

# Official Duty Activities with Outside Organizations

**Official Duty Activities** are those activities performed by an employee as part of, or an extension of, **officially assigned** duties and responsibilities with an outside organization. An employee may participate in such activities only with advance approval from their supervisor with concurrence from their Agency Approving Official and the USDA Office of Ethics. REE agency employees should complete form **SEB-106, REQUEST FOR APPROVAL OF OFFICIAL DUTY ACTIVITY**.

## Basic Guidelines for Official Duty Activities With Outside Organizations

- 1. Activities Related to Official Duties:** Any official work performed with an outside organization must also be consistent with the authority and mission of USDA. There should be compelling agency policy for official duty activities with outside organizations. Such activity should be avoided if the outside organization engages in lobbying or otherwise takes public positions on matters of significant controversy involving USDA. Such activity should be limited where it is likely that the outside organization may become involved in legal disputes or other actions that could subject it to liability.
- 2. Compensation:** An employee is compensated by the Federal government for performing his/her official duties. Therefore, an employee may not accept any form of compensation from an outside organization or source for performing his/her official duties. This does not include travel or per diem expenses which may be accepted by the agency; allowable with prior approval through the sponsored travel process (REE P&P 341.2, Acceptance of Travel Funds from Non-Federal Sources). Under appropriate circumstances, acceptance of monetary awards may be permissible (REE P&P 468.5, Acceptance of Non-Federal Awards and Recognition).  
  
*Please note: Due to NIFA administration of federal assistance to various State Partners, if approved, acceptance of travel funds will be limited to acceptance of travel from foreign sources only.*
- 3. Official Time:** An employee who performs his/her officially assigned duties and responsibilities with outside organizations is working on official time and therefore he/she is not required to take annual leave or leave without pay.
- 4. Use of Government Resources:** An employee may use Government equipment, supplies, services, and staff to carry out his/her officially assigned duties with outside organizations.
- 5. Use of Agency Space:** An employee may use USDA space and facilities when needed to accomplish official duty work with an outside organization. Meeting rooms and other space must be requested in the same manner as for any internal USDA agency function.

6. **Use of Official Titles:** Outside organizations may use the official titles of an employee as a reference, identifier, or to promote attendance at public meetings or presentations, when the employee is participating in an official capacity.
7. **Official Duty and Outside Activities with the Same Organization:** An employee usually may not engage in official duty activities while, at the same time, engaging in outside activities with the same organization.
8. **Participation in the Business Affairs of Outside Organizations:** An employee performing an **official duty** activity **may not** participate in making decisions or taking actions that affect the internal business affairs of the organization, including:
  - personnel actions regarding the staff of the organization and/or establishing their compensation and benefits;
  - the financial management of the organization, including sources and disposition of the income of the organization, management of investment portfolios, or other related matters; or,
  - fund-raising activities.

### **Types of Official Duty Activities**

The following activities are examples of acceptable official duty activities within USDA:

**Service on Technical/Scientific Advisory or Editorial Review Boards:** An employee may serve without compensation on technical/scientific advisory and editorial review boards with outside organizations to render advice on technical/scientific or educational matters. For advisory board service, an employee's participation must involve only providing advice and/or making non-binding recommendations. If the advisory board actually makes binding decisions on whether policy will be implemented, then membership on the board must be performed as an outside activity.

This activity may also be performed as a Federal Liaison. An employee may perform peer review, select articles for final publication, and determine which peer reviewers are appropriate. If participation entails management activities, then the employee must serve in a personal capacity (i.e., approved outside activity).

**Writing and Editing:** An employee may write books, chapters, forewords, articles, or edit articles and journals in his or her area of professional or scientific expertise for outside organizations without compensation.

**Speaking and Lecturing:** An employee may give uncompensated speeches or lectures at meetings, seminars, and other gatherings open to the public. The topics may come from the employee's general scientific or professional expertise or past or present work within a USDA agency. With appropriate impact on USDA's mission and approval, some uncompensated lecturing may be performed as an official duty activity.

**Service as Members of Boards of Directors:** Based on rulings by the Department of Justice and the Office of Government Ethics, employees incur a fiduciary responsibility when they serve as a member of a Board of Directors for an outside organization or professional association as part of his/her official duties. This presents a conflict of interest, and as such, it prohibits a federal employee from serving in an official capacity as an officer, director, board member, or trustee of an outside organization unless the employee fits one of the following:

- Serves in the capacity of a non-voting, Federal liaison to the organization's Board of Directors.
- As a Federal liaison, the employee would be the official USDA agency representative to the organization and would present and receive information and views on behalf of USDA.
- The employee would not serve as an officer or director of the outside organization. The employee could also coordinate joint activities of USDA and the outside organization. As Federal liaison, the employee may not be concerned or involved with the internal business affairs of the organization. The liaison's only duty is to USDA.
- Receives a waiver under 18 U.S.C. Section 208 (b). An employee might receive a waiver upon a written determination that the conflicting financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the employee.
- Serves in this role in their personal capacity on his/her own time as an approved outside activity.

For service as an Officer, Director or Trustee of a scholarly or professional society with IRS tax-exempt 501(c) non-profit status, **REE agency employees** can find additional information in the **Serving as an officer of a non-profit professional organization in an official capacity** section on the Ethics page of the AXON site.

## 9. Federal Liaison Activities

For some activities with outside organizations, it is important that an employee formally represent the interests of USDA. When an employee is asked to serve as a spokesperson for USDA policies or programs with an outside organization, he/she is designated as a Federal liaison to the organization.

- A Federal liaison must serve as a non-voting, non-fiduciary agency representative to the outside organization.
- An employee serving in this capacity must not participate in the internal or business affairs, or fund-raising activities of the outside organization.
- For all other purposes, the employee is subject to the same provisions that apply to USDA agency employees engaged in official duty activities.

- An employee may participate as a Federal liaison on Government time, use Government equipment and services, and travel on Government travel orders.
- As a Federal liaison, an employee may serve as a liaison to a technical/scientific advisory or review board.

This information is to be used as a general guide. Contact your [Mission Area ethics advisor](#) for specific information to your respective agency. **REE agency employees** should contact their [Agency/Area Ethics Liaison or the USDA Office of Ethics](#) for specific information.