

USE OF OFFICIAL TITLE IN CONNECTION WITH ACTIVITIES OF NON-FEDERAL ORGANIZATIONS

The Standards of Ethical Conduct for Employees of the Executive Branch provide guidance on use of official title and position for different types of non-Federal activities. The requirements are slightly different as explained, below:

Official Capacity

If an Agency scientist is approved to participate with a non-Federal organization in his or her official capacity, then the scientist may use his or her official title or position in connection with his or her name. For example, if the Forest Service approves Dr. Smith to serve as an associate editor of a scientific journal in her official capacity, then the Forest Service has determined that it (the Agency) has an official interest in the publication of that journal.

Example: Dr. Smith may be listed as Dr. Jane Smith, Deputy Chief for Research, U.S. Forest Service.

Personal Capacity

Where an Agency scientist participates in an outside activity not as part of his or her official duties, he or she generally may not use their official title or authority. However, as Federal scientists are expected, as part of their career development, to participate in peer review, scientific writing, and scientific associations, it is appropriate for an Agency scientist to use his or her official title and name of Agency in situations where other Federal or non-Federal participants are also described by title and employer.

Example: If a journal lists all contributing writers and associate editors and most of those listed are also identified in connection with their titles and/or employers, Dr. Smith could be listed as "Dr. Jane Smith, Botanist, U.S. Forest Service." She should not, however, use her position title as "Deputy Chief for Research," or list a specific duty location such as "Headquarters," or "Region 5." Employees must use their personal contact information such as mailing address, e-mail or phone number. Agency contact information should not be used or posted on the organization's website.

Teaching, Speaking, Writing Activities: The Standards of Ethical Conduct for Employees of the Executive Branch permit a Government employee to use his/her official Government title in connection with the outside activity in limited situations [see 5 CFR 2635.807(b)]:

- An employee may include or permit the inclusion of his/her title or position as **one of several biographical details** when such information is given to identify him/her in connection with the teaching, speaking, or writing activity, provided that his/her title or position is given **no more prominence** than other significant biographical details.

Example: Dr. Steven Kelley, from above, is teaching a research course at a local university, and is introduced as follows: Dr. Steven Kelley graduated cum laude from the Massachusetts Institute of Technology with a degree in biochemistry, and completed Medical School at McGill University in

Canada. Following four years in the military, he began his career as a research biochemist at the Agricultural Research Service, currently working in the National Chemical and Biotechnology Lab. He has taught several courses in basic research methods and chemistry.

- An employee may use, or permit the use of, his/her title in connection with an **article published in a scientific or professional journal**, provided that the title or position is accompanied by a reasonably **prominent disclaimer** stating that the views expressed in the article are the employee's and do not represent the Government.

Example of Disclaimer: Dr. Steven Kelley works with another faculty member as part of his teaching at the local university (see above example). He and the other faculty member jointly prepare an article for publication in a scientific journal. He may use his official Government title as in the example for an Official Duty Activity, but it must be accompanied by the following disclaimer, prominently placed so readers see it: **Dr. Kelley contributed to this article in his personal capacity. The views expressed are his own and do not necessarily represent the views of the Agricultural Research Service or the United States Government.**

- An employee who is ordinarily addressed using a general term of address, such as "The Honorable," or a rank, such as "Admiral" may use or permit the use of that term of address or rank in connection with the outside teaching, speaking, or writing.

Example: Dr. Steven Kelley is also a US Public Health Service Commissioned Officer, at the rank of Rear Admiral. Colleagues normally address him as "Admiral Kelley." When Dr. Kelley is engaged in an outside activity, individuals interacting with him as part of that outside activity may also call him Admiral.

Other Outside Activities (e.g., service on an advisory board or awards committee): The Standards of Ethical Conduct for Employees of the Executive Branch also permit a Government employee to use his/her official Government title in connection with other types of outside activities (see 5 CFR 2635.702(b)). This part of the regulation does not impose the stringent biographical detail requirements which are imposed above. This rule focuses on whether an employee's title or position is used in a manner that could reasonably be construed to imply that the employee's agency or the Government sanctions or endorses the employee's activities. Therefore, employees may use their official government title in connection with an outside activity (other than teaching, speaking, or writing), only as follows:

- An employee may permit his/her name and official title in connection with an outside activity (other than teaching, speaking, or writing) as long as there is a **prominent disclaimer** indicating that the employee is serving in a *personal capacity*, (e.g., the name and official title may be listed on the letterhead or other program provided that the listing contains an asterisk with an explanatory side or footnote stating that the individual serves in his/her personal capacity.)

Example 1: As a member of an **award committee** for a professional association in a *personal capacity*, Dr. Smith helps the association review award nominations and determines the winner. Her name and title are listed on the award nomination form as follows: **Dr. Ann**

Smith, Agricultural Research Service* and at the bottom of the list is the following: ***Dr. Smith is serving in her personal capacity.**

Example 2: *Dr. Jill Anderson, a Research Wildlife Biologist, serves on an **editorial board** for a professional journal to review articles, suggest revisions, and recommend suitability for publication in the journal. On the page of Editorial Board Members, the following listing is permitted: **Dr. Jill Anderson, U.S. Forest Service***, and the following note at the bottom of that page: ***Dr. Anderson is serving in her personal capacity.***

Example 3: *Dr. Michael Davis, a National Program Leader in the National Institute of Food and Agriculture, is serving on the Board of Directors for a professional association. Dr. Anderson can be listed on the **letterhead** with an asterisk, as follows: **Dr. Michael Davis, National Institute of Food and Agriculture*** with the following note at the bottom of the page: ***Dr. Davis is serving in a personal capacity.***

Use of Official Title in Conjunction with Other Types of Activities

Fundraising. An employee may engage in fundraising in the Federal workplace only in accordance with 5 CFR Section 950, which designates the annual Combined Federal Campaign as the only permissible fundraiser in the Federal workplace. As part of such official fundraising activities, an employee may use his/her official title, position, and authority. Personal fundraising activities, such as for religious organizations, schools, clubs, and other organizations are not permitted during official work time, nor can an employee use his/her official title, position, or authority to encourage participation or seek contributions. Even though these fundraisers may be for very good causes, Federal rules prohibit use of Government resources to conduct such fundraisers.

Example: *An employee may engage in personal fundraising on personal time and outside of the workplace, but may not use Government resources (phone, fax, time, copier, computer, etc.) in support of that activity.*

Fundraising may be conducted outside the CFC only in the following instances: (1) Emergencies & Disasters (with OPM approval); (2) Solicitation of Employees for the Benefit of Employees (through agency approved employee organizations); or (3) Child Care Centers located at Federal installations (without prior authorization from OPM).

Employment Recommendations. In accordance with 5 CFR § 2635.702(b), an employee may write a recommendation using official title and/or official letterhead only in response to a request for an employment recommendation or character reference which is either:

- Based upon personal knowledge of the ability and character of an individual with whom the employee has dealt in the course of Federal employment; or
- For an individual whom the employee is recommending for Federal employment.

Example 1: Prior to coming to USDA, Bill taught at State University. A former student has just graduated and is seeking a job with the University. The former student asks for a letter of recommendation from Bill. Bill may NOT write such a letter on official stationery or use his official title. The former student is not seeking Federal employment nor has Bill dealt with the former student in the course of Federal employment. Bill will have to use his own stationary and may not use his official title. He may, however, use his prior status as professor.

Example 2: Same facts as in Example 1, above, except that after Bill became a Federal employee, the former student came to work for him as a Federal summer intern. In this case, Bill may write a letter recommending the student and may use official stationery and the USDA employee's official title because the USDA employee has dealt with the student during the course of Federal employment.

Official Endorsements. In addition to grant applicants (<http://www.usda-ethics.net/rules/rule38.htm#grants>), other non-Federal persons and entities seek the official endorsement of their products, services, and purposes. Pursuant to 5 CFR § 2635.702(c), employees *may not* use their official title or authority to endorse any product, service or enterprise, except:

- In furtherance of statutory authority to promote products, services or enterprises; or
- As a result of documentation of compliance with agency requirements or standards or as the result of recognition for achievement given under an agency program of recognition for accomplishment in support of the Agency's mission.

Example 1: Harriet, an Agency manager, is asked by Good Deed Doers (GDD), a non-Federal organization seeking grant money from a Foundation, for a letter recommending the grant. Harriet oversaw a successful project with GDD last year. Harriet should not issue the letter as it would be an endorsement of GDD. However, as Harriet was in a position of responsibility with respect to the project with GDD, she could issue a factual letter that simply verifies that the project involving GDD and the Agency had been completed successfully.

Note: In order to avoid accusations of favoritism, Agencies choosing to issue these types of letters must be prepared to either issue such letters in response to every request, or justify their decisions in issuing some letters and not others.

Example 2: Mary, an Agency contracting officer, attends a course on procurement integrity. USDA contracted for the course with Management Concepts, Inc. Mary enjoyed the course and wants to write a letter recommending the course. *She can do so only on personal stationery.* She may only refer to her USDA position as one of several biographical details in the body of her personal letter and make it clear that she is writing in her *personal capacity*. For example, she may say "As a government contracting officer, I found the course very accurate and presented in a useable manner." This gives Mary Smith the credibility to make the recommendation without endorsing the course officially.