

**FISH AND WILDLIFE SERVICE
GENERAL ADMINISTRATION AND ETHICS**

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OVERVIEW

10.1 What is the purpose of this chapter? This chapter establishes policy and procedures to help ensure that U.S. Fish and Wildlife Service (Service) employees avoid conflicts of interest when they are offered awards or honorary degrees from prohibited sources, or if other non-Federal sources offer them awards because of their official positions.

10.2 What is the Service’s overall policy? It is our policy that:

A. Employees may accept a gift of an award for meritorious public service or achievement from a prohibited source or if offered because of their official position if they comply with this chapter, which includes receiving appropriate approvals.

B. If the gift of an award is not from a prohibited source and is not given because of the employee’s official position, he/she is not required to receive supervisor or [Ethics Office](#) approval. If the employee is unsure about whether the entity is a prohibited source or whether it is being given because of the employee’s position, the employee should contact his or her servicing [Ethics Counselor](#). See section 10.5D for a definition of a prohibited source.

C. Employees may accept honorary degrees from an institution of higher education, as defined in [20 U.S.C. 1001\(a\)](#), if they comply with this chapter.

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D. If the award or honorary degree is given from a foreign government or international organization, employees may accept it only if they comply with this chapter.

10.3 What is the scope of this chapter?

A. This chapter covers:

(1) Token awards;

(2) Awards of gifts having a monetary value as follows:

(a) Non-cash awards of any value, and

(b) Cash or an investment interest of any value; and

(3) Honorary degrees from institutions of higher education.

B. This chapter does not cover:

(1) Awards the Service or the Department of the Interior (Department) gives to Service employees (see [224 FW 3 through 6](#)); or

(2) Awards other Federal agencies offer to Service employees. Servicing Human Resources Offices must ensure that any special requirements are met before an employee may accept an award from another Federal agency (see [370 DM 451](#)).

10.4 What are the authorities for this chapter?

A. Salary of Government Officials and Employees Payable only by the United States ([18 U.S.C. 209](#)).

B. Standards of Ethical Conduct for Employees of the Executive Branch, Gifts from Outside Sources ([5 CFR 2635.202 through 5 CFR 2635.204](#)).

10.5 What terms do you need to know to understand this chapter?

A. Awards of gifts are anything of monetary value, including gratuities, favors, discounts, entertainment, hospitality, training, travel, lodging, or meals (see [5 CFR 2635.203\(b\)](#)).

B. Honorarium is a payment of money or anything of value for an appearance, speech, or article, excluding necessary travel expenses. Also included are payments to charities in lieu of payment to you (see [5 CFR 2635.801\(d\)\(5\)](#) and [807\(a\)\(2\)\(iv\)\(A\)](#)).

C. Honorary degree is a degree from an institution of higher learning as defined at [20 U.S.C. 1001\(a\)](#).

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D. Prohibited source includes any person, company, or organization that has business with the Service, is seeking to do business with the Service, conducts operations that are regulated by the Service, or has any interests that might be affected by the performance or non-performance of your official duties, or is an organization a majority of whose members are described above. (See [5 CFR 2635.203\(d\)](#).)

E. Token awards are items of little intrinsic monetary value used solely for presentation purposes, such as plaques, certificates, pens, prints, and other items. Their purpose is to show appreciation for your service or accomplishments.

F. Written standards are the written criteria an organization uses to select award recipients for an established program of recognition.

RESPONSIBILITIES

10.6 Who is responsible for ensuring that employees avoid conflicts of interest as described in this chapter? See Table 10-1:

Table 10-1: Responsibilities for avoiding conflicts of interest related to awards from non-Federal sources	
These employees...	Are responsible for...
A. The Director (required by Secretarial Order 3288 to serve as the Service Ethics Counselor)	<p>(1) Ensuring that policies and procedures are in place that help employees avoid conflicts of interest, and</p> <p>(2) Approving or declining to approve Servicewide policy.</p>
B. Directorate members	Ensuring that employees for whom they are responsible follow the policy in this chapter.
C. The Deputy Ethics Counselor and Associate Ethics Counselors (i.e., “servicing Ethics Counselors” for Directorate members)	<p>(1) Providing employees with guidance to help them avoid conflicts of interest,</p> <p>(2) Developing and keeping this policy up-to-date,</p> <p>(3) Advising Service Directorate members about whether or not they may accept non-cash awards valued at \$200 or less from a prohibited source or if offered because of their official position, and</p> <p>(4) Reviewing and approving or denying requests from Directorate members to accept the following from a prohibited source or if offered because of their official position, using FWS Form 3-2490:</p> <p style="padding-left: 40px;">(a) Awards valued at more than \$200 (including transportation expenses),</p> <p style="padding-left: 40px;">(b) Cash in any amount,</p>

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Table 10-1: Responsibilities for avoiding conflicts of interest related to awards from non-Federal sources	
These employees...	Are responsible for...
	<p style="text-align: center;">(c) Investment interests, or</p> <p style="text-align: center;">(d) Honorary degrees.</p>
<p>D. Regional and Headquarters Assistant Ethics Counselors (i.e., “servicing Ethics Counselors” for all employees except Directorate members)</p>	<p>(1) Working with employees and supervisors to help them comply with this chapter,</p> <p>(2) Advising all employees, except Directorate members, about whether they may accept non-cash awards valued at \$200 or less from a prohibited source or if offered because of their official position, and</p> <p>(3) Reviewing and approving or denying requests from all employees, except Directorate members, to accept the following from a prohibited source or if offered because of their official position, using FWS Form 3-2490:</p> <p style="padding-left: 40px;">(a) Awards valued at more than \$200 (including transportation expenses),</p> <p style="padding-left: 40px;">(b) Cash in any amount,</p> <p style="padding-left: 40px;">(c) Investment interests, or</p> <p style="padding-left: 40px;">(d) Honorary degrees.</p>
<p>E. Human Resources Officers (HROs)</p>	<p>For awards valued at over \$200 and for honorary degrees, reviewing the award in the same manner as they would for a Departmental honor award to ensure there are no derogatory findings for the employee (see 370 DM 451).</p>
<p>F. Supervisors</p>	<p>(1) Ensuring that employees comply with this chapter by helping them determine if they may accept an award;</p> <p>(2) Advising employees about whether they may accept non-cash awards valued at \$200 or less from a prohibited source or if offered because of their official position;</p> <p>(3) Reviewing FWS Form 3-2490 and recommending to the servicing Ethics Counselor approval or disapproval of employees’ requests to accept the following from a prohibited source or if offered because of their official position:</p> <p style="padding-left: 40px;">(a) Awards valued at more than \$200 (including transportation expenses),</p>

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Table 10-1: Responsibilities for avoiding conflicts of interest related to awards from non-Federal sources	
These employees...	Are responsible for...
	<p>(b) Cash in any amount,</p> <p>(c) Investment interests, or</p> <p>(d) Honorary degrees; and</p> <p>(4) For awards valued at over \$200 (including transportation expenses) and honorary degrees, coordinating with the servicing HRO. The HRO will review the award in the same manner as they would for a Departmental honor award to ensure there are no derogatory findings for the employee.</p>
G. Employees	<p>(1) Seeking counsel from their supervisors and their Ethics Counselors before accepting an award valued between \$20 and \$200 from a prohibited source or if offered because of their official position, and for other issues related to conflicts of interest; and</p> <p>(2) Complying with this chapter and completing and receiving approval on FWS Form 3-2490 before accepting the following from a prohibited source or if offered because of their official position:</p> <p>(a) Awards valued at more than \$200 (including transportation expenses),</p> <p>(b) Cash in any amount,</p> <p>(c) Investment interests, or</p> <p>(d) Honorary degrees.</p>

REQUIREMENTS TO ACCEPT AN AWARD OR HONORARY DEGREE

10.7 What are the approval requirements for employees when a non-Federal source offers them an award or honorary degree? See Table 10-2.

Table 10-2: Employee requirements for awards from non-Federal sources		
Type of Award	Criteria and Examples	Approval Process
A. Token awards and awards valued at \$20 or less	<p>The award must be:</p> <p>(1) An item of little intrinsic monetary value and used solely for</p>	<p>Employees may accept the item from a prohibited source, or if offered because of their official position, without requesting</p>

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Table 10-2: Employee requirements for awards from non-Federal sources

Type of Award	Criteria and Examples	Approval Process
	<p>presentation purposes, or</p> <p>(2) A gift (other than cash or an investment interest) having a market value of \$20 or less. The total value of gifts accepted from any one person or organization may not exceed \$50 in a calendar year.</p>	<p>supervisor or Ethics Counselor approval. (<i>Note:</i> It is always acceptable to decline a gift, even if you are not required to do so by law or regulation.)</p>
<p>B. Awards of gifts valued at between \$20 and \$200 (not cash or investment interest)</p>	<p>(1) The award must be genuine and given:</p> <p style="padding-left: 20px;">(a) For meritorious public service or achievement, and</p> <p style="padding-left: 20px;">(b) By a person who does not have interests that may be substantially affected by the performance or nonperformance of the employee’s official duties or an organization the majority of whose members do not have such interests.</p> <p>(2) In addition to the award, the employee may accept:</p> <p style="padding-left: 20px;">(a) Entertainment/meal expenses: The employee may accept meals and entertainment given to him/her and members of his/her family at the event at which the presentation takes place. This expense is not included as part of the value of the award.</p> <p style="padding-left: 20px;">(b) Travel expenses: If offered, an employee may accept the cost of travel to the award event for the employee and his/her family. (However, the employee may not request that his/her expenses be paid.) This expense is included as part of</p>	<p>Employees may accept the item from a prohibited source or if offered because of their official position, after seeking advice from their supervisor and servicing Ethics Counselor.</p>

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Table 10-2: Employee requirements for awards from non-Federal sources

Type of Award	Criteria and Examples	Approval Process
<p>C. Awards of gifts valued at over \$200, cash of any amount, or investment interests</p>	<p>the value of the award.</p> <p>(1) The award and items incident to the award must be made under an established program of recognition. An award is part of an established program of recognition if:</p> <p style="padding-left: 20px;">(a) Awards have been made on a regular basis or, if the program is new, there is a reasonable basis for concluding that awards will be made on a regular basis depending on funding or funding commitments, and</p> <p style="padding-left: 20px;">(b) Selection of award recipients is made using written standards.</p> <p>(2) In addition to the award, the employee may accept:</p> <p style="padding-left: 20px;">(a) <i>Entertainment/meal expenses:</i> An employee may accept meals and entertainment given to him/her and members of his/her family at the event at which the presentation takes place. This expense is not included as part of the value of the award.</p> <p style="padding-left: 20px;">(b) <i>Travel expenses:</i> If offered, an employee may accept the cost of travel to the award event for the employee and his/her family. (However, the employee may not request that his/her expenses be paid.) This expense is included as part of the value of the award.</p>	<p>(1) The employee must:</p> <p style="padding-left: 20px;">(a) Complete FWS Form 3-2490 and submit it to his/her supervisor,</p> <p style="padding-left: 20px;">(b) Provide written documentation verifying that the award is part of an established program of recognition, and</p> <p style="padding-left: 20px;">(c) Include a copy of the written standards used to select award recipients.</p> <p>(2) The supervisor must:</p> <p style="padding-left: 20px;">(a) Review the form and confirm that the award meets the criteria,</p> <p style="padding-left: 20px;">(b) If he/she recommends approval for the employee to accept the award:</p> <p style="padding-left: 40px;">(i) Sign and send the form to the servicing Ethics Counselor for approval, and</p> <p style="padding-left: 40px;">(ii) Coordinate with the servicing HRO to review the award in the same manner as they would for a Departmental honor award to ensure there are no derogatory findings for the employee.</p> <p style="padding-left: 20px;">(c) If he/she does not recommend approval for the employee to accept the award, provide an explanation on the form and sign and send it to the servicing Ethics Counselor for a final decision.</p>

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Table 10-2: Employee requirements for awards from non-Federal sources

Type of Award	Criteria and Examples	Approval Process
		<p>(3) The servicing Ethics Counselor must review the form and approve or deny acceptance of the award.</p>
<p>D. Honorary degrees</p>	<p>(1) The honorary degree:</p> <p>(a) Must be offered by an institution of higher education, as defined in 20 U.S.C. 1001(a); and</p> <p>(b) The timing of the award or degree must not cause a question about the employee's impartiality in a matter affecting the institution of higher education.</p> <p>(2) In addition to the award, the employee may accept:</p> <p>(a) Entertainment/meal expenses: The employee may accept meals and entertainment given to him/her and members of his/her family at the event at which the presentation takes place. This expense is not included as part of the value of the award.</p> <p>(b) Travel expenses: If offered, the employee may accept the cost of travel to the award event for the employee and his/her family. (However, the employee may not request that his/her expenses be paid.) This expense is included as part of the value of the award.</p>	<p>(1) The employee must complete FWS Form 3-2490 and give it to his/her supervisor.</p> <p>(2) The supervisor must:</p> <p>(a) Review the form and confirm that the honorary degree meets the criteria we describe in D(1)(a) and (b) in the column to the left, and</p> <p>(b) If he/she recommends approval for the employee to accept the honorary degree:</p> <p>(i) Sign and send the form to the servicing Ethics Counselor for approval, and</p> <p>(ii) Coordinate with the servicing HRO to review the award in the same manner as they would for a Departmental honor award to ensure there are no derogatory findings for the employee.</p> <p>(c) If he/she does not recommend approval for the employee to accept the honorary degree, provide an explanation on the form and sign and send it to the servicing Ethics Counselor for a final decision.</p> <p>(3) The servicing Ethics Counselor must review the form and approve</p>

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Table 10-2: Employee requirements for awards from non-Federal sources		
Type of Award	Criteria and Examples	Approval Process
		or deny approval for acceptance of the honorary degree.

10.8 What criteria are used to determine whether an employee should accept an award or honorary degree from a non-Federal source?

A. If the award or honorary degree is offered by an entity that is NOT a prohibited source, and it is NOT offered because of your official position, no supervisor or [Ethics Counselor](#) approval is required. However, if you or your supervisor are unsure if the entity is a prohibited source, or if the award is being offered to you because of your official position, you should contact your servicing [Ethics Counselor](#) for assistance.

Example 1: An employee has been a dedicated volunteer for the YWCA for many years. Her volunteer work is unrelated to her Service position. For her long service to the organization, she is offered an award of a framed photograph, which is valued at \$250. The award will be given at a banquet. The YWCA is not a prohibited source and the award is not cash. The employee is not required to receive supervisor or Ethics approval prior to accepting the award.

Example 2: An employee writes popular novels unrelated to his work. A university offers him an honorary degree and invites him to speak about his writing at the school's graduation ceremony. The university is a prohibited source because it receives grants from the Service. The employee is required to receive supervisor and Ethics approval prior to accepting the degree.

B. If the award or honorary degree is from a prohibited source or is offered because of your official position, we use the following criteria to determine if you should accept the award or honorary degree:

(1) For non-cash awards valued between \$20 and \$200: The supervisor and servicing [Ethics Counselor](#) must verify that the award is:

(a) A bona fide (genuine) award given for meritorious public service or an achievement. To determine if the gift is a genuine award, the [Ethics Counselor](#) and the supervisor must look at the totality of the circumstances and use good judgment; and

(b) Given by a source that does not have interests that may be substantially affected by the performance or nonperformance of the employee's official duties, or by an association or other organization the majority of whose members do not have such interests.

Example 1: A partner organization offers an employee a framed limited edition print valued at \$150. The organization is a prohibited source. The picture has a small plaque on the front with the employee's name. Other key partners to the project received similar items. The project is completed, and there is nothing to indicate that the award is made in bad faith or as additional compensation in violation of [18 U.S.C. 209](#) (Salary of Government Officials and Employees Payable only by the United States). The Ethics Counselor may advise the employee that he/she may accept the picture.

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Example 2: A nonprofit organization selects a Service employee as the recipient of its annual award for distinguished Government service. The employee, his wife, and children are invited to attend the awards ceremony dinner and accept a crystal bowl worth \$200 presented during the ceremony. The organization also has offered airline tickets for the employee and family to travel to the city where the awards ceremony is to be held. The aggregate value of the airline tickets and the crystal bowl exceeds \$200, so the employee must receive a written determination by his servicing Ethics Counselor using [FWS Form 3-2490](#).

(2) For awards valued at over \$200 and any awards of cash or investment interests: The supervisor and servicing [Ethics Counselor](#) must verify that the award is:

(a) A bona fide (genuine) award given for meritorious public service or an achievement. To determine if the gift is a genuine award, the [Ethics Counselor](#) and the supervisor must look at the totality of the circumstances;

(b) Given by a source that does not have interests that may be substantially affected by the performance or nonperformance of the employee's official duties, or by an association or other organization the majority of whose members do not have such interests;

(c) Part of an established program of recognition under which:

(i) Awards have been made on a regular basis, or which are funded, wholly or in part, to ensure the program's continuation on a regular basis; and

(ii) Award recipients are selected using written standards.

(d) The supervisor must also coordinate with the servicing HRO to ensure there are no derogatory findings about the employee.

Example 1: Each year, the National Wildlife Refuge Association selects one refuge employee as the "National Wildlife Refuge Employee of the Year." This award includes a plaque, a \$1,000 cash award, and attendance at the awards banquet. This award is part of an ongoing, established non-governmental program that's been in place for more than 15 years to recognize outstanding performance by Refuge System employees, managers, volunteers, and Friends groups around the nation. The Association solicits nominations each year and evaluates them independently using a set of written standards that are available for review. Because the award value is greater than \$200, the supervisor must coordinate with the servicing HRO to ensure there are no derogatory findings about the employee. The employee must receive a recommendation for approval from his/her supervisor and approval from the Ethics Counselor using [FWS Form 3-2490](#), prior to accepting the award.

Example 2: A nonprofit organization selects a Service employee as a recipient of its annual award for distinguished Government service. The employee, her husband, and children attend the awards ceremony dinner and accept a crystal statue worth \$150. The organization also offers airline tickets valued at \$550 for the employee and her family to travel to the awards ceremony. The value of the gift is the aggregate value of the tickets and the crystal statue (totaling \$700). Because the value of the award is more than \$200, the supervisor must coordinate with the servicing HRO to ensure there are no derogatory findings about the

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employee. The employee must receive a recommendation for approval from her supervisor and approval from the Ethics Counselor using [FWS Form 3-2490](#), prior to accepting the award.

(3) For honorary degrees:

(a) The supervisor and servicing [Ethics Counselor](#) must verify that:

(i) The honorary degree is offered by an institution of higher education, as defined in [20 U.S.C. 1001\(a\)](#); and

(ii) The timing of the award of the degree would not cause a question about the employee's impartiality in a matter affecting the institution of higher education.

(b) The supervisor also must coordinate with the servicing HRO to ensure there are no derogatory findings about the employee.

Example: A university offers a Service scientist an honorary degree. The employee and his wife are invited to attend the awards ceremony dinner. The employee may accept the honorary degree only if the supervisor recommends approval of the award and the servicing Ethics Counselor determines in writing, using [FWS Form 3-2490](#), that the timing of the award of the degree would not cause a reasonable person to question the employee's impartiality in a matter affecting the university.

10.9 Are employees allowed to accept an "honorarium" or payment for speaking or attending an event in their official capacity? No. Federal employees must not receive any salary or supplement of salary from any source other than the United States as compensation for services. (See [18 U.S.C. 209](#) and [5 CFR 2635.801\(d\)\(5\)](#).)

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

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