

Pre-Employment Ethics Clearance of Candidates Required to File the
Public Financial Disclosure Report (OGE-278)

**PROCEDURE FOR CLEARANCE OF CURRENT EMPLOYEE SELECTED TO SERVE
ON AN ACTING BASIS FOR 14 DAYS OR LESS
IN A POSITION SUBJECT TO FILING THE OGE-278**

Office of Human Resources

1. The responsible Human Resources (HR) Specialist notifies the responsible IC ethics official¹ that a candidate has been selected to serve on an acting basis in a position subject to filing the OGE-278. The HR Specialist provides the following information to ethics staff: name of candidate, summary of added responsibilities, and tentative start date.

Responsible Institute/Center (IC) Ethics Office

Within 5 business days after receipt of necessary information from the Office of Human Resources, the IC ethics official shall:

2. Obtain a copy of the employee's most recent Public Financial Disclosure Report (or OGE-450 Confidential Financial Disclosure Report, if applicable).

Note: If the employee has not previously filed a financial disclosure report, the responsible IC ethics official will confer with the employee regarding his/her personal and imputed financial interests, affiliations, etc., to determine whether there is any immediate conflict or problem. If a conflict or problem is identified, the IC ethics official will work with the employee to identify an appropriate management option, and must thereafter consult with the DHHS Office of the General Counsel Ethics Division (OGC/ED) at NIH in writing (email preferred) to obtain ethics clearance.

3. Review the employee's financial holdings and outside affiliations to ensure that there is no financial conflict of interest with the duties of the acting position.
4. If IC ethics officials do not identify any potential conflicts or problems, ethics clearance may be granted by the IC ethics official (without involvement of OGC/ED). The HR Specialist is provided written notification of the clearance (email is preferred) and the candidate may begin acting in the position.
5. If a potential conflict or other problem is identified, the IC ethics officials will confer with OGC/ED at NIH in writing (email is preferred) of any identified conflicts or problems and the proposed option to manage the conflict.

¹ The NIH Ethics Office handles ethics matters for OD employees, as well as IC Directors, IC Deputy Directors, IC Scientific Directors, IC Clinical Directors, and IC Extramural Directors who report to the IC Director (aka the "Top 5"). For Top 5 positions, the HR Specialist will notify IC ethics officials. The IC ethics officials are responsible for immediately notifying and referring the matter to the NIH Ethics Office. This ensures that the IC planning to hire the candidate is aware of the needed clearance.