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Ethics News Corner

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Office of Research Services
Office of Management Analysis & Review (OMAR)
Ethics Service Center (ESC)
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Message from the OMAR Ethics Service Center

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Among the many constants at NIH is "change" and with change comes transition. On August 18th I joined the leadership team of the NIH Ethics Office (NEO) as the Director of the Division of Policy and Management Review. At first I thought I would be saying goodbye to you. However at the request of the ORS Director, Dr. Alfred C. Johnson, I will continue to oversee the ORS/OMAR ESCenter until a new Director is selected.

The opportunity to serve as the Director of the Office of Management Analysis and Review and the Ethics Service Center has been the most rewarding experience in my Federal government career. If there is anyone else at the NIH who could say they have enjoyed their time and friendships more I don't know who it would be. I have made such good friends with so many of you that my only regret is not having had the opportunity to have met every single one of you in person.

As I transition to NEO I won't be going far in distance and am proud to say I am leaving you in the hands of very capable staff. It has truly been a privilege to have served with each of you in fulfilling the NIH mission. Please remember I am only an e-mail away.

Genia H. Bohrer

Seeking Employment in the Private Sector

Federal ethics law does not prohibit or discourage employees from seeking employment in the private sector. However, in some instances, contacts with potential employers may raise conflict of interest concerns with respect to an employee's government job.

The general rule of thumb for a potential conflict of interest when seeking employment is, if there is a direct and predictable effect on the financial interest of a person or entity with whom an employee is seeking employment, the employee must be disqualified from working on the official duty matter. This seeking employment disqualification is required by regulation. There is also a negotiating employment disqualification required by statute. If an employee has begun to negotiate with a potential employer and a potential conflict arises or was failed to be reported, the employee must be disqualified from the matter under the criminal statute, 18 U.S.C. Section 208.

The disqualification continues until either the employee or the potential employer declines the possibility of employment. Deferring discussion until the foreseeable future is not the same as declining employment. For example, if an employee said, in response to an employment proposal, "I would like to discuss the opportunity, but not until next week" this is not declining employment. A response from the employer

Information about Seeking Employment
in the Private Sector can be found at:
<http://ethics.od.nih.gov/topics/seeksum.htm>

Continued - Seeking Employment in the Private Sector

indicating that "the application will be kept on file" can be considered declining employment. In the case of an application that is never acknowledged, after two months an employee may consider the application declined.

If employment negotiations prove unsuccessful, the disqualification requirement ends. In some cases, however, the agency may nevertheless impose a further period of disqualification where there are concerns about the employee's impartiality.

If an employee is disqualified from participating on a particular matter, the supervisor should be notified (some agencies require that this notification be made in writing). Notification permits a supervisor to minimize any disruption of the agency's mission by arranging assignments accordingly.

What if the agency determines that disqualification from certain assignments materially impairs an employee's ability to perform the duties of the position? In this situation, the agency may allow the employee to take annual leave or leave without pay while employment is sought.

For more information on this topic, visit the following website: <http://ethics.od.nih.gov/topics/seeksum.htm>

Sponsored Travel (HHS 348) Conflict of Interest Analysis

There are instances where an employee is asked to participate in an official duty activity with an outside organization that wishes to sponsor all or a portion of the employee's expenses. Your ethics specialist is required to perform an analysis to ensure a conflict of interest does not exist with accepting the sponsored portion of the travel.

The Federal Travel Regulation states that the payment of travel expenses from a non-Federal source cannot be accepted if the authorizing official determines that acceptance of the payment under the circumstances would cause a reasonable person with knowledge of all the facts relevant to a particular case to question the integrity of the offer or the agency. Additionally, the importance of an event can never override an appearance of impropriety. If the acceptance of the payment from a non-Federal source can be reasonably questioned, then the request must be declined.

Typically a Federal employee may be offered payment of travel expenses as a subject matter expert to speak about a Federal operation, program or regulation that affects the non-Federal source. To determine a possible conflict of interest in this scenario, ask the question, "Do the circumstances make it appear that the sponsor's intent is to influence the employee or agency in some way?". If the answer is yes, the offer must be declined. However, even if the sponsor's intention is not to gain influence, the offer must additionally be examined for any appearance of impropriety or influence.

Please be sure to contact your ethics specialist before accepting any sponsored travel offer. Your ethics specialist will review each sponsored travel request and make a determination as to whether a conflict of interest does or does not exist. This can be a time consuming task, so we ask that all sponsored travel packages be submitted for processing through your Administrative Officer as soon as you receive the invitation.

What documents should a sponsored travel package include?

All packages should include:

- Invitation letter (stating Federal funds are not being used by the sponsor to support the travel)
- Travel Request and Authorization
- Form HHS 348 & Checklist
- Agenda if applicable
- Travel Itinerary

Please feel free to contact the Ethics Service Center for additional information.

*The sponsored travel Form HHS 348
can be found at:*

<http://forms.nih.gov/adobe/travel/HS348.PDF>

*The sponsored travel checklist
can be found at:*

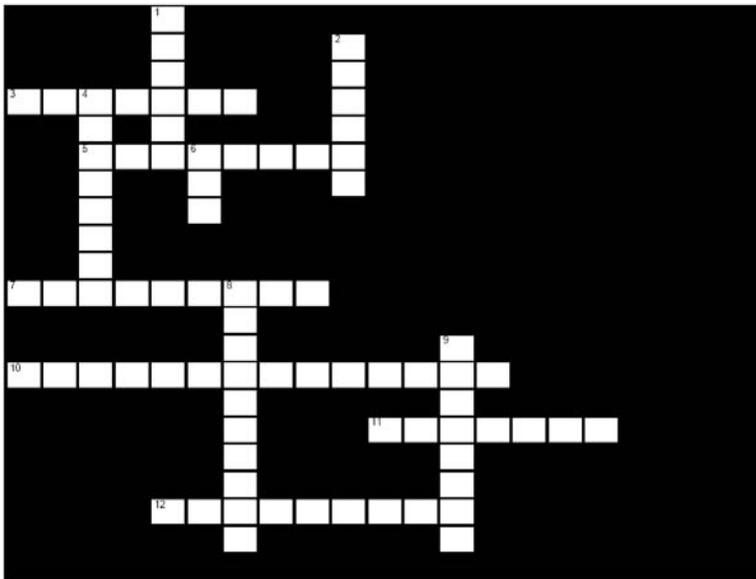
<http://forms.nih.gov/adobe/travel/HS348CKL.PDF>

Crossword Puzzle Challenge: Seeking and Post Employment Employee Crossword Puzzle

There are rules that may apply to you if you are looking for a job outside the government. Once you get a new job, there may be restrictions on what you can do for your new employer. This crossword puzzle gives you a chance to increase your knowledge of some of the seeking employment standards and the post-employment law.



U.S. Office of Government Ethics Seeking and Post-Employment Employee Crossword Puzzle



This crossword puzzle can be found online at:

http://www.usoge.gov/pages/comp_web_trng/comp_web_trng.html

The answers to this crossword puzzle can be found at:

http://www.usoge.gov/pages/comp_web_trng/cwt_puzzles/seek_post_emp_07/seek_post_emp_answers_prnt.pdf

Across

- 3. Looking for a job outside the government? Read the _____ employment part of the Standards of Conduct first
- 5. You are seeking employment even if you _____ discussions until you finish the project that affects a potential employer
- 7. The length of post-employment restrictions may be _____, two years, or one year, depending on what you worked on while with the government

- 10. Requesting this does not mean you are seeking employment: 2 words
- 11. Generally, if your project could affect a prospective employer, then you may need to stop _____ on that project
- 12. Unless your job duties affect the _____ interests of a prospective employer, the seeking employment rules do not apply

Down

- 1. Your government _____ are a primary factor in determining when post-employment rules restrict your

- communications to and appearances before the government
- 2. The post-employment law places restrictions on _____ government employees
- 4. A common misconception about the post-employment law is that it restricts which _____ you work for
- 6. When you have not heard back in _____ months after sending a job application, you are no longer seeking employment

- 8. Successful job hunting may lead to post-_____ restrictions
- 9. Representing _____ before the government after leaving government employment is generally ok

www.usoge.gov

Helpful Hints and Time Savers

Help us serve you better by following these Helpful Hints and Time Savers:

- *Sponsored Travel (348) packages are due to your administrative officer upon receipt of the invitation and need to be processed through the ESC a minimum of 14 calendar days prior to the start of the travel.*
- *Remember, you cannot take annual leave in conjunction with sponsored travel.*
- *If you are leaving Federal service, please be sure to schedule your exit interview with our office (or your IC Deputy Ethics Counselor) at least 7 days before your departure.*
- *Please continue to be responsive to our requests for information on various issues; we cannot perform a complete analysis of documents/issues without complete information.*

AUGUST						
S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	27	29	30

SEPTEMBER						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Upcoming Events

Please make note of these important dates:

Annual Ethics Training - Fall 2008

Staff Announcement

We would like to announce Ms. Beverly Jordan as a new member of our Ethics Service Center team. Beverly joined our team in June through the Administrative Fellows Program. Beverly is the Ethics Specialist servicing our new client, NINDS, and comes to us with over four years of ethics experience, most recently as an Ethics Assistant with the National Heart, Lung & Blood Institute.

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Visit us on the web at: <http://omar.ors.od.nih.gov/ethics.htm>

Please feel free to take our customer survey and let us know how we are doing:

<http://oqm.ors.od.nih.gov/dynsurveyfe/CompleteORS.aspx?srvID=13>