

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

**PROCEDURES FOR CLEARANCE OF CURRENT EMPLOYEES¹ SELECTED TO
SERVE ON AN ACTING BASIS FOR MORE THAN 14 DAYS
IN A POSITION SUBJECT TO FILING THE OGE-278**

Office of Human Resources (OHR)

1. The responsible HR Specialist notifies the responsible IC ethics office² 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 official: name of candidate, position description, summary of added responsibilities, and tentative start date.

Note: The ethics review can occur concurrently with other IC, Office of Human Resources, or NIH approvals.

Responsible IC Ethics Office

2. The responsible IC ethics official will obtain, review, and analyze a copy of the employee's most recent financial disclosure report (Public Financial Disclosure Report (OGE-278) or Confidential Financial Disclosure Report (OGE-450)).

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 resolution, 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.

In addition, if the employee is expected to act in the filer position for more than 60 days and the employee either has not previously filed a financial disclosure report or previously filed only an OGE-450 report, the responsible IC ethics official will immediately begin the clearance process described in steps 5 through 14 of the [Procedure for Clearance of the Candidate Selected to Fill a Position](#).

3. The IC ethics official will work with the employee to gather the appropriate supporting or background information necessary to identify potential conflicts or other problems, and to develop appropriate management options, as detailed in the ethics agreement when applicable.
4. Within 10 business days following receipt of necessary information from OHR (as indicated in Step #1 above), the responsible IC ethics official will forward a copy of the financial disclosure report, the ethics agreement if needed (including the employee's agreement to its terms), any supporting or background information, and the information provided by the HR Specialist to OGC/ED at NIH. Ethics officials will immediately notify the HR Specialist if this timeframe cannot be met.

HHS Office of the General Council Ethics Division (OGC/ED)

5. OGC/ED staff review information provided by the responsible IC ethics official. Based upon their knowledge of NIH and the responsibilities of positions subject to the OGE-278 filing requirement, OGC/ED staff will consider the proposed agreement and conflict management options and inform the responsible IC ethics official if additional information or terms of agreement are needed.

OGC/ED staff will review and clear acting candidates within 5 business days following receipt of all necessary information and, where necessary, a satisfactory ethics agreement. OGC/ED will notify the responsible IC ethics official and HR Specialist if this timeframe cannot be met.

OGC/ED staff will provide written notification of clearance to the responsible IC ethics office and HR Specialist. Email is preferred ([see sample](#)).

6. Once OGC/ED clearance notification is received, the candidate may begin acting in the position.

Responsible IC Ethics Office

7. The responsible IC ethics official and the employee prepare any necessary paperwork to implement the terms of the ethics agreement as needed.
8. The ethics official will report to OGC/ED in writing when all of the terms of the ethics agreement have been satisfied. Email is preferred.

¹ "Current employees" are individuals who are already employed by the NIH, regardless of whether they are required to file a financial disclosure report.

² 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 that report to the IC Director (aka the "Top 5"). For Top 5 positions, the HR Specialist will notify IC ethics official. The IC ethics officials are responsible for immediately notifying and referring the matter to the NIH Ethics Office. This ensures that the IC hiring the candidate is aware of the needed clearance.