



## **EMPLOYEE MISCONDUCT – BRIBERY PROCEDURES**

The licensees must be above reproach. Any conduct in violation of [Agricultural Marketing Service \(AMS\) Directive 365.1 Employees Responsibilities and Conduct](#) will be cause for disciplinary action up to and including removal from the service. Misconduct which are cause for disciplinary action include, but are not limited to, the following:

1. Use of alcoholic beverages in any form while on duty. Their use off duty must not bring discredit to the licensee or to the Service and must not interfere with the performance of official duties;
2. Having a financial interest, directly or indirectly, in the products sampled or inspected;
3. Performance of duties in a manner which clearly demonstrates disregard for written and/or oral instructions or which raises questions as to the licensee's competence;
4. Falsifying expense vouchers or time sheets;
5. Accepting money, other valuables, or gifts for "especially efficient or accommodating service";
6. Borrowing money or accepting other financial favors from shippers, growers, other users of the Service or their representatives;
7. Accepting from users of the Service, offers of aid in getting trade-in allowances, unusual discounts, etc.;
8. Accepting gratuities or gifts from patrons of the Service. This includes Christmas presents, meals, tickets to ball games, etc. This restriction does not prohibit:
  - a. Acceptance of any of the usual courtesies in an obvious family or personal relationship when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors; and,
  - b. Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other things of nominal value.

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9. Soliciting or accepting a bribe. Violators are also subject to prosecution under Section 201 of the United States Code, Title 18, Crimes and Criminal Procedures.
10. Taking products or samples of products for personal use.

### **REPORTING ALLEGED OR SUSPECTED BRIBERY ATTEMPTS**

Any AMS employee or person licensed by AMS who believes that a bribe was offered to them, or solicited or accepted by another employee, shall (1) immediately report that information directly to the [Office of the Inspector General \(OIG\)](#) by telephone, and (2) follow OIG's instructions to avoid jeopardizing any subsequent investigation. This includes situations where a forthright offer was not made, but the employee or licensee suspects that he/she, or co-worker is being "felt out" or that an offer of a bribe could reasonably be implied. Each licensee will be issued a card giving instructions and telephone numbers for reporting bribes to the Office of the Inspector General.

The Specialty Crops Programs have great confidence in the honesty and integrity of their licensees. However, the Programs feels obligated to inform all licensees involved with sampling or inspection of the consequences of bribes, bribery attempts, acceptance or solicitation of bribes. For this reason, excerpts from the United States code of laws relating to crimes and criminal procedures are quoted below.

Section 201 of the United States Code, Crimes and Criminal Procedures, reads in part as follows:

*"Whoever, being a public official or person selected to be a public official, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself/herself or for any other person or entity, in return for;*

- (1) being influenced in his/her performance of any official act; or,*
- (2) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or,*
- (3) being induced to do or omit to do any act in violation of his/her official duty;*

*Shall be fined not more than \$20,000 or three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States."*

I, \_\_\_\_\_ have read and fully understand the foregoing Employee Misconduct - Bribery Procedures.

Dated: \_\_\_\_\_

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