you believe an exception may apply, you should make appropriate inquiries of the Department counselors or of your attorney. Briefly, the exceptions include:

Continued on the next page

B
Example of
AD-815
(Continued)

A. For all employees:

1. Activities as an employee of the United States or as an elected official of a State or local Government; or
2. Giving testimony under oath or making statements required to be made under penalty of perjury.

B. For Senior Employees and Very Senior Employees:

1. Carrying out official duties for State and Local Governments; accredited, degree-granting institutions of higher education; or nonprofit hospitals or medical research institutions.
2. Appearing or communicating for international organizations of which the United States is a member.
3. Appearing or communicating on matters of a personal and individual nature (such as income taxes or pension benefits); or providing a statement which is based on the former officer's or employee's own special knowledge if no compensation is received other than witness fees provided by law.
4. Communicating to furnish scientific or technological information, under procedures acceptable to the Department, in consultation with OGE.
5. Giving testimony under oath or making statements required to be made under penalty of perjury.

IX. Penalties.

A. Criminal: Imprisonment for not more than 1 year, or fine, or both; or for willfully engaging in the prohibited conduct, imprisonment for not more than 5 years, or fine, or both.

B. Civil: Up to \$50,000 for each violation, or the amount the person received for the prohibited conduct, whichever is greater.

C. Injunctive: Prohibiting a person from engaging in conduct that violates the post-employment restrictions.

140 Initial and Annual Disclosure of Applicant and Borrower Relationships

A**Background**

During 1996, GAO reviewed FSA Federal FLP's. A report to the Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate was issued in April 1997. GAO submitted 3 recommendations to FSA. One of these recommendations was to monitor and review State and County Offices' actions to ensure that the efforts to address conflict of interest are adequate and thorough. Based on subsequent meetings, it was determined that all State and County Office employees disclose, upon entry to their position and annually, any covered relationship they or a member of their household have with FLP borrowers and applicants.

Note: For definition of terms and additional information, see 5 CFR Part 2635, Subpart E.

B**Initial Disclosure**

Within 30 calendar days upon entrance to duty, all State and County Office employees shall disclose any covered relationship they have with FLP borrowers, applicants, or other parties, such as producers participating in FSA programs, that may raise the appearance of a loss of impartiality in the performance of their duties.

The disclosure shall include, at a minimum, the following:

- employee's name, title, office location, and telephone number
- borrower's, applicant's, or other parties' name, relationship to employee, and type of covered relationship

Note: For FLP loans, include security property location, type of assistance, and status of assistance.

- relevant information needed to determine potential for a conflict of interest.
-

Continued on the next page

140 Initial and Annual Disclosure of Applicant and Borrower Relationships (Continued)

C**Annual Disclosure**

On an annual basis, HRD shall issue a notice to State and County Office employees informing them of the annual disclosure requirement.

The disclosure shall include, at a minimum, the following:

- employee's name, title, office location, and telephone number
- borrower's, applicant's, or other parties' name, relationship to employee, and type of covered relationship

Note: For FLP loans, include security property location, type of assistance, and status of assistance.

- relevant information needed to determine potential for a conflict of interest.
-

D**Disclosure Review**

The Administrative Officer, or designee, shall review all disclosure reports, except for the following employees:

- Administrative Officer
- SED
- STC members.

Note: SED and STC member disclosures shall be forwarded to HRD for review and adjudication. Administrative Officer disclosures shall be forwarded to KCMO, PD for review and adjudication.

Where a covered relationship exists, the criteria set forth in 5 CFR Part 2635, Subparts D and E shall be used to determine whether transfer of loan and/or work assignment, disqualification, waiver, or other action is appropriate. A timely written response shall be provided to the employee.

141 FLP Issues

A**Availability of FLP Assistance**

FSA employees, including relatives residing in their households, may be considered for FLP assistance in the form of:

- direct loans of all types
- guaranteed loans of all types
- emergency loans
- youth loans.

Note: Changes may occur in rules, regulations, and departmental and agency policy concerning FLP loans; however, these changes do not diminish the government-wide conflict of interest statutes or the standards of conduct regulations.

B**Employees as Cosigners**

Cosigners are considered borrowers under FLP regulations. Therefore, loans for which an employee cosigned will be handled as if the employee is the primary recipient of the FLP assistance.

C**Restrictions in Processing, Approving, or Servicing Any FSA Program Applicant, Borrower, or Participant**

All FSA employees, including STC members, must recuse themselves from acting in any official capacity involving any program applicant, borrower, or participant with whom they have any business, contractual, or other financial relationship, other than a routine consumer transaction, if that decision involves a particular matter involving specific parties. This recusal shall include any meeting or any part of a decision making process related to the program applicant, borrower, or participant.

In considering whether a relationship would cause a reasonable person to question the employee's impartiality, employees shall seek the assistance of an agency official, such as their supervisor, agency ethics advisor, or agency designee. The agency official shall review the information in paragraph 142 to provide guidance.

Employees may not recuse themselves to the extent that they are no longer able to function the essential duties of their positions.

See 5 CFR Part 2635, Subpart E.

Continued on the next page

D

Examples of Restrictions in Processing, Approving, or Servicing Any FSA Program Applicant, Borrower, or Participant

Example of recusal situation: An employee in a County Office is the sister of an applicant applying for a loan in that County Office. That employee may not be involved in the decision making, reviewing, or servicing process for that applicant, her sibling. See subparagraph E for proper handling of this loan.

Example of a situation where an employee may be involved: An employee is asked to participate in drafting proposed regulations for EM loan making. The employee’s father is a borrower. Because the proposed regulation is not a particular matter involving specific parties, the employee may continue to work on the regulation and need not be concerned that a relationship with a borrower would raise a question concerning his impartiality.

Note: Changes may occur in rules, regulations, and departmental and agency policy concerning FLP loans; however, these changes do not diminish the government-wide conflict of interest statutes or the standards of conduct regulations.

E

Obtaining Loans and Handling Loan Files

Approval officials for loan making and servicing actions on loans to employees and their relatives are identified in the following table.

IF the applicant is...	THEN the approving official is...
a federal County Office employee	SED.
a State Office employee	
STC member or advisor	Administrator.
SED	

Continued on the next page

E
Obtaining Loans and Handling Loan Files (Continued)

Loan files shall be maintained according to the following table.

IF the borrower is...	THEN the file will be maintained in...
a Federal employee in the County Office	a neighboring County Office or the State Office.
a State Office employee	the member's County Office. Exception: If unusual circumstances exist, SED may require the file to be transferred to another office.
STC	a neighboring State Office.
SED	the National Office.
a relative residing in the employee's household	a neighboring County Office.
a relative residing outside the employee's household	the County Office serving the county in which the operation is headquartered.

F
Business Transactions With FSA Applicants, Borrowers, and Program Participants

If an employee contemplates entering into or conducting business transactions with any FSA applicant, borrower, or program participant, the employee shall confer with the supervisor or AO, who in turn will seek guidance from an agency ethics advisor. This is to ensure that statutory and regulatory conflict of interest rules are not violated.

Note: On occasion, employees will not know if they are doing business with or contemplating doing business with an FSA applicant, borrower, or program participant. In these situations, once an employee becomes aware of their FSA affiliation, the employee shall immediately contact their supervisor or agency designee so that a conflict of interest analysis and determination can be made.

Continued on the next page

141 FLP Issues (Continued)

F**Business Transactions With FSA Applicants, Borrowers, and Program Participants (Continued)**

Business transactions can include, but are not limited to, the following:

- leases between employees or family members residing in the same household and any FSA applicant, borrower, or program participant
- hiring any applicant, borrower, program participant, or business closely associated with this person for the benefit of the employee's family member; or being hired by an applicant, borrower, program participant, or business closely associated with such a person
- selling, directly or indirectly, real estate or personal property to an applicant, borrower, or program participant
- accepting credit from an FSA-financed cooperative
- entering into any long-term contractual business relationship with an applicant, borrower, program participant, or business closely associated with this person.

Note: Changes may occur in rules, regulations, and departmental and agency policy concerning FLP loans; however, these changes do not diminish the government-wide conflict of interest statutes or the standards of conduct regulations

G**7 U.S.C. 1986 Violations**

FSA employees and their family members residing in the same household are prohibited from purchasing any real property on which the employee reviewed an FLP application within 3 years of the date of the review. Violations can result in a fine of \$2,000, 2 years imprisonment, or both under 7 U.S.C. 1986.

H**General Standards of Conduct Restrictions**

Employees shall follow all government ethics rules and regulations, including, but not limited to, prohibitions on taking any official action on a matter in which they have conflicting financial interests, losing official impartiality, and misusing their official position, particularly through the misuse of nonpublic information for their own benefit or the benefit of others. The restrictions are in 5 CFR Part 2635.

Continued on the next page

H**General
Standards of
Conduct
Restrictions
(Continued)**

These restrictions are particularly relevant to situations where an employee considers purchasing or knows of a family member, close relative, or household member who is considering purchasing or leasing 1 of the following:

- property in FSA inventory
- property securing outstanding FLP debt on which foreclosure action has been initiated by FSA or any other party
- real or personal property mortgaged or pledged as FLP security.

At minimum, if such a purchase is contemplated, the employee shall discuss this issue with their supervisor and agency ethics advisor. Violations of the regulations may be grounds for adverse administrative actions, and, if rising to a level of financial self-interest, they can be prosecuted as a criminal conflict of interest under 18 U.S.C. 208.

Note: Changes may occur in rules, regulations, and departmental and agency policy concerning FLP loans; however, these changes do not diminish the government-wide conflict of interest statutes or the standards of conduct regulations.

142 Information Used in Determining if There Is a Conflict of Interest Regarding the Impartiality of Official Duties

A

Considerations of Appearances by Employee

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his or her household, or knows that a person with whom he or she has a covered relationship is or represents a party to this matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his or her impartiality in the matter, the employee should not participate in the matter unless he or she has informed the agency designee of the appearance problem and received authorization from the agency designee according to subparagraph G.

Note: An employee's reputation for honesty and integrity is not a relevant consideration for purposes of any determination required in this analysis and authorization.

B

Covered Relationships

An employee has a covered relationship with any 1 of the following:

- a person, other than a prospective employer, with whom the employee has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction

Note: An employee who is seeking employment shall comply with 5 CFR Part 2635, Subpart F.

- a person who is a member of the employee's household or who is a relative with whom the employee has a close personal relationship
 - a person for whom the employee's spouse, parent, or dependent child is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
 - any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
-

Continued on the next page

142 Information Used in Determining if There Is a Conflict of Interest Regarding the Impartiality of Official Duties (Continued)

B

Covered Relationships (Continued)

- an organization, other than a political party as described in 26 U.S.C. 527(e), in which the employee is an active participant. Participation is active if, for example, it involves service as an official of the organization or in a capacity similar to that of a committee or subcommittee chairperson or spokesperson, or participation in directing the activities of the organization.

Note: Nothing in this subparagraph shall be construed to suggest that an employee should not participate in a matter because of his or her political, religious, or moral views.

C

Direct and Predictable Effect

A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest; however, if the chain of causation is attenuated or is contingent on the occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of 5 CFR Part 2635, Subpart D.

A particular matter will have a predictable effect if there is a real, as opposed to a speculative, possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

D

Particular Matter Involving Specific Parties

Particular matter involving specific parties means any judicial or other proceeding, application, request for a ruling, or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest.

Continued on the next page

142 Information Used in Determining if There Is a Conflict of Interest Regarding the Impartiality of Official Duties (Continued)

E

Determination by Agency Designee

Where the agency designee has information concerning a potential appearance problem arising from the financial interest of a member of the employee's household in a particular matter involving specific parties, or from the role in such a matter of a person with whom the employee has a covered relationship, the agency designee may make an independent determination as to whether a reasonable person with knowledge of the relevant facts would be likely to question the employee's impartiality in the matter. Ordinarily, the agency designee's determination will be initiated by information provided by the employee. However, at any time, including after the employee has disqualified himself or herself from participation in a matter, the agency designee may make this determination on his or her own initiative or when requested by the employee's supervisor or any other person responsible for the employee's assignment.

- If the agency designee determines that the employee's impartiality is likely to be questioned, he or she shall use subparagraph G to determine whether the employee should be authorized to participate in the matter. Where the agency designee determines that the employee's participation should **not** be authorized, the employee will be disqualified from participation in the matter according to subparagraph H.
 - If the agency designee determines that the employee's impartiality is not likely to be questioned, he or she may advise the employee, including an employee who has reached a contrary conclusion, that the employee's participation in the matter would be proper.
-

F

Agency Designee

The agency designees for the FFAS mission area are the mission area Deputy Ethics Official and the mission area ethics advisors. The mission area HRD Director serves as mission area Deputy Ethics Official. The mission area ethics advisors are designated as follows:

- Washington, DC, HRD:
 - Chief, Employee and Labor Relations Branch
 - designated Employee Relations Specialists
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Continued on the next page

142 Information Used in Determining if There Is a Conflict of Interest Regarding the Impartiality of Official Duties (Continued)

F**Agency Designee (Continued)**

- Kansas City, Personnel Office:
 - Personnel Officer
 - Chief, Employee and Labor Relations Branch
 - designated Employee Relations Specialists.

A notice shall be issued annually to notify employees of agency designee names, titles, addresses, and telephone and FAX numbers.

G**Authorization by Agency Designee**

Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. 208(a), but would raise a question in the mind of a reasonable person about his or her impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. Factors that may be taken into consideration include the following:

- nature of the relationship
 - effect that resolution of the matter would have upon the financial interests of the person involved in the relationship
 - nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter
 - sensitivity of the matter
 - difficulty of reassigning the matter to another employee
 - adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.
-

Continued on the next page

142 Information Used in Determining if There Is a Conflict of Interest Regarding the Impartiality of Official Duties (Continued)

G**Authorization by Agency Designee (Continued)**

Authorization by the agency designee shall be documented in writing. An employee who has been authorized to participate in a particular matter involving specific parties may not thereafter disqualify himself or herself from participation in the matter on the basis of an appearance problem involving the same circumstances that have been considered by the agency designee.

Note: Agency designees shall consult 5 CFR Part 2635 before making a determination.

H**Disqualification**

Unless the employee is authorized to participate in the matter according to subparagraph G, an employee shall not participate in a particular matter involving specific parties when he or she or the agency designee has concluded, according to subparagraphs A and E, that the financial interest of a member of the employee's household, or the role of a person with whom he or she has a covered relationship, is likely to raise a question in the mind of a reasonable person about his or her impartiality. Disqualification is accomplished by not participating in the matter.

An employee who becomes aware of the need to disqualify himself or herself from participation in a particular matter involving specific parties to which he or she has been assigned should notify the person responsible for his or her assignment. An employee who is responsible for his or her own assignment should take whatever steps necessary to ensure that he or she does not participate in the matter from which he or she is disqualified. Appropriate written notification of the employee's disqualification may be made to coworkers by the employee or a supervisor to ensure that the employee is not involved in a particular matter involving specific parties from which he or she is disqualified.

143-150 (Reserved)

Part 6 Student Educational Employment Program (SEEP)

151 General Program Requirements

A

Components of SEEP

FFAS SEEP consists of 2 components:

- Student Temporary Educational Program (STEP)
- Student Career Experience Program (SCEP).

The information in this part is based on 5 CFR Part 213.

B

Agency Ceiling Allocations

FTE ceiling slots are required for employing students through SEEP. Agency Administrators will manage FTE slots for their Agency.

C

Eligible Students

Program participants must be enrolled, or accepted for enrollment, in a degree, diploma, or certificate program at an accredited:

- high school
- technical or vocational school
- 2- or 4-year college or university
- graduate or professional school.

The student must be taking at least a half-time course load. The definition of half-time is provided by the school in which the student is enrolled.

Exception: Students who need to complete less than a half-time course load in the final period before graduation.

Continued on the next page

151 General Program Requirements (Continued)

D**Definition of
Break-In-
Program**

A break-in-program is a period of time when the student is neither attending classes nor working at the Agency. A break-in-program may be approved at the discretion of the supervisor and HRD, and will be addressed on a case-by-case basis. When requesting this break, the student must demonstrate, to the satisfaction of the Agency and academic institution, that there is a legitimate intention of continuing to pursue a course of study or training.

E**Age and
Citizenship
Requirements**

Participants must be:

- at least 16 years old
 - a U.S. citizen.
- * * *

Note: Participation in STEP and SCEP must conform with Federal, State, or local laws and standards governing the employment of minors.

F**Nepotism**

Students may work in the same Agency with a relative only when:

- there is not any direct reporting relationship
 - the relative is not in a position to influence or control the student's employment or advancement within the Agency.
-

G**Training**

According to the Government Training Act and Agency policy, it is at the Agency's discretion to pay all or part of the student's training expenses.

Exception: All training expenses will be paid for students hired under the
*--1890 National Scholars Program and the Public Service Leaders
Program.--*

Continued on the next page

151 General Program Requirements (Continued)

H

***--Travel, Transportation, and Lodging**

If funds are available, the Agency may pay expenses directly related to lodging, travel, and transportation between the student’s duty station and residence or educational institute. The following expenses are authorized.

- Housing - 50 percent of monthly housing expense, not to exceed \$500.

Note: Students participating in the Summer Intern Program are eligible to receive 100 percent of monthly housing expenses.

- Travel - Traveling between the student’s residence while at school or educational institute and the official duty station where the student is employed, provided the distance is more than 50 miles.

Students must be available to work a minimum of 6 consecutive weeks for travel expenses to be paid.

Note: Summer interns are exempt from the 6-consecutive-week requirement.--*

I

Diversity Among Participants

An effort must be made to recruit from sources with representative student populations. These sources include, but are not limited to, the following:

- historically black colleges and universities
- 1890 land grant institutions
- 1994 Hispanic institutions
- Native American land grant institutions
- institutions for students with disabilities.

Managers, Special Emphasis Program Managers, or HRD personnel specialists should contact these institutions when recruiting for and filling positions under SEEP guidelines. A partial list of these institutions is provided in Exhibit 30.

152 STEP

A

Purpose

STEP provides flexible temporary employment that will enable students to earn a salary while continuing studies. Appointments may be made at any time during the year.

Continued on the next page

152 STEP (Continued)

B**Appointment
Authority**

Students are given temporary appointments in the Excepted Service under Schedule B 213.3202(a). Appointments must not be made to exceed 1 year, but may be extended in 1-year increments.

Students appointed for a minimum of 6 months are subject to an investigation to determine suitability.

C**Schedules**

Students may work full-time or part-time. There are no limitations on the number of hours a student can work per week. However, the student's work schedule cannot interfere with the student's academic schedule.

With supervisory approval, schedules for students working full-time may be flexible or compressed. Students working full-time are eligible to earn credit hours, compensatory time, and overtime.

D**Position
Duties and
Classification**

STEP positions' duties do not have to relate to the student's academic or career goals.

Position classifications for STEP appointees are based on the occupational series of the position for which the student is hired. Grade level shall be determined according to the criteria in the appropriate GS or WG classification standard.

OPM qualification requirements will be used to evaluate students for appointments or promotions. Appointments may be made at any qualifying grade.

E**Noncompetitive
Conversion**

Students may be noncompetitively converted to a SCEP appointment when both of the following occur:

- SCEP requirements have been satisfied
- the Agency has an appropriate position available.

Students are not eligible for noncompetitive conversion to a career or career conditional appointment.

F**Financial Need**

Students are not required to meet any specific economic or income criteria to be eligible for STEP.

152 STEP (Continued)

G

Benefits

STEP participants are eligible to earn and use annual and sick leave. After 1 year of continuous service, participants become eligible for health benefits at full cost. No other benefits are available for STEP participants.

H

Excepted Service Tenure Group

Participants are placed in Excepted Service Tenure Groups as follows.

IF...	THEN place in Excepted Service Tenure Group...
less than 1 year of current continuous service	0.
1 year or more of current continuous service	III.

I

Appointment Documentation

Students must submit the following documentation to be considered for a student appointment or subsequent extensions under STEP:

- OF-612, SF-171, or resume
- OF-306
- evidence of enrollment or accepted enrollment in a degree, diploma, or certificate program at an accredited school.

Note: This documentation should include, but is not limited to, a copy of the payment receipt, transcripts, or other official notice from the school. FFAS-21 (subparagraph J) may be used as evidence of enrollment or accepted enrollment.

Continued on the next page

J
Example of
FFAS-21

Following is an example of FFAS-21.

REPRODUCE LOCALLY. *include form number and date on all reproductions*

FFAS-21
(01-07-92)

U.S. DEPARTMENT OF AGRICULTURE
Farm and Foreign Agricultural Services

STUDENT TEMPORARY EMPLOYMENT PROGRAM (STEP)
SCHOOL ENROLLMENT CERTIFICATION
(To be completed at the beginning of each academic term)

_____ is being considered for employment with the
Student Name

_____ under the Student Temporary Employment Program
Address

Please certify below that the individual named above is enrolled or accepted for enrollment as a
degree/diploma/certificate seeking student and is taking at least a half-time academic/vocational/technical
course load

Personnel Specialist
Human Resources Division

I certify that _____ is enrolled as a student at
Student Name

Address

Signature of the Employer

The U.S. Department of Agriculture does not discriminate in its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, marital status, sexual orientation, and family status. Action requested based upon this program: Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact USDA's TARGET Center at (202) 690-0299 and TDD: (202) 690-0298. To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 202, M. Morgan Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250. Affirmative Action: 202-720-6944. USDA is an equal opportunity provider and employer.

153 SCEP

A**Purpose**

SCEP provides work experience that is directly related to the student's educational program and career goals as related to the Agency's needs and mission. Periods of school attendance are combined with periods of career-related work.

B**Appointment Authority**

Students are appointed in the Excepted Service under Schedule B 213.3202(b).

SCEP appointments are subject to all requirements and conditions that govern career or career conditional employment, including investigation to establish an appointee's qualifications and suitability.

C**Noncompetitive Conversion**

SCEP participants may be noncompetitively converted to term, career, or career conditional appointments only under the following conditions:

- the appointment is made within 120 calendar days after completion of all course requirements conferring a diploma, certificate, or degree at an accredited school
- a minimum of 640 hours of career-related work have been completed before, or concurrently, with completion of course requirements
- participant is recommended for the appointment by the employing Agency where the career-related work was performed
- the student qualifies for the position and the position relates to the student's academic training and career-related work experience.

Students converted to term appointments may subsequently be converted noncompetitively to a career or career conditional appointment before the term appointment expires.

Continued on the next page

153 SCEP (Continued)

D**Program Agreement**

A signed FFAS-49 (subparagraph K) between the Agency, the academic institution, and the student is required. Copies of FFAS-49 are available from the Agency's SEEP Coordinator. FFAS-49 outlines the following:

- the responsibilities of each party
- student eligibility
- type of appointment
- grade levels for appointment
- compensation
- nature of work assignments
- work evaluation procedures
- schedule of work assignments and class attendance evaluation procedures
- requirements for continuation and successful completion of the program
- employment after graduation.

E**Schedules**

Students may work full-time, part-time, or a combination of both. Students may have alternating periods of work and school, or work summers and holiday periods only. With supervisory approval, students working full-time may have flexible or compressed schedules. Students are placed in nonpay status during the times of the year they are not working.

Schedules should be arranged so that the student's completion of the educational program and SCEP are accomplished in a reasonable and appropriate timeframe. Students must be making progress toward completing studies to remain in SCEP.

Students working full-time are eligible to earn credit hours, compensatory time, and overtime.

F**Position Duties and Classification**

Position duties must relate to the student's academic career goals.

Students will be classified as student trainees in the "-99" series of the occupational group for the target position.

Continued on the next page

G**Qualifications
and Performance**

Students will be evaluated by OPM qualification requirements for the target position. OPM test requirements are waived. Students are eligible for promotions and within-grade increases.

Students may be considered for promotion to the next eligible grade, when the *--educational and work performance requirements for that grade are successfully completed according to Agency qualification standards.

Baccalaureate students may be appointed in positions at grades GS-2 through GS-4 and promoted to GS-5 according to the following basic qualification requirements:

- for grade GS-2, high school diploma or equivalent
- for grade GS-3, completion of 1 academic year of study (30 semester/45 quarter hours) or the equivalent of 15 semester hours/22.5 quarter hours and 1 period of student trainee work experience (at least 320 hours)
- for grade GS-4, completion of 2 academic years of study (60 semester/90 quarter hours) or a combination of education and student trainee work experience

Example: One academic year of study and 2 periods of student trainee work experience or completion of 1 ½ years of study and 1 period of student trainee work experience.

- for grade GS-5, completion of 3 academic years of study leading to a bachelor's or higher degree and 1 period of GS-4 student trainee work experience; or completion of 2 ½ academic years of study leading to a bachelor's or higher degree and 6 months (at least 480 hours) of GS-4 student trainee work experience.

Note: Promotion is at the discretion of the Agency. It will not be guaranteed or promised. Students are usually moved through grades so that they qualify for at least a grade GS-5 upon graduation, and they are not kept in grade for more than 24 months.--*

Continued on the next page

153 SCEP (Continued)

G

Qualifications and Performance (Continued)

Graduate students are initially appointed to positions according to the following:

- GS-5 or GS-7 for students pursuing a master’s degree
- GS-9 for doctoral degree candidates who have completed requirements for a master’s degree or who otherwise meet established experience requirements.

Note: Agency representative will make these requirements available to college representatives and students.

SCEP participants shall be issued a performance plan and receive an annual performance rating during the Agency’s established performance rating cycle. The performance appraisal will cover the period of time the student worked during the entire year.

H

Benefits and Tenure

Students earn annual and sick leave and are eligible for life insurance and health benefits coverage. Students are generally covered by the Federal Employees Retirement System.

--SCEP participants are in Excepted Service Tenure Group II.--

Continued on the next page

153 SCEP (Continued)

I
Appointment
Documentation

Students interested in being considered for a SCEP appointment must submit the following documentation:

- OF-612, SF-171, or resume
- OF-306
- evidence of enrollment:
 - at least as a half-time student pursuing a subject area related to the SCEP position

Note: This evidence should include, but is not limited to, the student's transcript.

- in the co-op program of the academic institution attended.

Note: After the initial SCEP appointment, evidence of enrollment shall be submitted annually.

A signed FFAS-49 is required, see subparagraph J. FFAS-49 will be maintained by the Agency's SEEP Coordinator.

Continued on the next page

J
Example of
FFAS-49

The following is an example of FFAS-49.

REPRODUCE LOCALLY. *Include form number and date on all reproductions.*

FFAS-49
(01-07-99)

U.S. DEPARTMENT OF AGRICULTURE
Farm and Foreign Agricultural Services

STUDENT CAREER EXPERIENCE PROGRAM

Agreement _____ and _____
Federal Agency (Educational Institution)

This agreement is the basis for developing mutual understanding and respective responsibilities between the above parties in the employment of students under the Federal-wide Student Career Experience Program (SCEP). The SCEP provides experience directly related to the student's educational program and academic/career goals with the potential of non-competitive conversion into the Federal career service. The mission area of the Farm and Foreign Agricultural Service is made up of the Farm Service Agency (FSA), Risk Management Agency (RMA), and the Foreign Agricultural Service (FAS). Students employed under this agreement may be employed in any of these agencies. This program is consistent with the mission area's policy on student employment and with guidance contained in Chapter 5, Part 213 of the Code of Federal Regulations.

A. Student Eligibility

A prospective student must:

1. Be at least 16 years old.
2. Be a U.S. citizen or lawfully admitted to the U.S. as a permanent resident or otherwise authorized to be employed.
3. Meet the agency's policy on nepotism.
4. Meet security and fitness requirements.

B. Selection

An agency may appoint students who:

1. Are enrolled or accepted for enrollment as a degree/diploma/certificate seeking student at an accredited high school; technical or vocational school; two or four year college or university; or graduate or professional school.
2. Are in good standing and are taking at least a half-time workload.
3. Meet qualification standards of the position.

C. Type of Appointment

A student is appointed on a Schedule B 213.3202(b) appointment which may not extend beyond 120 calendar days after satisfactory completion of all educational and study-related work requirements.

D. Grade Levels for Appointments

Students may be appointed in positions at grades GS-3 through GS-9. Basic qualifications will be evaluated against the Office of Personnel Management Qualification Standards Handbook.

E. Pay and Benefits Information

1. Students are paid in accordance with established pay schedules.
2. Benefits for which students are eligible by the Federal Agency include:
 - a. retirement coverage (with no prior service or with less than 5 years of prior civilian service, are generally covered by the Federal Employees Retirement System (FERS));
 - b. life and health insurance; and
 - c. annual and sick leave.

Continued on the next page

J
Example of
FFAS-49
(Continued)

F. Work Schedules

1. There will be a formally arranged schedule of school and work to ensure that:
 - a. work responsibilities do not interfere with academic performance;
 - b. completion of the educational program (awarding of diploma/certificate/degree) and completion of the SCEP are accomplished in a reasonable and appropriate time frame;
 - c. the agency is informed and prepared for the student's periods of employment; and
 - d. requirements for non-competitive conversion are understood by all parties.
2. Schedules may be:
 - a. full-time or part-time;
 - b. parallel or alternating;
 - c. combination of both;
 - d. work summers and holiday periods only.

G. Nature of Work Assignments

Work assignments are covered by the official position description provided to the school and the student.

H. Evaluation Procedures and Performance Appraisal

1. Students shall receive a performance plan and an annual performance rating during the established performance rating cycle for the agency. Results will be shared with the designated representative of the educational institution.
2. If a student's performance falls below Fully Successful, he/she may be given an opportunity to improve or may be separated from the program.

I. Employment After Completion of the Student Career Experience Program.

- Students may be non-competitively converted to a career, career conditional or term appointment when they have:
1. completed within the preceding 120 calendar days, at an accredited school, all course requirements conferring a diploma, certificate, or degree;
 2. completed a minimum of 640 hours of career-related work prior to completion of, or concurrently with the course requirements;
 3. met citizenship and employment of relatives' requirements;
 4. met the qualification standards for an appropriate, available vacancy. (i.e. the position relates to the student's academic training and career-related work experience); and
 5. been recommended for a conversion appointment by the employing agency in which the career related work was performed.

Students converted to a term appointment may be subsequently converted non-competitively to a career or career-conditional appointment before the term appointment expires.

Students disqualified from continuing in the Student Career Experience program or not converted must be terminated.

J. Federal Agency Responsibilities

1. Designate a staff member to maintain liaison with the educational institution.
2. Establish work schedules consistent with the educational institution's academic calendar and which enable students to meet the requirements of the institution and the agency for completion of the program.
3. Provide job descriptions of student assignments.
4. Select appointees in accordance with EEO principles
5. Process all personnel actions and keep necessary records related to student employment.
6. Provide quality work assignments related to the student's academic studies and career goals where they can learn and be productive.
7. Conduct appraisals and counsel students regarding their performance, complete necessary forms, and share progress reports with schools.
8. Notify schools of any change in a student's status, including any intent to terminate a student's employment.
9. Provide each student employed under this agreement with a copy of the agreement.

Continued on the next page

153 SCEP (Continued)

J
Example of
FFAS-49
(Continued)

K. Educational Institution's Responsibilities

1. Designate a staff member to work with the Federal Agency's student career experience program representative(s).
2. Inform eligible students of the SCEP opportunities and refer all interested and qualified candidates to the agency without discrimination, including honorably discharged veterans.
3. Correlate work and study to insure a close relationship and maximum learning on the part of the student for completion of the program.
4. Furnish the agency with requested information related to the student's field of study and academic standing.
5. Notify the agency of change in student status, including termination of study, change in enrollment (full time/part time), change in major area of study, and failure to maintain the required academic standing of the school.

L. Student's Responsibilities

1. Adhere to the SCEP policies and procedures and the agency's work schedules.
2. Meet academic, performance, and conduct standards set forth by the educational institution and the Federal agency.
3. Notify the school of changes in status.
4. If a noncitizen, meet citizenship requirement prior to eligibility for conversion into Federal service.
5. Maintain progress toward degree being sought. For undergraduate students "progress" is defined as the successful completion of at least 12 semester hours (or 18 quarter hours) of academic work in a calendar year. For graduate students, "progress" is defined as the successful completion of at least 9 semester hours of graduate-level academic work in a calendar year. If progress is not being made toward the current degree being sought, the SCEP appointment will be terminated.
6. Provide a copy of current transcripts to the Agency's SCEP coordinator at the beginning of each work period and at any other time transcripts are requested.
7. Maintain enrollment in the academic institution's cooperative education program at all times or appointment will be terminated.
8. Maintain the school's academic standards and the agency's work performance standards as outlined in the agreement and failure to do so may result in termination from the Program.
9. Complete all required work periods prior to graduation to be eligible for non-competitive conversion to a permanent position.

All applicants for the Student Career Experience Program will receive full consideration without regard to race, color, national origin, religion, sex, age, marital status, or physical or mental disability, or political or personal favoritism.

Educational Institution:

Institution	Authorized Signature	Title	Date
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Federal Agency:

Agency	Authorized Signature	Title	Date
--------	----------------------	-------	------

Student:

Student Name	Signature	Date
--------------	-----------	------

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 328-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

154, 155 (Reserved)

--Part 6.5 Career Intern Program*156 Overview****A Purpose**

This part assists FFAS in recruiting and attracting exceptional individuals with a variety of experience, academic disciplines, or competencies by using the Career Intern Program's excepted appointment authorities. During the 2-year internship, employees will participate in formal training and job assignments to prepare for a successful career with FFAS.

B References

References for this part are as follows:

- Executive Order 13162 of July 6, 2000, Federal Career Intern Program
- 5 CFR Parts:
 - 213.3202 (o), Excepted Service
 - 302, Employment in the Excepted Service
 - 315, Career and Career Conditional Employment
- OPM's Qualification Standards for General Schedule Positions
- USDA Career Intern Program Plan dated February 27, 2002.

C Career Intern Programs

The **Science Intern Program** consists of the professional and technical levels.

- Professional Science hiring will occur at the General Schedule 5, 7, and 9 levels.
- Technical hiring will occur at the General Schedule 5 and 7 levels.

Administrative/Professional Program consists of Administrative/Professional positions in which hiring will occur at the General Schedule 5, 7, and 9 levels. Examples of these disciplines/careers are information technology specialist, human resources, administrative officer, finance, program/management analyst, contracting, loan specialist, agricultural marketing/business, and other appropriate administrative/professional occupations.--*

--157 General Program Requirements*A Determining Eligibility**

Applicants must meet the following eligibility requirements:

- must be a U.S. citizen
- meet the minimum qualifications for the position
- have a Bachelor or Graduate Degree with an overall college grade point average of 3.0 or higher if applying based on education
- have diverse professional experiences, training, and competencies
- demonstrate leadership potential and community service.

The Human Resources Specialist will qualify the candidate and place them in either an eligible or quality group by using USDA's guidance. Veteran's preference will be applied within the group.

B Training Overview

IDP's will:

- be developed upon entering the Career Intern Program
- include the core training required by USDA (Exhibit 32).

Note: Interns will also participate in a minimum of 160 to 240 hours of structured on-the-job training and formal training for each year of the internship.

Administrative/professional interns will participate in 2 rotational assignments in different administrative functions, such as human resources, finance, procurement, budget, property management, information technology, etc., for a minimum of 2 weeks each.

Scientific interns will participate in at least 1 rotational assignment as deemed appropriate by the supervisor and training representative.

Training costs shall be paid from the FAS, FSA, or RMA training budget funds.

All training shall be documented using I*CAMS or SF-182's.--*

***--157 General Program Requirements (Continued)**

C Submitting and Retrieving Resumes and AD-2028's

Applicants shall submit their resume and completed AD-2028 (subparagraph D).

Management may retrieve AD-2028's in the following ways:

- the Department's website
- Career Intern Coordinators
- recruitment efforts by supervisors.

Once AD-2028 is received by the servicing Human Resources Specialist or Career Intern Coordinator, AD-2028 will be held for at least a 6-month period in an applicant supply file for review by managers interested in using the program.--*

***--157 General Program Requirements (Continued)**

D Example of AD-2028

Following is an example of AD-2028.

<p>This form is available electronically.</p> <p>AD-2028 (04-07-04)</p> <p style="text-align: center;">U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency Foreign Agricultural Service Risk Management Agency</p> <p style="text-align: center;">USDA CAREER INTERN PROGRAM APPLICATION</p>	
<p>1A. INDICATE AGENCY YOU ARE APPLYING TO. (Check applicable box(es))</p> <p><input checked="" type="checkbox"/> FSA <input type="checkbox"/> FAS <input type="checkbox"/> RMA</p>	<p>1B. TYPE / FIELD OF WORK YOU ARE APPLYING FOR:</p> <p style="text-align: center;">Agricultural</p>
<p>PART A - APPLICANT'S INFORMATION</p>	
<p>2. NAME (Last, First, Middle)</p> <p style="text-align: center;">Smith, John H.</p>	<p>3. ARE YOU A U.S. CITIZEN (Check applicable box below. Only U.S. citizens are eligible for this program.)</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>4. BIRTH DATE (MM-DD-YYYY)</p> <p style="text-align: center;">01-01-1984</p>	<p>5. BIRTHPLACE (City and State, County and State, or Foreign Country)</p> <p style="text-align: center;">Detroit, MI</p>
<p>6A. TEMPORARY MAILING ADDRESS (Including Zip Code)</p> <p style="text-align: center;">123 Elm Street Anytown, MI</p>	<p>7A. PERMANENT MAILING ADDRESS (Including Zip Code)</p> <p style="text-align: center;">Same as Item 6A</p>
<p>6B. TEMPORARY TELEPHONE NUMBER (Including Area Code)</p> <p style="text-align: center;">(123) 456-7890</p>	<p>7B. PERMANENT TELEPHONE NUMBER (Including Area Code)</p> <p style="text-align: center;">(231) 456-7890</p>
<p>8. SOCIAL SECURITY NUMBER (SSN):</p> <p style="text-align: center;">765-98-6543</p> <p><small>(Disclosure of a SSN is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled. Your SSN may be used to request information about you from employers and others who know you, but only as allowed by law or Presidential directive.)</small></p>	<p>9. E-MAIL ADDRESS</p>
<p>10. VETERANS PREFERENCE (Check applicable box that applies to you)</p> <p><input checked="" type="checkbox"/> NONE <input type="checkbox"/> 5-POINT <input type="checkbox"/> 10-POINT DISABILITY <input type="checkbox"/> 10-POINT COMPENSABLE</p> <p><input type="checkbox"/> 10-POINT OTHER <input type="checkbox"/> 10-POINT COMPENSABLE / 30 PERCENT</p> <p>(Attach Form DD-214, Report of Transfer or Military Discharge, and Form SF-15, Application for 10-Point Veteran's Preference, or Department of Defense or Department of Veterans Affairs documentation as appropriate.)</p>	
<p>PART B - EDUCATIONAL BACKGROUND</p>	
<p>11A. NAME AND ADDRESS OF COLLEGE OR UNIVERSITY ATTENDED</p> <p style="text-align: center;">Michigan State 123 Rainbow Drive Anytown, MI</p>	<p>11B. COLLEGE OR UNIVERSITY TELEPHONE NUMBER (Area Code)</p> <p style="text-align: center;">(234) 456-1122</p>
	<p>12. MAJOR / GRADUATE PROGRAM</p> <p style="text-align: center;">Agriculture Marketing</p>
<p>13. DATE OF GRADUATION (MM-DD-YYYY) (Date must be within six months of application date)</p> <p style="text-align: center;">06-01-2004</p>	<p>14. GRADE POINT AVERAGE</p> <p style="text-align: center;">3.0</p>
	<p>15. LIST FOREIGN LANGUAGES</p> <p style="text-align: center;">None</p>
<p>16. COMMUNITY SERVICE EXPERIENCE:</p> <p style="text-align: center;">4H, Breast Cancer Walk, March of Dimes</p>	
<p>17. AWARDS: (Include dates, type of award, monetary value, etc.)</p> <p style="text-align: center;">Dean's List, Scholarship from Community for Education</p>	
<p>18. LEADERSHIP EXAMPLES:</p> <p style="text-align: center;">Treasurer 03/01 - 03/02 - March of Dimes, Supervisor of Summer Job, Captain of tennis league</p>	

--*

*--157 General Program Requirements (Continued)

D Example of AD-2028 (Continued)

AD-2028 (04-07-04) Page 2

PART C - GEOGRAPHIC LOCATIONS (Please check the following geographic locations (states) where you wish to work.)

<input type="checkbox"/>	Alabama	<input type="checkbox"/>	Alaska	<input type="checkbox"/>	Arizona	<input type="checkbox"/>	Arkansas
<input type="checkbox"/>	California	<input type="checkbox"/>	Colorado	<input type="checkbox"/>	Connecticut	<input type="checkbox"/>	Delaware
<input checked="" type="checkbox"/>	District of Columbia	<input type="checkbox"/>	Florida	<input type="checkbox"/>	Georgia	<input type="checkbox"/>	Hawaii
<input type="checkbox"/>	Idaho	<input checked="" type="checkbox"/>	Illinois	<input type="checkbox"/>	Indiana	<input type="checkbox"/>	Iowa
<input type="checkbox"/>	Kansas	<input type="checkbox"/>	Kentucky	<input type="checkbox"/>	Louisiana	<input type="checkbox"/>	Maine
<input type="checkbox"/>	Maryland	<input type="checkbox"/>	Massachusetts	<input checked="" type="checkbox"/>	Michigan	<input type="checkbox"/>	Minnesota
<input type="checkbox"/>	Mississippi	<input type="checkbox"/>	Missouri	<input type="checkbox"/>	Montana	<input type="checkbox"/>	Nebraska
<input type="checkbox"/>	Nevada	<input type="checkbox"/>	New Hampshire	<input type="checkbox"/>	New Jersey	<input type="checkbox"/>	New Mexico
<input type="checkbox"/>	New York	<input type="checkbox"/>	North Carolina	<input type="checkbox"/>	North Dakota	<input type="checkbox"/>	Ohio
<input type="checkbox"/>	Oklahoma	<input type="checkbox"/>	Oregon	<input type="checkbox"/>	Pennsylvania	<input type="checkbox"/>	Rhode Island
<input type="checkbox"/>	South Carolina	<input type="checkbox"/>	South Dakota	<input type="checkbox"/>	Tennessee	<input checked="" type="checkbox"/>	Texas
<input type="checkbox"/>	Utah	<input type="checkbox"/>	Vermont	<input type="checkbox"/>	Virginia	<input checked="" type="checkbox"/>	Washington
<input type="checkbox"/>	West Virginia	<input type="checkbox"/>	Wisconsin	<input type="checkbox"/>	Wyoming	<input type="checkbox"/>	

PART D - APPLICANT'S CERTIFICATION AND SIGNATURE

I certify that, to the best of my knowledge and belief, all of the information I have provided in this application is made in good faith. I consent to the release of information from schools, employers, and other individuals and organizations about my ability and fitness for Federal employment.

19A. APPLICANT'S SIGNATURE	19B. DATE (MM-DD-YYYY)
/s/ John Smith	02-01-2004

APPLICANTS: PLEASE ATTACH YOUR RESUME TO THIS APPLICATION

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2800 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

--*

***--158 Appointment Documentation**

A Appointment Authority

New employees appointed to a Career Intern Program position will be placed in the excepted service according to 5 CFR 213.3202(o).

Current employees will be converted to the excepted service according to 5 CFR Part 302. Employees **must** acknowledge and sign a statement that they understand they are leaving the competitive service.

B Benefits and Tenure

Participants:

- earn annual and sick leave and are eligible for life insurance, health coverage, and retirement benefits
- are in Excepted Service Career Tenure Group II. Time in the Career Intern Program will count toward tenure in the competitive service.

C Promotion

Career interns may be promoted during the internship.

D Performance Management

Interns will have their performance evaluated according to FFAS performance plans.

E Ceiling Allocation

FTE ceiling slots are required for employing interns through the Career Intern Program. Agency Administrators will manage FTE slots for their Agency.--*

--158 Appointment Documentation (Continued)*F Noncompetitive Conversion**

Participants may be noncompetitively converted if successful completion of the internship is deemed by the supervisor, training representative, and Career Intern Coordinator.

Conversions will be effective on the date the 2-year service requirement is met. A probationary period will not be required.

Career or career-conditional internal candidates, who fail to complete the Career Intern Program for reasons not related to misconduct or suitability, must be placed in a position, with the selecting agency, of equivalent status, tenure, and pay as the position held before entering the Career Intern Program.

The probationary period is to be served at this time.

G Terminations

Career Intern Program appointments end after a 2-year internship. Employees who are not converted to career or career-conditional appointments by this guidance will be terminated. This termination is not considered an adverse action.

Career Intern Program appointments that were converted from the competitive service and are **not** converted to career or career-conditional appointments from the Career Intern Program will be placed in a position with the selecting Agency of equivalent status, tenure, and pay as the position held before entering the Career Intern Program. In all other situations, participants will have no rights to further Federal employment in either the competitive or excepted service upon the expiration of their appointments.

H Extension

Extension may be requested up to 120 calendar days to cover rare or unusual circumstances.--*

--159 Roles and Responsibilities*A Mission Area Coordinator Responsibilities**

The Mission Area Coordinator shall:

- provide guidance on the Career Intern Program
- maintain the applicants' resumes and AD-2029's in an active status for a 6-month period
- ensure that applicants are notified of the following:
 - receipt of AD-2029's
 - any missing documentation
 - duration of their AD-2029's on file
- monitor the intern's progress
- report to USDA on hires and program progress
- evaluate the Career Intern Program annually
- market the Career Intern Program to management, Human Resources Specialists, and the general public.

B Training Representative Responsibilities

Training representatives shall:

- upon notification of the career intern from Employment Section, Domestic Operations Branch, give IDP and rotational assignments for the participant to the intern's supervisor

Note: Included with this information will be the following:

- AD-2029
- USDA Core Training Requirements (Exhibit 32)
- Career Intern Program Mentor and Protegee Handbook.
- monitor the candidate's career development growth
- work with the supervisor to assign a successful mentor to support the career intern's professional growth and development through on-the-job guidance and participation in mentoring activities.--*

--159 Roles and Responsibilities (Continued)*C Supervisor Responsibilities**

Supervisors of career interns shall:

- ensure that IDP:
 - is developed with the competencies appropriate to the Agency's mission
 - meets the required USDA core training by using FSA-600
- use AD-2029 (subparagraph F) to orientate the participant with the Agency's mission, policies, and processes

Note: AD-2029 must be signed and returned to the Agency Coordinator within 10 workdays of the intern's entrance on duty.

- work with the training representative to select a mentor that is motivated and qualified to serve as a mentor for the participant
- notify the training representative of the intern's progress and of any changes in training needs
- evaluate the intern's performance and progress in meeting training and performance standards
- counsel the employee on a regular basis and evaluate the employee's performance and progress in meeting the internship's requirements.

D Mentor Responsibilities

Mentors shall promote the training objective of the Career Intern Program by:

- supporting the intern's professional growth through on-the-job guidance and coaching
- promoting participation in training
- assisting the intern in career decisions to help cultivate overall development
- explaining the culture of the Mission Area/Agency and USDA
- following the advice and guidance provided in the Career Intern Program Mentor and Protegee Handbook.--*

***--159 Roles and Responsibilities (Continued)**

E Intern Responsibilities

Interns shall:

- provide personal data requested for various career development segments
- participate in the IDP development and inform the supervisor, Mission Area Coordinator, and training representative of progress made toward accomplishing the training requirement reflected in it quarterly
- successfully complete the IDP requirements with signed approval by the training representative

Note: If this cannot be met, get authorization from the training representative.

- actively participate in counseling activities and the individual goal setting process
- strive to improve the knowledge, skills, and abilities identified in IDP
- perform assigned work and fulfill the responsibilities of the position and their performance elements
- actively participate in the mentoring activities.--*

*--159 Roles and Responsibilities (Continued)

F Example of AD-2029

Following is an example of AD-2029.

This form is available electronically. AD-2029 U.S. DEPARTMENT OF AGRICULTURE (04-07-04) Farm Service Agency Foreign Agricultural Service Risk Management Agency			1. DATE OF ORIENTATION (MM-DD-YYYY) 10-24-2004
USDA INTERN ORIENTATION CHECKLIST			2. SPONSORING AGENCIES (Check the appropriate agency below): <input type="checkbox"/> FSA <input checked="" type="checkbox"/> FAS <input type="checkbox"/> RMA
3A. NAME OF INTERN (Last, First, Middle) Thomas Jones	3B. INTERN'S SOCIAL SECURITY NUMBER 123-45-0987	3C. NAME OR DIVISION OF DUTY STATION Washington, DC	
4A. NAME OF INTERN'S SUPERVISOR Samuel A. Evans	4B. SUPERVISOR'S TITLE Director, PECD	4C. DATE (MM-DD-YYYY) 02-29-2004	
ORIENTATION			
			DATE COMPLETED (MM-DD-YYYY)
5. Agency structure, mission, and current activities identified and explained.			02-25-2004
6. Target position identified and explained.			02-25-2004
7. Intern personnel processing requirements (e.g., forms, swearing in, ID badge) completed.			02-25-2004
a. Federal Employees Health Benefits Program explained.			02-25-2004
b. Federal Employees Group Life Insurance Program explained.			02-25-2004
c. Federal Employees Retirement System and Thrift Savings Plan explained.			02-25-2004
d. Promotion Potential explained.			02-25-2004
e. Flexible Work Hours explained.			02-25-2004
f. Leave Program Including Family Leave explained.			02-25-2004
g. Family Friendly Programs explained.			02-25-2004
8. Time and attendance policy explained.			02-25-2004
9. Ethics Program explained.			02-25-2004
10. USDA Civil Rights policies.			02-25-2004
11. Intern is introduced to co-workers and supervisors.			02-25-2004
12. Tour of the work site provided.			02-29-2004
13. Individual Development Plan process discussed.			02-29-2004
14. Performance objectives and rating standards discussed.			02-29-2004
15. Mentoring Program discussed.			02-29-2004
16. Introduction to mentor.			02-29-2004
17. Copy of the Career Intern Program Mentor and Protegee Handbook provided.			02-29-2004
18. FSA-600, IDP, and Department Core Training requirements.			02-29-2004
19. Rotational assignments discussed.			02-29-2004
20.			02-29-2004
21.			02-29-2004
22A. INTERN'S SIGNATURE /s/ Thomas Jones	22B. INTERN'S TELEPHONE NUMBER (234) 456-9876	22C. DATE (MM-DD-YYYY) 02-29-2004	
23A. SUPERVISOR'S SIGNATURE /s/ Samuel A. Evans	23B. SUPERVISOR'S TELEPHONE NUMBER (202) 345-9876	23C. DATE (MM-DD-YYYY) 02-29-2004	

--*

***--159.5 Program Review**

A Program Evaluation

The Mission Area Coordinator will evaluate the Career Intern Program annually for the following:

- effectiveness of the Career Intern Program in meeting FFAS recruitment needs
- intern's evaluation to determine whether there are needed changes in the Career Intern Program.

B Reporting

The Mission Area Coordinator shall submit the Career Intern Program Report (PE-177R) annually to OHRM on all appointments and conversions.--*

Part 7 FOIA and Privacy Act

160 Handbook References

A

FSA Handbooks 2-INFO provides procedures for all FSA offices to follow regarding making records available to the public, other Federal Agencies, and Congress.

3-INFO provides procedures for all FSA offices regarding the Privacy Act.

161 Employee Information Available for Disclosure

A**Information To Be Provided**

The following information about an employee's past or present position may be disclosed:

- tenure
- salary
- title, series, grade, and step
- position description
- performance standard or plans
- work schedule
- Agency-sponsored training
- duty station
- awards
- work addresses and telephone numbers.

Note: FOIA does not require the Agency to do either of the following:

- create records that do not exist
 - combine or compile information in existing records.
-

B**Court Orders**

Court-ordered requests for information by summons, warrant, subpoena, or other compulsory legal process requires releasing the information.

162 Employee Information Not Available for Disclosure

A**Information To Be Withheld**

The following personal information may not be disclosed:

- Social Security numbers
 - matters of alleged or determined employee misconduct or disciplinary actions
 - training course grades or evaluations
 - performance appraisals
 - quality step increases
 - home addresses and telephone numbers
 - date of birth
 - medical information
 - salary deductions
 - marital status
 - race
 - age.
-

B**Exceptions**

OPF's and personnel forms, such as applications or requests for personnel actions that contain personal, sensitive information, may be disclosed to Agency officials and employees to the extent required in the performance of their official duties.

Disclosure of information in the employee's OPF or personnel forms may be made to a representative of an employee **only** if advanced written consent is received from the employee to whom the information pertains.

C**Not Releasing Employee Information**

Home addresses and home telephone numbers of employees, including bargaining unit employees, shall not be released to the union or organization by which they are represented.

163 Supervisor's Personal Notes

A**Availability of
Personal Notes**

A supervisor's personal notes that are:

- maintained on an employee are not subject to FOIA if they are kept private

Note: After the notes are used to make a decision on an employee's job status, the notes become subject to the provisions of FOIA.

- dated, signed, and witnessed shall be kept in a file with other official personnel records and are retrievable through official channels. They are not considered as private "memory joggers" and are subject to the provisions of FOIA.
-

164 Promotion Files

A**Disclosing Merit
Promotion
Information**

Upon written FOIA request, the following information on Merit Promotion files may be disclosed:

- name of selecting official
 - names of promotion panel members
 - name of selectee
 - selectee's application, including KSA's and professional and educational qualifications
 - rating scores, which are not tied to applicant names
 - rating score of selectee.
-

Continued on the next page

164 Promotion Files (Continued)

B**Merit Promotion Information To Be Withheld**

The following Merit Promotion file information shall not be disclosed as a result of FOIA requests:

- names of applicants other than the selectee and the requestor
- applicants' specific panel rating scores other than the selectee
- applications from applicants other than the selectee
- promotion crediting plans.

Note: Information about promotion crediting plans shall not be released to anyone, including EEO investigators and OCRE personnel.

165 OPF's

A**Documenting Release of Information From OPF**

If information is released from an employee's OPF according to this part:

- record the date, nature, and purpose of the disclosure and the name and address of the person or Agency to whom it was released
 - keep this information for the life of the record or 5 years, whichever is longer.
-

B**Requesting OPF's From National Personnel Records Center**

Under FOIA, OPF's that have been forwarded to the National Personnel Records Center for custody are considered the responsibility of the Agency, the former records holding office, for retrieving records and responding to requests for information.

166-179 (Reserved)

--Part 8 National Associations*180 NACS, NASE, NADD, and NASCOE**

A**Recognition of Associations**

FSA has recognized NACS, NASE, NADD, and NASCOE as National organizations that present and share views on appropriate issues. FSA and the associations have agreed to work together to develop a constructive, productive relationship.

Where recognized bargaining units exist, the union has exclusive rights to represent Federal Civil Service bargaining unit members.

B**Agreements**

See:

- Exhibit 35 for NACS agreement
 - Exhibit 36 for NASE agreement
 - Exhibit 37 for NADD agreement
 - 22-PM, Exhibit 22 for NASCOE agreement.
-

C**Establishing State Agreements**

When developing a consultative agreement with State chapters of these associations, State Offices are not to agree to any official time, travel, per diem, supplies, or services in excess of the National agreements.--*

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

This table lists the required reports in this handbook.

Report Control Number	Title	Reporting Period	Submission Date	Negative Report	Reference
PE-173R	Career Transition Assistance Program Report	Annually	December 31	Required	108
PE-177R	Career Intern Program Report	Annually	When requested	Required	159.5

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-53	USDA Photographic Identification Card		50
AD-139	Final Salary Payment Report		49
AD-343	Payroll Action Request		49
AD-773P	Supervisory or Managerial Probationary Period Report		63
AD-815	Post-Employment Restrictions	139	
AD-1106	Final FFAS Clearance Report		49
AD-2028	USDA Career Intern Program Application	157	
AD-2029	USDA Intern Orientation Checklist	159	
FFAS-20	Ethics Training Certification	138	
FFAS-21	Student Temporary Employment Program (STEP) School Enrollment Certification	152	
FFAS-49	Student Career Experience Program	153	
FSA-600	Individual Development Plan		159
I-9	Employment Eligibility Verification		46
OF-306	Declaration for Federal Employment		152, 153
OF-612	Optional Application for Federal Employment		101, 102, 152, 153, Ex. 8

Continued on the next page

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

**Forms
(Continued)**

Number	Title	Display Reference	Reference
OGE-450	Executive Branch Confidential Financial Disclosure Report	128	129, 138
OGE-450-A	Confidential Certificate of No New Interests (Executive Branch)	128	
SF-8	Notice to Federal Employees About Unemployment Insurance		50
SF-39	Request for Referral of Eligibles		10
SF-50	Notification of Personnel Action		35, 50, 63
SF-50B	Notification of Personnel Action		35
SF-52	Request for Personnel Action		32, 35, 47-50, Ex. 8
SF-171 <u>1/</u>	Application for Federal Employment		101, 102, 152, 153, Ex. 8
SF-182	Request, Authorization, Agreement and Certification of Training		157
SF-278	Public Financial Disclosure Report		128, 138

1/ This form is obsolete.

**Abbreviations
Not Listed in
1-CM**

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
AO	Administrative Officer	128, 129, 141
CFO	Compliance Field Office, RMA	10, 12, 104, 128
CTAP	Career Transition Assistance Program	34, 100, 101, 104-108, Ex. 8

Continued on the next page

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

**Abbreviations
Not Listed in
1-CM
(Continued)**

Approved Abbreviation	Term	Reference
DPM	Department Personnel Manual	11
ELRB	Employee and Labor Relations Branch, HRD or PD, KCAO	9, 14, 124, 129, 130
FPM	Federal Personnel Manual	11
FSO	Foreign Service Officer	125, 128, 129
FTE	full-time equivalency	151, 158
IDP	Individual Development Plan	157, 159
KSA	knowledge, skills, and abilities	87, 101, 104, 164, Ex. 8
ICTAP	Inter-Agency Career Transition Assistance Program	100, 101, 104, 106-108, Ex. 8
NACS	National Association of Credit Specialists	180, Ex. 35
NADD	National Association of District Directors	180, Ex. 37
NASCOE	National Association of FSA County Office Employees	180
NASE	National Association of Support Employees	180, Ex. 36
NACI	National Agency Check and Inquiry	14
OGE	Office of Government Ethics	122, 130, 138
OHRM	Office of Human Resources Management	11, 15, 124, 128, 130
OPF	official personnel folder	33, 50, 63, 128, 162, 165
PD	Personnel Division, KCAO	Text
RIF	reduction-in-force	Ex. 8
RPL	re-employment priority listing	104, 106, 108, Ex. 8

 Continued on the next page

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Abbreviations
Not Listed in
1-CM
(Continued)

Approved Abbreviation	Term	Reference
SCEP	Student Career Experience Program	34, 151-153
SEEP	Student Educational Employment Program	151, 153, Ex. 30
SES	Senior Executive Service	9, 12, 102, 105, 125, 127, 128
SFS	Senior Foreign Service	127
STEP	Student Temporary Educational Program	34, 151, 152
VISTA	Volunteers in Service to America	34
VRA	Veterans Readjustment Appointment	Ex. 8
WGI	within-grade increase	47

Redelegations of Authority This table lists the redelegations of authority in this handbook.

Redelegation	Reference
DAM; Assistant DAM; Director, HRD; and Deputy Director, HRD have FFAS-wide authority for: <ul style="list-style-type: none"> • classification • employment • adverse and disciplinary action. 	9
Chief, ELRB, HRD has FFAS-wide adverse and disciplinary action authority.	9
Chief, Domestic Operations Branch; Chief, Foreign Operations Branch; and HRD Position Classification Specialists and Personnel Management Specialists, GS-9 and above, have FFAS-wide classification authority.	9

Continued on the next page

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

**Redelegations of Authority
(Continued)**

Redelegation	Reference
Chief, Domestic Operations Branch; Chief, Foreign Operations Branch; and HRD Personnel Staffing Specialists and Personnel Management Specialists, GS-9 and above, have FFAS-wide employment authority.	9
Immediate supervisors have authority to issue proposed notices of adverse and disciplinary action for positions within their assigned jurisdictions.	9
Director or Acting Director, KCMO; Chief, PD; and Deputy Chief, PD have authority for offices serviced by KCMO: <ul style="list-style-type: none"> • classification • employment • adverse and disciplinary action. 	9
Deputy Director, Management has authority for: <ul style="list-style-type: none"> • classification • employment. 	9
Chief, ELRB, PD has adverse and disciplinary action authority.	9
Chief, Employment Branch, PD has employment authority.	9
Chief, Classification and Organization Branch, PD has classification authority.	9
Position Classification Specialists, GS-9 and above, have classification authority.	9
Personnel Staffing Specialists, GS-9 and above, have employment authority.	9
Immediate supervisors have authority to issue proposed notices of adverse action for positions within their assigned jurisdictions.	9
Immediate supervisors in FFAS have authority to issue proposed notices of adverse and disciplinary action for positions within their assigned jurisdictions.	9

Definitions of Terms Used in This Handbook

Affected Employee	An <u>affected employee</u> is an employee who has been displaced or identified as surplus and who meets the criteria in subparagraph 102 A.
<hr/>	
Accept	<u>Accept</u> means to come into possession of something from a person officially for a candidate, a campaign, a political party, or a partisan political group, but does not include ministerial activities which precede or follow this official act.
<hr/>	
Agency	<u>Agency</u> is defined as USDA.
<hr/>	
Break-In-Program	A <u>break-in-program</u> is a period of time when the student is neither attending classes nor working at the Agency. A break-in-program may be approved at the discretion of the supervisor and HRD, and will be addressed on a case-by-case basis. When requesting this break the student must demonstrate, to the satisfaction of the Agency and academic institution, that there is a legitimate intention of continuing to pursue a course of study or training.
<hr/>	
Candidate	A <u>candidate</u> is an individual who seeks nomination or election to any elective office whether or not the person is elected. An individual is deemed to be a candidate if the individual has received political contributions or made expenditures or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual's nomination or election.
<hr/>	
Campaign	<u>Campaign</u> means all acts done by a candidate and his or her adherents to obtain a majority to plurality of the votes to be cast toward a nomination or in an election.
<hr/>	
Component	<u>Component</u> is defined as "those parts of the Department within a local commuting area that are assigned to a separate agency code".
<hr/>	
Election	An <u>election</u> includes a primary, special, runoff, or general election.
<hr/>	

Continued on the next page

Definitions of Terms Used in This Handbook (Continued)

Federal Employee Organization

A Federal employee organization is any lawful nonprofit organization, association, society, or club composed of Federal employees.

Federal Labor Organization

A Federal labor organization is an organization defined in 5 U.S.C. 7103 (a)(4).

Nonpartisan Election

A nonpartisan election is an election in which none of the candidates is to be nominated or selected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

Occasional

Occasional means occurring infrequently, at irregular intervals, and according to no fixed or certain scheme; acting or serving for the occasion or only on particular occasions.

On Duty

On duty is the time period when an employee is either:

- in a pay status other than paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence, including leave without pay
 - representing the agency in an official capacity.
-

Partisan

Partisan, when used as an adjective, means related to a political party.

Partisan Political Group

A partisan political group is any committee, club, or other organization which is affiliated with a political party or candidate for public office in an partisan election, or organized for a partisan purpose, or which engages in partisan political activity.

Continued on the next page

Definitions of Terms Used in This Handbook (Continued)

Partisan Political Office	A <u>partisan political office</u> is any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but does not include any office or position within a political party or affiliated organization.
<hr/>	
Person	A <u>person</u> is an individual; a State, local, or foreign government; or a corporation and subsidiaries it controls, company, association, firm, partnership, society, joint stock company, or any other organization or institution, including any officer, employee, or agent of such a person or entity.
<hr/>	
Political Action Committee	A <u>political action committee</u> is any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of 1 or more individuals to Federal, State, or local elective public office.
<hr/>	
Political Activity	A <u>political activity</u> is an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.
<hr/>	
Political Contribution	A <u>political contribution</u> is any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose.
	A political contribution includes:
	<ul style="list-style-type: none"> • any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose • any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose • the provision of personal services, paid or unpaid, for any political purpose.
	A political contribution does not include the value of services provided without compensation by any individual who volunteers for any candidate, campaign, political party, or partisan political group.

Continued on the next page

Definitions of Terms Used in This Handbook (Continued)

Political Management	<u>Political management</u> is the direction or supervision of a partisan political group or campaign for partisan political office.
Political Party	A <u>political party</u> includes a national political party, a State political party, or affiliated organization.
Political Purpose	A <u>political purpose</u> is an objective of promoting or opposing a political party, candidate for partisan political office, or partisan political group.
Receive	<u>Receive</u> means to come into possession of something from a person officially for a candidate, a campaign, a political party, or a partisan political group, but does not include ministerial activities which precede or follow this official act.
Recurrent	<u>Recurrent</u> means occurring frequently or periodically on a regular basis.
Relative	<u>Relative</u> means a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
Room or Building Occupied in the Discharge of Official Duties	<p>A <u>room or building occupied in the discharge of official duties</u> includes, but is not limited to the following.</p> <ul style="list-style-type: none"> • Any Federally owned space (including, but not limited to, "public buildings" as defined in 40 U.S.C. 612(1) or Federally leased space in which Federal employees perform official duties on a regular basis. • Public areas as defined in 40 U.S.C. 490(a)(17) and 41 CFR 101-20.003 of buildings under the custody and control of GSA. • A room or building occupied in the discharge of official duties by an individual employed or holding office in the U.S. Government or any agency thereof does not include room in the White House, or in the residence of the Vice President, which are part of the Residence area or which are not regularly used solely in the discharge of official duties.

Continued on the next page

Definitions of Terms Used in This Handbook (Continued)

Solicit To solicit means to request expressly of another person that he or she contribute something to a candidate, a campaign, a political party, or partisan political group.

Subordinate Subordinate refers to the relationship between 2 employees when 1 employee is under the supervisory authority, control, or administrative direction of the other employee.

*--

United States Department of Agriculture

National Offices, Services Centers, and Field Offices



Farm Service Agency

Risk Management Agency

Foreign Agricultural Service

Rural Development

--*

Continued on the next page

Merit Promotion Plan (Continued)

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MERIT PROMOTION PLAN

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Attachment:

Employee, Supervisor, and Human Resources Responsibilities

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Merit Promotion Plan (Continued)

1. BACKGROUND

This establishes the procedures for merit promotion and placement actions for positions in the National Offices, Service Centers, and other Field Offices of RBS, RHS, RUS, * * * RMA, FAS, and FSA * * *. This document is according to 5 CFR 335 and provides supplemental information to comply with these requirements.

--Where exclusive representation exists, appropriate bargaining may take place. Where contract language addresses these policies and procedures for bargaining unit employees, contract language prevails.--

2. POLICY

- A. To promote fair and equitable treatment for all employees, this plan defines how consideration will be given to all interested applicants.
- B. This supplement does not guarantee promotion, nor does it require a vacancy be filled by promotion.
- C. Actions under this Merit Promotion Plan--whether in identification, qualification, evaluation, or selection of candidates, or any other phase of the promotion process--shall be made without discrimination for any nonmerit reason.
- D. This plan covers promotions in the competitive service through GS-15 and similar pay schedules, and to or from any prevailing rate schedule position.
- E. Any exception to this merit promotion policy must be approved by the head of the national *--Human Resources Office or designee.--*

3. OBJECTIVES

- A. The objectives of this plan are to:
 - (1) narrow the number of candidates to a reasonable number and ensure that selections are made from among the best qualified applicants
 - (2) give employees an opportunity to receive fair, equitable, and appropriate consideration for higher level jobs
 - (3) provide an incentive for employees to improve their performance and develop their KSA's
 - (4) provide career opportunities for employees
 - (5) bring the best qualified candidates to the attention of the selecting official
 - (6) enhance and support diversity in the workforce.

Continued on the next page

Merit Promotion Plan (Continued)

4. COVERAGE

The following types of personnel actions are covered:

- A. Competitive promotion.
- B. Reassignment or demotion to a position with more promotion potential than the highest actual grade held by an employee on a permanent basis under a career or career-conditional appointment.
- C. Transfers to a higher-graded position or a position with higher promotion potential than the highest actual grade previously held by an employee on a permanent basis under a career or career-conditional appointment.
- D. Reinstatement to a higher-graded position or a position with higher promotion potential than the highest actual grade held by an employee on a permanent basis under a career or career-conditional appointment.
- E. Selections for details for more than 120 calendar days to a higher-graded position or to a position with known promotion potential.
- F. Selection for training that is any 1 of the following:
 - (1) part of an authorized training agreement
 - (2) part of a promotion program, although the promotion may not immediately follow the training
 - (3) required before an employee is qualified for reassignment to a different occupational series
 - (4) part of a Career Enhancement Program
 - (5) designed primarily to prepare employees for advancement or to fulfill specific qualification requirements for a position with known promotion potential.
- G. Time-limited promotion for more than 120 calendar days to a higher-graded position or a position with higher promotion potential, unless the selectee has held the grade previously on a permanent basis.

Continued on the next page

Merit Promotion Plan (Continued)

5. EXCEPTIONS

The following types of personnel actions are not covered:

- A. Competitive selection from an OPM certificate or a certificate issued by an Agency with delegated examining authority.
- B. Promotions resulting from an employee's position being reclassified at a higher grade because of accretion of duties and responsibilities.
- C. Promotions resulting from upgrading a position, without significant changes in the duties or responsibilities, because of either the issuance of a new classification standard or the correction of an initial classification error.
- D. Career-ladder promotions when an employee was previously selected for an assignment intended to prepare him or her for the position being filled. Sources of selection may be 1 of the following:
 - (1) an OPM certificate
 - (2) a list of employees issued under delegated examining authority
 - (3) selection under competitive promotion procedures
 - (4) Special Placement Programs
 - (5) any other direct hire authority.
- E. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service, provided the employee was not demoted or separated from that grade because of deficiencies in performance or "for cause" reasons.
- F. Details, not longer than 120 calendar days, to a higher-graded position or to a position with no known promotion potential.
- G. Details at the same or lower grade.
- H. Actions taken as a remedy for failure to receive proper consideration in a competitive promotion action.

Continued on the next page

Merit Promotion Plan (Continued)

5. EXCEPTIONS (Continued)

- I. Promoting an employee upon exercise of reemployment rights if the employee's former position was reclassified during his or her absence.
- J. Selection of a candidate from RPL for a position up to the highest grade previously held in the competitive service.
- K. Position changes permitted by RIF regulations.
- L. Repromotion to a grade or position from which an employee was demoted as a result of RIF.
- M. Selection by reassignment to a position with the same or less promotion potential than a position previously held under a career or career-conditional appointment.
- N. A temporary promotion for 120 calendar days or less to a higher-graded position or to a position with known promotion potential.
- O. Permanent promotion to a position held under temporary promotion when:
 - (1) the assignment was originally made under competitive procedures
 - (2) it was made known under competitive procedures to all competitors at the time that it might lead to a permanent promotion.
- P. Voluntary change to a lower grade with the same or less promotion potential than previously held under a career or career-conditional appointment.
- Q. A position change from a position having known promotion potential to a position at the same grade having no higher potential.
- R. Selection of an eligible CTAP or ICTAP candidate.

6. METHODS FOR FILLING VACANCIES

Vacancies may be filled by any appropriate method including special placement programs, new appointment, reassignment, transfer, reinstatement or promotion, etc.

Continued on the next page

Merit Promotion Plan (Continued)

7. PRIORITY PLACEMENT PROGRAMS

A. When a position is announced with an area of consideration limited to all or some portion of the USDA workforce, the order of consideration for priority and other candidates is as follows:

- (1) Agency CTAP eligibles
- (2) USDA CTAP eligibles
- (3) Agency/USDA repromotion eligibles
- (4) Agency priority consideration eligibles
- (5) all other applicants within the area of consideration
- (6) RPL registrants at the option of the selecting official.

B. When a position is announced with an area of consideration which exceeds the current USDA workforce, such as Governmentwide or all sources, the order of consideration for priority and other candidates is as follows:

- (1) Agency CTAP eligibles
- (2) USDA CTAP eligibles
- (3) USDA RPL registrants
- (4) USDA ICTAP applicants
- (5) Agency/USDA repromotion eligibles
- (6) Agency priority consideration eligibles
- (7) ICTAP eligibles (other than those displaced from USDA)
- (8) all other applicants.

Continued on the next page

Merit Promotion Plan (Continued)

7. PRIORITY PLACEMENT PROGRAMS (Continued)

C. USDA Repromotion Placement Plan

Employees downgraded through no fault of their own are entitled to priority consideration for a period of 2 years from the effective date of the employee's downgrade.

D. Priority Consideration

Employees are entitled to priority consideration whenever reconstruction of a promotion action shows that, except for some error (such as wrong qualification determination, failure to consider, improper rating, failure to follow competitive procedures, etc.), the employee would have appeared on a promotion certificate. The employee shall be entitled to 1 bonafide consideration for the type (same series, grade, up to the same promotion potential, and geographic area) of position previously applied for under competitive procedures. A priority consideration certificate will be forwarded to the selecting official before issuing a competitive certificate. If no priority consideration candidate is selected, the selecting official must provide job-related justification for the nonselection.

8. INITIATING THE VACANCY

- A. The supervisor of the vacancy will submit SF-52 through appropriate channels. With SF-52, the supervisor will attach a Position Description Cover Sheet and a current position description that accurately describes the position to be filled.
- B. No action will be taken to staff the vacant position until the position is classified.
- C. The selecting official will determine, in consultation with the Personnel Specialist, the best way to fill the vacancy (OPM register, transfer, reinstatement, merit promotion procedures, Special Placement Programs, etc.).

Continued on the next page

Merit Promotion Plan (Continued)

9. PROCEDURES WHEN VACANCY IS ANNOUNCED

The following procedure will be followed for all merit promotion vacancies:

A. Identification of Selection Criteria

*--Agencies have the option of using either KSA's or job-related statements to determine best qualified candidates.

Before posting the vacancy announcement, the Personnel Specialist determines that KSA's or job-related statements are:

- (1) established for the position. The Personnel Specialist will discuss and review with the selecting official the existing KSA's or job-related statements to determine whether they are still appropriate
- (2) **not** established for the position. The Personnel Specialist will contact the selecting official to establish KSA's or job-related statements.--*

B. Minimum Area of Consideration

The following is designated as the minimum area of consideration:

- (1) any single Agency, Service, or Bureau, National/Headquarters Offices - commuting area
- (2) any single Agency, Service, or Bureau, State/Field Offices - commuting area.

A wider area of consideration may be initially established to obtain more qualified candidates if it is anticipated that sufficient candidates will not be available.

C. Preparation and Posting Vacancy Announcements

- (1) Vacancy announcements will normally be posted for a minimum of 10 workdays. Announcements with the area of consideration limited to CTAP/ICTAP candidates may be open for 5 calendar days.
- (2) Nationwide/Governmentwide will be posted for a minimum of 21 calendar days.
- (3) Close of business in Field Offices will be determined by the appropriate official in each office.
- (4) Vacancies will be posted on the automated bulletin board systems prescribed by OPM. Offices will ensure announcements are posted to provide for adequate publicity to employees.

Continued on the next page

Merit Promotion Plan (Continued)

10. SUBMITTING APPLICATIONS

A. To be considered for posted vacancies, the following procedures must be followed:

(1) Applicants must submit the following:

- a. SF-171, OF-612, or resume
- b. supplemental statement that addresses each of the KSA's separately or other
--information included in the announcement, such as job-related statements--
- c. current performance appraisal/rating, or a statement advising the performance
appraisal/rating is unavailable

Note: This applies **only** to current Federal employees.

d. any other information as specified in the vacancy announcement.

(2) Noncompetitive referral candidates are not required to submit KSA supplemental statements although they are encouraged to do so.

Notes:

(1) Failure on the part of the applicant to submit the requested material will result in not being considered for the advertised position.

--(2) KSA supplemental statements, if used, may not be more than 2 single-spaced pages per--
KSA unless otherwise stated on the vacancy announcement.

(3) Additional materials, such as copies of position descriptions, publications, and award certificates, will not be considered in the ranking process.

B. Applications must be received at the specified location by the close of business on the closing date of the vacancy announcement unless otherwise stated on the vacancy announcement. Exceptions to this requirement may be made by the servicing Human Resources Office for reasons such as extended power outages, severe weather, etc.

C. Applications submitted by FAX or other electronic means as specified in the announcement will be accepted.

Continued on the next page

Merit Promotion Plan (Continued)

10. SUBMITTING APPLICATIONS (Continued)

- D. Employees who are on extended leave are responsible for notifying their supervisor if they want to be considered for promotional opportunities while they are on travel or leave. Employees shall leave a telephone number, e-mail address, and/or FAX number with their supervisor. The supervisor is responsible for contacting the employee to provide vacancy information.
- E. Voluntary applications within the Agency will not be accepted unless so stated on the vacancy announcement. The vacancy announcement will outline the method of considering candidates when applications are accepted.
- *--F. Applications will normally be accepted from candidates under special hiring authorities, that is, VRA, 30 Percent Disabled Veteran, Persons with Disabilities, etc. Qualified candidates will be placed on the promotion certificate as noncompetitive referrals. The vacancy announcement will indicate if candidates under special hiring authorities will not be considered.--*
- G. Pub. L. 105-277, Section 765, states that permanent employees of FSA COC's employed on or after October 1, 1998, shall be considered as having Federal Civil Service status for the purpose of applying for USDA Civil Service vacancies. Applications will be accepted from permanent FSA COC employees who were employed on or after October 1, 1998, when the area of consideration includes FSA employees. FSA COC employees do not receive any priority consideration for Civil Service vacancies.

11. EVALUATION TO DETERMINE ELIGIBILITY, BASIC QUALIFICATIONS, AND NOTIFICATION TO CANDIDATES

- A. Qualifications of the applicants will be determined from the application package submitted and the applicant notified of the results.
- B. Minimum qualification standards used for placements are standards approved by OPM and may be found in OPM Handbook, Qualification Standards for General Schedule Positions and the X-118C, Internal Qualifications Guide for Trade and Labor Jobs. The Personnel Specialist will assure that all of the following requirements are met:
 - (1) time-in-grade restrictions
 - (2) Qualification Standards for General Schedule Positions or the X-118C standards
 - (3) 90 calendar days after competitive appointment restriction
 - (4) any other requirements such as selective placement factors, such as ability to communicate in a foreign language
 - (5) summary performance rating of fully successful or results achieved.
- C. Applicants must meet all of the above requirements by the closing date of the announcement.
- D. Submission of additional information after the closing date will not be accepted.

Continued on the next page

Merit Promotion Plan (Continued)

12. RATING AND RANKING PROCEDURES

--Either a Merit Promotion Panel, Personnel Specialist/Subject Matter Expert, or automated rating of responses to job-related statements may be used to rate and rank candidates.--

A panel may be used for any vacancy regardless of the number of competitive candidates.

A Personnel Specialist/Subject Matter Expert may be used if there are 10 or less competitive candidates for any particular advertised grade level.

The same method will be used for any position(s) advertised at multiple grade levels.

A. Merit Promotion Panel Method

(1) Merit Promotion Panel Composition

- a. The Personnel Specialist will assemble a Merit Promotion panel consisting of at least 2 members who occupy positions at a grade level not lower than the full performance level of the position being filled. The selecting official may recommend members to serve on the panel subject to the approval of the Personnel Specialist.
- b. The Personnel Specialist will serve as a facilitator with responsibility for ensuring the requirements of merit promotion procedures are followed and to assist in expediting the process.
- c. Neither the supervisor, the selecting official, nor the approving official of the vacancy may be a member of the panel. They may, however, be asked to appear before the panel to answer any questions regarding the vacancy or the crediting plan.
- d. Merit Promotion Panels should include minority group members and/or women.
- e. Members of the panel will protect the confidentiality of all information received or reviewed during the committee process.
- f. There may be an EEO observer present during this process.

(2) Merit Promotion Panel Delegated Responsibility

The Merit Promotion Panel has the final responsibility for determining best qualified candidates based on valid, job-related criteria and employee's application package. They are accountable for defending their final decision to any regulatory or investigative agency.

Continued on the next page

Merit Promotion Plan (Continued)

12. RATING AND RANKING PROCEDURES (Continued)

A. Merit Promotion Panel Method (Continued)

(3) Merit Promotion Panel's Rating of the Candidates

- a. The Merit Promotion Panel will use the following rating instruments to determine a candidate's possession of each identified KSA and the level of proficiency attained.

Rating Instruments: Application, KSA's, performance appraisal, related awards, training and self-development.

Note: These factors may be considered in the evaluation process only to the extent that they are clearly related to 1 or more of the skills and knowledges important to successful performance in the job to be filled.

- b. A rating scale will be developed for each KSA against which an applicant's possession of that KSA will be measured. The point range is 5 - 0.

Superior	-	5 points will be assigned
Satisfactory	-	3 points will be assigned
Minimally acceptable	-	1 point will be assigned
No evidence	-	0 point will be assigned

B. Personnel Specialist/Subject Matter Expert Ranking Method

- (1) If there are 10 or fewer qualified competitive applicants at each particular grade level for a vacancy, a Personnel Specialist may be used to determine the best qualified.
- (2) The Personnel Specialist or Subject Matter Expert will apply the same rating criteria used by a merit promotion panel as described above in paragraph 12 A (3).

*--C. Automated Rating of Job-Related Statements

An automated rating of responses to job-related statements may be used to rate candidates.--*

D. Determining the Best Qualified

- (1) Each basically qualified competitive candidate is evaluated against criteria developed from the job analysis process which was developed before rating. Each candidate is given a score based on their experience, education, related awards, training, and self-development. These scores are then combined and recorded on the master score sheet.

Continued on the next page

Merit Promotion Plan (Continued)

12. RATING AND RANKING PROCEDURES (Continued)

D. Determining the Best Qualified (Continued)

- (2) Up to 10 candidates may be certified for each grade level if meaningful distinctions cannot be made among a smaller number.
- (3) Where distinctions simply cannot be made if a tie occurs for the 10th position, all names with that score will be referred.
- (4) If more than 1 position is to be filled, 3 additional names may be certified for each additional vacancy.
- (5) If insufficient candidates (3 or less) are best qualified, the selecting official may make a selection or request that the area of consideration be extended.
- (6) There is no provision allowing the selecting official to request and make a selection from candidates who have not been rated best qualified.

13. ALTERNATIVE EVALUATION METHOD

- A. This is an alternate approach for determining well qualified candidates when 10 or fewer applications are received from basically qualified candidates who must compete.
- B. The Personnel Specialist reviews application materials to determine that an applicant meets basic qualifications and any selective factors identified for the position. A further review is conducted to distinguish well qualified candidates from those who only meet minimum requirements.
- C. If a Personnel Specialist is not familiar with the requirements of the position to determine whether experience, education, or training relates to the evaluation criteria, then a subject matter expert may perform the evaluation or his or her technical advice may be obtained.
- D. Applicants who meet all these requirements are referred to the selecting official as well qualified candidates for consideration by the selecting official.
- E. Any basically qualified candidates for lateral reassignment and those eligible for consideration under special hiring authorities or for reinstatement will be referred to the selecting official without being evaluated by any of these methods.

Continued on the next page

Merit Promotion Plan (Continued)

14. SELECTION PROCESS

- A. The names of the best qualified candidates will be listed on the promotion certificate by grade level in alphabetical order.
- B. The selecting official may be provided with all best qualified candidates' KSA supplemental statements, applications, and any other related material.
- C. The selecting official has the option to either interview or not to interview the best qualified candidates on a promotion certificate. If one best qualified candidate is interviewed, then all best qualified candidates must be interviewed. Noncompetitive referrals need not be interviewed, nor must the selecting official interview all noncompetitive referrals if they interview one.
- D. The selecting official is entitled to make a selection from any of the candidates listed on a promotion certificate based on his or her judgment of how well the candidate will perform in the particular job being filled.
- E. The selecting official will make his or her selection and forward it through appropriate approving officials. Each candidate will be notified of the selection.
- F. The promotion certificate should be returned within 30 calendar days. If the selecting official is unable to make the selection, extensions may be granted up to 90 calendar days from the date the certificate was originally issued. In the event a like (same Agency, official title, series, grade, and geographic location) vacancy occurs within the original area of consideration during the 90-calendar-day period, the same certificate may be used to fill the subsequent vacancy(s) without re-advertising.
- G. The selecting official is not required to make a selection from the promotion certificate but may select from any other appropriate source.
- H. A selected candidate will normally be released to enter on duty in the new position no later than 1 full pay period after selection. Extensions beyond the normal 1 pay period will be negotiated between the supervisors involved by the Personnel Specialist.

Continued on the next page

Merit Promotion Plan (Continued)

15. PROMOTION RECORDS AND INFORMATION

- A. The Human Resources office will establish and maintain an official promotion case file for 2 years.
- B. The following information will be provided to any employee upon request:
- (1) explanations and supporting regulations concerning the Merit Promotion Plan
 - (2) the qualifications required for a position
 - (3) if the employee was considered and basically qualified
 - (4) whether the employee was among the best qualified and how the employee was evaluated by the Merit Promotion Panel or Personnel Specialist
 - (5) cut-off score for best qualified
 - (6) scores of other candidates, not identified by name
 - (7) number of qualified candidates
 - (8) number of candidates certified as best qualified
 - (9) who was selected.
- C. Employee Complaints: An employee has the right to file a grievance or complaint if he or she feels:
- (1) There has been an improper application of governing rules and regulations.
 - (2) The Merit Promotion Plan procedures were not followed.
- Individual judgments used in merit promotion process or non-selection from a group of properly ranked or certified candidates are not subject to the formal administrative grievance process.
- D. All employees are encouraged to discuss plans and opportunities for advancement with their supervisor and request information and/or assistance from the servicing office on specifics of the Merit Promotion Plan, qualification standards, etc.

Continued on the next page

Merit Promotion Plan (Continued)

16. PROGRAM REVIEW

This plan will be reviewed and reported on periodically in conjunction with managers, supervisors and employees to ensure that:

- A. the plan is effective and useful to employees and management
- B. promotion actions and employee complaints are handled promptly and properly
- C. promotions are used to encourage competent employees to investigate new careers and to make the best use of their knowledge and skills
- D. employees, supervisors and managers have a full understanding of the merit promotion process.

Merit Promotion Plan (Continued)

Attachment 1

Employee, Supervisor, and Human Resources Responsibilities

Employee Responsibility

1. Review announcements under the Merit Promotion Program.
2. Review announcements and, if they feel they meet specific experience and training requirements for the position, properly complete and forward all required application material by the closing date for each position for which they wish to be considered, keeping in mind that the promotion certificate can be used for another like (same Agency, official title, series, grade, and geographic location) vacancy that occurs within 90 calendar days.
3. Keep supervisors informed of career interests. Before departure on temporary duty, scheduled leave, and other absences, provide supervisor with a telephone number, e-mail address and/or FAX number at which they may be contacted.
4. Take advantage of self-development and training opportunities, both on and off the job.
5. Demonstrate competence and readiness for advancement by diligent and effective performance in current assignment.
6. When requested, participate in applying OPM regulations to establish reasonable job-related *--evaluation criteria (KSA's) or job-related statements, and participate on promotion panels for--* determining best qualified candidates.
7. Assure that official personnel records reflect all experience, education, and training.
8. Keep informed of the provisions of this plan.

Supervisor Responsibility

1. Maintain a current copy of this plan, make it available to their employees, and exert every effort to ensure that employees fully understand the plan.
2. Inform new employees where position vacancy announcements are posted.

Continued on the next page

Merit Promotion Plan (Continued)

3. Periodically inform employees, either orally or in writing, that questions about the plan or specific promotion actions should be referred to the servicing Human Resources Office for informal handling and that formal means for resolving promotion complaints are available through Agency Grievance Procedures.
4. Anticipate personnel vacancies and initiate action in a timely manner so that sufficient qualified applicants can be found to facilitate the best selection.
5. Participate in applying OPM regulations to establish reasonable job-related evaluation criteria *--(KSA's or job-related statements).--*
6. Participate in or make employees available for rating panels.
7. Give fair, equitable, and full consideration to all candidates referred and make a final selection from the list without discrimination for any nonmerit reason and without favoritism based on personal relationship or patronage.
8. Under the provisions of this plan, release a selected employee for assignment to his or her new job.
9. On a fair and equitable basis, guide and assist employees in developing skills and abilities through cross-training, special assignments, and formal education, as needed. Encourage and advise employees regarding self-development needs and opportunities, and on areas where improvement should be made to increase chances for future promotion.

Human Resources Responsibility

1. Develop and administer the Merit Promotion Plan.
2. Ensure the quality and effectiveness of the merit promotion program and management/employee understanding and acceptance.
3. Through job-analysis, develop and administer selective placement factors for basic eligibility and identification of job-related criteria.
4. Determine and/or develop appropriate evaluation methods and instruments to be included in *--crediting plans or automated staffing systems.--*
5. Provide technical advice and assistance to panel members responsible for rating candidates.

Continued on the next page

Merit Promotion Plan (Continued)

6. Publicize the program to keep management and employees well informed.
 7. Furnish advice and assistance to employees interested in advancing or transferring to new career fields.
 8. Evaluate program effectiveness to include initiation of improvements or necessary changes.
 9. Maintain records according to OPM and USDA requirements.
 10. Give new employees general information on the program as a part of employee orientation.
 11. Advise of methods and procedures for filling all vacancies.
 12. Advise candidates who apply for promotion whether they meet basic eligibility requirements and inform them of action taken on their applications.
 13. Ensure that position vacancy announcements are published.
-

***--Instructions to the Panel**

The basis for the panel interview process is to provide information on how a candidate will perform in the target position through understanding how the candidate has performed in past positions. Information is obtained by having each candidate describe in detail, past and/or current experiences that they believe demonstrate their ability to perform in the position.

The interview panel member's responsibility is to obtain information about each candidate relative to their strengths and weaknesses, using a standard set of questions and criteria developed for this purpose.

The panel usually consists of 3 to 5 members. Questions and the criteria may have been given to the panel at the beginning of the interviews. The interview normally lasts 45 minutes and the panel will take notes during the interviews. The panel may ask follow-up or clarifying questions as needed.

Each candidate will be evaluated on their responses using a scale of **High, Medium, or Low**. The interviews with the application will form the basis on which the decision for a selection will be made.

A civil rights observer may also be present. The role of the civil rights observer is to ensure that the evaluations and any conversation about the process is **not** discriminatory in nature. The observer will **not** take part in the interviews or attempt to influence the panel discussion.

Your evaluation of each candidate will become part of the official file maintained by the selecting official.--*

***--Instructions to the Candidate**

The basis for the panel interview process is to provide information about how a candidate will perform in the target position through understanding how the candidate has performed in past positions. Information is obtained by having each candidate describe in detail, past and/or current experiences that they believe demonstrate their ability to perform in the position.

A civil rights observer may be present. The role of the civil rights observer is to ensure that the evaluations and any conversation about the process is **not** discriminatory in nature. The observer will **not** participate in the interviews or attempt to influence the panel discussion.

Candidates will be participating in a panel interview setting that will include 3 to 5 panel members and a civil rights observer. The interview will consist of approximately 5 to 7 questions, and will take approximately 45 minutes. Panel members may ask the questions, or you may be given the questions at the time of the interview. Panel members will be taking notes.

Panel members will be interested in hearing how past and/or current experiences have equipped the candidate to perform successfully in this position. It will be helpful if responses and/or examples demonstrate or substantiate skills and abilities and how the candidate applies them if selected for the position.

Panel members will be taking notes during the candidate's responses and may ask follow-up or clarifying questions. The candidates will be evaluated on their responses.--*

***--Evaluation Matrix**

Position and Title	Series and Grade	Duty Station Office	Vacancy No.
The following table must be used to evaluate each candidate's response.			
Applicant's Name	High	Medium	Low
Signature of Panel Members			Date
Selecting Official's Signature			
Remarks:			

5 CFR Part 735, Employee Responsibilities and Conduct

PART 735--EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. The authority for part 735 is revised to read as follows:

Authority: 5 U.S.C. 7301; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. Subpart A is revised to read as follows:

Subpart A--General Provisions

Sec.

735.101 Definitions.

735.102 Disciplinary action.

735.103 Other regulations pertaining to conduct.

Subpart A--General Provisions

Sec. 735.101 Definitions.

In this part:

Agency means an Executive agency (other than the General Accounting Office) as defined by 5 U.S.C. 105, the Postal Service, and the Postal Rate Commission.

Employee means any officer or employee of an agency, including a special Government employee, but does not include a member of the uniformed services.

Special Government employee means a "special Government employee," as defined in 18 U.S.C. 202, who is employed in the executive branch, but does not include a member of the uniformed services.

Uniformed services has the meaning given that term by 5 U.S.C. 2101(3).

Sec. 735.102 Disciplinary action.

An employee's violation of any of the regulations in subpart B of this part may be cause for disciplinary action by the employee's agency, which may be in addition to any penalty prescribed by law.

Sec. 735.103 Other regulations pertaining to conduct.

In addition to the standards of conduct in subpart B of this part, an employee shall comply with the standards of ethical conduct in 5 CFR part 2635, as well as any supplemental regulation issued by the employee's agency under 5 CFR 2635.105. An employee's violation of those regulations may be cause for the employee's agency to take disciplinary action, or corrective action as that term is used in 5 CFR part 2635. Such disciplinary action or corrective action may be in addition to any penalty prescribed by law.

3. Subpart B is revised to read as follows:

Continued on the next page

5 CFR Part 735, Employee Responsibilities and Conduct (Continued)

Subpart B--Standards of Conduct

- 735.201 Gambling.
- 735.202 Safeguarding the examination process.
- 735.203 Conduct prejudicial to the Government.

Subpart B--Standards of Conduct

Sec. 735.201 Gambling.

(a) While on Government-owned or leased property or while on duty for the Government, an employee shall not conduct, or participate in, any gambling activity including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket.

(b) This section does not preclude activities:

- (1) Necessitated by an employee's official duties; or
- (2) Under section 7 of Executive Order 12353 and similar agency-approved activities.

Sec. 735.202 Safeguarding the examination process.

(a) An employee shall not, either for or without compensation, engage in teaching, lecturing, or writing for the purpose of the preparation of a person or class of persons for an examination of the Office of Personnel Management or Board of Examiners for the Foreign Service that depends on information obtained as a result of the employee's Government employment.

(b) This section does not preclude the preparation described in paragraph (a) of this section if:

- (1) The information upon which the preparation is based has been made available to the general public or will be made available on request; or
- (2) Such preparation is authorized in writing by the Director of the Office of Personnel Management or his or her designee, or by the Director General of the Foreign Service of his or her designee, as applicable.

Sec. 735.203 Conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

Secs. 735.301-735.306 [Removed]

4. Subpart C, consisting of Secs. 735.301 through 735.306, is removed.

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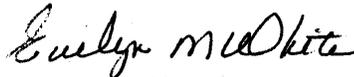
UNITED STATES DEPARTMENT OF AGRICULTURE
POLICY ANALYSIS AND COORDINATION CENTER
HUMAN RESOURCES MANAGEMENT
WASHINGTON, D.C. 20250

PERSONNEL BULLETIN NO. 735-1

NOV 12 1996

SUBJECT: Employee Responsibilities and Conduct

Attached and incorporated into this bulletin are rules on "Employee Responsibilities and Conduct," which address subjects different from those included by the Office of Government Ethics (OGE) in its "Standards of Ethical Conduct for Employees of the Executive Branch" (5 CFR Part 2635). Employees must follow the OGE rules as well as this bulletin.



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Attachment

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DISTRIBUTION: All DPM Holders

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BULLETIN EXPIRES: December 31, 1998

DEPARTMENT OF AGRICULTURE
HUMAN RESOURCES MANAGEMENT
EMPLOYEE RESPONSIBILITIES AND CONDUCT
BULLETIN: 735-1

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II. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A -- General Provisions.

735-101 Definitions.

- (a) "Agency" means a constituent Agency of the U. S. Department of Agriculture.
- (b) "Agency Head" means the Administrator or Chief of an Agency.
- (c) "Department" means the United States Department of Agriculture.
- (d) "Mission Area" means those components of the Department that report to an individual Under Secretary of Agriculture or to an individual Assistant Secretary of Agriculture.

735-102 Redelegation.

Unless otherwise stated, any authority delegated in this Issuance may be redelegated to a level of management that has the experience and/or training to administer the delegation.

735-103 Informing employees.

- (a) Within 90 days of publication of this Issuance or subsequent changes to it, Agencies will issue each employee a copy.
- (b) Each new employee shall be furnished, at the time of hiring, a copy of this Issuance.
- (c) With his/her copy of this issuance, each employee will receive notification here to direct any questions about the issuance.

735-104 Mission Area supplementation.

With prior approval of the office of the Designated Agency Ethics Official, Mission Areas may supplement this Issuance as to substance and procedure. Mission Area supplemental regulations may be more restrictive. Mission Areas shall furnish employees copies of regulations that supplement this Issuance on the same basis employees are furnished copies of this Issuance as required in Section 735-103 (a), (b), and (c).

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Subpart B -- Conduct and Responsibilities of Employees

735-201 Prohibited conduct - general. Employees are prohibited from:

- (a) Engaging in criminal, infamous, dishonest, immoral, or disgraceful conduct, or other conduct prejudicial to the Government;
- (b) Conducting, or participating in, any gambling activity including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket while on Government-owned or leased property or while on duty for the Government. This does not preclude activities:
 - (1) Necessitated by an employee's law enforcement duties; or
 - (2) Under Section 7 of Executive Order 12353, permitting solicitations conducted by organizations composed of employees among their own members for organizational support or for the benefit of welfare funds for their members.
- (c) Engaging in teaching, lecturing, or writing, with or without compensation, for the purpose of the preparation of a person or class of persons for an examination of the Office of Personnel Management or Board of Examiners for the Foreign Service that depends on information obtained as a result of the employee's Government employment. This does not preclude such teaching, lecturing, or writing if:
 - (1) Prior written authorization is obtained from a Mission Area ethics official;
 - (2) Such teaching, lecturing, or writing is not performed at or for any educational institution or other organization that discriminates because of race, creed, color, sex, religion, age, national origin, or physical or mental disability, in the admission or subsequent treatment of students;
 - (3) The information upon which the preparation is based has been made available to the general public or will be made available on request; and
 - (4) Such preparation is authorized in writing by the Director of the Office of Personnel Management or his or her designees, or by the Director General of the Foreign Service or his or her designees, as applicable.

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- (d) Using an intoxicating beverage on Government--owned or leased property (except when authorized by the Office of Operations for the Washington, D.C., complex; or by the Agency Head or designee in field locations owned by the Department; or by the Agency Head or designee in field locations leased by the Department or controlled by the General Services Administration [GSA], upon concurrence by the lessor or the appropriate GSA official); or transporting or using an intoxicating beverage in a Government-owned or leased vehicle;
- (e) Harassing employees by word or action, or knowingly making false accusations against employees;
- (f) Monitoring telephone conversations, recording telephone conversations by device, or authorizing or permitting others under their administrative control to monitor telephone conversations or record telephone conversations by device, except:
 - (1) As authorized by the Inspector General or his/her designee, with the prior consent of one party to a telephone conversation and when necessary in a criminal investigation;
 - (2) When all parties agree in advance; or
 - (3) When supervisors monitor or record telephone-bank or similar operations for the purpose of evaluating performance of employees.
- (g) Utilizing any device to monitor or record nontelephone conversations, except:
 - (1) As authorized by the Inspector General or his/her designee with the prior consent of one party to a nontelephone conversation and when necessary in a criminal investigation; or
 - (2) When all parties agree in advance.
- (h) Canvassing for sales, or selling, any article (including but not limited to candy or other items for schools or charities; kitchenware or other home furnishings; paper products; cosmetic products; or any other items whatsoever) in person or by distributing or posting literature, advertising matter, or any other graphic matter, in or on Government-owned or leased property, or property occupied by the Department;

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- (i) Engaging in coercive or repeated unsolicited and unwelcome verbal comments, gestures, or physical contacts of a sexual nature or by using implicit or explicit coercive sexual behavior in the process of conducting agency business, or to control, influence, or affect the career, salary, or job of an employee;
- (j) Failing to take appropriate action on complaints or proven acts of sexual harassment, if a supervisor or manager who knew or should have known of those acts;
- (k) Displaying discourtesy or disrespect to a coworker, another Federal employee, or a member of the public when acting in an official capacity;
- (l) Failing to wear or use specified safety equipment, or failing to report obvious unsafe conditions, while on official duty; or
- (m) Making threats against other employees or members of the public.

735-202. Foreign gifts.

Pursuant to the Foreign Gifts and Decorations Act, the acceptance by an employee of a gift, present, decoration, or other thing from a foreign government or agent thereof (including an international organization whose membership includes a unit of foreign government or any agent of a foreign government) is subject to the following conditions:

- (a) An employee may not request or otherwise encourage the tender or a decoration or gift (including travel and travel expenses);
- (b) An employee may accept and retain a gift that is tendered and received as a souvenir or a mark of courtesy if the gift has a retail value in the United States, at the time of acceptance, less than an amount established by the U.S. Department of State;

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- (c) An employee may accept a gift of more than an amount established by the U.S. Department of State:
- (1) when such gift is in the nature of an educational scholarship or medical treatment; or
 - (2) when it appears that to refuse the gift would likely cause offense or embarrassment, or would otherwise adversely affect the foreign relations of the United States; or
 - (3) when in the form of travel or expenses for travel entirely outside the United States, provided the employee obtains prior approval for the acceptance of the travel or expenses for travel from the head of the employing Agency or his or her designee; or
 - (4) when the employee pays the appraised value of the gift plus the cost of appraisal in accordance with the regulation at 41 CFR Part 101-49:
- (d) The acceptance of a tangible gift of more than the amount determined by the U.S. Department of State (\$225) is deemed to have been accepted on behalf of the United States, becomes the property of the United States, and must be deposited by the employee within 60 calendar days with his or her employing Agency's property management officer with a statement showing:
- (1) Name and position of the employee accepting the gift;
 - (2) Brief description of the gift and the circumstances justifying acceptance;
 - (3) Identity, if known, of the foreign government and name and position of the individual who presented the gift;
 - (4) Date of acceptance of the gift;
 - (5) Estimated value in the United States of the gift at time of acceptance; and
 - (6) Disposition and current location of the gift.

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- (e) If the employee accepted a gift for travel or travel expenses, the employee must file a statement with his or her employing Agency Head within 30 calendar days after acceptance stating:
 - (1) Name and position of the employee accepting the gift;
 - (2) Brief description of the gift and the circumstances justifying acceptance; and
 - (3) Identity, if known, of the foreign government and name and position of the individual who presented the gift;

- (f) An employee may accept, retain, and wear a foreign decoration if tendered in recognition of active field service or unusually meritorious service and if supported by a statement from the donor, preferably in the form of a citation, which shows the basis for tender of the award. A request from the head of the employing Agency for approval of the acceptance of the decoration will be forwarded to the Administrator of the Foreign Agricultural Service (FAS) or his or her designee for concurrence or disapproval. The request from the employing Agency must contain a recommendation as to whether or not the acceptance, retention, and wearing of the foreign decoration by the employee would be in the best interest of the United States.

The Administrator of the FAS shall notify the employing Agency of his or her concurrence or disapproval of the retention of the foreign decoration.

Disapproval by the FAS shall constitute acceptance on behalf of the United States, and the decoration shall be deposited by the employee with the Agency's Property Management Officer within 60 calendar days of the acceptance. The Property Management Officer shall report the decoration, as required by the Agriculture Property Management Regulations;

- (g) Violation of the provisions of the Foreign Gifts and Decorations Act, including the failure by an employee to report such a gift, may result in a civil penalty against the employee for the retail value of the gift plus \$5,000; and

- (h) The definition of "employee" for purposes of the Foreign Gifts and Decorations Act includes all employees of the Department, experts or consultants under contract with the United States, spouses of all such individuals, and blood and in-law relations who are residents of the employee's household.

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735-203 Attendance and leave.

- (a) Employees must observe designated duty hours and be punctual in reporting for work and returning from lunch periods. Tardiness can result in employees being placed in a nonpay status for unauthorized absence (Absence Without Leave [AWOL] and being subject to discipline or adverse action.
- (b) Employees normally must obtain advance authorization for absence from duty. Approval of leave is a discretionary matter reserved to the supervisor. The taking of leave is not a right afforded to an employee, but is conditioned on the needs of Department service. Where absence from duty results from illness or an emergency, employees are required to notify their supervisor or other appropriate person as soon as possible. When an employee fails to notify properly his or her supervisor, an absence may be charged as unauthorized absence (Absence Without Leave [AWOL]). An employee charged with AWOL may be subject to disciplinary or adverse action.
- (c) Sick leave is administered in accordance with 5 CFR Part 630, Subpart D (including the Federal Employees Family Friendly Leave Act, Public Law 103-388, dated October 22, 1994), and covers a situation in which an employee:
 - (1) Receives medical, dental, or optical examination or treatment;
 - (2) Is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
 - (3) Provides care for a family member as a result of physical or mental illness; injury; pregnancy; childbirth; or medical, dental, or optical examination or treatment;
 - (4) Makes arrangements necessitated by the death of a family member or attends the funeral of a family member; or
 - (5) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.

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- (6) Family member includes the following relatives of the employee:
- (i) Spouse, and parents thereof;
 - (ii) Children, including adopted children and spouses thereof;
 - (iii) Parents;
 - (iv) Brothers and sisters, and spouses thereof; and
 - (v) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

735-204 Sale of personal property.

- (a) Personal property offered for sale by the Department may be purchased by employees only when the sale of such property is based upon competitive bids.
- (b) Except as provided in paragraph (c) of this section, no purchase of personal property offered for sale by the Department may be made by an employee who:
 - (1) was formerly accountable for the property;
 - (2) formerly used the property; or
 - (3) was in any way connected with its condemnation, declaration as excess, or sale.
- (c) The prohibitions in paragraph (b) of this section do not apply in the following situations:
 - (1) Surplus perishable products may be sold to employees at the best price obtainable in quantities not exceeding the needs of their immediate households; and
 - (2) Special clothing and other articles or personal equipment purchased for the exclusive use of and fitted to an individual employee may, when not otherwise usable by the Department and in all respects surplus to the needs of the Government, be sold to such employees at the best price obtainable in the event of his or her separation from the Department or permanent assignment to duties not requiring such clothing or equipment.

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735-205 Use of government vehicles.

- (a) An employee shall not, unless he or she has been specifically authorized by the Agency: store Government owned or leased motor vehicles at or near his or her private residence or at other unauthorized locations, including, but not limited to, homes of relatives or friends.
- (b) Employees are required to wear seat belts whenever riding -- as operator or as passenger -- in a truck, automobile, or other passenger vehicle in the performance of official duties or while on official time.
- (c) Unless authorized to do so in the performance of official duties, employees are prohibited from using Government owned or leased vehicles to transport firearms or explosives.

735-206 Activities with regard to farm organizations.

- (a) Department employees shall refrain from participating actively in meetings and in other activities concerned with the establishment of general or specialized farm organizations, or with recruiting members for existing organizations such as the National Grange, the American Farm Bureau Federation, the National Farmers Organization, the Farmers Union, the National Association of Conservation Districts, the National Rural Electric Cooperative Association, the National Council of Farmer Cooperatives, and Breed and Commodity Organizations. Department policy is to deal fairly and on the same basis with all such organizations. As a continuation of that policy, Department employees shall not, with respect to any general or specialized farm organization:
 - (1) Hold any functional office, including financial or business agent, in the organization;
 - (2) Advocate that the organization is better adapted for carrying out the work of this Department than any individual citizen, group of citizens, or organizations;
 - (3) Advocate that the responsibilities of any Agency of the Department or any other Federal agency should be carried out through the organization; or
 - (4) Advocate or recommend that any State or local agency should carry out its responsibilities through the organization.

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- (b) The restrictions set forth in paragraph (a) of this section do not:
- (1) Apply to members of County Committees of the Department;
 - (2) Apply to organizations such as cow testing associations and similar groups; or
 - (3) Prohibit employees from participating in the organization of groups that are needed in carrying out Federally authorized programs, for example, a National Rural Electric Cooperative Association or similar group determined by the appropriate agency head to be essential in effectuating Federally authorized programs.

735-207 Prohibitions on employees serving abroad.

An employee on foreign assignment may not:

- (a) Violate Department of State regulations governing the post to which he or she is assigned;
- (b) Receive a "profit" from the sale of his or her personal car or other property when such "profit" accrues from import privileges granted him or her by reason of his or her official status. "Profit" for the purposes of this paragraph is as defined in the Department of State regulations or directives governing the post of assignment;
- (c) Engage in political activities in the country of assignment;
- (d) Violate the laws of the country in which he or she is assigned;
- (e) Have an interest in any business enterprise or engage in any profession in any country to which assigned; or
- (f) Speculate in real estate, bonds, stocks or shares (or the equivalent), or currencies of a country to which the employee is assigned or a country for which the employee is responsible.

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735-208 Miscellaneous provisions.

- (a) Any money, property, or other thing of value received by or coming into custody of an employee in connection with the discharge of his or her duties must be accounted for, deposited, or otherwise disposed of in accordance with established procedures.
- (b) Employees are required under Section 5.3 of Civil Service Rule V (5 CFR 5.3) to give the Office of Personnel Management (OPM) and its authorized representatives all information and testimony in regard to matters arising under laws, rules, and regulations administered by OPM.
- (c) Employees are obligated to give information they possess to authorized representatives of the Department or Mission Area or Agency when called upon, if the inquiry relates to official matters and the information is obtained in the course of employment or as a result of relationships incident to such employment. This shall include the furnishing of a signed, sworn/ affirmed statement. Failure to respond to requests for information or to appear as a witness in an official proceeding may result in consideration of disciplinary action. (Nothing herein shall be deemed to infringe upon an employee's right to invoke the protection of the Fifth Amendment to the Constitution with respect to self-incrimination in a criminal investigation.)
- (d) Mission Area and Agency officials have the authority to transfer, detail, and reassign employees whenever necessary to meet operational needs. Employees have an obligation to accept transfers, details and changes in assignment. Failure to accept a transfer, detail, or reassignment may result in the separation of the employee.
- (e) Employees shall not purchase products or receive services directly or indirectly from persons, firms, or establishments for which employees conduct inspection, grading, or similar regulatory activities without express approval. Each Agency shall establish the approval level and shall advise each employee. Agencies shall utilize the following criteria in granting such approvals:
 - (1) Proximity of the employee to other retail outlets;
 - (2) The number of retail outlets in the commuting area;
 - (3) Whether the outlet is a sole source;
 - (4) Whether the firm is selling the item or service at the prevailing price to the general public as well as the employee; and
 - (5) Whether the outlet is open to the general public.

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735-209 Computers.

Unless employees have specific authorization, they are prohibited from accessing any Department or Federal Government electronic, laser, or magnetic system of storing information, or computer software, not expressly identified for public or general access. This prohibition includes, but is not limited to, computers of all types, floppy diskettes, compact or laser disks, and magnetic tapes. Employees are subject to discipline or adverse action regardless of whether they use, damage, or make alterations to, the stored information.

735-210 Retaliation and reprisal.

No employee may retaliate against another, by word or action: for filing complaints about safety problems; for filing grievances under either the negotiated or administrative grievance systems; for filing complaints of discrimination; for assisting the investigators of the Department, Mission Areas, or Agencies; or for engaging in any other protected activity.

735-211 Reporting misconduct.

Each employee of the Department is required to report actions by other employees that he or she knows, or has a reasonable basis to believe, are violations of law or regulation. A report must be made to any appropriate office or official. Violations include, but are not limited to:

- (a) Fraud, waste, and abuse of Government resources;
- (b) Criminal activity of any kind;
- (c) Violations of Federal personnel rules;
- (d) Sexual harassment; and
- (e) Prohibited personnel practices.

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735-212 Miscellaneous statutory provisions.

- (a) The attention of each employee is directed to the following statutory provisions:
- (1) The prohibition against any inspector, deputy inspector, chief inspector, or other officer or employee of the Department authorized to perform any of the duties prescribed by Title 21 United States Code, Chapter 12 ("Meat Inspection"), Subchapter I ("Inspection Requirements; Adulteration and Misbranding"), accepting any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or receiving or accepting from any person, firm, or corporation engaged in commerce any gift, money, or other thing of value, given with any purpose or intent whatsoever (violations are felonies to be punished, upon conviction, by summary discharge from office, by fine of not less than \$1,000 nor more than \$10,000, and by imprisonment for not less than one year nor more than three years) (12 U.S.C. 622). In accordance with a memorandum of understanding between the Secretary of Agriculture and the Attorney General, the following circumstances either have no prosecutive merit and are not required to be reported to the Department of Justice or do not constitute acceptance of a thing of value:
 - (i) An exchange of social gifts in an obvious family or personal relationship (such as those between the employee and parents, spouse, children or close personal friends of the employee) when the circumstances make it clear that it is those relationships rather than the business of the other party which are the motivating factors;
 - (ii) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as automobile and home mortgage loans;
 - (iii) Acceptance of unsolicited advertising or promotional material of clearly trivial value, such as: pens, pencils, note pads, calendars, and other things of nominal value (acceptance of gifts, such as meat products, alcoholic beverages, fruit baskets, boxes of candy, wallets, jewelry, and cufflinks is, however, strictly prohibited);
 - (iv) Exchange of customary social courtesies which are wholly free of any embarrassing or improper implications, and which are of trivial value (e.g., a soft drink or cup of coffee); and

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- (v) Acceptance of food and refreshments of nominal value on infrequent occasions when the interest of the Government is served by participation of Department employees in industry-sponsored activities at which a luncheon or dinner may be served, and where the discussion of matters of mutual interest to the Government and industry will take place.
- (2) The prohibition against a person licensed or authorized to perform any official function under the U.S. Grain Standards Act, or employed by the Department to carry out the provisions of the Grain Standards Act, being financially or otherwise interested in an entity owning or operating a grain elevator or warehouse or engaging in the merchandising of grain, or being employed by or accepting gratuities from any such entity (7 U.S.C. 87(a)).
- (3) The prohibition against the unauthorized release of information, as specified in the Packers and Stockyards Act (7 U.S.C. 222).
- (4) The prohibition against the release of information in an employee's possession concerning cotton standards, estimates, tests, and analysis unless authorized by the Secretary (7 U.S.C. 472).
- (5) The prohibitions against the release of information acquired from parties to any marketing agreement and from handlers subject to marketing agreement orders, except as authorized by the Secretary for the purposes of suit or administrative hearings (7 U.S.C. 608d(2)).
- (6) The prohibition against persons administering activities concerned with cotton option contracts and commodity benefits as provided by the Agricultural Adjustment Act, speculating in agricultural commodities or products to which such contracts or benefits apply, or in contracts relating thereto, or in the stock or membership interests of any association or corporation handling such commodities or products (7 U.S.C. 610(g)).
- (7) Limitations on the use or availability of information furnished in connection with marketing agreements and orders (7 U.S.C. 610(i)).
- (8) Restrictions on the availability of information furnished in connection with marketing agreements and orders, and applicable to marketing agreements for anti-hog-cholera serum and hog-cholera virus (7 U.S.C. 855).

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- (9) Restrictions on the use and publication of information furnished in connection with the collection of peanut statistics (7 U.S.C. 955).
- (10) Restrictions on the disclosure of information furnished in connection with the establishment and adjustment of farm marketing quotas except as authorized by the Secretary for the purpose of suit or administrative hearing (7 U.S.C. 1373(c)).
- (11) The prohibition against an officer or employee being the beneficiary of or receiving any fee, commission, or gift for or in connection with any transaction or business under the Consolidated Farm and Rural Development Act other than such salary, fee, or compensation as he or she may receive as an officer or employee. In addition, members of a County Committee are prohibited from making any certification with respect to a loan to purchase any land in which they or any person related to them have any financial interest (7 U.S.C. 1986).
- (12) The prohibition against unauthorized release of information relating to the production and marketing of cotton (7 U.S.C. 2105(c)).
- (13) The prohibition against unauthorized release of information relating to plant variety protection (7 U.S.C. 2426).
- (14) The prohibition against unauthorized release of information relating to the production and marketing of eggs (7 U.S.C. 2706(c)).
- (15) The prohibition against the unauthorized prediction as to cotton prices in a Governmental publication (12 U.S.C. 1141j(d)).
- (16) The prohibition against the making of false statements in connection with activities of the Commodity Credit Corporation or embezzlement or conversion of anything of value belonging or pledged to the Corporation, or conspiring to commit such acts (15 U.S.C. 714m).
- (17) The prohibition against the acceptance of any fee, gift, or other consideration for compromise, adjustment, or cancellation of farm indebtedness (18 U.S.C. 217).
- (18) The prohibition against embezzlement of the money or property of the Federal Crop Insurance Corporation, the Rural Development Administration, or the Farmers Home Administration, and of pledged or intrusted property (18 U.S.C. 657).

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- (19) The prohibition against the conversion of property mortgaged or pledged to the Farmers Home Administration, the Rural Development Administration, or the Federal Crop Insurance Corporation with intent to defraud (18 U.S.C. 658).
- (20) The prohibition against making, with intent to defraud, false entries or in participating in any benefit through any transaction in connection with Departmental activities concerned with agricultural loans (18 U.S.C. 1006).
- (21) The prohibition against making false statements or reports, or of willfully overvaluing land, property, or security to influence action in connection with agricultural loans (18 U.S.C. 1014).
- (22) The prohibition against willful disclosure of official information which might influence or affect the market value of crops prior to authorized publication. An employee acquiring, by reason of his or her employment, information as to the market value of agricultural crops, which information is required to be withheld, is prohibited from speculating in such product (18 U.S.C. 1902).
- (23) The prohibition against speculating in agricultural commodities to which the Federal Crop Insurance Act applies or in contracts or relating to those commodities, or in the stock or membership interests of corporations or associations handling those commodities, by any person administering the Act (18 U.S.C. 1903).
- (24) The prohibition against the compilation or issuance of false crop reports (18 U.S.C. 2072).
- (25) The prohibition against any person using information to his or her own advantage or improperly revealing information concerning trade secrets acquired under the Poultry Inspection Act (21 U.S.C. 458).
- (26) The prohibition against the use of information obtained in the course of employment to speculate or to aid another in speculating on any commodity exchange (50 U.S.C. App. 2160(f)).
- (27) The prohibition against the knowing possession or the causing to be present of firearms or other dangerous weapons in a Federal facility (a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties) and a Federal court facility (18 U.S.C. 930).

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- (28) The prohibition against willfully using or authorizing the use of a passenger motor vehicle or aircraft owned or leased by the United States Government for other than an official purpose, with mandatory penalty of suspension for at least one month, and when circumstances warrant, for a longer period or summary removal from office (31 U.S.C. 1349(b)).
- (29) The prohibition against any employee who has authority to take, direct others to take, recommend, or approve any personnel action:
 - (i) Discriminating on the basis of race, color, religion, sex, age, national origin, handicapping condition, marital status, or political affiliation;
 - (ii) Soliciting or considering employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
 - (iii) Coercing the political activity of any person;
 - (iv) Deceiving or willfully obstructing any person from competing for employment;
 - (v) Influencing any person to withdraw from job competition for the purpose of improving or injuring the prospects of any other person for employment;
 - (vi) Granting any preference or advantage not authorized by law, rule, or regulation to improve or injure the prospects of any particular person for employment;
 - (vii) Engaging in nepotism (hiring, promoting, or advancing relatives);
 - (viii) Taking reprisal for whistleblowing;
 - (ix) Taking reprisal for the exercise of an appeal right;
 - (x) Discriminating based on personal conduct which is not adverse to the performance of the employee, applicant or others; or
 - (xi) Violating any law, rule or regulation implementing or directly concerning merit system principles (5 U.S.C. 2302(b)).
- (b) Other statutes applicable to employees are listed by the Office of Government Ethics in the "Standards of Ethical Conduct for Employees of the Executive Branch" at 5 CFR 2635.902.

Designated Municipalities and Political Subdivisions

In Maryland

Annapolis	Anne Arundel County	Berwyn Heights
Bethesda	Bladensburg	Bowie
Brentwood	Calvert County	Capitol Heights
Cheverly	Chevy Chase (sections 1-4)	Chevy Chase View
College Park	Cottage City	District Heights
Edmonston	Fairmont Heights	Forest Heights
Frederick County	Garrett Park	Glenarden
Glen Echo	Greenbelt	Howard County
Hyattsville	Kensington	Landover Hills
Montgomery County	Morningside	Mount Rainier
New Carrollton	North Beach	North Brentwood
North Chevy Chase	Northwest Park	Prince Georges County
Riverdale	Rockville	Seat Pleasant
Somerset	Takoma Park	University Park
Washington Grove		

In Virginia

Alexandria	Arlington County	Clifton
Fairfax Town	Fairfax County	Falls Church
Herndon	Loudoun County	Manassas
Manassas Park	Portsmouth	Prince William County
Stafford County	Vienna	

Other Municipalities

Anchorage, Alaska	Benicia, California	Bremerton, Washington
Centerville, Georgia	Crane, Indiana	District of Columbia
Elmer City, Washington	Huachuca City, Arizona	New Johnsonville, Tennessee
Norris, Tennessee	Port Orchard, Washington	Sierra Vista, Arizona
Warner Robins, Georgia		

Definition of Confidential Filer

The following definition is from 5 CFR 2634.904.

The term confidential filer includes:

- (a) Each officer or employee in the executive branch whose position is classified at GS-15 or below of the General Schedule prescribed by 5 U.S.C. 5332, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate which is less than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule; each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is less than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule; each member of a uniformed service whose pay grade is less than 0-7 under 37 U.S.C. 201; and each officer or employee in any other position determined by the designated agency ethics official to be of equal classification; if:
 - (1) The agency concludes that the duties and responsibilities of the employee's position require that employee to participate personally and substantially through decision or the exercise of significant judgment, in taking a Government action regarding:
 - (i) Contracting or procurement;
 - (ii) Administering or monitoring grants, subsidies, licenses, or other federally conferred financial or operational benefits;
 - (iii) Regulating or auditing any non-Federal entity; or
 - (iv) Other activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity; or
 - (2) The agency concludes that the duties and responsibilities of the employee's position require the employee to file such a report to avoid involvement in a real or apparent conflict of interest, and to carry out the purposes behind any statute, Executive order, rule or regulation applicable to or administered by that employee. Position which might be subject to a reporting requirement under this subparagraph include those with duties which involve investigating or prosecuting violations of criminal or civil law."

SEEP Academic Institutions

1 1994 Native American Land-Grant Institutions

Arizona

Navajo Community College

P.O. Box 126
Tsaile, AZ 86556
Telephone: 520-724-3311

California

D-Q University

P.O. Box 409
Davis, CA 95617
Telephone: 916-758-0470

Kansas

Haskell Indian Nations University

P.O. Box H-1305
Lawrence, KS 66046
Telephone: 913-749-8497

Michigan

Bay Mills Community College

Rt. 1, Box 315 A
Brimley, MI 49715
Telephone: 906-248-3354

Minnesota

Fond du Lac Tribal and Community College

2101 14th Street
Cloquet, MN 55720-2964
Telephone: 218-879-0800

Leech Lake Tribal College

Rt. 3, Box 100
Cass Lake, MN 56633
Telephone: 218-335-2828

Montana

Blackfeet Community College

P.O. Box 819
Browning, MT 59417
Telephone: 406-338-7755

Dull Knife Memorial College

P.O. Box 98
Lame Deer, MT 59043
Telephone: 406-477-6215

Fort Belknap Community College

P.O. Box 159
Harlem, MT 59526
Telephone: 406-353-2607

Fort Peck Community College

P.O. Box 575
Poplar, MT 59255
Telephone: 406-768-5551

Little Big Horn College

P.O. Box 370
Crow Agency, MT 59022
Telephone: 406-638-2228

Salish Kootenai College

P.O. Box 117
Pablo, MT 59855
Telephone: 406-675-4800

Stone Child College

Rocky Boy Rt. Box 1082
Box Elder, MT 59521
Telephone: 406-395-4313

Continued on the next page

SEEP Academic Institutions (Continued)

1 1994 Native American Land-Grant Institutions (Continued)

Nebraska

Nebraska Indian Community College

P.O. Box 752
Winnebago, NE 68071
Telephone: 402-878-2414

New Mexico

Crownpoint Institute of Technology

P.O. Box 849
Crownpoint, NM 87313
Telephone: 505-786-5851

Institute of American Indian Arts

Box 20007, St. Michael's Drive
Santa Fe, NM 87504
Telephone: 505-988-6440

Southwest Indian Polytechnic Institute

Box 10146-9169
Coors Road Northwest
Albuquerque, NM 87184
Telephone: 505-897-5347

North Dakota

Fort Berthold Community College

P.O. Box 490
New Town, ND 58763
Telephone: 701-627-3665

Little Hoop Community College

P.O. Box 209
Fort Totten, ND 58335
Telephone: 701-766-4415

Standing Rock College

HC1, Box 4
Fort Yates, ND 58538
Telephone: 701-854-3861

Turtle Mountain Community College

P.O. Box 340
Belcourt, ND 58316
Telephone: 701-477-5605

United Tribes Technical College

3315 University Drive
Bismarck, ND 58504
Telephone: 701-255-3285

South Dakota

Cheyenne River Community College

Eagle Butte, SD 57625
Telephone: 605-964-8635

Oglala Lakota College

P.O. Box 490
Kyle, SD 57752
Telephone: 605-455-2321

Sinte Gleska University

P.O. Box 490
Rosebud, SD 57570
Telephone: 605-747-2263

Sisseton Wahpeton Community College

P.O. Box 689
Sisseton, SD 57262
Telephone: 605-698-3966

Washington

Northwest Indian College

2522 Kwina Road
Bellingham, WA 98226
Telephone: 360-676-2772

Continued on the next page

SEEP Academic Institutions (Continued)

1 1994 Native American Land-Grant Institutions (Continued)

Wisconsin

College of the Menominee Nation
P.O. Box 1179
Keshena, WI 54135
Telephone: 715-799-4921

Lac Courte Oreilles Ojibwa Community College
RR 2, Box 2357
Hayward, WI 54843
Telephone: 715-634-4790

2 Institutions for the Disabled

California

University of California, Berkeley
UC Campus
Berkeley, CA 94701
Telephone: 510-642-3503

University of California, Los Angeles
405 Hilgard Avenue
Los Angeles, CA 90024
Telephone: 310-825-3101

District of Columbia

Gallaudet University
800 Florida Avenue, NE
Washington, DC 20024
Telephone: 202-651-5000

Illinois

Drake University
Chicago, IL 60613
Telephone: 312-404-8555

University of Illinois at Champaign-Urbana
500 E. Peabody Drive
Urbana, IL 61801
Telephone: 217-333-1000

Southern Illinois University
1100 Joie Blvd.
Oak Brook, IL 60521
Telephone: 630-574-7774

Michigan

University of Michigan at Ann Arbor
515 East Jefferson
Ann Arbor, MI 48109
Telephone: 313-764-7433

New York

Rochester Institute of Technology
Rochester, New York 14623
Telephone: 716-475-6876

North Carolina

St. Andrews Presbyterian College
Laurinburg, NC 28352
Telephone: 910-277-5000

Ohio

Case Western Reserve University
10900 Euclid Avenue
Cleveland, OH 44106-4901
Telephone: 216-368-4388

Vermont

Landmark College
River Road
Putney, VT 05346
Telephone: 802-387-4767

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions

Arizona

Arizona Western College

P.O. Box 929
Yuma, AZ 85366
Telephone: 520-344-7618

South Mountain College

7050 South 24th Street
Phoenix, AZ 85040
Telephone: 602-243-8150

Pima Community College Downtown Campus

1255 N. Stone Avenue
Tucson, AZ 85709-3100
Telephone: 602-884-6788

California

California State University, Bakersfield

9001 Stockdale Highway
Bakersfield, CA 93311-1099
Telephone: 805-664-2241

California State University, Fresno

5241 N. Maple Avenue
Fresno, CA 93740-0048
Telephone: 209-278-2324

California State University, Los Angeles

5151 State University Drive
Los Angeles, CA 90032
Telephone: 213-343-3030

Cerritos College

11110 E. Alondra Blvd.
Norwalk, CA 90650
Telephone: 310-860-2451

College of the Sequoias

Mooney Boulevard
Visalia, CA 93277
Telephone: 209-730-3731

Compton Community College

1111 E. Artesia Blvd.
Compton, CA 90221
Telephone: 310-637-2660

Don Bosco Technical Institute

1151 San Gabriel Blvd.
Rosemead, CA 91770
Telephone: 818-280-0451

East Los Angeles College

1301 Avenue Cesar Chavez
Monterey Park, CA 91754
Telephone: 213-265-8662

Gavilan College

5055 Santa Teresa Blvd.
Gilroy, CA 95020
Telephone: 408-848-4712

Hartnell College

156 Homestead Ave.
Salinas, CA 93901
Telephone: 408-755-6900

Imperial Valley College

Imperial Community College District
P.O. Box 158, 380 East Aten Road
Imperial, CA 92251
Telephone: 619-355-6219

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

California (Continued)

Kings River Community College

995 N. Reed Avenue
Reedley, CA 93654
Telephone: 209-638-3641

Los Angeles City College

855 North Vermont Avenue
Los Angeles, CA 90029
Telephone: 213-953-4000

Los Angeles Harbor College

1111 Figueroa Place
Wilmington, CA 90744
Telephone: 310-522-8200

Los Angeles Mission College

13356 Eldridge Avenue
Sylmar, CA 91342
Telephone: 818-364-7600

Los Angeles Trade-Technical College

400 W. Washington Blvd.
Los Angeles, CA 90015
Telephone: 213-744-9000

Mount Saint Mary's College

12001 Chalon Road
Los Angeles, CA 90049
Telephone: 310-471-9500

Mount San Antonio College

1100 N. Grand Avenue
Walnut, CA 91789-1399
Telephone: 909-594-5611

Oxnard College

4000 S. Rose Avenue
Oxnard, CA 93033
Telephone: 805-488-0911

Palo Verde College

811 W. Chanslorway
Blythe, CA 92225
Telephone: 619-922-6168

Rancho Santiago Community College

1530 West 17th Street
Santa Ana, CA 92706
Telephone: 714-564-6450

Rio Hondo College

3600 Workman Mill Road
Whittier, CA 90608
Telephone: 310-908-3403

San Bernardino Valley College

701 S. Mount Vernon Avenue
San Bernardino, CA 92410
Telephone: 909-888-6511

San Diego State University

Imperial Valley Campus
720 Heber Avenue
Calexico, CA 92231
Telephone: 619-357-5520

Southwestern College

900 Otay Lakes Road
Chula Vista, CA 91910
Telephone: 619-482-6301

West Hills Community College

300 Cherry Lane
Coalinga, CA 93210
Telephone: 209-935-0801

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

Colorado

Community College of Denver

P.O. Box 173363
Denver, CO 80217
Telephone: 303-556-2600

Otero Junior College

La Junta, CO 81050
Telephone: 303-384-8721

Pueblo Community College

900 W. Orman Avenue
Pueblo, CO 81004
Telephone: 719-549-3213

Trinidad State Junior College

600 Prospect Street
Trinidad, CO 81082
Telephone: 719-846-5011

Florida

Barry University

11300 N.E. Second Avenue
Miami Shores, FL 33161
Telephone: 305-899-3010

Miami-Dade Community College, Homestead Campus

500 College Terrace
Homestead, FL 33030
Telephone: 305-237-5010

Miami-Dade Community College, Kendall Campus

11011 S.W. 104th Street
Miami, FL 33176
Telephone: 305-237-2222

Miami-Dade Community College, North Campus

11380 N.W. 27th Avenue
Miami Shores, FL 33167
Telephone: 305-237-1153

Miami-Dade Community College, Medical Center Campus

950 N.W. 20th Street
Miami, FL 33127
Telephone: 305-237-4025

Florida International University

University Park, PC 528
Miami, FL 33199
Telephone: 305-348-2111

Miami-Dade Community College, Wolfson Campus

300 N.E. Second Avenue, Room 1301
Miami, FL 33132-2297
Telephone: 305-237-3221

Saint John Vianney College Seminary

2900 S.W. 87th Avenue
Miami, FL 33165-3244
Telephone: 305-223-4561

St. Thomas University

16400 N.W. 32nd Avenue
Miami, FL 33054
Telephone: 305-628-6663

St. Vincent de Paul, Regional Seminary

10701 S. Military Trail
Boynton Beach, FL 33436
Telephone: 407-732-4424

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

Illinois

Harry S. Truman College
1145 W. Wilson Avenue
Chicago, IL 60640
Telephone: 312-989-6120

MacCormac Junior College
615 N. West Avenue
Elmhurst, IL 60126
Telephone: 312-922-1884

Richard J. Daley-College
7500 South Pulaski Road
Chicago, IL 60652
Telephone: 312-838-7511

Robert Morris College
180 N. La Salle St.
Chicago, IL 60601
Telephone: 312-836-4888

St. Augustine College
1333 W. Argyle
Chicago, IL 60640
Telephone: 312-878-8756

New Jersey

Hudson County Community College
168 Sip Avenue
Jersey City, NJ 07306
Telephone: 201-714-2100

Passaic County Community College
One College Blvd.
Paterson, NJ 07505
Telephone: 201-684-5900

New Mexico

Albuquerque T-VI: A Community College
525 Buena Vista, SE
Albuquerque, NM 87106
Telephone: 505-224-4411

College of Santa Fe
1600 St. Michael's Drive
Santa Fe, NM 87505
Telephone: 505-473-6234

Dona Ana Branch Community College
3400 S. Espina Street
Las Cruces, NM 88003
Telephone: 505-527-7510

Eastern New Mexico Univ-Roswell
Box 6000, 52 University
Roswell, NM 88202-6000
Telephone: 505-624-7111

Luna Vocational Technical Institute
P.O. Drawer K
Las Vegas, NM 87701
Telephone: 505-454-2500

New Mexico Highlands University
National Avenue
Las Vegas, NM 87701
Telephone: 505-454-3270

New Mexico State University, Grants Campus
1500 3rd Street
Grants, NM 87020
Telephone: 505-287-7981

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

New Mexico (Continued)

New Mexico State University, Main Campus
Box 3Z
Las Cruces, NM 88003
Telephone: 505-646-2035

Northern New Mexico Community College
1002 North Onate Street
Española, NM 87532
Telephone: 505-747-2140

Santa Fe Community College
P.O. Box 4187
Santa Fe, NM 87502-4187
Telephone: 505-438-1201

University of New Mexico
Scholes Hall, Room 160
Albuquerque, NM 87131-0001
Telephone: 505-277-2626

University of New Mexico, Valencia Campus
280 La Entrada
Las Lunas, NM 87031
Telephone: 505-865-1639

Western New Mexico University
1000 West College Ave.
Silver City, NM 88061
Telephone: 505-538-6239

New York

Boricua College
3755 Broadway
New York, NY 10032
Telephone: 212-649-1000

**Borough of Manhattan Community
College of the City University of NY**
199 Chambers Street
New York, NY 10007-1079
Telephone: 212-346-8800

Bronx Community College
Univ. Ave. & 181st St.
Bronx, NY 10453
Telephone: 718-220-6920

City University of New York, City College
Convent Ave., at 138th Street
New York, NY 10031
Telephone: 212-650-7000

College of Aeronautics
La Guardia Airport Station
Flushing, NY 11371
Telephone: 718-429-6600

**Herbert H. Lehman College,
The City University of New York**
250 Bedford Park Blvd. West
Bronx, NY 10468
Telephone: 718-960-8111

Hostos Community College
475 Grand Concourse
Bronx, NY 10451
Telephone: 718-518-4444

John Jay College of Criminal Justice
899 10th Avenue
New York, NY 10019
Telephone: 212-237-8600

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

New York (Continued)

LaGuardia Community College

30-10 Thomson Ave., Rm E-513
Long Island City, NY 11101
Telephone: 718-482-5050

Mercy College

555 Broadway
Dobbs Ferry, NY 10522
Telephone: 914-674-7369

Texas

Alamo Community College District

811 W. Houston, Ste. 212
San Antonio, TX 78207-3033
Telephone: 210-220-1520

Bee County College

3800 Charco Road
Beeville, TX 78102
Telephone: 512-358-3130

Del Mar College

101 Baldwin
Corpus Christi, TX 78404
Telephone: 512-886-1203

El Paso Community College District

919 Hunter Drive
El Paso, TX 79915
Telephone: 915-594-2112

Incarnate Word College

4301 Broadway
San Antonio, TX 78209
Telephone: 210-829-3900

Laredo Community College

West End, Washington Street
Laredo, TX 78040
Telephone: 210-721-5101

Our Lady of the Lake University

411 SW 24th Street
San Antonio, TX 78207-4689
Telephone: 210-434-6711

Palo Alto College

1400 West Villaret
San Antonio, TX 78224-2499
Telephone: 210-921-5260

Saint Mary's University

One Camino Santa Maria
San Antonio, TX 78228-8572
Telephone: 210-436-3011

San Antonio College

1300 San Pedro
San Antonio, TX 78284
Telephone: 210-733-2190

Southwest Texas Junior College

Garnerfield Road
Uvalde, TX 78801
Telephone: 210-278-4401

St. Edward's University

3001 S. Congress Avenue
Austin, TX 78704-6489
Telephone: 512-448-8411

St. Phillip's College

1801 Martin Luther King Drive
San Antonio, TX 78203-2098
Telephone: 210-531-3200

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

Texas (Continued)

Sul Ross State University

Box C-114
Alpine, TX 79832
Telephone: 915-837-8032

Texas A&M International University

5201 University Boulevard
Laredo, TX 78041
Telephone: 210-326-2001

Texas A&M University-Corpus Christ

6300 Ocean Drive
Corpus Christi, TX 78412
Telephone: 512-994-2621

Texas A&M University, Kingsville

Campus Box 101
Kingsville, TX 78363
Telephone: 512-595-3207

Texas State Technical College, Harlingen

P.O. Box 2628
Harlingen, TX 78550
Telephone: 210-425-0601

**Univ. of Texas at Brownsville in Partnership w/Texas
Southmost College**

80 Fort Brown
Brownsville, TX 78520
Telephone: 512-544-8231

University of Houston, Downtown

One Main Street
Houston, TX 77002
Telephone: 713-221-8001

University of Texas at El Paso

500 W. University Avenue
El Paso, TX 79968
Telephone: 915-747-5555

University of Texas at San Antonio

6900 N. Loop 1604 West
San Antonio, TX 78249-0601
Telephone: 210-691-4101

University of Texas-Pan American

1201 W. University Drive
Edinburg, TX 78539
Telephone: 210-381-2101

Puerto Rico

American University of Puerto Rico

P.O. Box 2037
Bayamon, PR 00619
Telephone: 809-798-2022

Antillan Adventist University

Box 118
Mayaguez, PR 00709-0118
Telephone: 809-834-9595

Bayamon Central University

Ave. Zaya Verde, Urbanizacion La Milagrosa
P.O. Box 1725
Bayamon, PR 00960-1725
Telephone: 809-786-3030

Caribbean Center for Advanced Studies

P.O. Box 3711 Old San Juan Sta.
San Juan, PR 00902-3711
Telephone: 809-725-2451

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

Puerto Rico (Continued)

Caribbean University College

Box 493
Bayamon, PR 00621-6093
Telephone: 809-780-0070

Pontifical Catholic University of Puerto Rico

2250 Ave. Las Americas, Ste. 564
Ponce, PR 00731-6382
Telephone: 809-841-2000

**Center for Advanced Studies on
Puerto Rico and the Caribbean**

P.O. Box S-4467
Old San Juan, PR 00904
Telephone: 809-723-4481

Colegio Universitario del Este

P.O. Box 2010
Carolina, PR 00984-2010
Telephone: 809-257-7373

Conservatory of Music of Puerto Rico

G.P.O. 41227 Minillas Sta.
Santurce, PR 00940-1227
Telephone: 809-751-0160

**Inter American University of Puerto Rico, Aguadilla
Campus**

Road 459 K.2 H.9 Calero
Aguadilla, PR 00605
Telephone: 809-891-0925

**Inter American University of Puerto Rico
Arecibo University College**

Bo. San Daniel Call Box UI
Arecibo, PR 00613
Telephone: 809-878-5475

**Inter American University of Puerto Rico,
Barranquitas Campus**

Box 517
Barranquitas, PR 00794-0517
Telephone: 809-857-3600

**Inter American University of Puerto Rico, Bayamon
Campus**

Minillas Industrial Park/Rd. 174
Bayamon, PR 00959
Telephone: 809-780-5030

**Inter American University of Puerto Rico, Fajardo
Campus**

Union Street, Batey Central, Call Box 70003
Fajardo, PR 00738-7003
Telephone: 809-863-2390

**Inter American University of Puerto Rico, Guayama
Campus**

Call Box 10004
Guayama, PR 00785
Telephone: 809-864-2222

**Inter American University of Puerto Rico, San German
Campus**

IAU Call Box 5100
San German, PR 00683
Telephone: 809-892-4320

**Inter American University of Puerto Rico,
Metropolitan Campus**

P. O. Box 1293
Hato Rey, PR 00919
Telephone: 809-763-2382

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

Puerto Rico (Continued)

Inter American University of Puerto Rico,
Ponce Regional College
Carr. 1 Mercedita Station
Mercedita, PR 00731
Telephone: 809-840-9090

Inter American University of Puerto Rico,
Central Administration
G.P.O. Box 363255
San Juan, PR 00936-3255
Telephone: 809-763-4203

Technological College of the
Municipality of San Juan
Hato Rey, PR 00936
Telephone: 809-250-7111

Universidad Metropolitana
P.O. Box 21150
Rio Piedras, PR 00928
Telephone: 809-751-0178

Universidad Politecnica de Puerto Rico
Ponce de Leon Avenue, No. 405
Hato Rey, PR 00918
Telephone: 809-754-8000

Universidad del Turabo
P.O. Box 3030
Gurabo, PR 00658
Telephone: 809-746-0717

University of Puerto Rico,
Aguadilla Regional College
P.O. Box 250160
Aguadilla, PR 00604-0160
Telephone: 809-890-2681

University of Puerto Rico, Humacao University College
Humacao, PR 00791
Telephone: 809-850-9374

University of Puerto Rico, Medical Sciences Campus
G P O Box 5067
San Juan, PR 00936
Telephone: 809-758-2525

University of Puerto Rico, Central Administration
Office
Apartado 4984, Correo General
San Juan, PR 00936
Telephone: 809-765-5610

University of Puerto Rico, Carolina Regional College
P.O. Box C.R.
Carolina, PR 00630
Telephone: 809-257-0000

University of Puerto Rico, Cayey University College
Antonio R. Barcelo Ave.
Cayey, PR 00736
Telephone: 809-738-4660

University of Puerto Rico, La Montana Regional
College
P.O. Box 2500
Utuado, PR 00641
Telephone: 809-894-2828

University of Puerto Rico, Mayaguez Campus
Post Street
Mayaguez, PR 00681
Telephone: 809-265-3878

Continued on the next page

SEEP Academic Institutions (Continued)

3 Hispanic-Serving Institutions (Continued)

Puerto Rico (Continued)

**University of Puerto Rico,
Rio Piedras Campus**
Apartado 23300, Estacion UPR
Rio Piedras, PR 00931-3300
Telephone: 809-764-0000

**University of Puerto Rico,
Ponce Technological University College**
Box 7186
Ponce, PR 00732
Telephone: 809-844-8181

**University of Puerto Rico,
Arecibo Technological University College**
Box 1806
Arecibo, PR 00612
Telephone: 809-765-5610

University of the Sacred Heart
Box 12383, Loiza Station
Santurce, PR 00914
Telephone: 809-728-1515

**University of Puerto Rico,
Bayamon Technological University College**
Bayamon, PR 00620-3502
Telephone: 809-786-2885

4 Historically Black Colleges and Universities

Alabama

Alabama A&M University
4900 Meridian Street
Normal, AL 35762
Telephone: 205-851-5000

Alabama State University
P.O. Box 271
Montgomery, AL 36101
Telephone: 334-229-4100

Bishop State Community College
351 North Broad Street
Mobile, AL 36603
Telephone: 334-690-6416

**Carver Campus of Bishop State Community College
(Formerly Carver State College)**
414 Stanton Street
Mobile, AL 36617
Telephone: 334-473-8692

Corcordia College
1801 Green Street
Selma, AL 36701
Telephone: 334-874-5708

Fredd State Technical College
3401 Martin Luther King, Jr. Blvd
Tuscaloosa, AL 35401
Telephone: 205-758-3361

Continued on the next page

SEEP Academic Institutions (Continued)

4 Historically Black Colleges and Universities (Continued)

Alabama (Continued)

Lawson State Community College

3060 Wilson Road
Birmingham, AL 35211
Telephone: 205-929-6300

Miles College

P.O. Box 3800
Birmingham, AL 35208
Telephone: 205-923-2771

Oakwood College

Oakwood Road, NW
Huntsville, AL 35896
Telephone: 205-726-7000

Selma University

1501 Lapsley Street
Selma, AL 36701
Telephone: 334-872-2533

J.F. Drake Technical College

3421 Meridian Street, North
Huntsville, AL 35811
Telephone: 205-539-8161

Stillman College

3600 15th Street
Tuscaloosa, AL 35401
Telephone: 205-349-2752

Talladega College

627 W. Battle Street
Talladega, AL 35160
Telephone: 205-362-2752

Treholm State Technical College

1225 Air Base Blvd
Montgomery, AL 36108
Telephone: 334-832-9000

Tuskegee University

Tuskegee, AL 36088
Telephone: 334-727-8501

Arkansas

Arkansas Baptist College

1600 Bishop Street
Little Rock, AR 72202
Telephone: 501-374-6883

Philander Smith College

812 W. 13th Street
Little Rock, AR 72202
Telephone: 501-370-5275

Shorter College

604 Locust Street
North Little Rock, AR 72114
Telephone: 501-374-6305

University of Arkansas, Pine Bluff

North Cedar Street
Pine Bluff, AR 71601
Telephone: 501-543-8471

Delaware

Delaware State University

1200 North DuPont Highway
Dover, DE 19901
Telephone: 302-739-4901

Continued on the next page

SEEP Academic Institutions (Continued)

4 Historically Black Colleges and Universities (Continued)

District of Columbia

Howard University
2400 6th Street, NW
Washington, DC 20059
Telephone: 202-806-2500

University of the District of Columbia
4200 Connecticut Avenue, NW
Washington, DC 20008
Telephone: 202-274-5100

Florida

Bethune-Cookman College
640 Second Avenue
Daytona Beach, FL 32015
Telephone: 904-252-8667

Edward Waters College
1658 Kings Road
Jacksonville, FL 32209
Telephone: 904-366-2544

Florida A&M University
Admin. Center Room 301
Tallahassee, FL 32307
Telephone: 904-599-3225

Florida Memorial College
15800 NW 42nd Avenue
Miami, FL 33054
Telephone: 305-626-3604

Georgia

Albany State College
504 College Drive
Albany, GA 31705
Telephone: 912-430-4604

Clark-Atlanta University
James Brawley Drive at Fair Street, SW
Atlanta, GA 30314
Telephone: 404-880-8500

Fort Valley State College
1005 State College Drive
Fort Valley, GA 31030
Telephone: 912-825-6315

Interdenominational Theological Center
671 Beckwith Street, SW
Atlanta, GA 30314
Telephone: 404-527-7702

Morehouse College
830 Westview Drive, SW
Atlanta, GA 30314
Telephone: 404-215-2645

Morehouse School of Medicine
720 Westview Drive, SW
Atlanta, GA 30310
Telephone: 404-752-1740

Morris Brown College
643 Martin Luther King, Jr Drive, NW
Atlanta, GA 30314
Telephone: 404-220-0100

Paine College
1235 15th Street
Augusta, GA 30910
Telephone: 706-821-8230

Savannah State College
Savannah, GA 31404
Telephone: 912-356-2240

Spelman College
350 Spelman Lane, SW
Atlanta, GA 30314
Telephone: 404-681-3643

Continued on the next page

SEEP Academic Institutions (Continued)

4 Historically Black Colleges and Universities (Continued)

Kentucky

Kentucky State University
East Main Street
Frankfort, KY 40601
Telephone: 502-227-6260

Louisiana

Dillard University
2601 Gentilly Blvd
New Orleans, LA 70122
Telephone: 504-283-8822

Grambling State University
P.O. Box 607
Grambling, LA 71245
Telephone: 318-247-2211

Southern University and A&M College
J.S. Clark Administration Building
Southern Branch Post Office
Baton Rouge, LA 70813
Telephone: 504-771-2011

Southern University, New Orleans
6400 Press Drive
New Orleans, LA 70126
Telephone: 504-286-5313

Southern University, Shreveport
3050 Martin Luther King, Jr. Drive
Shreveport, LA 71107
Telephone: 318-674-3312

Xavier University
7325 Palmetto Street
New Orleans, LA 70125
Telephone: 504-483-7541

Maryland

Bowie State University
14000 Jericho Park Road
Bowie, MD 20715-9465
Telephone: 301-464-3000

Coppin State College
200 W. North Avenue
Baltimore, MD 21216
Telephone: 410-383-5910

Morgan State University
Cold Spring Lane & Hillen Road
Baltimore, MD 21239
Telephone: 410-319-3200

University of Maryland-Eastern Shore
Princess Anne, MD 21853
Telephone: 410-651-6101

Michigan

Lewis College of Business
17370 Myers Road
Detroit, MI 48235
Telephone: 313-862-6240

Mississippi

Alcorn State University
P.O. Box 359
Lorman, MS 39096
Telephone: 601-877-6111

Coahoma Community College
Route 1, Box 616
Clarksdale, MS 38614
Telephone: 601-627-2571

Continued on the next page

SEEP Academic Institutions (Continued)

4 Historically Black Colleges and Universities (Continued)

Mississippi (Continued)

Hinds Community College

Utica Campus
Utica, MS 39175
Telephone: 601-885-6062

Jackson State University

1400 Lynch Street
Jackson, MS 39217-0133
Telephone: 601-968-2323

Mary Holmes College

P.O. Box Drawer 1257
West Point, MS 39773
Telephone: 601-494-6820

Mississippi Valley State University

Hwy 82 West
Itta Bena, MS 38941-1400
Telephone: 601-254-9041

Rust College

150 Rust Avenue
Holly Springs, MS 39174
Telephone: 601-252-2491

Tougaloo College

500 E. Country Line Road
Tougaloo, MS 39174
Telephone: 601-977-7730

Missouri

Harris-Stowe College

3026 Laclede Avenue
St. Louis, MO 63103
Telephone: 314-340-3366

Lincoln University

820 Chestnut Street
Jefferson City MO 65102
Telephone: 314-681-5042

North Carolina

Barber-Sciota College

145 Cabarrus Avenue
Concord, NC 28025
Telephone: 704-786-5171

Bennett College

900 East Washington Street
Greensboro, NC 27401
Telephone: 910-370-8626

Elizabeth City State University

Box 790
Elizabeth City, NC 27909
Telephone: 919-335-3230

Fayetteville State University

1200 Murchinson Road
Fayetteville, NC 28301
Telephone: 910-486-1111

Johnson C. Smith University

100 Beattles Ford Road
Charlotte, NC 28216
Telephone: 704-378-1008

Livingstone College

701 W. Monroe Street
Salisbury, NC 28144
Telephone: 704-638-5505

North Carolina A&T State University

1601 E. Market Street
Greensboro, NC 27411
Telephone: 910-334-7940

North Carolina Central University

Durham, NC 27707
Telephone: 919-560-6304

Continued on the next page

SEEP Academic Institutions (Continued)

4 Historically Black Colleges and Universities (Continued)

North Carolina (Continued)

St. Augustine's College
1315 Oakwood Avenue
Raleigh, NC 27610
Telephone: 919-516-4000

Shaw University
118 E. South Street
Raleigh, NC 27611
Telephone: 919-546-8200

Winston-Salem State University
Winston Salem, NC 27110
Telephone: 910-750-2041

Ohio

Central State University
Wilberforce, OH 45384
Telephone: 513-376-6332

Wilberforce University
1055 North Bickett Road
Wilberforce, OH 45384
Telephone: 513-376-2911

Oklahoma

Langston University
Langston, OK 73050
Telephone: 405-466-3388

Pennsylvania

Cheyney State University
Cheyney, PA 19319
Telephone: 215-399-2220

Lincoln University
Lincoln, PA 19352
Telephone: 215-932-8300

South Carolina

Allen University
1530 Harden Street
Columbia, SC 29204
Telephone: 803-376-5701

Benedict College
Harden and Blanding Streets
Columbia, SC 29204
Telephone: 803-254-7253

Clafflin College
700 College Avenue, NE
Orangeburg, SC 29115
Telephone: 803-535-5412

Clinton Junior College
P.O. Box 968
Rock Hill, SC 29731
Telephone: 803-327-7402

Denmark Technical College
P.O. Box 927
Denmark, SC 29042
Telephone: 803-793-3301

Morris College
North Main Street
Sumter, SC 29150
Telephone: 803-775-9371

South Carolina State University
300 College Street, NE
Orangeburg, SC 29117
Telephone: 803-536-7013

Voorhees College
Denmark, SC 29042
Telephone: 803-793-3544

Continued on the next page

SEEP Academic Institutions (Continued)

4 Historically Black Colleges and Universities (Continued)

Tennessee

Fisk University

1000 17th Avenue, North
Nashville, TN 37208
Telephone: 615-329-8555

Knoxville College, Main Campus

901 College Street
Knoxville, TN 37921
Telephone: 615-586-5262

Knoxville College, Morristown Campus

417 N. James Street
Morristown, TN 37814
Telephone: 615-523-6917

Lane College

545 Lane Avenue
Jackson, TN 38301
Telephone: 901-426-7500

Lemoyne-Owen College

807 Walker Avenue
Memphis, TN 38126
Telephone: 901-774-9090

Meherry Medical College

1005 Dr. D.B. Todd, Jr., Blvd
Nashville, TN 37203
Telephone: 615-327-6904

Tennessee State University

3500 John Merritt Blvd.
Nashville, TN 37209
Telephone: 615-320-3432

Texas

Huston-Tillotson College

1820 E. 8th Street
Austin, TX 78702
Telephone: 512-505-3003

Jarvis Christian College

U.S. Highway 80
Hawkins, TX 75765
Telephone: 903-769-2174

Paul Quinn College

3837 Simpson Stuart Road
Dallas, TX 75241
Telephone: 214-376-1000

Prairie View A&M University

Prairie View, TX 77446
Telephone: 409-857-2111

Saint Phillip's College

1801 Martin Luther King, Jr., Drive
San Antonio, TX 75160
Telephone: 210-531-3591

Southwestern Christian College

200 Bowser Circle
Terrell, TX 75160
Telephone: 214-524-3341

Texas College

2404 N. Grand Avenue
Tyler, TX 75702
Telephone: 903-593-8311

Continued on the next page

SEEP Academic Institutions (Continued)

4 Historically Black Colleges and Universities (Continued)

Texas (Continued)

Texas-Southern University

3100 Cleburne Avenue
Houston, TX 77004
Telephone: 713-527-7033

Wiley College

711 Wiley Avenue
Marshall, TX 75670
Telephone: 903-927-3300

Virginia

Hampton University

East Queen Street
Hampton, VA 23668
Telephone: 804-727-5231

Norfolk State University

2401 Corpew Avenue
Norfolk, VA 23504
Telephone: 804-683-8670

Saint Paul's College

406 Windsor Avenue
Lawrenceville, VA 23868
Telephone: 804-848-2636

Virginia State University

P.O. Box 9001
Petersburg, VA 23806
Telephone: 804-524-5070

Virginia Union University

1500 N. Lombardy Street
Richmond, VA 23220
Telephone: 804-257-5835

West Virginia

Bluefield State College

219 Rock Street
Bluefield, WV 24701
Telephone: 304-327-4030

West Virginia State University

P.O. Box 399
Institute, WV 25112
Telephone: 304-768-3111

Virgin Islands

University of the Virgin Islands

2 John Brewer's Bay
St. Thomas, USVI 00802
Telephone: 809-776-9200

USDA Core Training Requirements

The Core Training Areas are identified as follows.

<u>Scientific Professional Positions</u>	<u>Scientific Technical Positions</u>
Change Management	Change Management
Communications	Communications
Applicable Computer Courses	Applicable Computer Courses
Customer Satisfaction	Customer Satisfaction
Leadership Skills	Team Building
Management Skills and Techniques	Government Performance & Results Act
Strategic Planning	Civil Rights
Team Building	Project Management
Government Performance & Results Act	Ethics
Civil Rights	
Ethics	
<u>Administrative/Professional Positions</u>	
Change Management	
Communications	
Applicable Computer Courses	
Customer Satisfaction	
Leadership Skills	
Management Skills and Techniques	
Strategic Planning	
Team Building	
Government Performance & Results Act	
Civil Rights	
Ethics	
<u>Optional Courses for Science and Administration/Professional</u>	
Project Management	
Budgeting	
Human Resources Management	
Procurement	

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Credit Specialists (NACS)

**CONSULTATIVE AGREEMENT
between
Farm Service Agency
(FSA)**

and

**The National Association of Credit Specialists-FSA
(NACS-FSA)**

SECTION 1 GENERAL PROVISIONS

1. PURPOSE

The purpose of this agreement is to recognize the NACS-FSA as an organization consisting of FSA employees in State and County Offices who are involved in FSA farm loan services. The object of the parties is to work together to develop a constructive, productive relationship and to allow both NACS-FSA and FSA to present and share views on appropriate issues.

2. RECOGNITION AT THE NATIONAL LEVEL

To retain recognition at the national level, NACS-FSA must have membership of a majority of eligible employees nationwide. If NACS-FSA membership is less than a majority of eligible employees, FSA and NACS-FSA will reexamine the membership requirements, and revisit this agreement with NACS-FSA to assure sufficient membership to provide worthwhile dialogue with the Agency.

NACS-FSA consists of the following FSA State and county employees: Farm Loan Managers, Farm Loan Officers, District Directors, Farm Loan Specialists including Appraisers and Underwriters, Farm Loan Chiefs, any other FSA employee classified in the GS-1165 series, and any FSA employee who deals primarily and directly with Farm Loan program management responsibilities or who has supervisory responsibilities for Farm Loan programs.

3. JOINT RESPONSIBILITIES

The parties to this agreement pledge themselves to conduct all consultations objectively and in good faith to the purpose of fair and equitable solutions. They will make every effort to reach agreement on all matters within a reasonable period of time.

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Credit Specialists (NACS) (Continued)

SECTION 2 OFFICIAL TIME AND USE OF FACILITIES

4. ANNUAL MEETINGS

FSA and NACS-FSA agree to hold an annual consultative meeting in the spring. NACS-FSA attendees will include the NACS-FSA Board of Directors, which shall consist of 4 national officers, the past president, and the 4 zone representatives. Official time, travel, and per diem is authorized for this consultative meeting.

FSA and NACS-FSA agree to hold an annual general meeting in the fall. This meeting will be held in conjunction with other national associations, but NACS-FSA will be provided time to meet separately with FSA officials. Official time, travel, and per diem is authorized for this general meeting for up to 4 NACS-FSA participants. Other NACS-FSA attendees may attend as approved by the Agency.

FSA and NACS-FSA agree to hold teleconferences on an as-needed basis.

5. AGENCY SPONSORED MEETINGS

Official time, travel, and per diem is approved for any meeting called by the Agency to work on agency business for the benefit of the service.

6. ANNUAL NACS-FSA CONVENTION

2 days of official time is authorized for each member of the NACS-FSA Board of Directors and State Delegates to attend the annual convention.

Official time to attend annual NACS-FSA convention shall be cleared in advance through the employee's supervisor.

No travel and per diem is authorized for the annual NACS-FSA convention.

7. ANNUAL ZONE MEETINGS

Official time is authorized for NACS-FSA national officers and State representatives to attend NACS-FSA zone meetings as follows:

- 1 day for 1 NACS-FSA national officer to attend each annual zone meeting. A maximum of 4 days annually is authorized for NACS-FSA national officers to attend annual zone meetings.

Continued on the next page

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Credit Specialists (NACS) (Continued)

1 day for 1 State NACS-FSA representative to attend a zone meeting for their area. A maximum of 46 days annually is authorized for State NACS-FSA representatives to attend annual zone meetings.

Official time to attend zone meetings shall be cleared in advance through the employee's supervisor.

No travel and per diem is authorized for annual zone meetings.

8. ANNUAL REPORT ON OFFICIAL TIME FOR CONVENTION, ZONE MEETINGS

NACS-FSA is required to send a quarterly report to the Executive Director for State Operations showing the use of official time to attend the annual convention and zone meetings, by State.

9. OTHER USE OF OFFICIAL TIME

Official time is authorized for official agency business only. Internal NACS-FSA business such as the solicitation of membership, collection of dues, election of officers, preparation of newsletters, etc. shall be conducted during non-duty hours of the employees involved.

10. POSTAGE AND STATIONERY

Use of FSA postage and stationery are authorized for official agency business only.

11. USE OF TELEPHONE

The telephone is authorized for official agency business only.

12. FSA COPY MACHINES AND DISTRIBUTION SYSTEMS

Copy machines and internal distribution systems are reserved for official agency business only. The following exception is permitted. Use of copy machines, e-mail, and internal distribution systems are permitted for copying and distributing NACS-FSA newsletters to FSA offices, provided that copying or distribution is not done on official time, advance supervisory approval is granted, and no postage fees are incurred.

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Credit Specialists (NACS) (Continued)

13. USE OF FILE CABINETS, SUPPLIES, AND OFFICE EQUIPMENT

File cabinets, supplies, or office equipment are reserved for official agency business only. FSA will permit the use of available space for NACS-FSA meetings during non-duty hours, where such use will not conflict with the performance of official functions. Official space when available at no added cost may also be used for NACS-FSA files. NACS-FSA is responsible for exercising reasonable care in the use of such facilities.

14. DUES WITHHOLDING

NACS-FSA members are authorized to effect voluntary allotment for the payment of dues to NACS-FSA, subject to requirements of the National Finance Center.

15. EFFECTIVE DATE AND AMENDMENT

This agreement is effective upon written approval by FSA and NACS-FSA. The provisions of this agreement may be opened for amendment at any time by FSA or NACS-FSA. Such modification shall become effective only after written approval by FSA and NACS-FSA.

16. RENEWAL

This agreement is subject to renewal on an annual basis. Either party may provide notice to the other party of intent to terminate this agreement.

Continued on the next page

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of
Credit Specialists (NACS) (Continued)

CONSULTATIVE AGREEMENT

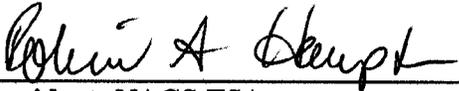
between
Farm Service Agency
(FSA)

and

**The National Association of Credit Specialists-FSA
(NACS-FSA)**

APPROVALS

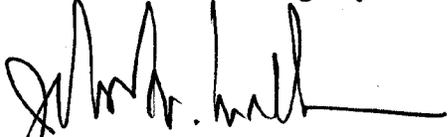
For the National Association of Credit Specialists-FSA:



President, NACS-FSA

7/15/02
Date

For the Farm Service Agency:



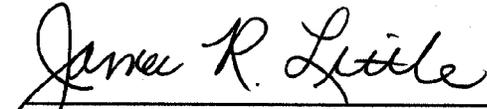
Deputy Administrator for Management

7/15/02
Date



Executive Director for State Operations

7-15-02
Date



Administrator, FSA

7/15/02
Date

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Support Employees (NASE)

CONSULTATIVE AGREEMENT

between

**Farm Service Agency
(FSA)**

and

**The National Association of Support Employees
(NASE)**

SECTION 1 GENERAL PROVISIONS

1. PURPOSE

The purpose of this agreement is to recognize the NASE as an organization representing FSA Federal support employees in the field. The object of the parties is to work together to develop a constructive, productive relationship and to allow both NASE and FSA to present and share views on appropriate issues.

2. RECOGNITION AT THE NATIONAL LEVEL

To retain recognition at the national level, NASE must have membership of a majority of eligible Federal employees nationwide by January 1, 1998. NASE will address membership criteria with NACS at the 1997 national convention to determine which association will represent which Federal employees.

This agreement will renew automatically if NASE represents a majority of eligible Federal employees nationwide. If NASE membership is less than a majority of eligible Federal employees, FSA and NASE will reexamine the membership requirements, and revisit this agreement with NASE to assure sufficient membership to provide worthwhile dialogue with the agency.

NASE agrees to represent all Federal support employees in the field, whether members or not.

3. JOINT RESPONSIBILITIES

The parties to this agreement pledge themselves to conduct all consultations objectively and in good faith to the purpose of fair and equitable solutions. They will make every effort to reach agreement on all matters within a reasonable period of time.

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Support Employees (NASE) (Continued)

SECTION 2 OFFICIAL TIME AND USE OF FACILITIES

4. ANNUAL MEETINGS

FSA and NASE agree to hold an annual consultative meeting. NASE attendees will include the NASE Board of Directors, which shall consist of 5 national officers and the 4 zone representatives. Official time, travel, and per diem is authorized for this consultative meeting.

FSA and NASE agree to hold an annual general meeting in or around January. This meeting will be held in conjunction with other national associations, but NASE will be provided time to meet separately with FSA officials. Official time, travel, and per diem is authorized for this general meeting for up to 3 NASE participants.

5. AGENCY SPONSORED MEETINGS

Official time, travel, and per diem is approved for any meeting authorized by the agency. NASE may request meetings as needed, and if the agency concurs the meeting is necessary for the benefit of the service, official time, travel, and per diem is authorized. The agency will invite a member(s) of the NASE to be a part of each task force where the subject matter is of importance to the FSA support employees in the field.

6. ANNUAL NASE CONVENTION

2 days of official time is authorized for the following to attend the annual convention:

- NASE Board of Directors
- national committee members
- State NASE President or designee.

The 2 days of the annual convention that are authorized as official time will be exclusively agency business. The agenda will be provided to the Deputy Administrator for Management for review prior to the annual convention.

Official time to attend annual NASE convention shall be cleared in advance through the supervisor.

No travel and per diem is authorized for the annual NASE convention.

FSA management staff will attend the NASE national convention as requested by NASE, as time and funds allow.

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Support Employees (NASE) (Continued)

7. ANNUAL ZONE MEETINGS

1 day official time is authorized for the NASE President or designee to attend each NASE zone meeting. A maximum of 4 days annually is authorized for the NASE President or designee to attend annual zone meetings.

1 day official time is authorized for the NASE Vice President, Secretary, Treasurer, Past President, zone representatives, or designees to attend their respective annual zone meeting.

1 day official time is authorized for State President or designee to attend their respective annual zone meetings, not to exceed a total of 38 days.

Official time to attend zone meetings shall be cleared in advance through the supervisor.

No travel and per diem is authorized for annual zone meetings.

FSA management staff will attend the zone meetings as requested by NASE, as time and funds allow.

8. ANNUAL REPORT ON OFFICIAL TIME FOR CONVENTION, ZONE MEETINGS

NASE is required to send a quarterly report to the Deputy Administrator for Management showing the use of official time to attend the annual convention and zone meetings, by state.

9. OTHER USE OF OFFICIAL TIME

Official time is authorized for official agency business only. Internal NASE business such as the solicitation of membership, collection of dues, election of officers, preparation of newsletters, etc. shall be conducted during non-duty hours of the employees involved.

10. POSTAGE AND STATIONARY

Use of FSA postage and stationary are authorized for official agency business only.

11. USE OF FTS

FTS is authorized for official agency business only.

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Support Employees (NASE) (Continued)

12. FSA XEROX AND DISTRIBUTION SYSTEMS

Xerox and internal distribution systems are reserved for official agency business only. The following exception is permitted. Use of xerox and internal distribution systems are permitted for copying and distributing NASE newsletters to FSA offices, provided that copying is not done on official time and no postage fees are incurred.

13. USE OF FILE CABINETS, SUPPLIES, AND OFFICE EQUIPMENT

File cabinets, supplies, or office equipment are reserved for official agency business only. FSA will permit the use of available space for NASE meetings, where such use will not conflict with the performance of official functions. Official space when available at no added cost may also be used for NASE files. NASE is responsible for exercising reasonable care in the use of such facilities.

14. DUES WITHHOLDING

NASE members are authorized to effect voluntary allotment for the payment of dues to NASE, subject to requirements of the National Finance Center.

15. EFFECTIVE DATE AND AMENDMENT

This agreement is effective upon written approval by FSA and NASE. The provisions of this agreement may be opened for amendment at any time by FSA or NASE. Such modification shall become effective only after written approval by FSA and NASE.

16. RENEWAL

This agreement is subject to renewal on an annual basis, beginning on January 1, 1998.

Continued on the next page

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of Support Employees (NASE) (Continued)

CONSULTATIVE AGREEMENT

between
Farm Service Agency
(FSA)

and

The National Association of Support Employees
(NASE)

APPROVALS

For the National Association of Support Employees:

John Bryant
President, NASE

12/11/96
Date

For the Farm Service Agency:

for Paul C. Halllock
Deputy Administrator for Management

12/11/96
Date

John Stenard
Deputy Administrator for Program Delivery
and Field Operations

12-11-96
Date

Grant Buntrock
Administrator, FSA

12/11/96
Date

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of District Directors (NADD)

CONSULTATIVE AGREEMENT

between

**Farm Service Agency
(FSA)**

and

**The National Association of District Directors
(NADD)**

SECTION 1 GENERAL PROVISIONS

1. PURPOSE

The purpose of this agreement is to recognize the NADD as an organization representing FSA District Directors involved in the delivery of both commodity and credit services for FSA. The object of the parties is to work together to develop a constructive, productive relationship so ideas and views can be shared on issues deemed appropriate to improve FSA's effectiveness, efficiency, public confidence, training, and professionalism.

2. RECOGNITION AT THE NATIONAL LEVEL

To retain recognition at the national level, NADD must have membership of a majority of eligible District Directors nationwide by January 1, 1999.

This agreement will renew automatically if NADD represents a majority of District Directors nationwide. If NADD membership is less than a majority of District Directors, FSA and NADD will reexamine the membership requirements, and revisit this agreement with NADD to assure sufficient membership to provide worthwhile dialogue with the agency.

NADD agrees to represent in good faith the interest of all District Directors, without discrimination and without regard to membership in NADD.

3. JOINT RESPONSIBILITIES

The parties to this agreement pledge themselves to conduct all consultations objectively and in good faith to the purpose of fair and equitable solutions. They will make every effort to reach agreement on all matters within a reasonable period of time.

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of District Directors (NADD) (Continued)

SECTION 2 OFFICIAL TIME AND USE OF FACILITIES

4. ANNUAL MEETINGS

FSA and NADD agree to hold teleconferences on an as-needed basis.

FSA and NADD agree to hold an annual general meeting in or around January. This meeting will be held in conjunction with other national associations, but NADD will be provided time to meet separately with FSA officials. Official time, travel, and per diem is authorized for this general meeting for up to 4 NADD participants.

5. AGENCY SPONSORED MEETINGS

Official time, travel, and per diem is approved for any meeting authorized by the agency. NADD may request meetings as needed, and if the agency concurs the meeting is necessary for the benefit of the service, official time, travel, and per diem is authorized.

The agency may invite a member(s) of the NADD to be part of each task force where the subject matter is of importance to the FSA state and field delivery. NADD agrees to assist in providing personnel on task forces, training sessions, and other agency sponsored events at the national level.

6. ANNUAL NADD CONVENTION

Two days of official time is authorized for the NADD Board of Directors (President, Vice President, Secretary/Treasurer, Past President) to attend the annual convention. The two days of the annual convention that are authorized as official time will be exclusively agency business. The agenda will be provided to the Deputy Administrator for Management for review prior to the annual convention.

No travel and per diem is authorized for the annual NADD convention.

Official time to attend annual NADD convention shall be cleared in advance through the supervisor.

7. OTHER USE OF OFFICIAL TIME

Official time is authorized for official agency business only. Internal NADD business such as the solicitation of membership, collection of dues, election of officers, preparation of newsletters, etc. shall be conducted during non-duty hours of the employees involved.

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of District Directors (NADD) (Continued)

8. POSTAGE AND STATIONARY

Use of FSA postage and stationary are authorized for official agency business only.

9. USE OF FTS

FTS is authorized for official agency business only.

10. FSA XEROX AND DISTRIBUTION SYSTEMS

Xerox and internal distribution systems are reserved for official agency business only. The following exception is permitted. Use of xerox and internal distribution systems are permitted for copying and distributing NADD newsletters to FSA offices, provided that copying is not done on official time and no postage fees are incurred.

11. USE OF FILE CABINETS, SUPPLIES, AND OFFICE EQUIPMENT

File cabinets, supplies, or office equipment are reserved for official agency business only. FSA will permit the use of available space for NADD meetings, where such use will not conflict with the performance of official functions. Official space when available at no added cost may also be used for NADD files. NADD is responsible for exercising reasonable care in the use of such facilities.

12. EFFECTIVE DATE AND AMENDMENT

This agreement is effective upon written approval by FSA and NADD. The provisions of this agreement may be opened for amendment at any time by FSA or NADD. Such modification shall become effective only after written approval by FSA and NADD.

13. RENEWAL

This agreement is subject to renewal on an annual basis, beginning on January 1, 1999.

Continued on the next page

Consultative Agreement Between Farm Service Agency (FSA) and the National Association of District Directors (NADD) (Continued)

CONSULTATIVE AGREEMENT

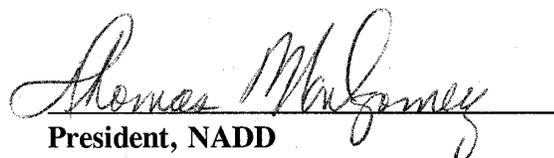
between
Farm Service Agency
(FSA)

and

The National Association of District Directors
(NADD)

APPROVALS

For the National Association of District Directors:



President, NADD

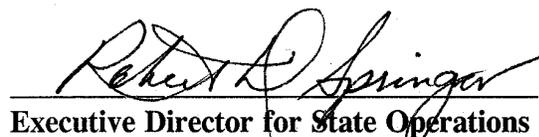
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Date

For the Farm Service Agency:



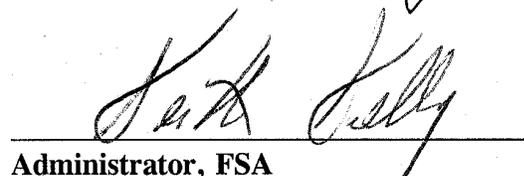
Deputy Administrator for Management

3/25/98
Date



Executive Director for State Operations

3/25/98
Date



Administrator, FSA

25 MAR 98
Date