

**VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS**  
**FOOD SAFETY CONSUMER PROTECTION DIVISION**  
**Meat Inspection Service**  
MONTPELIER, VT  
Chuck Ross, Secretary



# MIS DIRECTIVE

Adopted from FSIS Directive 4735.9

4735.9  
Revision 2

10/1/16

## OFFICE OF FIELD OPERATIONS ASSIGNMENT RESTRICTIONS AND RULES ON GIFTS FROM REGULATED INDUSTRY

### I. PURPOSE

This directive sets out the Agency's specific procedures regarding ethical employee conduct, specifically related to employee assignment restrictions and gifts from regulated establishments (i.e., official meat and poultry products establishments, or facilities receiving voluntary inspection).

### II. CANCELLATION

FSIS Directive 4735.9, Revision 1, Ethics and Conflicts of Interest, 8/22/07

### III. BACKGROUND

A. All State of Vermont employees are to conduct themselves in accordance with State's ethics standards. See:

1. [Vermont Personnel Policies and Procedures](#);
2. [State of Vermont Administrative Policies](#);
3. [Secretary's Directive Memos](#); and
4. [Collective Bargaining Agreement](#)

B. In addition to these State standards, VAAFM does have specific standards, requirements, or procedures related to Meat Inspection field assignments and gifts from the regulated industry, which are supplementary to those of the Agency.

### IV. ASSIGNMENT RESTRICTIONS AND FAMILY OR PERSONAL RELATIONSHIPS

A. The Chief of Inspection and supervisors are not to assign, in any capacity, employees to any establishment or plant where:

1. A member of the employee's immediate family (i.e., mother, father, sister, brother, spouse, or child) is employed by the establishment regardless of the positions held by either party;

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**DISTRIBUTION:** Electronic; All Field Employees

2. Extended family members (i.e., In-laws, stepparents, step children, step siblings, half siblings, aunt, uncle, niece, nephew, cousin, grandparents, and grandchildren) work in a supervisory, managerial or policy-making capacity at the establishment or are employed by the establishment and reside with the employee; and they are engaged in a personal relationship (i.e., dating, living with, engaged, or involved financially e.g., through child support, alimony, palimony, or general household finances) with an establishment employee.

B. Family members indirectly employed by the establishment through contracting positions are not considered to pose a conflict of interest regarding the assignment of Agency employees. However, supervisors are to review contractor responsibilities that directly relate to inspection (e.g., sanitation) for any potential conflicts of interest.

C. In cases of unique or unusual assignment situations, the Chief of Inspection is to consult with the Human Resources (HR) specialist assigned to the Agency before making the assignment.

## **V. EXEMPTIONS**

A. The Secretary of Agriculture or designee may grant exemptions from the provisions in Section IV when there is a clear showing that such prohibitions would result in a severe economic or personal hardship for the employee.

B. Employees seeking an exemption are to make their requests in writing to the Secretary through supervisory channels. Each supervisor is to provide comments and a recommended action on the request before forwarding it to the next higher level.

C. Employees requesting the exemption are to provide the following information:

1. Name, title, pay grade, organizational unit, and location;
2. Name of the relative and their relationship to the employee;
3. Position, title, and duties performed by the relative;
4. Name and type of establishment;
5. Duration of the employee's assignment and the relative's employment with the establishment in question;
6. An explanation of the proximity and level of interaction between the employee and his or her relative at the work site;
7. A detailed account of the economic or personal hardship that would occur if the employee were to be reassigned; and
8. Any other pertinent facts.

D. When the Secretary denies an exemption request, the employee has the right to appeal the decision through the administrative grievance systems.

## **VI. ASSIGNMENT RESTRICTION AND PREVIOUS EMPLOYMENT**

A. Employees who previously worked for a business under VAAFM mandatory or voluntary inspection for any amount of time during the year prior to becoming an VAAFM meat inspection employee, may not be

assigned, in any capacity, to establishments under their previous employer's corporate umbrella for a period of 1 year upon commencement of their VAAFM employment. This 1-year prohibition pertains to new hires, intermittents, and permanent employees applying for a reassignment or promotion.

B. On a case-by-case basis, the Secretary of Agriculture or designee may authorize the employee or applicant to forego the 1-year "waiting" period based on a determination that the interest of the Government outweighs the concern that a reasonable person may question the integrity of the Agency's programs and operations.

C. The Secretary or designee considers the following factors in making this determination:

1. Nature of the employee's duties with the former employer;
2. Nature of the personal relationship between the employee and the former employer;
3. Adverse financial effect that resolution of the matter would have upon the employee involved;
4. Degree to which the employee exercises discretion in making decisions affecting the former employer;
5. Difficulty involved in reassigning another VAAFM employee; and
6. Adjustments required to reduce or eliminate any question of the employee's impartiality.

D. Supervisors may not assign, in any capacity, employees to any establishment owned or affiliated with a corporation from which employees are receiving an annuity or pension. The Secretary or designee may grant exemptions to this prohibition if the best interest of the Agency outweighs a possible perception of a financial conflict of interest, based on the factors in B.

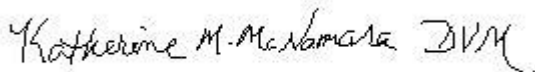
## **VII. GIFTS FROM OUTSIDE SOURCES**

A. The Federal Meat Inspection Act (FMIA) provides that all employees authorized to perform duties under the Act are prohibited from receiving anything of value given with the intent to influence their performance of official duties. The Agency's position is that all things of value are given with the intent to influence. Specifically, employees may not accept gifts or engage in business or financial dealings (e.g., buying, selling, or trading) with regulated establishments or their employees.

**NOTE:** Although the Poultry Products Inspection Act does not have the same prohibitive language regarding items of value, VAAFM meat inspection extends the provision of the FMIA to employees working with the regulated industry.

## **VIII. QUESTIONS**

Refer questions through supervisory channels.



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