

After Government Employment Advice Repository (AGEAR) Ethics Official Quick Start

Purpose: This Quick Start assists an Ethics Official (EO) use the AGEAR application.

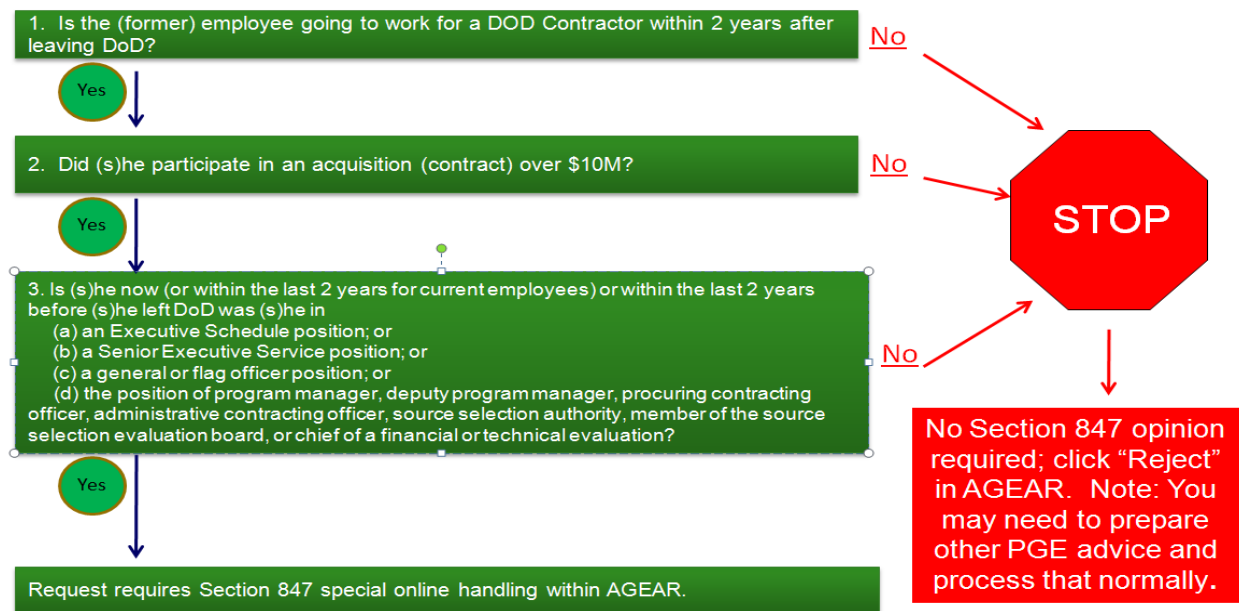
Introduction: Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (https://www.fdm.army.mil/PM_Reference_Docs/Section847.pdf) requires a selected category of Department of Defense (DoD) officials to seek a post employment ethics opinion letter before accepting compensation from a DoD contractor. Section 847 also requires special handling of these select requests by DoD ethics officials and that copies of such opinions are maintained in a centralized database or repository. Ethics officials should issue written opinion letters within 30 days after receiving a request for an opinion. The DoD Inspector General is required to perform periodic reviews to ensure that written opinions are being provided and retained in accordance with the requirements of the statute. All requests for and legal opinions provided are electronically stored within the database for six years.

Overview:

1. An Agency Manager reviews the initial request, screening it for basic sufficiency before forwarding to an Ethics Official for action. This is normally the SLC for a 278 filer or the 450 Certifier for an OGE 450 report filer. The review by the Agency Manager does not determine if the request requires special handling within AGEAR, it merely identifies a valid user and who the request should be forwarded to for action.

2. The EO opens the request in AGEAR and reviews the Request Details. Use the below matrix to assist in determining if the request should be processed in AGEAR.

Ethics Counselor's Evaluation Matrix



3. A “No” answer to any question eliminates the need for the special handling within AGEAR for the PGE opinion request. A “Yes” answer to all three questions indicates that the PGE opinion request is subject to Section 847 “special processing” requirements.

4. You may also find it helpful to view the **Using AGEAR** slides/recorded presentation:

- Slides: https://www.fdm.army.mil/PM_Reference_Docs/EOUsingAGEAR.ppt
- Narrated: https://www.fdm.army.mil/PM_Reference_Docs/AGEAREO/EOUsingAGEAR.html

Acting on Requests:

1. Use the link provided in the transmittal e-mail or logon to AGEAR, <https://www.fdm.army.mil/AGEAREO>, and search for your specific requests. Select the appropriate search filter options (Status = **Open** and “**Show Requests Assigned to Me**”) and click the “**Search**” button. Once the request displays, click the “**View**” button to open it.

2. AGEAR has 4 menu tabs (Contact Info, Request Detail, Attachments, and Audit Events) and an Action Bar. If an action on the Action Bar is “grayed out” it is not an available selection.

3. Review the information provided on the Request Detail and:

a. **REJECT** the request if Section 847 does not apply. Record the reason for your determination. Inform the individual of the rejection and that a routine PGE opinion may be provided, if so follow your normal PGE advice process. You do not need to store non-Section 847 advisory opinions online.

b. **FORWARD** the request to a different Ethics Counselor for action. Click the “Forward” button, search for the individual you wish to forward the request to and assign it to them. You may send an e-mail notification at that time.

c. **REQUEST MORE INFORMATION** from the individual if the opinion requires special handling within AGEAR. Click the “Request More Info” button and record what info you need. Contact the individual via e-mail or telephone using the information on the Contact Info tab.

d. **PREPARE THE OPINION.** ONLY CLICK THE “Prepare Opinion” BUTTON WHEN YOU HAVE ENOUGH INFORMATION TO PREPARE THE OPINION. The request will remain in an “Accepted” status until you click the “Prepare Opinion” button.

1) Section 847 allows 30 days to prepare the final opinion. The DoD IG monitors processing time starting when you click the “Prepare Opinion” button.

2) You must use the opinion template provided to prepare your opinion. The template incorporates information provided by the requestor and contains many provisions on post-government employment restrictions. You should carefully review and edit the template as needed.

4. These steps describe the most common events for a request until completion. The process begins with the Agency Manager emailing the EO a message that contains an imbedded link to a Request.

- Step 1** Click the embedded link to the request.
- Step 2** Login to the application (must already have an EC role in FDM).
- Step 3** Display the opinion request. The initial display for the request contains the Requestor's Name, the associated DOD Agency, its current Status, the assigned EO, and the Confirmation ID. The appropriate action controls are enabled depending on the Status.
- Step 4** Click on the Request Details tab, review the answers provided, and determine if the request requires processing within AGEAR and if there is adequate information to prepare an opinion.
- Step 5** If special handling is not required, click the "Reject" button, note why you determined Section 847 does not apply and notify the individual. If handling within AGEAR does apply and if additional information is needed (resume, job or position descriptions), click the Request More Info action button, indicate the information requested (for audit trail purposes), and contact the individual via e-mail (option provided) or via phone.
- Step 6** When all necessary information has been received, click the 'Prepare Opinion' action button. (The request Status changes to 'Opinion in Progress'.) **The 30 day processing "clock" starts.**
- Step 7** The Prepare Opinion page is displayed and provides instructional guidance on using the opinion template. Click the 'Download Draft Opinion' button to open the template containing suggested opinion content and information the Requestor provided.
- Step 8** Select 'Download and Open', or 'Download and Save' the Draft Opinion as an MS Word document.
- Step 9** Save the draft template on your local PC or a network drive.
- Step 10** A draft document is constructed using the opinion template placing attributes from the request such as the Requestor's Name and Address, and the Contractor Employer Name at designated locations within the draft document. The signature block contains the EO's name and e-mail address.
- Step 11** Modify the draft opinion as appropriate and Save (outside the application) as the final legal opinion.
- Step 12** Print, sign, scan and save the opinion as a pdf document.
- Step 13** Click on the Attachment tab and upload the Final Opinion into the application.
- Step 14** Click the 'Send Opinion and Close' action button.
- Step 15** The application opens an editable e-mail text box which contains a standard e-mail reply, modify the text as desired, and click Send.
- Step 16** The application sends the e-mail with the final opinion attached to the requestor.
- Step 17** The status of request changes to Closed.
- Step 18** Log out.

5. Here are a few suggestions to using AGEAR successfully:

- a. Use the link provided in the e-mail or use the Search options to filter for only those requests assigned to you.
- b. Carefully review the information on the Request Detail tab and ensure that the request meets the requirements of Section 847 for a legal opinion on post-government employment restrictions (refer to the evaluation matrix). If those requirements are not met, reject the request, note the reason why and inform the individual via phone/e-mail that Section 847 does not apply but a routine PGE opinion may be necessary and will be provided.

- c. Section 847 requires a legal opinion be provided to the requestor within 30 days of receiving a COMPLETE request. Do NOT Click the "Prepare Opinion" button until you have sufficient information to prepare the advice.
- d. The draft legal opinion template is an **option** for Ethics Officials outside of Army. For Army EO's its use is mandatory. It provides an accurate synopsis of every facet of post-employment law, including section 847. You should delete the parts that are not relevant to the individual employee and adapt other sections to the specific circumstances. You will need to develop the specific advice based on the unique facts provided. Feel free to use the model for other post-employment advice, just delete non-relevant parts.
- e. Modify the draft legal opinion outside the application. You must attach it to the request in the application by using the attach button prior to sending it to the requestor.
- f. Due to system security constraints, requestors cannot upload documents when submitting a request. A reviewing EO should contact the requestor to obtain any additional documents such as resumes, prior job descriptions, and potential position descriptions that are required. The EO can then attach these documents to the request.
- g. Once a legal opinion is attached it cannot be deleted. Subsequent opinions can be added should corrections be necessary or if new information is provided.
- h. **Requests are unique for a single legal opinion.** If the requestor needs another opinion for a subsequent or new job, the requestor must submit a new request.
- i. See how the Request site works in the narrated AGEAR web site tour:
https://www.fdm.army.mil/PM_Reference_Docs/Intro847/Intro847.html.

6. Contact the AGEAR Manager by email at AGEARManager@conus.army.mil or by phone at 703.696.5506. Send comments or suggestions for improvements to the AGEAR Manager at the noted e-mail address.