

FYI



Department of Energy  
Washington, DC 20585

November 24, 2004

File  
Ethics  
Hotlist  
- Ethics  
Rules  
+ Responsibilities

MEMORANDUM FOR DISTRIBUTION

FROM: ASSISTANT GENERAL COUNSEL FOR GENERAL LAW  
SUBJECT: Field Counsel Duties and Responsibilities

This memorandum updates the previous memorandum on this subject which was issued on August 27, 1996. This memorandum summarizes the specific functions of the ethics program and the corresponding office responsible for handling these functions. The Office of the Assistant General Counsel for General Law (GC-77) is more than happy to assist field counsel in any way we can.

Below is a discussion of duties and responsibilities relating to common standards of conduct issues.

1. Public Financial Disclosure Reports (SF 278)

Field counsel are responsible for distributing SF 278's to termination filers in the field, including those employees duty stationed to the field office but officially assigned to another office.

All filers should submit SF 278's to GC-77 for review. Due to chemical treatment of incoming U.S. mail at Headquarters, we request that field counsel collect annual reports and send them to GC-77 in batches by overnight mail. Filers will be sent reminder notices and written confirmation of receipt of SF 278's by GC-77, as appropriate.

You are asked to encourage those who file SF 278's to follow the instructions carefully. Following review and certification by the DAEO or her designee, you will be sent copies of any advisory memoranda.

GC-77 will review these reports, provide advice regarding 18 U.S.C. § 208 and outside activities, and concur on all waivers of 18 U.S.C. § 208.<sup>1</sup> Copies of all executed 208 waivers must be provided by field counsel to GC-77. Field counsel will be responsible for all necessary authorizations under 5 C.F.R. § 2635.502 for personnel duty stationed in the field.

<sup>1</sup> Waivers of 18 U.S.C. § 208 for personnel duty stationed in the field will be drafted by field counsel as necessary. GC-77 will concur in the waivers and will handle the consultation with OGE.



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2. Confidential Financial Disclosure Reports (OGE Form 450 and OGE Optional Form 450A)

Field counsel are responsible for reviewing and issuing advice relating to all OGE 450's and OGE Optional Form 450A for field office employees<sup>2</sup>, including necessary waivers of 18 U.S.C. § 208<sup>3</sup> and authorizations under 5 C.F.R. § 2635.502. Copies of all executed 208 waivers must be provided to GC-77. All orders to divest must be approved by me. Although the regulations state that 5 C.F.R. § 2635.502 authorizations do not have to be in writing, field counsel are strongly advised that all such authorizations be reduced to writing.

3. Training

Field counsel are responsible for training all Department employees in the field, including those employees duty stationed to the field office but officially assigned to another office. For example, personnel detailed to a field office should receive their ethics training at that field office. Likewise, field personnel detailed to Department Headquarters should receive ethics training at Headquarters. At their option, field counsel may elect to use the training materials developed by Department Headquarters or create a different program consistent with 5 C.F.R. 2638, Subpart G. A copy of all training materials used must be submitted to GC-77. Whatever method is selected, the period of training must adhere to the tracking system data entry deadlines described in #4 below.

4. Tracking System for Financial Disclosure Report Filing/Review and Annual Ethics Training<sup>4</sup>

GC-77 has established a centralized database to track the receipt/review of financial disclosure reports and employee completion of the annual ethics training requirements. GC-77 is responsible for all data entry related to the filing and review of SF 278's. Field counsels are responsible for all data entry of information required by the GC-77 tracking system for field employees, including Headquarters employees duty stationed in the

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<sup>2</sup> If the lead legal counsel files OGE Form 450, GC-77 is responsible for review. GC-77 is also responsible for the review of all reports filed by personnel employed by the Office of the Inspector General, regardless of the employee's duty station.

<sup>3</sup> Waivers of 18 U.S.C. § 208 will be drafted by field counsel as necessary, transmitted to GC-77 for concurrence and consultation with OGE.

<sup>4</sup> This section does not apply to the Bonneville Power Administration (BPA). BPA is responsible for providing numbers on training and 450's filed in the previous year to GC-77 by January 10<sup>th</sup> of each year.

Travel	X	
Impartiality (5 C.F.R. 2635.502)	X	
Misuse of position	X	
Honoraria	X	
All divestitures		X
Procurement Integrity	X	
Political activity restrictions	X	