

United States Department of Agriculture  
Animal and Plant Health Inspection Service  
**Wildlife Services Directive**

**WS 4.120**  
**7/11/2019**

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**EMPLOYEE RESPONSIBILITIES AND CONDUCT**

**1. PURPOSE**

To provide guidance to Wildlife Services (WS) personnel related to official capacity and personal capacity conduct.

**2. REPLACEMENT HIGHLIGHTS**

This Directive replaces WS Directive 4.120, dated, May 11, 2016.

**3. AUTHORITY**

- a. 7 U.S.C. 8351 to 8353, and 16 U.S.C. 667, authorizes officers, agents, and employees of the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) to conduct a program of wildlife services and to enter into agreements with states, local jurisdictions, individuals, and public and private agencies, organizations, and institutions for the purpose of conducting such services.
- b. 5 C.F.R. Part 2635 contains the Standards of Ethical Conduct for Executive Branch Employees which require that all employees adhere to certain required ethical standards to avoid criminal conflicts of interest and to avoid the appearance of a loss of their impartiality as public servants.
- c. 5 C.F.R. Section 8301.102 which requires prior approval for certain outside employment.
- d. Authority to promulgate a policy addressing employee responsibilities is pursuant to U.S. Department of Agriculture (USDA) Departmental Regulation 4070-735-001, dated October 2007.

**4. POLICY**

- a. WS personnel will not use their position as Government employees to obtain any special non-public information or privilege which can be used for personal gain from any individual, Government agency, organization, or employee if that information or privilege is not also available to the general public.

- b. WS personnel will not conduct official WS operational, training, research or other program delivery activities (excluding activities such as telework and equipment maintenance) on property that is owned or leased by WS personnel or immediate family members of WS personnel without the prior written approval of the Regional Director or National Wildlife Research Center Director, and with concurrence from the WS Deputy Administrator.
- c. WS personnel will not keep, sell, barter, or consume wildlife captured or killed as part of their official duties, per WS Directive 2.510, Fur, Other Animal Parts, and Edible Meat.
- d. WS personnel will not engage in outside employment or other activities, whether or not for compensation, that conflict with official duties.
- e. Pursuant to 5 C.F.R. Section 8301.102 (entitled: Prior approval for outside employment), personnel who are required to file an Office of Government Ethics (OGE) Form 278, Executive Branch Personnel Public Financial Disclosure Report, an OGE Form 450, Confidential Financial Disclosure Report, or an alternate form which has been approved by OGE, must seek and receive prior supervisory approval before engaging in outside employment or outside activities. All such requests must be submitted using the Office of Ethics Form OE-101. This form is available on USDA's Office of Ethics website at:  
<https://www.ethics.usda.gov/forms/USDA%20OE-101.pdf>
- f. Personnel other than those who must file financial disclosures as referenced in paragraph (4e) above, are *strongly encouraged* to consult with their supervisor prior to engaging in any outside employment or activities. While prior consultation with the employee's supervisor is often prudent and is preferred to avoid potential issues, there is no requirement to obtain prior approval.

## 5. DEFINITIONS

- a. Agency: The Animal and Plant Health Inspection Service (APHIS).
- b. Immediate Family Member: Includes spouse and parents thereof; children and spouses thereof; parents and spouses thereof; siblings and spouses thereof; grandparents and grandchildren and spouses thereof; domestic partner and parents thereof, including domestic partners of any individual listed in this definition, and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- c. Official Capacity: Performance of actions that are approved or authorized by WS, and that fall within the authority vested in WS personnel by virtue of their status as a federal or non-federal employee, volunteer, or intern, while conducting official WS duties under the supervision of WS.

- d. Outside Employment/Activity: Any form of non-federal employment or business relationship or activity involving the provision of personal services by the employee for direct, indirect, or deferred compensation other than reimbursement of actual and necessary expenses. It also includes, *irrespective of compensation*, the following outside activities:
  - (1.) Providing personal services as a consultant or professional, including service as a witness or as an attorney; and,
  - (2.) Providing personal services to a *for-profit* entity as an officer, director, employee, agent, attorney, consultant, contractor, general partner, or trustee, which involves decision making or policymaking for the non-federal entity, or the provision of advice or counsel.
- e. Personal Capacity: Performance of actions on behalf of, and for the benefit of the individual employee, and not under WS supervision.
- f. WS Employee or Personnel: Includes federal and non-federal employees, volunteers, interns who conduct official WS duties under the supervision of WS.

## 6. RESPONSIBILITIES

- a. Each WS employee is responsible for complying with federal laws, rules, and regulations.
- b. This Directive supplements the U.S. Department of Agriculture Departmental Regulation 4070-735-001, Employee Responsibilities and Conduct, and is not in conflict with any provision thereof.
  - (1.) WS personnel are responsible for complying with the Federal Criminal Conflict of Interest Statute, U.S. Code, Title 18, Section 208, which prohibits an executive branch employee from participating personally and substantially in a particular Government matter that will affect that employee's own financial interests, as well as the financial interests of the employee's spouse or minor child; the employee's general partner; an organization in which the employee serves as an officer, director, trustee, general partner or employee; and a person with whom the employee is negotiating for or has an arrangement concerning prospective employment. No provision of this directive provides any WS employee the authority to violate, or cause any WS personnel to violate, any federal criminal statutes, including those contained in Title 18 of the U.S. Code.
  - (2.) WS personnel are responsible for complying with Departmental Regulation 4070-735-001. In the event that the WS Directive conflicts with a provision in Departmental Regulation 4070-735-001, the Departmental Regulation prevails.

- c. Employees who have questions regarding the content of this Directive will consult with their supervisors or with a USDA Ethics Specialist in the Office of Ethics. Any question or issue that cannot be satisfactorily addressed by a supervisor should be submitted up the supervisory chain, or submitted directly to a USDA Ethics Specialist.
- d. When an employee notifies a supervisor with questions regarding a potential conflict or other ethics question, WS supervisors must timely consider an employee's proposed personal conduct activities and inform the employee if a potential conflict with the employee's official position exists. Supervisors should consult with the USDA Office of Ethics to discuss any potential conflict of interest or other Ethics concerns. Supervisory consideration may be prompted if:
  - (1.) The employee requests that the supervisor consider the matter, or
  - (2.) The supervisor considers the matter based on his/her knowledge of the employee's proposed activities and the employee's job duties and responsibilities.

**7. SCOPE**

This Directive is applicable to all WS personnel and programs.

**8. REFERENCES**

- a. Ethics in Government Act of 1978 (Public Law 95-521).
- b. Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.
- c. 5 C.F.R. 8301.102 - Prior Approval for Outside Employment.
- d. U.S. Department of Agriculture Departmental Regulation 4070-735-001, Employee Responsibilities and Conduct, dated October 4, 2007

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