

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

TABLE OF CONTENTS

Topics	Sections
<u>Overview</u>	12.1 What is the purpose of this chapter? 12.2 What is the scope of this chapter? 12.3 What is the overall policy? 12.4 What are the authorities for this chapter? 12.5 What terms do you need to know to understand this chapter?
<u>Assisting Friends, Relatives, and non-Governmental Organizations</u>	12.6 May employees use their official positions or titles to assist friends, relatives, organizations with whom they are affiliated in a non-governmental capacity, or others outside of the Government?
<u>Teaching, Speaking, and Writing</u>	12.7 May employees use their official positions or titles or any authority associated with their public offices to imply Government sanction of their personal activities? 12.8 May employees use their official titles or positions when teaching, speaking, or writing as outside employment or as an outside activity?
<u>Letters of Recommendation</u>	12.9 May employees write letters of recommendation or character references using their official titles and official letterhead?
<u>Recognition of Products or Services</u>	12.10 May employees officially recognize non-Federal products, services, or other enterprises? 12.11 May employees, acting in their official capacity, provide contact information or website links to non-Federal organizations?
<u>Official Letters of Support for non-Federal Individuals or Entities</u>	12.12 May employees write letters of support, in their official capacities, using their official positions or titles for non-Federal individuals or organizations? 12.13 What should employees know about writing letters of support, in their official capacities, for non-Federal individuals or organizations to obtain Service, other Federal agency, or state funds?
<u>Fundraising for non-Federal Organizations</u>	12.14 May employees use their official positions or titles to further fundraising efforts for non-Federal organizations?
<u>Personal Social Media</u>	12.15 May employees use their official positions or titles when using personal social media?

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

OVERVIEW

12.1 What is the purpose of this chapter? This chapter describes the rules and establishes the policy that U.S. Fish and Wildlife Service (Service) employees must follow when they use their Service position or title, or the authority associated with their official position.

12.2 What is the scope of this chapter?

A. This chapter covers employees' use of their Service position or title, or the authority associated with their position for:

(1) Personal purposes such as:

- (a)** Assisting friends, relatives, and non-Federal organizations with whom they are affiliated in a non-governmental capacity;
- (b)** Teaching, speaking, or writing as an outside employment or an outside activity (also see [212 FW 5](#), Outside Employment or Activity);
- (c)** Writing letters of recommendation;
- (d)** Using personal social media; and
- (e)** Fundraising for non-Federal organizations.

(2) Official purposes such as:

- (a)** Writing letters of recommendation,
- (b)** Endorsing or recommending products and services,
- (c)** Linking to the websites of non-Federal organizations, and
- (b)** Writing letters of support for non-Federal individuals or entities.

B. This chapter **does not** cover employee use of their Service position or title, or authority associated with their position for:

(1) Official public communications. See [115 FW 1](#), Official Public Communications – General Policy and Procedures.

(2) Other public communications when expressing their individual opinions concerning Service or Department of the Interior (Department) programs, operations, and activities. See [115 FW 2](#), Other Public Communications.

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

(3) Publication of scientific information related to their work or regarding scientific activities funded by the Service in any scientific report or publication. See [117 FW 1](#), Policy Review Guidance for Scientific Publications.

12.3 What is the overall policy?

A. You **may use** your official position or title, or authority associated with your position only for official purposes.

B. You **must not use** your official position or title, or authority associated with your position for:

(1) Your own private gain;

(2) The private gain of:

(a) Friends,

(b) Relatives,

(c) People with whom you are affiliated in a non-governmental capacity, including nonprofit organizations of which you are an officer or member, or

(d) People with whom you are seeking employment or business relationships; or

(3) The endorsement of any product, service, or enterprise, unless you are authorized to do so by statute or regulation.

12.4 What are the authorities for this chapter?

A. Office of Government Ethics opinion [DO-06-023](#), page 29, question 34.

B. Regulations on the Standards of Ethical Conduct for Employees of the Executive Branch:

(1) Fundraising Activities ([5 CFR 2635.808](#)).

(2) Misuse of Position ([5 CFR 2635 Subpart G](#)).

(3) Outside Activities: Teaching, Speaking, and Writing ([5 CFR 2635.807](#)).

(4) Selling or Soliciting (on Departmental buildings and lands) ([43 CFR 20.504](#)).

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

A. Official capacity means on official Government duty, or serving as a representative of the Service. When serving in an official capacity, you may use official time, property, equipment, supplies, services, staff, and your official position, including your title, agency name, email address, physical office address, and official phone number.

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

B. Outside employment or activities are any form of relationship where you provide personal services, with or without compensation, to a non-Federal entity. Outside employment or activities include, but are not limited to:

(1) Personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker for a non-Federal entity; and

(2) Writing conducted under an arrangement with a non-Federal source for production or publication.

C. Personal capacity means off-duty, representing yourself (not the Service) in your individual or private capacity. When serving in a personal capacity, you may not use official time, property, equipment, supplies, services, staff, or your official email address, physical office address, or phone number. You also may not use your official position, including your title or agency name, except:

(1) If teaching, speaking, or writing as an outside activity, you may include this information as one of several biographical details to identify yourself, if the title or position is not given more prominence than other significant biographical details; and

(2) In connection with an article published in a scientific or professional journal if it is accompanied by a prominent disclaimer. (See [212 FW 5](#) and [117 FW 1](#).)

ASSISTING FRIENDS, RELATIVES, AND NON-GOVERNMENTAL ORGANIZATIONS

12.6 May employees use their official positions or titles to assist friends, relatives, organizations with whom they are affiliated in a non-governmental capacity (including nonprofit organizations of which they are an officer or member), or others outside of the Government? No. You are prohibited from using or permitting the use of your Government position or title, or authority associated with your public office, to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to you or to your friends, relatives, or a person with whom you are affiliated in a non-governmental capacity. (See section [12.9](#) regarding employment recommendations.)

***Example 1:** A Service employee's official responsibilities include working with the U.S. Department of Agriculture (USDA) to assist with ranking private land conservation projects for USDA grants. The employee's son has applied for a USDA grant on his farm. The employee calls USDA, identifies himself as a Service official, and encourages the USDA employee to give the grant to his son. The Service employee violated the prohibition against the use of public office for private gain by invoking his official authority in an attempt to influence an action to benefit his son.*

***Example 2:** A senior Service manager is asked by a friend to find out why the Service has not issued a permit to her friend's company. At a Service staff meeting, the senior manager raises the matter for official inquiry and asks that the permit process be expedited. The senior manager violated the prohibition against the use of public office*

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

for private gain by invoking her official authority in an attempt to influence action to benefit her friend.

TEACHING, SPEAKING, AND WRITING

12.7 May employees use their official positions or titles or any authority associated with their public offices to imply Government sanction of their personal activities? No. You may not use or permit the use of your Government position or title or any authority associated with your public office in a manner that could imply that the Service or the Government sanctions or endorses your personal activities or those of another. Also see [212 FW 5](#), Outside Employment or Activity.

Example 1: *A Service Biologist signs a petition, in his personal capacity, protesting a new Federal regulation. He signs the petition using his official title and the Service name. He has violated the ethics regulations because he has used his public office in a manner that could imply that the Service sanctions his personal activities. He would not have violated the regulation if he had simply signed the petition with his name and professional credentials, such as “Ph.D.” or “Biologist.”*

Example 2: *A Service employee plans to send a letter, in her personal capacity, to a Member of Congress, criticizing potential Federal funding cuts. She may send the letter. However, she may not use her Service title or position in any manner that could imply that the Service or the Federal Government sanctions or endorses her personal activities. She may not sign it with her official title or Service name or use Service letterhead. However, she may mention her Federal position in the letter as one of several biographical details if this information is given no more prominence than other significant biographical details.*

Example 3: *A group of Service employees sign up to participate in a March for Science, in their personal capacities. They ask if they are allowed to carry a banner stating “U.S. Fish and Wildlife Service Scientists March for Science.” The employees may participate, in their personal capacities, in the march. However, they may not carry the banner with the Service’s name on it or use their Service titles or positions in any manner that could imply that the Service or the Federal Government sanctions or endorses their personal activities.*

Example 4: *A senior Service manager is elected to serve in her personal capacity as a member of the board of directors for the local chapter of the Girl Scouts of America. The Service manager must use her personal contact information (phone, address, email address, etc.) for board purposes. However, the Girl Scouts may use any of the following titles under her picture on their website:*

- Senior Federal Agency Leader,
- Senior Federal Government Executive,
- Senior Federal Government Executive - Natural Resources Agency, or
- Senior Executive - Federal Natural Resources Agency.

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

Also, the Girl Scouts may include the Service manager's title and position as one of several biographical details in a biographical summary if this information is given no more prominence than other significant biographical details. Also see [212 FW 4, Participation with non-Federal Organizations in a Personal or Official Capacity](#).

12.8 May employees use their official titles or positions when teaching, speaking, or writing as outside employment or as an outside activity?

A. You may not use or permit the use of your official title or position to identify yourself in connection with your teaching, speaking, or writing activity conducted in your personal capacity or to promote any book, seminar, course, program, or similar undertaking (also see [212 FW 5](#)).

B. The following are exceptions to this prohibition:

(1) You may include your title or position as one of several biographical details if it is not given more prominence than other significant biographical details.

(2) You may use your title or position in connection with an article published in a scientific or professional journal, if the title or position is accompanied by a reasonably prominent disclaimer stating that the views you are expressing in the article do not necessarily represent the views of the Service or the United States. Examples of disclaimers include:

(a) For a publication or presentation: *"The findings and conclusions in this article are those of the author(s) and do not represent the official views of the U.S. Fish and Wildlife Service."*

(b) For a speech: *"I am expressing my personal views and am not representing the U.S. Fish and Wildlife Service."* If an interview is being recorded, you should give this verbal disclaimer during the recording.

Example 1: *A Service employee is asked to provide a book jacket endorsement for an author whose work he admires. The employee must not use his official title or refer to his Government position in the book jacket endorsement, nor may he do so in a book review published in a newspaper. However, he may provide the book jacket endorsement in his personal capacity using his professional credentials, such as "Ph.D." or "Biologist."*

Example 2: *A Service employee is asked by a local university to teach an evening class on international conservation. The university may include the employee's Government title and position with other biographical information in course materials if the Service information is not given more prominence than other significant biographical details such as her education and previous employment. However, the university may not use her title or position to promote the course.*

Example 3: *A Service scientist is elected to serve in his personal capacity as a member of the board of directors for a scientific organization. The scientific organization may not include his official title, agency name, email address, physical office address, or official phone number on their website contact list. However, the organization may include the*

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

scientist's title and position as one of several biographical details in a biography if the title or position is given no more prominence than other significant biographical details. If there is any possibility of confusion regarding whether the scientist is speaking on behalf of the Service or in a personal capacity while participating on the board, the scientist should provide a disclaimer. Also see [212 FW 4](#).

Example 4: *A Service scientist is a well-known expert on bumblebees. She is asked to write an article in a scientific journal regarding her bumblebee research. She may use her title or position in the article if it is accompanied by a disclaimer that states, "The findings and conclusions in this article are those of the author and do not represent the official views of the U.S. Fish and Wildlife Service." Also see [117 FW 1](#).*

EMPLOYMENT RECOMMENDATIONS OR CHARACTER REFERENCES

12.9 May employees write letters of recommendation or character references using their official titles and official letterhead?

A. You may write and sign an employment recommendation letter or character reference using your official title and official stationery only if:

- (1)** You have personal knowledge of the ability or character of an individual with whom you have worked in the course of your Federal employment, or
- (2)** You are recommending the person for Federal employment.

B. If the person is not applying for Federal employment, you must not use your official title or stationery if the request is from a person who you did not work with in your Federal job. However, you may write a letter in your personal capacity and reference your official position in the body of the letter.

Example 1: *A Service Division Chief is asked to provide a letter of recommendation for a former employee on his staff. The Division Chief may write the recommendation using official stationery and his official title because he has personal knowledge of the ability or character of the employee with whom he worked in the course of his Federal employment.*

Example 2: *A Service manager is asked to provide a letter of recommendation for an employee of a Service contractor. The Service manager may write the recommendation using official stationery and her official title because she has personal knowledge of the ability or character of the employee with whom she worked in the course of her Federal employment. (See section 12.12 if the contractor has requested a recommendation on behalf of his company.)*

Example 3: *A Service manager is asked to provide a letter of recommendation for a neighbor who is applying for a Federal job. The Service manager may write the recommendation using official stationery and his official title because the neighbor is applying for Federal employment.*

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

***Example 4:** A Service employee is asked to provide a letter of recommendation for a personal friend who is applying for a position with a non-governmental organization. The Service employee has not worked, in her official Service capacity, with the friend, nor is the friend applying for a Federal job. The Service employee must not use Service stationery or sign the letter using her official title. She may write the letter in her personal capacity and refer to her official position in the body of the letter.*

RECOGNITION OF PRODUCTS OR SERVICES

12.10 May employees officially recognize non-Federal products, services, or other enterprises?

A. You must not use or allow anyone else to use your Government position or title to recognize a product, service, or enterprise **unless**:

(1) A statute specifically allows you to promote products, services, or enterprises (e.g., the Duck Stamp Act, 16 U.S.C. 718-718);

(2) The recognition is the result of documentation of compliance with Service requirements or standards; or

(3) The recognition is part of a Service program of recognition for accomplishment in support of the agency's mission.

B. Consult with your servicing Contracting Officer before signing a letter for this purpose.

***Example 1:** A Service Refuge Manager hires a contractor to replace a visitor center roof. The contractor asks the Refuge Manager to appear in a newspaper advertisement in which he endorses the roofing contractor's work. Statements commending the performance of a contractor or a contractor's products generally are not permissible. However, Federal regulations allow the Refuge Manager to make a simple factual statement that the contractor's work satisfied the Government requirements. After consulting with the Contracting Officer, the Refuge Manager may provide a written statement indicating that the contractor met all benchmarks, submitted all reports, and delivered a fully operational product to the Service. Although the contractor may then share this letter with prospective customers, the Refuge Manager may not appear in the newspaper advertisement.*

***Example 2:** As part of his official duties, an employee may speak at an event to promote the sale of Federal duck stamps because the Duck Stamp Act authorizes us to use appropriated funds to promote their sale.*

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

12.11 May employees, acting in their official capacities, provide contact information or website links to non-Federal organizations? You may provide contact information or website links to non-Federal organizations for factual or informational purposes only. These links must be consistent with the guidance in the [Service Web Standards Handbook](#). You may not provide direct sales or solicitation contact information or links, or conduct political activity in violation of the Hatch Act. (See [212 FW 6, Political Activities and the Hatch Act](#).)

***Example 1:** A Service Hatchery Manager wants to put a link on the hatchery's website to an online bookseller's website where individuals may purchase a book about the history of the hatchery. The Hatchery Manager is prohibited from linking to the bookseller website because it would be an improper endorsement of the bookseller and the book. However, the Hatchery Manager may provide a link to the hatchery's Friends' group website. This link must be consistent with the guidance in the [Service Web Standards Handbook](#). The Friends' website may provide the link to the bookseller.*

***Example 2:** The Service's International Affairs program is involved in a partnership with several Non-Governmental Organizations (NGOs) to protect the African rhinoceros. The Service may provide links to the NGOs' websites for factual information about conservation of the African rhinoceros consistent with the guidance in the [Service Web Standards Handbook](#). However, the Service may not provide links to the NGOs' fundraising pages.*

***Example 3:** A nonprofit organization, the Association of Retired Fish and Wildlife Service Employees, asks the Service to include contact information about the association in a package of materials provided to retiring Service employees. The Service Director has signed a Memorandum of Agreement with the association that established an official partnership with the organization. This agreement specifically states that the Service will include this information about the association in retirees' information packets.*

OFFICIAL LETTERS OF SUPPORT FOR NON-FEDERAL INDIVIDUALS OR ENTITIES

12.12 May employees write letters of support, in their official capacities, using their official positions or titles for non-Federal individuals or organizations? You may write a letter of support for a non-Federal individual or organization only if the letter meets all of the following requirements:

A. Represents the Service's position as opposed to your individual opinion: The letter must represent the Service's official position and must be signed by a Service employee with the authority to represent the Service's position. This typically is a Directorate member, Deputy, or employee with delegated authority.

B. Is about a project that supports the Service mission and with which the Service is, or will be, involved: You may only send such a letter of support if accomplishing the project or action in the letter will support the Service mission. The topic of the letter of support also must involve an issue in which the Service is involved or is a collaborator or cooperator.

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

C. Includes a factual justification: The letter of support must include a factual justification for the Service’s official position based on a record of involvement with the Service or work in support of the Service mission.

D. Does not include subjective opinions or exclusive recommendations: The letter must not include subjective opinions, must avoid any appearance of favoritism toward one entity over another, and must not advocate in favor of one entity’s selection over any other applicant. You should be prepared to issue a similar letter to another outside entity who also meets the same requirements.

***Example 1:** A Regional Director may send a letter of support to the National Science Foundation (NSF) on behalf of the Midwest Habitat Recovery Fund (Fund), which is seeking a grant from the NSF, if the letter meets the following criteria: (1) The letter must represent the Service’s position, not the Regional Director’s personal opinion. (2) The Fund’s accomplishment of the project or action will support the Service mission, and the Service is involved with, or will be a collaborator or cooperator in the project. (3) The letter must include a factual justification for support of the Fund. The letter should avoid subjective statements like, “The Midwest Habitat Recovery Fund would do the best job of managing these grant funds.” Instead, the letter should include statements like, “The Midwest Habitat Recovery Fund has been a long-term Service partner. The Fund has managed Service grant funds for over 10 years. During that time, the Fund has provided well-organized oversight of the process, and has responded to Service inquiries in a timely manner.” (4) The letter must not provide an exclusive recommendation. The Regional Director should be prepared to write similar letters for other people or organizations that also are qualified to receive the same NSF grant.*

***Example 2:** An Assistant Director is asked to write a general letter of support to a foundation on behalf of an environmental organization that is applying for a research grant. Although the Service has worked with the environmental organization on other matters, the Service is not involved with the particular issue for which the organization is requesting grant funds. The Assistant Director should decline to send the letter of support because it does not meet the requirements listed in section 12.12.*

12.13 What should Service employees know about writing letters of support, in their official capacities, for non-Federal individuals or organizations to obtain Service, other Federal agency, or state funds? If a non-Federal individual or organization asks you for a letter of support to obtain funds from the Service, another Federal agency, or a state, the following apply:

A. Request for Service funds: You may not write a letter of support to assist a person or non-Federal organization with the process of receiving Service funds.

***Example:** A partner organization asks the Service’s Assistant Director for Ecological Services to write a letter of support for a grant being awarded by the Service’s Wildlife and Sport Fish Restoration program. The Assistant Director must deny the request. One Service program may not issue a letter of support for a person or non-Federal organization for a grant being evaluated by another Service program.*

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

General Administration and Ethics

Part 212 Ethics

Chapter 12 Use of Government Position, Title, or Authority

212 FW 12

B. Request for other Federal agency (including another Departmental bureau) or state funds: You may write a letter of support for a person or non-Federal organization consistent with the guidance in section 12.12.

***Example:** A research scientist with a local university asks a Regional Director to send a letter to the National Oceanic and Atmospheric Administration's (NOAA) Fisheries program supporting her work on salmon genetics so that she may receive a specific NOAA grant. The Regional Director may send a letter of support to NOAA if the Service is involved in the salmon project, and the scientist's research will support the Service mission. The letter must include a factual justification for the support based on the scientist's record of involvement with the Service. The Regional Director should be prepared to write similar letters for any other research scientists who meet these same criteria.*

FUNDRAISING FOR NON-FEDERAL ORGANIZATIONS

12.14 May employees use their official positions or titles to further fundraising efforts for non-Federal organizations? You may use your official position or title to further fundraising efforts for a non-Federal organization only if a statute, executive order, regulation, or another authority allows you to do so as part of your official duties. The Combined Federal Campaign (CFC) is the only authorized solicitation of employees in the Federal workplace on behalf of nonprofit charitable organizations. You must not use your official position, title, authority, or Government time to further any fundraising efforts in the Federal workplace on behalf of nonprofit charities other than the CFC.

PERSONAL SOCIAL MEDIA

12.15 May employees use their official positions or titles when using personal social media?

A. You **may** include your official title or position on your personal social media profile.

B. You **may not** use your title or position in any manner that would create an appearance that the Government sanctions or endorses your activities or those of another person. Where confusion or doubt is likely to arise regarding the personal nature of social media activities, you should include a disclaimer clarifying that your social media communications reflect only your personal views. (See section 12.8 for examples of disclaimers.)

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

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