

**TEXAS DEPARTMENT OF STATE HEALTH SERVICES
MEAT SAFETY ASSURANCE
AUSTIN, TX**

| | | |
|--|-------------------|----------|
| <h1 style="margin:0;">MSA DIRECTIVE</h1> | 20100.1 Rev. 2 | 02/28/19 |
|--|-------------------|----------|

EMPLOYEE STANDARDS OF CONDUCT

I. GENERAL

As public servants responsible for ensuring public health and serving the taxpayers of this state, MSA employees are expected to maintain the highest level of ethical conduct. MSA has adopted standards of conduct and work rules to guide employees in dealing with ethical dilemmas in the workplace. Violation of these policies may result in disciplinary action, up to and including dismissal, and, in some cases, referral to state or federal law enforcement agencies.

Additionally, MSA employees must exercise sound judgment in all relationships with employees/management of regulated establishments and/or other MSA employees by displaying professional decorum and refraining from personal involvement of any kind that could give an appearance of impropriety, favoritism, or unethical conduct.

NOTE: All employees are to keep abreast of all changes made within this and all other MSA Directives.

II. PURPOSE

While no policy can address all ethical dilemmas an employee may encounter in the workplace, it is beneficial for employees to be given standards and avenues by which to navigate these dilemmas. This directive sets out MSA specific procedures regarding ethical employee conduct, employee assignment restrictions and gifts from regulated establishments (i.e., official meat and poultry products establishments, Custom Exempt establishments, PRE, or facilities receiving voluntary inspection).

III. BACKGROUND

- a. All MSA employees are to conduct themselves in accordance with Health and Human Services (HHS) and Texas Department of State Health Services (DSHS) ethical standards.
- b. In addition to these Department standards, MSA does have specific standards, requirements, and procedures related to assignments, gifts, and apparel from the regulated industry, which are supplementary to those of the Department.

IV. REFERENCES

- a. Penal Code, Title 8 - Offenses Against Public Administration, Chapter 36 - Bribery and Corrupt Influence
- b. HHS Human Resource Manual
- c. 9 CFR 306.4

V. ASSIGNMENT RESTRICTIONS AND FAMILY OR PERSONAL RELATIONSHIPS

- a. MSA Circuit Managers (CM) are not to assign, in any capacity, employees to any establishment or plant where a member of the employee's immediate family (i.e., mother, father, sister, brother, spouse, or child) or extended family members (i.e., In-laws, stepparents, step children, step siblings, half siblings, aunt, uncle, niece, nephew, cousin, grandparents, and grandchildren) is employed by the establishment regardless of the positions held by either party; nor may any inspector be assigned, in any capacity, to an establishment if 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 any 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 MSA employees in cases where the family member is not directly involved in establishment operations that involve regulatory oversight. However, MSA employees should make the Circuit Managers aware of these types of situations if they arise.

- c. In cases of unique or unusual assignment situations, MSA Circuit Managers are to consult with the MSA Director before making the assignment.

VI. ASSIGNMENT RESTRICTION AND PREVIOUS EMPLOYMENT

- a. Employees who previously worked for an establishment that is an official meat and/or poultry products establishment, Custom Exempt establishment, or a facility receiving voluntary inspection with MSA for any amount of time prior to becoming an MSA employee, may not be assigned, in any capacity, to establishments under their previous employer's corporate umbrella for a minimum of 3 years upon commencement of their MSA employment. This minimum 3-year prohibition pertains to new hires, intermittent, and permanent employees applying for a reassignment or promotion. In some cases, this prohibition may be extended indefinitely.
- b. Circuit Managers may not assign employees, in any capacity, to any establishment said employee owned or from which the employee is receiving an annuity or pension.

VII. GIFTS FROM REGULATED INDUSTRY

- a. The following sections of Chapter 36 of the Penal Code apply.
 - i. A person commits an offense if he intentionally or knowingly offers, confers or agrees to confer on another, (or solicits, accepts, or agrees to accept from another):

Any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official, or voter.
 - ii. A person commits an offense if by means of coercion he: Influences or attempts to influence a public servant in a specific exercise of his official power or a specific performance of his official duty, or influences or attempts to influence a public servant to violate the public servant's known legal duty.
 - iii. A public servant in an agency performing regulatory functions or conducting inspections or investigations commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be subject to regulation, inspection, or investigation by the public servant or his agency.

- b. Although it would be impossible to cover all possibilities, it is felt that due to the importance of the subject, some examples might be helpful. Examples of prohibited gifts.
 - i. Entertainment such as tickets, passes, company financed picnics.
 - ii. Meals, including in-plant Company breakfast or lunch.
 - iii. Company loans or company guaranteed loans.
 - iv. Special discounts on products or services.
 - v. Repair services for automobiles, etc.
 - vi. Hunting and fishing privileges.
 - vii. Gifts made to members of the immediate family of the employee are considered to be the same as if given to the employee.
- c. Examples of items NOT prohibited:
 - i. Incidental exchange of customary social courtesies of nominal value such as coffee, tea, or small pastry items.
 - ii. Attending an open house or other such company sponsored event, provided that the general public is invited.
 - iii. Intermittent, limited product samples of nominal value.
- d. Circuit managers are authorized to prohibit inspectors from accepting any and all gifts/favors/etc from an establishment, even those examples listed in (c) above should circumstances warrant extra precautions in this area. In addition, all MSA staff should carefully consider this policy as well as any other variables in the workplace when considering if it is permissible to accept any gift or favor from establishments or establishment personnel. In addition, examples such as those listed in (c) may only be accepted if freely offered. At no time is it acceptable for MSA employees to solicit any type of gift or favor from an establishment or establishment personnel, no matter how small.

VIII. PURCHASE OF PRODUCTS

- a. MSA employees may purchase products or services from a plant or establishment that is regulated or inspected by MSA if the following conditions are met:
 - i. The plant maintains an outlet open to the general public.
 - ii. The price paid by the MSA employee is the same as the price paid by the general public.
 - iii. The purchase is on a cash basis.
 - iv. A receipt showing the product name, quantity, unit price, total price and date of purchase is obtained and retained for at least one year.
 - v. The purchase may only be made by the inspector when not on duty and by entering and exiting through the customer entrance.

NOTE: The acceptance of a larger quantity of product than is receipted shall be considered as acceptance of a bribe. An individual who offers a larger quantity of product than the purchaser is being charged for shall be considered to be offering a bribe.

IX. OTHER BUSINESS PRACTICES

- a. MSA employees are prohibited from purchasing livestock from regulated establishments
- b. MSA employees are prohibited from selling livestock to establishments where they regularly provide inspection services.
- c. MSA employees are prohibited from engaging in the business of meat sales, this includes but is not limited to; the scheduling slaughter and/or processing dates on behalf of a meat seller, selling and/or transporting meat or meat products intended for sale, meat processing equipment for other than personal use, or other products or services related to meat processing or sales.
- d. MSA employees are not prohibited from purchasing custom exempt slaughter services from any establishment as long as they are not providing slaughter inspection at that establishment during the slaughter of their own animal. However, that transaction must be at

the same price as is offered to the public and the MSA employee must keep a receipt of that transaction for a minimum of 1 year.

- e. MSA employees are not prohibited from purchasing wild game processing services from any establishment. However, that transaction must be at the same price as is offered to the public and the MSA employee must keep a receipt of that transaction for a minimum of 1 year.
- f. MSA employees are prohibited from engaging in the business of owning or operating wild game processing establishments or other services related to wild game processing to include working at an establishment that is processing wild game. This does not preclude an MSA Employee from leasing or selling a lease from land they own for the purposes of hunting. This also does not preclude an MSA Employee for serving as a hunting guide as long as game processing is not included as part of said guide services.
- g. MSA employees are not prohibited from engaging in other agricultural activities including, but not limited to, raising and selling of livestock except as restricted above.

X. APPAREL

- a. Clothing (i.e., hats, hoodie, jackets, shirts, and etc.) depicting the name, logo, or any other form of advertising for an establishment regulated by MSA may not be worn by an MSA employee at any time as is considered a conflict of interest.
 - i. Secondary advertisements on apparel due to sponsorships do not apply to this policy. For example, if an establishment is a sponsor for a college football team of which the inspector is a fan, the inspector would not be prohibited from wearing apparel supporting that team even if an establishment logo was present on that apparel.
- b. Inspectors are expected to present a clean, neat, and professional appearance in the workplace.
 - i. Clothing depicting vulgarity in any manner (words, pictures, etc) is prohibited from being worn by inspectors in the workplace at any time.
 - ii. Clothing worn by inspectors in the workplace should be in

reasonable condition and of sufficient fit to prevent improper exposure or exposure of undergarments.

XI. RELATIONSHIPS

- a. MSA Employees are not to be involved in any kind of romantic relationships with employees/management of regulated establishments that could endanger confidentiality, impair, or give the appearance of impairing their objectivity when performing their duties.
- b. MSA Employees must exercise sound judgment and refrain from personal involvement with employees/management of any regulated establishment that could discredit or embarrass MSA or the individual involved.
- c. MSA Employees are not to be involved in any kind of romantic relationship with any other employee in their supervisory chain, to include team leads not in official management roles.
- d. MSA Employees cannot be in the same supervisory chain as an immediate or extended family member.

XII. OTHER

- a. MSA employees are prohibited from bringing minor children to an Establishment. This policy is created to avoid disruptions in the job duties of the MSA employees and of the Establishments and to reduce personal and property legal liability. It is inappropriate to allow workplace visits by children, whether supervised or unsupervised.

Note: As used in this policy, the terms "minor" and "children" are defined as any individual who has not reached the age of 18.

- b. MSA Employees are to refrain from any horseplay or any behavior in the establishment which could be categorized as inappropriate, or not in keeping with expected standards of conduct for state employees.
- c. MSA Employees are to refrain from doing any work for the establishments such as but not limited to: washing or trimming carcasses; cleaning equipment, walls, or floors; skinning carcasses, cutting or wrapping meat; moving animals in the pens. Exceptions may include trimming meat when taking a sample and cleaning of the equipment you use (e.g., your knife, apron, your work space or area).

XIII. EXEMPTIONS AND CLARIFICATIONS

- a. The MSA Director may grant exemptions from the provisions in this directive when there is clear evidence that inspections will continue in accordance with established standards and will be performed in an ethical manner, and such prohibitions would result in a severe economic or personal hardship for the employee and/or when there is a significant business need for that staffing decision.
- b. The MSA Director may also offer clarifications for employees wishing to know if a given situation might put them at risk of violating the tenants set forth in this directive.
- c. Employees seeking an exemption or clarification are to make their requests, in writing, to the MSA Director through supervisory channels. Each manager is to provide comments and a recommended action on the request before forwarding it to the next higher level.
- d. Employees requesting the exemption or clarification are to provide the following information, if applicable:
 - i. Name, title, and location;
 - ii. Name of the relative/associate and their relationship to the employee;
 - iii. Position, title, and duties performed by the relative/associate;
 - iv. Name and type of establishment;
 - v. Duration of the employee's assignment and the relative/associate's employment with the establishment in question;
 - vi. An explanation of the proximity and level of interaction between the employee and his or her relative/associate at the work site;
 - vii. A detailed account of the economic or personal hardship that would occur if the employee were to be reassigned; and
 - viii. Any other pertinent facts.
- e. When the MSA Director denies an exemption request, the employee has the right to appeal the decision to the Environmental and

Consumer Safety Section (ECSS) Director.

XIV. QUESTIONS

Refer questions through supervisory channels.

A handwritten signature in blue ink that reads "James R. Dillon". The signature is written in a cursive style with a large initial 'J'.

James R. Dillon, DVM, MPH
Director, Texas State Meat and Poultry Inspection Program
Department of State Health Services



**Condition of Employment Letter
Texas Meat Safety Assurance**

As an employee of Texas Meat Safety Assurance, I understand that I must meet minimum standards of performance and conduct in order to remain eligible for employment. In addition, I understand that I must meet certain standards in order to be qualified for and perform the essential functions of my position. Specifically, I acknowledge the following:

- 1) I must attend the Inspection Methods course (or equivalent), which may involve travel (potentially out of state) of approximately thirty (30) days. Failure to attend and successfully complete (including passing any and all tests given in the course) the Inspection Methods course (or equivalent) on the first attempt may lead to dismissal from employment. The opportunity to retake the test if not passed on the first attempt is not guaranteed.
- 2) I must obtain a LincPass or other necessary access credentials to access both State and Federal computer systems. This may include a background check. Failure to obtain necessary credentials to access necessary systems may lead to dismissal from employment.
- 3) I have read and understand MSA Directive 20100.1. Furthermore, I understand that failure to comply with the expectations and standards set forth in MSA Directive 20100.1 may lead to dismissal from employment

Signature: _____

Printed Name: _____

Date: _____