



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

March 2, 2023

PERSONNEL BULLETIN NO. 23-06

SUBJECT: Procedures for Notifying New Supervisors and Prospective Employees of Ethics Commitments and Responsibilities

1. Purpose. This Personnel Bulletin (PB) updates Departmental procedures for notifying new supervisors and prospective employees of the ethical obligations associated with their respective positions. This PB supersedes and replaces existing PB 20-16.

2. Authorities.

- a. 5 C.F.R Part 2638, Executive Branch Ethics Program.
- b. Executive Order 12731, Principles of Ethical Conduct for Government Officers and Employees.
- c. Secretarial Order 3375, Improving the Department of the Interior's Ethics Programs Through Consolidation.

3. Background. All employees of the executive branch have an obligation to carry out their service with integrity, in accordance with the conflict of interest statutes (18 U.S.C. §§ 201, 202–09), and the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) (5 C.F.R. Part 2635), as well as any supplemental ethics responsibilities issued by the President and the employee's agency. The Office of Government Ethics (OGE) requires all agencies to provide notice to prospective (new) employees and new supervisors of those ethical responsibilities, including financial disclosure filing requirements, if applicable. Those notice requirements—codified at 5 C.F.R. §§ 2638.303 and 2638.306—instruct agencies to include particular language in offer letters to prospective employees and upon an employee's initial appointment to a supervisory position. The required language varies depending on whether the employee is new to the agency, being hired or promoted into a supervisory position, and whether the employee is required to file a financial disclosure report.

Personnel Bulletin No. 17–04 (Feb. 22, 2017) provided Departmental guidance as to what language was appropriate to use in order to comply with OGE's notice requirements. This Bulletin updates that guidance to reflect changes to the Department's ethics program following the issuance of Secretarial Order 3375, *Improving the Department of the Interior's Ethics Programs through Consolidation* (Aug. 14, 2019) (Order 3375).

4. Policy. Effective immediately, all offers of employment to new employees and/or to new supervisors will be accompanied by a written communication containing the appropriate

verbiage identified in paragraph 5 of this bulletin.

- 5. Implementation.** 5 C.F.R. § 2638.303 governs notice requirements for prospective new employees and 5 C.F.R. § 2638.306 governs notice requirements for new supervisors. The notices below satisfy those legal requirements.

Please note that some situations may require a combination of the notices below—for example, a new employee might also be a new supervisor. Employees covered under the OGE notice regulations should be given each notice that applies to them.

- a. Notice to Prospective Employees (5 C.F.R. § 2638.303).** The following notice should be provided in all tentative and final offer letters to prospective new employees. The written offer letter, with the appropriate notice(s), satisfies the requirement that all written offers of employment provide the prospective employee with a notice of their ethical obligations. For the purposes of compliance with OGE’s notice rules, “prospective new employees” are employees who, if hired, would be new to the agency or Bureau in which the position is located.¹ Thus, a prospective employee would be “new” if they worked in another federal agency or a different Bureau or Office within the Department but would not be “new” if they were being offered a new job within the same Bureau or Office within the Department. Any questions about who qualifies as a new employee should be directed to the Departmental Ethics Office at DOI_Ethics@sol.doi.gov, or (202) 208-7960.

Notice of Ethics Commitment

Public service is a public trust. As such, the Department of the Interior is committed to the highest ethical standards. As an employee you will be covered by the criminal conflict of interest statutes (18 U.S.C. 201–209), the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. part 2635, and the Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior (5 C.F.R. part 3501). To ensure your understanding of the ethical values underlying federal service, you should review the Basic Obligation of Public Service and other ethics reference materials which can be found at: <https://www.doi.gov/ethics/>

For additional information on applicable ethics requirements, you may contact the Departmental Ethics Office at DOI_Ethics@sol.doi.gov or by phone at (202) 208-7960. For more detailed information on applicable ethical requirements, see <https://www.doi.gov/ethics/>. [also

¹ For example, a BIA employee who is offered a new position within BLM would be a “new” employee to BLM and should be given the notice in section (5)(a) above. But, an employee in BIA’s Division of Self-Determination Services who is offered a job in BIA’s Division of Tribal Government Services would not be “new” and would therefore not need to receive the notice described above in section (5)(a) above.

include phone and email contact information for the Bureau/Office ethics office as appropriate].

If you will be a new employee in the Department, i.e., you were not a DOI employee immediately prior to this appointment, you will be required to complete initial ethics training within three months of your appointment. If you will be a new employee in the Department because you will be moving from one Bureau or Office within the Department to a different one, you may be required to complete initial ethics training within three months of your appointment.

As required by 5 C.F.R. § 2638.303, notice must be given at the time the candidate is given a written offer. The notice can: (1) be incorporated into the body of the written offer letter; or (2) be provided as an attachment to the written offer letter. If option 2 is selected, then the following statement must be inserted in the body of the written offer letter: **As a DOI employee, you will be subject to certain ethics requirements as described in the attached “Notice of Ethics Commitment.”**

If the prospective employee will also be a new supervisor, they must be given the notice described in part (5)(b) of this bulletin, and if they will be required to file a financial disclosure, they must be given the notice in part (5)(c) of this bulletin.

- b. Notice to New Supervisors (5 C.F.R. § 2638.306).** The following notice satisfies the requirement to provide new supervisors with information concerning their ethics responsibilities. The notice must be provided to the supervisor within one year of their initial appointment to a supervisory position. For the purposes of OGE’s notice requirements, a new supervisor is any civilian employee who, upon onboarding or promotion, is required to receive training pursuant to 5 C.F.R. § 412.202(b). Any questions about who qualifies as a new supervisor should be directed to the Departmental Ethics Office at DOI_Ethics@sol.doi.gov, or (202) 208-7960.

Notice to New Supervisors

Congratulations on your initial appointment to a supervisory position, which comes with important new responsibilities. The Designated Agency Ethics Official wants you to be aware that a government-wide ethics regulation, 5 C.F.R. § 2638.103, imposes the following responsibilities on all federal supervisors.

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the Standards of Conduct and that subordinates know how to contact agency ethics officials. Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those

requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

To ensure your understanding of the ethical values underlying federal service, you should review the Basic Obligation of Public Service and other ethics reference materials which can be found at: <https://www.doi.gov/ethics/>.

For additional information on applicable ethics requirements, you may contact the Departmental Ethics Office at DOI_Ethics@sol.doi.gov or by phone at (202) 208-7960. For more detailed information on applicable ethical requirements, see <https://www.doi.gov/ethics/>. [also include phone and email contact information for the Bureau/Organization ethics office as appropriate].

Note that, if the supervisor is also a new employee, this notice must be given in addition to the notice in part (5)(a). Similarly, if the supervisor will also be required to file a financial disclosure, they must also be given the notice described in part (5)(c) of this bulletin.

- c. Notice to Financial Disclosure Filers.** The following notice satisfies the requirement that all employees who are required to file a financial disclosure report receive notice of that requirement, and the requirement that new entrant financial disclosure reports be filed within thirty (30) days of appointment. To satisfy this requirement, the below notice must be placed on the Job Opportunity Announcement when advertising all positions with a Financial Disclosure Report requirement. This notice must also be given within the tentative and final offer letter in addition to either, or both, of the notices described in parts (5)(a) and (5)(b) of this bulletin, as appropriate:

Notice of Financial Disclosure Report Requirement

The position to which you will be appointed is subject to a financial disclosure reporting requirement and you will be required to complete a new entrant [insert Public Financial Disclosure Report (OGE Form 278e) or Confidential Financial Disclosure Report (OGE Form 450) as applicable] within 30 days of your appointment.

- 6. Reporting Requirements.** Bureau/Office human resource directors will ensure management controls are emplaced and audits/evaluations include processes to ensure proper notifications and compliance with this policy. In accordance with 5 C.F.R. § 2638.105(b) and 5 C.F.R. § 2638.310, the Chief Human Capital Officer is required to report to the Designated Agency Ethics Official, annually by January 15th, the Department's procedures and confirmation of compliance with this Personnel Bulletin and applicable ethics regulations. In order to meet this requirement, Bureau Human Capital Officers are required to submit, no later than

December 31st annually, a memorandum asserting bureau/office compliance with this policy and the notice requirements within 5 C.F.R. § 2638.105(a) and describing the process and procedures established to ensure and audit compliance. Additionally, Department led HR evaluations will include reviews of bureau case files and other documents to ensure compliance. Further, upon request of the CHCO and the Director of the Office of Human Resources, Bureau/Office HR Offices may also be required to provide additional information or responses to data calls on their processes and procedures to ensure compliance with applicable regulations governing the ethics responsibilities of human resources officials.

7. **Contact.** Servicing HR Offices should contact the Departmental Ethics Office for questions or additional information.

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