

# ETHICS ONBOARDING CHECKLIST

## FOR PRESIDENTIALLY APPOINTED, SENATE- CONFIRMED POSITIONS

### FIRST MEETING: WHAT TO BRING

- ☐ Employee's Nominee OGE-278e and 5-day Update Letter (if applicable)
- ☐ Ethics Agreement & Certification of Compliance Form
- ☐ Ethics Pledge
- ☐ Nominee Guide
- ☐ Access Instructions for *INTEGRITY*
- ☐ Copy of the Standards of Conduct & any Supplemental Regulations
- ☐ Contact Information for the Ethics Office and Screener
- ☐ PAS's Biography

### 1. INITIAL ETHICS BRIEFING

**DEADLINE:** Not later than 15 days after appointment.

The Initial Ethics Briefing includes **four requirements** which can be found in [5 C.F.R. §2638.305\(f\)\(1-4\)](#). The agency ethics official should use the employee's ethics agreement as a roadmap:

- ☐ **(1) UPDATE & ADDRESS POTENTIAL CONFLICTS:** The agency ethics official must appropriately address the potential for conflicts of interest arising from any newly acquired financial interests.
  - **New Assets:** The Nominee's OGE Form 278e is used to generate a list of potential conflicts during the PAS employee's [preclearance process](#). Agency ethics officials should update the list with any new assets that were acquired after the signature date located on the cover page of their OGE 278e and request a copy of their [5-day update letter](#) (if applicable).
  - **Earned Income & Clients:** Changes to the spouse's earned income and the acquisition of any new clients after the report was signed should be included when updating the employee's list of potential conflicts. Client compensation of less than \$5,000 (not included in their OGE 278e) should be included in this review if it was not previously disclosed.
  - **Personal Conflicts:** The ethics official should address personal conflicts and ask the employee whether there is any information that was not disclosed in their OGE 278e or supporting documents that could create a conflict of interest during their appointment.
  - **Immediate Action:** After updating their conflicts list, the agency ethics official should help the employee to determine whether a [Periodic Transaction Report \(OGE Form 278-T\)](#) should be filed and address any new interests that require remedy. See [Analyzing Potential Conflicts of Interest](#).

- ☐ **(2) RECUSAL OBLIGATIONS:** The agency ethics official must counsel the PAS employee on the basic recusal obligations under 18 U.S.C. 208(a). See page 17 of the [Nominee Guide](#).

**Other Recusals:** All recusals are primarily covered in the employee's ethics agreement. The agency ethics official should review the separate recusal obligations required by 5 C.F.R. § 2635.502 and any applicable recusals from the employee's ethics pledge (if required). For guidance on identifying potential conflicts of interest that may require recusal, see [Analyzing Potential Conflicts of Interest](#).

- ☐ **(3) ETHICS AGREEMENT COMPLIANCE & SCREENING:** The agency ethics official must explain the recusal obligations and other commitments addressed in the employee's ethics agreement, including divestitures and resignations, to ensure that the employee understands what is specifically required in order to comply.

- **Screening Process:** The agency ethics official and the employee must establish a process by which any recusals will be achieved. This may consist of a screening arrangement or, when the Designated Agency Ethics Official deems appropriate, vigilance on the part of the employee, with regard to recusal obligations as they arise in particular matters.
- **Screener Identification:** If there is a screener already identified, the screener should be invited to the meeting. This helps to clarify any questions the employee or screener has about proper procedures.
- **Certificate of Divestiture (CD):** Employees requesting a CD must be aware that they should not divest an asset until their agency ethics official, in conjunction with OGE, approves or denies a request for a CD, otherwise they will be ineligible to receive a CD. It's important to review timelines for divestiture and determine if a CD will be requested. For more information, see the [Certificate of Divestiture Fact Sheet](#) and [Request for a Certificate of Divestiture Form](#).

**RESOURCES:**

- Documenting recusals & compliance records for PAS positions: [LA-14-06](#)
- Resolving potential conflicts for PAS positions: [LA-23-15](#)

- ☐ **(4) ETHICS TRAINING DEADLINE:** The agency ethics official must provide the employee with instructions and the deadline for completing initial ethics training, unless the employee completes the initial ethics training either before or during the ethics briefing.

## 2. INITIAL ETHICS TRAINING

**DEADLINE:** Within 3 months of appointment

[5 C.F.R. § 2638.304](#) explains the initial ethics training content requirements for all PAS employees. Initial ethics training must include written materials. The four documents linked below meet the written portion of the regulatory requirement:

- ☐ [Ethical Service Handbook for Executive Branch Employees](#) provides new employees with an introduction to the fundamental ethical obligations of public service. The content is organized around three "expectations" of ethical service: awareness, engagement, and accountability.

- ☐ [14 General Principles](#) contains the 14 General Principles articulated in Executive Order 12674 of April 12, 1989 (as modified by E.O. 12731) and later codified at 5 C.F.R. § 2635.101.
- ☐ [Ethics Service Guide Book](#) contains a summary of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) at 5 C.F.R. § 2635.
- ☐ [Criminal Conflicts of Interest: Summary for Executive Branch Employees](#) contains a summary of the criminal conflict of interest laws at 18 U.S.C. §§ 202-209.

#### **ADDITIONAL ETHICS TOPICS APPLICABLE TO PAS EMPLOYEES:**

- ☐ **Ethics Pledge:** If the employee will be signing an ethics pledge, the agency ethics official should review the pledge with the employee, explain whether any additional restrictions apply, and assist the employee in meeting any listed deadlines.
- ☐ **Outside Positions:** The White House often has a policy that precludes PAS employees from holding most outside positions. See Legal Advisory [LA-23-15](#). Required resignations are addressed in the employee's ethics agreement. Agency ethics officials should remind the employee of this prohibition and advise the employee to seek counsel if they are invited to take on positions with outside organizations in their official capacity.
- ☐ **Earned Income Prohibition:** [E.O. 12674](#), § 102; [5 C.F.R. § 2635.804](#): The Ethics in Government Act limits the amount of outside earned income PAS employees can receive from any non-federal source in a single year. Executive Order 12674 expands on this limitation and outright prohibits covered appointees from receiving ANY outside earned income.
- ☐ **Invitations, Events, & Travel:** PAS employees receive frequent invitations to events. The ethics official should explain the agency's approval process for travel and events. At this time, the ethics official may set up a regular review of the employee's schedule to issue spot early and to help reduce the risk of ethics violations.

### **3. CERTIFICATION OF COMPLIANCE**

**DEADLINE:** Within 3 months of confirmation

- ☐ After confirmation, the DAEO will receive a *Certification of Ethics Agreement Compliance* email reminder from OGE's Compliance Division with the PAS employee's form and deadline. Legal Advisory [PA-17-03](#) recommends the distribution of this form during the employee's Initial Ethics Briefing. The agency ethics official should review the form with the PAS employee to ensure they fulfill their ethics agreement compliance obligations. See [PA-24-06](#) for the updated 2024 form.

### **4. NOMINEE GUIDE: THE FIRST 100 DAYS**

**RECOMMENDED:** The agency ethics official can direct the PAS employee to [The 2024 Nominee Guide](#).

- ☐ **Ethical Leadership:** The ethics official and the PAS employee should review pages 9-12 which cover the foundations of Ethical Leadership.

- ☐ **First Hundred Days:** The ethics official and the PAS employee should review page 13, which covers the employee's first 100 days, with five important reminders. The ethics official should integrate points #1-4 into the PAS employee's onboarding process and complete a plan of action for Point #5, "Share Your Commitment to an ethical workplace with your staff." The ethics official should schedule a time to coordinate with the agency's public affairs office to ensure that the first impression of the PAS employee at the agency is one in which the PAS employee is visibly communicating their commitment to an ethical workplace.
- ☐ **Ethics Program Role & Responsibilities:** Pages 14-15 further explain how new leaders can support a strong ethics program. This is a good time for the ethics official to provide clarity about the PAS employee's role in ensuring their agency has a strong ethical culture. Some agencies prepare a list of specific opportunities in which the PAS employee can actively contribute to the agency's ethics program, such as quarterly meetings, appearances at staff meetings, letters of support, event participation, etc.