



February __, 2022

MEMORANDUM

TO: Deputy Ethics Counselors Ethics Coordinators

FROM: Randall J. Hall
Associate General Counsel for Ethics
Designated Agency Ethics Official

SUBJECT: 2022 Ethics Training Program for Special Government Employees

This memorandum launches the Department's ethics training program for special government employees (SGE) for 2022. The Department is modifying the training requirements for SGEs. The new training requirements are described below. These requirements do not apply to full-time employees. OGC Ethics Division will issue the 2022 AET for full-time employees later this year.

SGEs are among the categories of employees required to receive annual (AET) and initial (IET) training on ethics rules and regulations. 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.

Deadlines & Recordkeeping

SGEs who are required to complete AET must do so by December 31, 2022. See [5 C.F.R. § 2638.307](#).

SGEs who are required to complete IET and who will serve on a board, commission, or committee for no more than 60 days in a calendar year must complete IET before, or at the beginning of, the SGE's first meeting of their board, commission, or committee. See [5 C.F.R. § 2638.304\(b\)\(2\)](#).

All other SGEs who are required to complete IET must do so within three months of their appointment. See [5 C.F.R. § 2638.304\(b\)](#).

Documentation of completion must be kept for six years.

Training Program

SGEs satisfy AET and IET requirements by either completing the interactive training module or attending a live or virtual training. Completing the training module or attending a live or virtual training satisfies the AET and IET requirements for SGEs under 5 C.F.R. §§ 2638.304 and 2638.307. If an SGE is required to complete both IET and AET within the same calendar year, the SGE can satisfy both requirements by completing the interactive training module once or by completing live or virtual trainings as required by the DEC. The Designated Agency Ethics

Official (DAEO) also requires that SGEs review a set of supplemental materials if (1) the SGE is new to federal service, or (2) the SGE's prior federal appointment ended more than one year before the SGE's current appointment starts. See [5 C.F.R. § 2638.309\(a\)](#). All SGEs must be provided links to the supplemental training materials and additional resources listed below. SGEs must be given sufficient official duty time to complete this training program.

Ethics Training Module

Ethics Training for Special Government Employees

This web-based training module was prepared by the HHS OGC Ethics Division. This training module meets the regulatory requirements for interactive AET and IET. SGEs who complete this training module will certify completion by entering their name and date completed into the certificate that is at the end of the Web-based presentation and returning it.

Supplemental Training Materials

SGEs who are new to federal service, or whose last federal appointment ended more than one year before their current appointment starts, must review these supplemental training materials, in addition to completing the training module or attending a live or virtual training. All SGEs must be provided links to these materials with the notice of their AET and IET training requirements, even if they are not required to review these materials.

1. [*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
2. [*Standards of Ethical Conduct – Summary for Executive Branch Employees*](#), a 32-page booklet prepared by OGE
3. [*The Ethical Choice: Ethics for Special Government Employees*](#), a 20 minute video created by OGE in 2008
4. [*Criminal Conflict of Interest Laws: Summary for Executive Branch Employees*](#), a 28-page booklet prepared by OGE

Additional Resources

All SGEs must be provided links to these reference materials with the notice of their AET and IET training requirements.

1. [*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
2. [*Synopsis of HHS Supplemental Standards of Conduct*](#), a 12-page summary prepared by the HHS OGC Ethics Division

3. [*Overview of the Ethics Rules for Special Government Employees Serving on Advisory Committees*](#), a brochure prepared by the HHS OGC Ethics Division
4. [*Ethics Laws Applicable to Special Government Employees*](#), a chart prepared by OGE in 2021
5. [*Principles of Ethical Conduct for Government Officers and Employees*](#), listed in Executive Order 12731 (October 17, 1990), and 5 C.F.R. § 2635.101

Content Changes or Substitutions

DECs 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 the Ethics Division prior to conducting training with your own materials, or with Ethics Division materials if you have added to or altered them in any way.**

If you have any questions or need additional information about ethics training requirements, please contact Catherine Hess, at Catherine.Hess@hhs.gov or (202) 690-7258.