



Standards of Ethical Conduct Briefing for Intergovernmental Personnel Act (IPA) Assignees

September 2024

Message from the HHS Secretary

A strong ethical culture ensures that we will put the public **first, support the public equally and fairly, avoid conflicts of interest between our personal interests and the public's interests, conduct the public's business honestly and** with integrity, and act in a manner that is transparent and accountable. The American people deserve nothing less than our full commitment to these bedrock principles, and I encourage you to make ethics a priority as you discharge your important duties.

Xavier Becerra
Secretary
U.S. Dept. of Health and Human Services
May 21, 2021



Purpose

To ensure CDC IPA Assignees are aware, and acknowledge understanding, of federal ethics guidelines and expectations while working with the Federal government.

CDC Ethics and Integrity Office

- **Administers the agency-wide ethics program and implement agency-wide policies on ethics issues**
- **Provides ethics guidance and training to employees regarding the rules that govern their conduct as a government employees, including the Standards of Ethical Conduct for Employees in the Executive Branch, HHS Supplemental Standards of Ethical Conduct, and the Federal criminal conflict of interest laws**
- **Serves as the agency liaison with Office of Government Ethics and the Department of Health and Human Services (HHS) on ethics matters**

Why Ethics Matters

- Assure the public that basic standards are met
- Maintain a high opinion of government from public's view
- Avoid criminal or disciplinary penalties

Requirements for IPA Assignees

1 - Standards of Conduct Acknowledgement:

- Review the Standards of Conduct information provided in this document.
- Complete and sign the Standards of Conduct Acknowledgement confirming your awareness of these expectations (page 25 of this document).
- Return the completed/signed Acknowledgement document **and** a recent copy of your CV/resume to your CDC POC.

2 - Financial Disclosure Report:

- Complete the [Confidential Financial Disclosure Report \(OGE Form 450\)](#) - summary report of your financial holdings and outside interests.
- Email the completed OGE 450 form directly to the CDC Ethics and Integrity Office at Ethics@cdc.gov, with “OGE 450 for IPA Review” in the subject line.

Standards of Conduct and Conflict-of-Interest Provisions

- A non-Federal employee on assignment to a Federal agency, whether by appointment or on detail, is subject to several provisions of law governing employee conduct.
- Additionally, non-Federal employees are also subject to the Ethics in Government Act of 1978 (5 CFR part 735), which regulates employee responsibilities and conduct, as well as agency standards of conduct regulations.

Sources of Ethics Rules

Criminal Conflicts of Interest laws (18 U.S.C. Sections 201-219)

Principles of Ethical Conduct (E.O. 12731)

Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635)

HHS Supplemental Standards of Ethical Conduct (5 C.F.R. Parts 5501 and 5502)

Criminal Conflict-of-Interest Statutes

Conflicting Financial Interest (18 U.S.C. 208) – No participation in an official government capacity in a matter in which he/she (or spouse, minor child, employer, or others in which there is a non-governmental relationship) has a financial interest.

Supplementation of Salary (18 U.S.C. 209) – Cannot receive any salary or contribution to or supplementation of your federal salary from anyone but the Government as compensation for your services as a Government employee. In other words, no one other than the United States can pay you for doing your official Government duties. Section 209 is intended to prevent divided loyalty and even the appearance of wrongdoing.

Bribery and Illegal Gratuities (18 U.S.C. 201) – Cannot demand, seek, receive, accept or agree to receive or accept anything of value as a bribe to influence your Government actions or as a gratuity for or because of your Government actions.

Representation against the U.S. (18 U.S.C. 205) – Cannot act as an agent or attorney or represent anyone other than yourself in claims and other matters before any department, agency, or court (and certain other Government entities) if the U.S. is a party or has an interest.

Compensation for Representation against the U.S. (18 U.S.C. 203) – Cannot receive or seek to receive any compensation (including legal fees, partnership share, bonuses, or other payments) for representational services to others, before any department, agency, or court (and certain other Government entities), in matters where the U.S. is a party or has an interest.

Post-Employment Restrictions for Senior Staff (18 U.S.C. 207) – engaging in certain activities after you leave Government service. None of the statute's restrictions bar you from accepting employment with any private or public employer. Instead, they prohibit you from engaging in certain communications and appearances before the federal Government on behalf of other people or organizations. (STOCK Act notification...)

14 General Principles of Ethical Conduct

- 1. Public service is a public trust, requiring employees to place** loyalty to the Constitution, the laws and ethical principles above private gain.
- 2. Employees shall not hold financial interests that conflict** with the conscientious performance of duty.
- 3. Employees shall not engage in financial transactions using** nonpublic Government information or allow the improper use of such information to further any private interest.
- 4. An employee shall not solicit or accept any gift or other** item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- 5. Employees shall put forth honest effort in the performance** of their duties.
- 6. Employees shall not knowingly make unauthorized** commitments or promises of any kind purporting to bind the Government.
- 7. Employees shall not use public office for private gain.**
- 8. Employees shall act impartially and not give preferential** treatment to any private organization or individual.
- 9. Employees shall protect and conserve Federal property and** shall not use it for other than authorized activities.
- 10. Employees shall not engage in outside employment or activities,** including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- 11. Employees shall disclose waste, fraud, abuse, and corruption to** appropriate authorities.
- 12. Employees shall satisfy in good faith their obligations as** citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
- 13. Employees shall adhere to all laws and regulations that provide** equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- 14. Employees shall endeavor to avoid any actions creating the** appearance that they are violating the law, or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Standards of Conduct Regulations

Subpart A - General Provisions (§§ 2635.101 - 2635.107)

Discusses the **basic obligation of public service**. The Standards apply to members of the uniformed services and employees on detail. There may be supplemental agency regulations. Disciplinary and corrective action may be imminent if violations occur. Seek advice from the agency ethics officials.

Subpart B - Gifts from Outside Sources (§§ 2635.201 - 2635.206)

Prohibits employees from soliciting or accepting gifts from prohibited sources or gifts given because of their official position. The term "prohibited source" includes anyone seeking business with, or official action by, an employee's agency and anyone substantially affected by the performance of the employee's duties.

Subpart C - Gifts Between Employees (§§ 2635.301 - 2635.304)

Prohibits employees from giving a gift to, or soliciting a gift from, another employee who is an official superior, or accepting a gift from a lower-paid employee.

Subpart D - Conflicting Financial Interests (§§ 2635.401 - 2635.403)

Prohibits an employee from participating in an official government capacity in a matter in which he has a financial interest or in which his spouse, minor child, employer, or others in which there is a non-governmental relationship. Additionally, the provision provides the authority for agencies to prohibit employees from acquiring or retaining certain financial interests.

Subpart E - Impartiality in Performing Official Duties (§§ 2635.501 - 2635.503)

Requires employees to obtain specific authorization before participating in certain Government matters where their impartiality is likely to be questioned, such as matters involving specific parties, such as contracts, grants, or investigations, that are likely to affect the financial interests of members of employees' households; or in which persons with whom employees have specific relationships are parties or represent parties. The provision also restricts employees' participation in certain matters involving former employers.

Subpart F - Seeking Other Employment (§§ 2635.601 - 2635.607)

Prohibits employees from participating in their official capacity in particular matters that have a direct and predictable effect on the financial interests of persons with whom they are "seeking employment" or with whom they have an arrangement concerning future employment.

Subpart G - Misuse of Position (§§ 2635.701 - 2635.705)

Prohibits employees from using or permitting the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that CDC, or the Government, sanctions or endorses his personal activities or those of another.

Subpart H - Outside Activities (§§ 2635.801 - 2635.809) select individuals only

Prohibits employees from engaging in outside activities that conflict with employees' official duties; agencies may require employees to obtain approval before engaging in the activity. Prohibits employees from serving as an expert witness, other than on behalf of the United States, in certain proceedings in which the United States is a party or has a direct and substantial interest. Prohibits employees from receiving compensation for teaching, speaking, or writing related to their official duties.

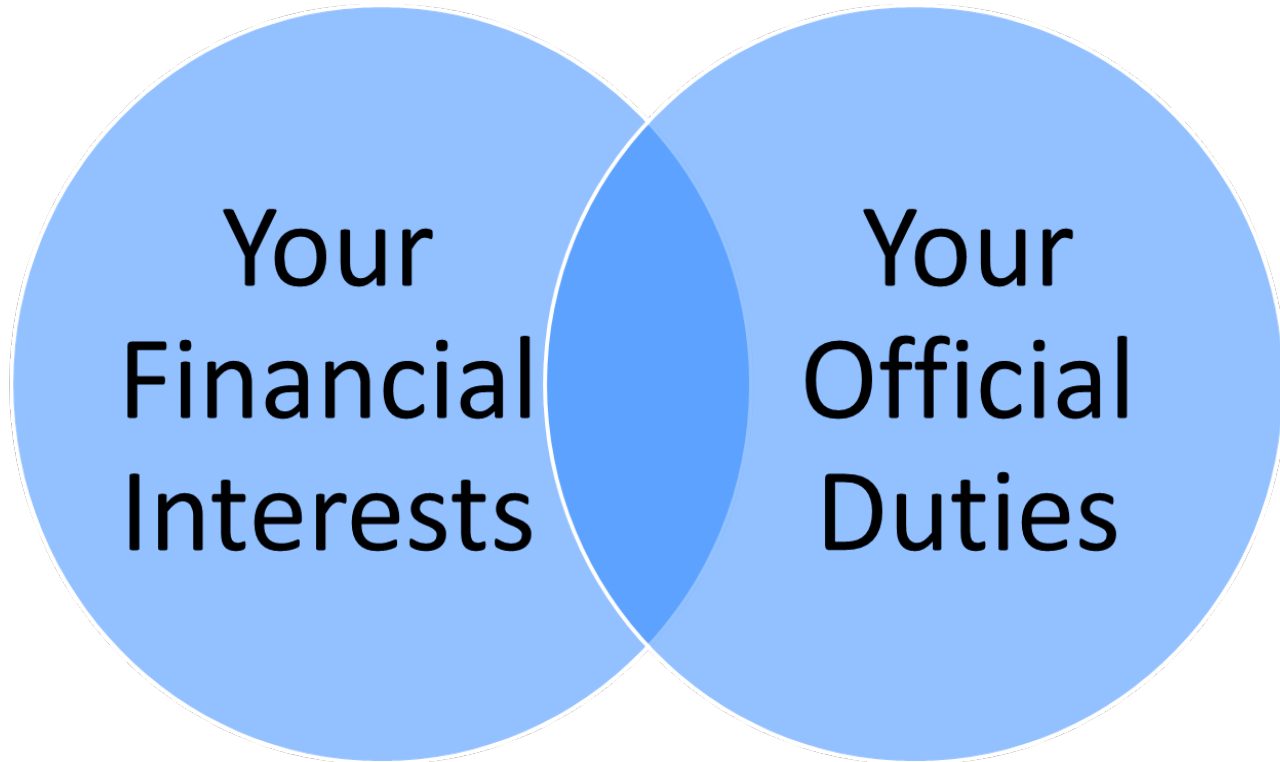
Conflicting Financial Interests

Federal employees are **prohibited from participating in an official government capacity in a matter in which the following has a financial interest.**

- Assignee
- Spouse
- Minor child
- Outside employer
- Others in which there is a non-governmental relationship)

Conflict-of-Interest

Your personal financial interests **cannot** overlap with your official duties.



18 U.S.C. § 208(a) – Criminal Conflict of Interest Statute

Federal government employees are prohibited from:

- participating personally and substantially (discussions, advice, decisions, or recommendations)
- in particular matters (statutes, regulations, policies, contracts, grants, lawsuits, applications, permits, licenses, audits, investigations, and adjudications)
- if the disposition of those matters
- is likely to have a direct and predictable effect on the employee's financial interests
- or on financial interests imputed to the employee (spouse, minor children, general partners, organizations for which the employee serves as an officer, director, or trustee).

Standards of Conduct Regulations: Gifts from Outside

Gifts from Outside Sources - (§§ 2635.201 - 206)

- Prohibits employees from soliciting or accepting gifts from prohibited sources or gifts given because of their official position.
- The term "prohibited source" includes anyone seeking business with, or official action by, an employee's agency and anyone substantially affected by the performance of the employee's duties.

Example: A company bidding for an agency contract or a person seeking an agency grant would be a prohibited source of gifts to employees of that agency.

Note: The term "gift" is defined to include items/goods or services with market/monetary value.

Standards of Conduct Regulations: Gifts Between Employees

Gifts Between Employees (§§ 2635.301 - 304)

Prohibits employees from giving a gift to, or soliciting a gift from, another employee who is an official superior. Also prohibits employees from accepting a gift from a lower-paid employee.

Standards of Conduct Regulations: Conflicting Interests

Conflicting Financial Interests (§§ 2635.401 - 403)

Prohibits an employee from participating in an official government capacity in a matter in which he has a financial interest or in which his spouse, minor child, employer, or others in which there is a non-governmental relationship.

NOTE: If a conflict is identified, CDC will work with you to mitigate any potential impacts.

Standards of Conduct Regulations: Impartiality

Impartiality in Performing Official Duties (§§ 2635.501 - 503)

Provides that employees should obtain specific authorization before participating in certain Government matters where their impartiality is likely to be questioned, such as matters:

- Involving specific parties, such as contracts, grants, or investigations, that are likely to affect the financial interests of members of employees' households; or
- In which persons with whom employees have specific relationships are parties or represent parties.

NOTE: If a conflict is identified, CDC will work with you to mitigate any potential impacts.

Standards of Conduct Regulations: Seeking Employment

Seeking Other Employment (§§ 2635.601 - 607)

Prohibits employees from participating in their official capacity in particular matters that have a direct and predictable effect on the financial interests of persons with whom they are "seeking employment" or with whom they have an arrangement concerning future employment.

Note: This provision applies to select personnel.

Standards of Conduct Regulations: Misuse of Position

Misuse of Position (§§ 2635.701 - 705)

Prohibits an employee from using or permitting the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that CDC, or the Government, sanctions or endorses his personal activities or those of another.

Standards of Conduct Regulations: Outside Activities

Outside Activities (§§ 2635.801 - 809)

- Prohibits employees from against engaging in outside activities that conflict with the employee's official duties
- Authority by which agencies may require employees to obtain approval before engaging in outside activities
- Prohibits employees from serving as an expert witness, other than on behalf of the United States, in certain proceedings in which the United States is a party or has a direct and substantial interest
- Prohibits employees from receiving compensation for teaching, speaking, or writing related to their official duties

Note: This provision applies to select personnel.

Other HHS Residual Standards of Conduct Resources

- [§ 73.735-301 -- Courtesy and consideration for others](#)
- [§ 73.735-302 -- Support of department programs](#)
- [§ 73.735-305 -- Conduct in Federal buildings](#)
- [§ 73.735-306 -- Sexual harassment](#)
- [§ 73.735-508\(e\) -- Government decisions Outside Official channels](#)
- [§ 73.735-805 -- Advice and guidance on conflicts matters](#)
- [Subpart F -- Political Activity and USPHS Officers – \(§§ 73.735-601 -- §73.735-603\)](#)
- [Subpart L -- Disciplinary Action \(§ 73.735-1201\)](#)
- [Subpart M -- Reporting Violations \(§§ 73.735-1301 -- 73.735-1304\)](#)
- [Appendix A to Part 73 -- List of Some Offenses for Which Disciplinary Action May be Taken](#)

Ethics Resources

- [14 General Principles of Ethical Conduct](#)
- [Standards of Ethical Conduct](#)
- [CDC Ethics Website](#)
- [HHS Ethics Website](#)
- [U.S. Office of Government Ethics \(OGE\)](#)
- [U.S. Office of Special Counsel \(OSC\)](#)

Required Actions for IPA Assignees

1 - Standards of Conduct Acknowledgement:

- Complete and sign the Standards of Conduct Acknowledgement confirming your awareness of these expectations (**next page**).
- Return the completed/signed Acknowledgement page only **and** a recent copy of your CV/resume to your CDC POC.

2 - Financial Disclosure Report:

- Complete the [Confidential Financial Disclosure Report \(OGE Form 450\)](#) summary report of your financial holdings and outside interests, as soon as possible before your tentative start date.
- Email the completed OGE 450 form directly to the CDC Ethics and Integrity Office at Ethics@cdc.gov, with “OGE 450 for IPA Review” in the subject line.

Standards of Conduct Acknowledgement

The undersigned certifies that he/she has read the Standards of Ethical Conduct for Executive Branch Employees and understand their obligation as an IPA Assignee.

IPA Assignee's Name: _____

Assigned CDC Center/Program: _____

IPA Assignee's Signature: _____ Date: _____

Note: The IPA Assignee must complete, sign, and date this page and send it to the CDC point of contact for submission with their IPA packet, as soon as possible before the tentative start date.

Contact Us

If you have any questions or need assistance related to this information, you may contact the Ethics and Integrity Office directly via phone or email.

Monday through Friday, 7:30 am to 4:00 pm (ET)

Email: Ethics@cdc.gov

Phone: 770-488-8970

For more information, contact CDC

1-800-CDC-INFO (232-4636)

TTY: 1-888-232-6348 cdc.gov atsdr.cdc.gov

The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the U. S. Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.