

Pre-Employment Ethics Clearance Procedures for  
Candidates Required to File the Public Financial Disclosure Report (SF-278)

**PROCEDURES FOR CLEARANCE OF CANDIDATES  
SELECTED TO FILL A POSITION**

For a list of positions that are subject to SF-278 clearance, see **Addendum #1**.

**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 (SF-278).

**Selecting Official**

2. Officials who make the selection of individuals to fill positions are responsible for giving a SF-278 and the Conflicts of Interests/Standards of Ethical Conduct Fact Sheet (*see Addendum #2*) to job candidates during the final interview phase. The SF-278 is given to provide advance knowledge of conflict of interest issues and the requirement to file.<sup>i</sup> Selecting officials will also provide contact information for the responsible Institute/Center (IC) ethics office<sup>ii</sup> 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 SF-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 staff will immediately provide either a hard copy SF-278 form or a link to the fillable SF-278 form on the NIH Ethics Program website to the proposed selectee and collects a draft SF-278 from him/her. IC ethics staff review and analyze the report.

Note: If the candidate is already a SF-278 filer and he/she is being moved or promoted into the covered position, then ethics staff review the most recent SF-278.

6. The IC ethics staff work with the candidate to ensure that all required information is reported and to develop a proposal for the resolution of any identified conflicts or other problems (i.e. an “ethics agreement”). *See Addendum #3 for optional form.* Written acknowledgement of the agreement must be obtained from the candidate.
7. Ethics staff forward the draft SF-278 (or most recent SF-278) and the ethics agreement (including the candidate’s agreement to its terms) and any other relevant supporting or background 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 provided are: the name of the responsible HR Specialist, position description, contact information for the candidate, and the tentative start date.

Ethics staff will complete the process of collecting, reviewing, and forwarding the draft SF-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 staff. IC ethics staff 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 staff are to notify the HR Specialist when the SF-278 and ethics agreement and other information are sent to the OGC/ED.

#### **Office of General Council, Ethics Division**

8. OGC/ED staff review the draft SF-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 responsible IC ethics staff 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 office and HR Specialist if this timeframe cannot be met.

9. OGC/ED staff will provide written notification of clearance to the responsible IC ethics office and HR Specialist. Email is preferred. *See Addendum #4.*
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 given from OGC/ED. Once informed of the clearance, the HR Specialist is responsible for informing the candidate that he/she has received ethics clearance, finalizing the candidate’s start date, and making the formal job offer.

## Responsible IC Ethics Office

12. The responsible IC ethics staff 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 SF-278 is certified as soon as the candidate enters on duty.
13. The ethics staff 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 staff will send a copy of the certified SF-278 report to OGC/ED.

## ONGOING RESPONSIBILITIES FOR IC ETHICS OFFICES

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

- Reminding IC selecting officials that conflicts of interest should be discussed with prospective job candidates during final interviews.
- Reminding selecting officials to provide SF-278s and the Conflicts of Interests/Standards of Ethical Conduct Fact Sheet (*see Addendum #2*) to final job candidates.

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<sup>i</sup> When a search committee run by the Special Programs Branch, Office of Human Resources is used during a recruitment, search committee members will address conflicts of interest and the need to file a SF-278 Public Financial Disclosure Report with the candidate. The search committee should provide contact information for the responsible IC ethics office to the candidate.

<sup>ii</sup> 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 staff. The IC ethics staff are responsible for immediately notifying and referring the matter to the NIH Ethics Office. This ensures that the IC that will be hiring the candidate is aware of the needed clearance.