

**SOP Title: Procedures for Obtaining Approval to Engage in
Non-Federal Employment**

September 8, 2006

Deputy Area/Division: Deputy Chief for Management, Ethics Office

Revision:

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1. Purpose:

To provide Standard Operating Procedures for NRCS employees required to obtain prior approval before engaging in non-Federal employment.

2. Scope:

An employee (other than a special Government employee) who is required to file either a public or confidential financial disclosure report ("Filer") must obtain written approval before engaging non-Federal employment. This does not apply to employees who are not required to file a financial disclosure report.

3. Outline of Procedure:

- 4.1 Definitions
- 4.2 Employee Responsibilities
- 4.3 Supervisor Responsibilities
- 4.4 Servicing Ethics Advisor Responsibilities
- 4.5 Approving Official Responsibilities
- 4.6 Human Resources Responsibilities
- 4.7 Attachment I, Request for Prior Approval of Outside Employment

4. Specific Procedures:

4.1 Definitions

A. Non-Federal Employment includes any form of non-Federal employment or outside business relationship or activity that involves giving personal services for direct, indirect or deferred compensation (other than reimbursement of actual and necessary expenses). It also includes the following outside activities whether paid or unpaid:

- i. Providing personal services as a consultant or professional, including service as an expert witness or as an attorney; and
- ii. Providing personal services to a for-profit entity as an officer, director, employee, agent, attorney or consultant, contractor, general partner, or trustee, which involves decision-making or policy-making for the non-Federal entity, or the provision of advice or counsel.

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B. No NRCS employee is required to get prior approval to be an officer in a non-profit organization unless compensated.

C. Special Government Employee (SGE) is a category of employee created by Congress. An SGE is retained, designated, appointed or employed by the Government to perform temporary duties, with or without, compensation, for not more than 130 days during any period of 365 consecutive days.

4.2 Employee Responsibilities

A. A filer must obtain prior approval, in writing, from the State Conservationist or Deputy Chief for Management before engaging in outside employment.

B. To request approval, a filer should complete and submit Attachment I, Request for Prior Approval of Outside Employment, to his or her immediate supervisor a reasonable time before the employee proposes to begin the outside employment.

C. A filer must submit a revised request for approval whenever there is a significant change in the nature of the outside employment or in the employee's official position.

4.3 Supervisor Responsibilities

Supervisors will evaluate the request and forward it with a written recommendation to the servicing ethics advisor. If the employee has not provided required information sufficient to evaluate the request, the supervisor will obtain it prior to forwarding it to the Servicing Ethics Advisor. The questions to be answered by the employee are listed in Attachment I.

4.4 Servicing Ethics Advisor Responsibilities

The servicing ethics advisor will review the request and make a recommendation to the approving official. If the recommendation is for approval, the servicing ethics advisor will outline in writing, as appropriate, the steps the employee is required to take to avoid any actual or apparent conflict of interest violations in connection with his or her outside employment activities.

4.5 Approving Official Responsibilities

The approving official is the Deputy Chief for Management for Headquarter employees; the approving official is the State Conservationist for State employees. Approval shall be granted in writing by the Approval Official unless it is determined that the non-Federal employment is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Part 2635 or 5 CFR 8301.

4.6 Human Resources Responsibilities

Requests for approval of outside employment and a copy of the approval should be filed in the Official Personnel folder. A copy of the each approval should be forwarded to the NRCS Ethics Office, Beltsville, Maryland.

5. Technical Contact:

_____/s/_____
Approved By: Markci D. Metcalf
Ethics Specialist
Date: 9/1/06

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_____/s/ Markci D. Metcalf for_____
Approved By: Caryl J. Butcher
Director,
NRCS Ethics Office
Date: 9/1/06

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Attachment I

Request for Prior Approval of Outside Employment

From: _____
[Print or Type] - Employee Name

Location: _____

The request for approval to engage in non-Federal employment must contain the following:

1. Employee's name, title, organization (i.e., State, NHQ/division) grade, and salary.
2. Description of the proposed employment including specific duties.
3. Description of any NRCS duties that relate to the proposed employment.
4. Prospective employer's name, address, and the location where work will be performed.
5. Does the outside employment in any way relate to a Technical Service Provider? Yes or No. If yes, explain.
6. Estimated total time that will be devoted to the outside employment. If expected to continue indefinitely, the number of hours per year. Otherwise, list the beginning and ending dates.
7. Whether work can be preformed entirely outside of regular duty hours. If not, estimate the number of hours of absence needed.
8. Method of compensation.
9. Whether compensation is derived from a USDA grant, contract, cooperative agreement or other source of USDA funding. If so, explain.
10. For consultative or professional services, whether the client, employer, or other person on whose behalf the services are performed is receiving, or intends to seek, a USDA grant, contract, cooperative agreement, or other funding relationship.
11. For teaching, speaking, writing or editing, include the proposed text of any disclaimer required by 5 C.F.R. 2635.807(b).

Attach additional sheets as needed.

Signature of Employee

Date