

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

**PROCEDURE FOR CLEARANCE OF THE CANDIDATE
SELECTED TO FILL A POSITION**

Office of Human Resources

1. The Office of Human Resources (OHR) will indicate in relevant job announcements that the position requires the selectee to submit a Public Financial Disclosure Report (OGE-278).

Selecting Official

2. Officials who make the selection of individuals to fill positions are responsible for giving an OGE-278 and the Conflicts of Interests/Standards of Ethical Conduct Fact Sheet ([Attached](#)) to job candidates during the final interview phase. The OGE-278 is given to provide advance knowledge of conflict of interest issues and notification of the requirement to file.¹ Selecting officials will also provide contact information for the responsible Institute/Center (IC) ethics office² to the candidate.

Office of Human Resources

3. Once a final candidate is identified, only a tentative job offer can be made. The job offer discussion should convey that the final offer and start date are contingent upon ethics clearance, in addition to any other approvals or negotiation.
4. The responsible Human Resources (HR) Specialist notifies the responsible IC ethics office that a candidate has been selected to fill a position subject to filing the OGE-278. The HR Specialist provides the following information to ethics staff: name of candidate, position description, and tentative start date.

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

Responsible IC Ethics Office

5. Upon receiving notification of the potential selectee, the responsible IC ethics office official will immediately provide either a hard copy OGE-278 form or a link to the fillable OGE-278 form on the NIH Ethics Program website to the proposed selectee and collects a draft OGE-278 from him/her. IC ethics staff review and analyze the report.

Note: If the candidate is already an OGE-278 filer and he/she is being moved or promoted into the covered position, the ethics official will review the most recent OGE-278, which should be in the NIH Enterprise Ethics System (NEES).

6. The IC ethics officials work with the candidate to ensure that all required information is reported and to develop a proposal for the management of any identified conflicts or other problems (i.e., develop an "ethics agreement"). Written acknowledgement of the

agreement must be obtained from the candidate. See the [description of an ethics agreement on the forms page](#).

7. Ethics officials forward the draft OGE-278 (or most recent OGE-278) and the ethics agreement (including the candidate's agreement to its terms) and any other relevant supporting or back-ground information to the DHHS Office of the General Counsel/Ethics Division (OGC/ED) at NIH. If no agreement is necessary, a note to that effect must be conveyed. Also provide the name of the responsible HR Specialist, position description, contact information for the candidate, and the tentative start date.

Ethics officials will complete the process of collecting, reviewing, and forwarding the draft OGE-278 to OGC/ED within 15 business days following the receipt of necessary information from OHR (as indicated in Step #4 above), unless another reasonable timeframe is agreed upon by the HR Specialist and the IC ethics official. IC ethics officials and the HR Specialist are expected to keep each other informed of any problems or changes that would affect the timeline or completion of this process. IC ethics officials will notify the HR Specialist when the OGE-278 and ethics agreement and other information are sent to the OGC/ED.

Office of General Council, Ethics Division (OGC/ED)

8. OGC/ED staff review the draft OGE-278, ethics agreement, and supporting or background information. Based upon their knowledge of NIH and the responsibilities of employees in these positions, OGC/ED staff consider the proposal and inform the responsible IC ethics office if additional information or terms of agreement are needed. OGC/ED staff will coordinate with the responsible IC ethics official to ensure candidates receive an appropriate ethics briefing.

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

9. OGC/ED staff will provide written notification of clearance to the responsible IC ethics official and HR Specialist. Email is preferred ([see sample email](#)).
10. Once OGC/ED clearance notification is received, the candidate may enter on duty.

Office of Human Resources

11. The HR Specialist is responsible for ensuring that the candidate does not enter the subject position until ethics clearance is received from OGC/ED. Once clearance is received, the HR Specialist is responsible to inform the candidate that he/she has received ethics clearance, finalize the candidate's start date, and make the formal job offer.

Responsible IC Ethics Official

12. The responsible IC ethics official and the employee prepare any necessary paperwork (e.g., request for Certificate of Divestiture or resignation letter) to implement the terms of

the ethics agreement. The final OGE-278 is certified as soon as the candidate enters on duty.

13. 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.

14. The IC ethics official will send a copy of the certified OGE-278 report to OGC/ED.

ONGOING RESPONSIBILITIES FOR IC ETHICS OFFICIALS

On an ongoing basis, **IC ethics officials** are responsible for:

- Reminding IC selecting officials that conflicts of interest must be discussed with prospective job candidates during final interviews.
- Reminding selecting officials to provide the OGE-278s and the Conflicts of Interests/Standards of Ethical Conduct Fact Sheet ([Attached](#)) to final job candidates.

¹ When a search committee run by the Special Programs Branch, Office of Human Resources conducts a recruitment, search committee members will address conflicts of interest and the need to file an OGE-278 Public Financial Disclosure Report with the candidate. The search committee will provide contact information for the responsible IC ethics office to the candidate.

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 officials. The IC ethics officials are responsible for immediately notifying and referring the matter to the NIH Ethics Office. This ensures that the hiring IC is aware of the needed clearance.