

## MAINE INSTRUCTION 360-385 - MAINE NRCS EMPLOYEES PARTICIPATION IN NRCS PROGRAMS AND ASSISTED PROGRAMS

According to the Standards of Ethical Conduct for Employees of the Executive Branch and GM 110, Part 405, Subpart G – Employee Participation in NRCS Programs, employees must understand the ethical rules and requirements when they or one of the parties listed below participate in an NRCS Program or NRCS Assisted Program:

- the employee's spouse or minor child
- the employee's outside employer or prospective employer
- an organization in which the employee serves as officer, director, trustee, or general partner
- specific parties where the matter is likely to have a direct and predictable effect on the financial interest of a member of the employee's household or where the employee knows that a person with whom the employee has a covered relationship is or represents a party to such matter, where the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter. This includes:
  - i. A person with whom the employee has or seeks a business, contractual or other financial relationship.
  - ii. A member of the employee's household or close personal relative.
  - iii. 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.
  - iv. Any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee.
  - v. An organization, other than a political party, in which the employee is an active participant.

***At this point forward, when we refer to the "employee's operation," we are also referring to the operation of those with whom the employee has covered relationship.***

Employees who plan to apply and participate in an NRCS program or NRCS-assisted program must adhere to the enclosed *Technical Assistance Matrix for Ethical Program Delivery*. This matrix illustrates that employees must not conduct pre-contract functions with respect to their operation or that of others with which they are competing for program funds. Pre-contract functions may include, but are not limited to, ranking, contract approval, eligibility determination, developing ranking procedures, determining local resource priorities, determining eligible conservation practices, developing payment rates, and developing other program policy. Furthermore, after a contract is approved, employees must not perform functions associated with CNMP planning, practice design, practice installation, practice certification (including payment approval), self-certification, and status reviews.

To comply with GM 110, Part 405, Subpart G, employees **must notify their supervisor in writing immediately** when they become aware of the need to be disqualified from performing their official duties. The supervisor, if not a Maine State Leadership Team (SLT) Member, will forward the notification to their respective SLT Member. In turn, the SLT Member will coordinate with the ASTC for Operations and the State Administrative Officer who will then provide written guidance on how to best proceed forward while avoiding any conflict of interest. The guidance will include a designation of who will plan, rank and service the contract as well as discussion about contact information.

Additionally, as noted in the *Standards of Ethical Conduct for Employees of the Executive Branch*, employees cannot conduct personal business for their own operation while on duty-- **they must be in an approved leave status**. Use of government resources, (i.e. phones, e-mail, etc), while conducting personal business is also strictly prohibited.

To prevent any ethics violation, we highly encourage all employees to be familiar with the *Standards of Ethical Conduct for Employees of the Executive Branch*. This can be accessed at <http://www.oge.gov/Laws-and-Regulations/Employee-Standards-of-Conduct/Employee-Standards-of-Conduct/>.

Bottom line, it is the employee's responsibility to be aware of the ethical rules and requirements, to include notifying his/her supervisor in writing if he/she is aware of the need to be disqualified from performing official duties. Failure to comply with GM 110, Part 405, Subpart G or the *Standards of Ethical Conduct for Employees in the Executive Branch* may result in disciplinary action, up to and including removal. Quality Assurance for work proposed or completed by employee participants includes:

1. A review by designated State Office personnel will occur of employee participant's proposed plan and contract prior to contract obligation.
2. Spot checks will occur for each practice applied by employee participant.

**Contact.** If you have any questions or comments, please contact Brian Vigue, State Administrative Officer at 207-990-9567 or via email at [brian.vigue@me.usda.gov](mailto:brian.vigue@me.usda.gov).