



January 15, 2019

MEMORANDUM

TO: Deputy Ethics Counselors  
Ethics Coordinators

FROM: Elizabeth J. Fischmann  
Associate General Counsel for Ethics  
Designated Agency Ethics Official

A handwritten signature in blue ink, appearing to read "Elizabeth J. Fischmann".

SUBJECT: 2019 Annual Ethics Training Program for Special Government Employees  
(SGE AET) and Initial Ethics Training (SGE IET)

This memorandum launches the Department's annual ethics training (AET) program for special Government employees (SGEs) for 2019. Use this material for SGE initial ethics training (IET) as well. OGC-Ethics Division will issue the 2019 AET for full time employees later this year.

SGEs must complete the 2019 SGE AET NLT December 31, 2019. See [5 C.F.R. § 2638.307](#). As to the IET, SGEs must complete training within three months of their appointments, but in all instances before, or at the beginning of, the SGE's first meeting of their board, commission, or committee. See [5 C.F.R. § 2638.304](#). You may provide the AET and IET to an SGE by email. Live training is always permissible.

As you are aware, SGEs are among the categories of employees required to receive annual and initial training on ethics rules and regulations. In general, SGEs satisfy AET and IET requirements through the completion of an interactive training presentation and review of reading materials. Live training is required for any SGE expected to serve more than 60 days in a calendar year. If you have any SGEs who are expected to serve more than 60 days this calendar year, please contact Glenn Hancock, Deputy Associate General Counsel for Ethics Program Administration, at (202) 690-7258.

AET and IET. You must ensure that all SGEs receive the links included below to complete their AET and IET. Sufficient official duty time must be provided for the SGEs to review these materials. **Certification of completion of item number 1 is mandatory to meet the requirement for an interactive presentation and may be accomplished by having the SGE sign, date, return to you the completion certificate that is at the end of the Web-based presentation.** Documentation of the completion, regardless of how accomplished, must be kept for six years.

(1) "*Ethics Training for Special Government Employees*," a Web-based training module prepared by my office in 2018, at: <https://ethics.od.nih.gov/Training/SGE-Training/10.html>

(2) “*Standards of Ethical Conduct – Summary for Executive Branch Employees,*” a 32-page booklet prepared by OGE at:

[https://www.oge.gov/Web/OGE.nsf/0/FDA6090789CE94298525804B00563202/\\$FILE/Intro%20to%20Standards.pdf](https://www.oge.gov/Web/OGE.nsf/0/FDA6090789CE94298525804B00563202/$FILE/Intro%20to%20Standards.pdf)

(3) *Supplemental Standards of Ethical Conduct and Supplemental Financial Disclosure Requirements for Employees of the Department of Health and Human Services, Codified in 5 C.F.R. Parts 5501 and 5502*, -at:

<http://www.fda.gov/downloads/AboutFDA/WorkingatFDA/Ethics/UCM071721.pdf>. NOTE: 5 C.F.R. Part 5501 subsections 104, 106, 109, 110, 111, and 112 do NOT apply to SGEs. None of the contents of 5 C.F.R. Part 5502 apply to SGEs.

(4) “The Ethical Choice: Ethics for Special Government Employees” (20 minute video) created by OGE in 2008, at <https://www.youtube.com/watch?v=yDnYTRATCrS>.

(5) “Ethics Rules for Advisory Committee Members and Other Individuals Appointed as Special Government Employees (SGEs),” an 11-page summary prepared by the HHS OGC Ethics Division, at: <http://ofacp.od.nih.gov/ethics/pdfs/SGETRAININGOCT2004.pdf>

(6) “*Overview of the Ethics Rules for Special Government Employees Serving on Advisory Committees,*” a brochure prepared by the HHS OGC Ethics Division, at:

<http://ofacp.od.nih.gov/ethics/pdfs/SGE3.pdf>

(7) “*To Serve with Honor,*” a 16-page booklet for advisory committee members prepared by OGE in 2008, at:

[https://www2.oge.gov/web/oge.nsf/Education%20Resources%20for%20Ethics%20Officials/7FB810D106E32FC985257F6B00528843/\\$FILE/bkServeHonor.pdf?open](https://www2.oge.gov/web/oge.nsf/Education%20Resources%20for%20Ethics%20Officials/7FB810D106E32FC985257F6B00528843/$FILE/bkServeHonor.pdf?open)

(8) *Principles of Ethical Conduct for Government Officers and Employees*, listed in Executive Order 12731 (October 17, 1990), and 5 C.F.R. § 2635.101, at: <http://ethics.od.nih.gov/principl.htm>

(9) *The Federal Conflict of Interest Statutes*, at:

<https://www2.oge.gov/web/oge.nsf/Criminal+Statutes>

(10) The names, titles, office addresses, and telephone numbers of the HHS Designated Agency Ethics Official and other agency ethics officials available to advise employees on ethics issues, at:

<http://www.hhs.gov/ogc/contact/contacts.html>; and <https://ethics.od.nih.gov/coord.pdf>, for NIH employees.

Content Changes or Substitutions. DEC’s may provide additional ethics-related materials to supplement the materials developed by the Ethics Division, or choose to create their own unique ethics training. **However, you must obtain clearance from my office prior to conducting training with your own materials or with our materials, if you have added to or altered them in any way.**

The Department takes very seriously its obligation to ensure that its advisory committee members and other SGEs are free from any violation of the Federal conflict of interest statutes and ethics regulations. SGE training is an important component of our ethics program. Please provide copies of this memorandum to the Committee Management Officials (CMOs) and Designated Federal Officials (DFOs) assigned to the advisory committees within your respective operating and staff divisions. If your division posts the memorandum or its contents online, please ensure the contents of those web links are updated. In addition, please ensure that SGEs serving in other capacities are informed of the annual training requirements.

If you have any questions or need additional information about ethics training requirements, please contact Catherine Hess, at (202) 260-1793.

cc: General Counsel  
Deputy General Counsels  
Associate General Counsels  
Chief Counsels, Regions I-X