

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC26 -- Conditions of Service
Subchapter CC26.1 -- Officer Responsibilities and Conduct
Personnel INSTRUCTION 1 -- Standards of Conduct

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Section A. Purpose and Scope

This INSTRUCTION identifies regulations and policies relative to conduct of Public Health Service (PHS) Commissioned Corps Officers. Refer to the Division of Commissioned Personnel's (DCP) Web site at <http://dcp.psc.gov> to review 45 Code of Federal Regulations (CFR) Part 73, and Title 5 CFR Part 5501). PHS commissioned officers as Federal personnel are: subject to supplementary regulations or requirements issued by the PHS components assigned, any supplementary regulations issued by other non-PHS programs to which detailed, and the regulations and standards issued by the Office of Government Ethics (OGE) (See Title 5 CFR 2634 and 2635 posted at Web site <http://www.usoge.gov>).

Section B. Authority

The Department of Health and Human Services (HHS) Standards of Conduct regulations, contained in 45 CFR Part 73, were promulgated pursuant to Title 5 United States Code (U.S.C.) 7301, Executive Order (EO) No. 11222.3, revised May 8, 1968, "Prescribing Standards of Ethical Conduct for Government Officials and Employees," amended, and Title 5 CFR 735.104.

The Supplemental Standards of Ethical Conduct are authorized by Title 5 U.S.C §301, 7301; Title 5 U.S.C. App. (Ethics in Government Act of 1978); Title 42 U.S.C. §216; EO 12674; 54q Federal Register 15159; EO 12731; 55 Federal Register 42547; 3 CFR, 1990 Comp., P 306; Title 5 CFR 2635.105; 2635.203, 2635.403, 2735.802, and 2636.803.

The Executive Branch Financial Disclosure Regulations (Title 5 CFR 2634 et al.) are issued pursuant to the authority of the Ethics in Government Act of 1978, as amended; 26 U.S.C. 1043; the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996; and Executive Order 12674 of April 12, 1989, as modified by EO 12731 of October 17, 1990.

The OGE regulations contained at Title 5 CFR 2600 et al. became effective February 3, 1993. The current OGE standards and Departmental supplemental regulations supersede prior Department of Health and Human Services (HHS) guidelines and will remain in effect until repealed or replaced: 45 CFR 73.735-301, 45 CFR 73.735-302, 45 CFR 73.735-303, 45 CFR 73.735-304, 45 CFR 73.735-305, 45 CFR 73.735-306, 45 CFR 73.735-307, 45 CFR 73.735-508(e), 45 CFR 73.735-805, 45 CFR Subpart F (73.735-601-603), L (73.735-1201), M (73.735-1301-1304), Appendix A, "List of some offenses for which disciplinary action may be taken)."

Section C. Responsibilities

1. Officers. PHS commissioned officers will:
 - a. Observe all generally accepted rules of conduct and the specific provisions of law and Standards of Conduct regulations as applicable (Exhibit I contains the Code of Ethics for Government Service);
 - b. Be familiar with the OGE regulations, HHS' Supplemental Standards of Ethical Conduct listed at Title 5 CFR 5501, and any other applicable HHS Standards of Conduct regulations (See 45 CFR Part 73 and 73a);
 - c. Exercise informed judgment to avoid misconduct or conflict of interest;
 - d. Secure approvals when required and file financial disclosure reports or statements in accordance with either the OGE or HHS' Standards of Conduct regulations; and
 - e. Consult supervisors or the Agency/Operating Division (OPDIV)/ Program's Ethics Officer, when in doubt about any provision of regulations. To view a list of ethics officers please go to the last page of this link http://dcp.psc.gov/PDF_docs/Standards01.pdf.
2. Supervisors. Supervisors will:

- a. Ensure that HHS staff adhere to Standards of Conduct as stipulated; and
 - b. Exercise timely and appropriate disciplinary action in compliance with the Commissioned Corps Personnel Manual (CCPM), INSTRUCTION 1, "Disciplinary Actions," Subchapter CC46.1.
3. Agencies/Operating Divisions (OPDIVs)/Programs Ethics Officers will:
- a. Provide information concerning HHS' Standards of Conduct;
 - b. Provide advice and guidance as applicable;
 - c. Review applicable outside activities and financial interests of all employees for possible conflicts of interest; and
 - d. Refer matters to the Special Counsel on Ethics as necessary.
4. DCP Personnel: Office of the Director will:
- a. Provide advice and guidance concerning disciplinary action that can be taken when commissioned officers violate applicable Standards of Conduct;
 - b. Make recommendations to the appropriate Agency/OPDIV/Program officials about what disciplinary actions should be taken against officers who violate applicable Standards of Conduct;
 - c. Make referrals to the Special Counsel on Ethics, Office of the General Counsel, as needed; and
 - d. Refer matters to the office of the Inspector General when misconduct appears to be in violation of a criminal statute.

Section D. Administrative Approval for
Certain Outside Activities

1. Required Approval. An officer must obtain advance administrative approval to engage in the following outside activities:
- a. Writing and editing activities;
 - b. Teaching, lecturing, and speaking engagements;
 - c. Professional and consultative services 1/ ;
 - d. Holding office in professional societies; and
 - e. Any other outside activity for which the PHS administrator or designated official imposes internal requirements for administrative approvals;

(See Title 5 CFR 2635, Subpart H, Title 5 CFR 5501, and any other applicable regulations or policies

issued by PHS/non- PHS components addressing a, b, c, and d above).

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- 1/ NOTE: In addition to the Standards of Conduct regulations, PHS Commissioned Officers may not be granted station leave during scheduled work periods for the purpose of engaging in compensated outside activities.
 2. Requests for Administrative Approval. An officer seeking to engage in any of the outside activities for which advance administrative approval is required will submit the request:
 - a. On form HHS-520, "Request for Approval of Outside Activity" available on the DCP Web site, <http://dcp.psc.gov>; and
 - b. In accordance with the procedures outlined in Title 5 CFR 2635, Subpart H, Title 5 CFR 5501, 45 CFR 73.735-708(b), and any applicable regulations or policies issued by the officer's PHS or non-PHS component.
 3. Maintenance of Records. A copy of all outside work requests (form HHS-520) for PHS commissioned officers must be forwarded to the address below for inclusion in the electronic Official Personnel Folder (OPF).

Director
Division of Commissioned Personnel
5600 Fishers Lane, Room 4-04 (OSB)
Rockville, MD 20857-0001

It is incumbent upon the officer to insure that form HHS-520 submitted to DCP has been incorporated into his/her personnel file.

Section E. Reporting of Employment and Financial Interests

1. Officers in Pay Grade O-7 and Above: PHS commissioned officers in grades O-7 and above are required to submit a public financial disclosure report in accordance with the provisions of the Ethics in Government Act, Public Law 95-521, as amended. The report must be on form SF-278, "Executive Branch Personnel Financial Disclosure Report."
2. Reporting Requirements for Officers Not Covered by Public Law 95-521: Some officers based on rank and/or grade as determined by administrative command are required to submit confidential statements of employment and financial interests in accordance with Title 5 CFR 2634, Title 5 CFR 5501, and 45 CFR 73.735-902 where applicable. This does not apply to officers identified to submit financial disclosure reports under Section E.1. PHS personnel offices maintain a listing of positions for which an officer is required to file a confidential statement of employment and financial interests. The form SF-278, "Executive Branch Personnel Financial Disclosure Report," will be used to submit such a statement. It is available on the Program Support Center (PSC) Web site at <http://forms.psc.gov>.
3. Filing of Employment and Financial Interest Statements. Employment and financial interest statements are filed in the confidential system of records maintained by the Agency/OPDIV/Program. Contact your Agency/OPDIV/Program Ethics Officer for more information. Do NOT forward documents to DCP.

Section F. Cross References

1. INSTRUCTION 1, "Disciplinary Actions," Subchapter CC46.4 of the CCPM.
2. CCPM Pamphlet No. 62, "Commissioned Officer's Handbook."
3. Office of Government Ethics Web site at <http://www.usoge.gov>.
4. Standards of Conduct Memorandum sent annually by DCP to all active-duty commissioned officers of the PHS.
5. Ethic Officers: Web site http://dcp.psc.gov/PDF_docs/Standards01.pdf last page.

Section G. Historical Data

This INSTRUCTION revises INSTRUCTION 1, "Standards of Conduct," Subchapter CC26.1 of the CCPM, PHS Commissioned Corps Transmittal No. 351, dated July 14, 1981. This revision replaces the outdated CFR appearing in the INSTRUCTION's exhibits with Internet Web site links for the CFR containing current provisions of the CFR governing Standards of Conduct for commissioned officers of the PHS.

PHS Commissioned Corps Transmittal No. 351, dated July 14, 1981, revised INSTRUCTION 1, "Standards of Conduct," Subchapter CC26.1 of the CCPM, Transmittal No. 179, dated November 15, 1970, which set forth the HHS regulations on Standards of Conduct.

PHS Commissioned Corps Transmittal No. 179, dated November 15, 1970, revised INSTRUCTION 1, "Standards of Conduct," Subchapter CC26.1 of the CCPM, Transmittal No. 166, dated December 1, 1969, to include the revision of the Department's conduct regulations listed in the Federal Register, dated August 14, 1970.

Section H. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable systems of records are 09-40-0001, "Public Health Service Commissioned Corps General Personnel Records " HHS/PSC/HRS and 09-40-0010, "Pay, Leave and Attendance Records," HHS/PSC/HRS.

EXHIBIT I

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

- I Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
- II Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.
- III Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.
- IV Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- V Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
- VI Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
- VII Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
- VIII Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
- IX Expose corruption wherever discovered.
- X Uphold these principles, ever conscious that public office is a public trust.

Authority of Public Law 96-303, unanimously passed by the Congress of the United States on June 27, 1980, and signed into law by the President on July 3, 1980.