



Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
20250

MEMORANDUM FOR ALL FSIS DISTRICT MANAGERS

FROM: Alfred V. Almanza 
Acting Deputy Under Secretary, Office of Food Safety
Administrator, FSIS

SUBJECT: Guidance on the Secretary's First Amendment Policy

On May 8, 2017, Secretary Perdue issued a clear policy statement on the First Amendment. The policy statement immediately applies to all FSIS employees and all other agencies of USDA. As Secretary Perdue stated, it "is not optional, and it is not discretionary."

Religious expression matters to people. It matters a great deal to individuals who wish to be free and who believe that the law should protect them when they openly express their sincerely held beliefs. The First Amendment's Free Exercise Clause prohibits federal employees from unduly burdening citizens' free exercise of religion. The First Amendment's Free Speech Clause protects private speech and prevents the government from discriminating against individual viewpoints.

Employees are permitted to engage in religious expression directed at fellow employees and may attempt to persuade other employees of the correctness of their views. Religious views should be treated the same as any other comparable speech not involving religion. Proselytizing is as entitled to constitutional protection as any other form of free speech.

Supervisors are also free to engage in speech about religion. While supervisors may not impose unfair work conditions on employees who do not share their religious beliefs, their personal views concerning religion are still protected by the First Amendment. As a result, supervisors may also express their sincere religious views without fear of sanctions.

Some employers in facilities that are inspected by USDA may wish to display religious icons, religious pamphlets, or faith-based messages in publicly available work areas or on public websites. Others may support employee religious organizations and openly express their own religious beliefs or practices in the workplace. USDA employees must act to avoid the limiting or chilling of protected speech.

The examples below are intended to provide guidance to inspectors concerning the Secretary's Policy on the First Amendment.

Program Specific Examples for Private Facilities Inspected by USDA

It is acceptable under the First Amendment to...
Have faith-based pamphlets in a public workspace of an inspected establishment.
Have a cross, menorah, or any other religious symbol hanging on a wall of an inspected establishment.
Have voluntary prayer services for interested employees in an inspected establishment as long as it does not interfere with work obligations or health and safety requirements.
Have statements indicating religious beliefs in advertising or on websites of an inspected establishment.
Have policies pertaining to religious traditions in the preparation of meat in an inspected establishment.
Have discussions concerning religion in the workplace of an inspected establishment.
Have employee organizations that are faith-based.

All FSIS employees are expected to comply with applicable Departmental and FSIS directives governing performance and conduct. Nothing in the Secretary's First Amendment Policy Statement prevents employees who believe they are subject to discrimination, harassment, or intimidation from exercising their rights. Moreover, If FSIS employees are made aware of harassment, interference, intimidation, or threat, they should follow the procedures outlined in FSIS Directive 4735.4, "Reporting Harassment, Interference, Intimidation, or Threat."

Employees who believe they have been subjected to employment discrimination and would like to initiate an EEO complaint must contact an EEO counselor within 45 calendar days from the day the discrimination occurred. They may do so by contacting FSIS' Civil Rights Staff at: USDA, FSIS, Office of the Administrator, Civil Rights Staff, 5601 Sunnyside Avenue, Building 1, Room 2260, Mail Stop 5261, Beltsville, Maryland 20705, (800)269-6912 (toll free) or (301)504-7755 (Voice and TDD).