SUBJECT: Standards of Conduct

1. PURPOSE: This Instruction identifies regulations and policies relative to conduct of officers of the Commissioned Corps of the U.S. Public Health Service (Corps).

2. APPLICABILITY: This Instruction applies to all Reserve Corps and Regular Corps officers.

3. AUTHORITY:
   3-1. 5 USC 7301, “Presidential Regulations”
   3-2. 5 USC 301, “Departmental Regulations”
   3-3. 5 USC App., "Ethics in Government Act of 1978"
   3-4. 42 USC 216, “Regulations”
   3-5. EO 12674, "Principles of Ethical Conduct for Government Officers and Employees," as modified in its entirety by EO 12731
   3-6. 5 CFR Chapter XVI, Subchapter B, “Office of Government Ethics"
   3-7. 5 CFR Part 5501, “Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services”
   3-10. 45 CFR Part 73a, "Standards of Conduct: Food and Drug Administration Supplement"
   3-11. 18 USC 201-209, 216, "Conflict of Interest Statutes"
   3-12. By memorandum dated 24 July 2003, the Secretary of Health and Human Services (Secretary) delegated the authority to administer and establish policy for the Corps to the Assistant Secretary for Health (ASH).
4. PROPONENT: The proponent of this Instruction is the Assistant Secretary for Health (ASH). The responsibility for assuring the day-to-day management of the Corps is the Surgeon General (SG).

5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC26.1.1, “Standards of Conduct,” dated 2 August 2002. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Instruction within the eCCIS.
6. **POLICY:** Active duty Corps officers are expected to abide by all applicable standards at all times. Even the appearance of infraction may cause an officer to be held accountable as if there were an actual violation of the standards.

7. **RESPONSIBILITIES:**

7-1. Corps officers will:

   a. Observe all generally accepted rules of conduct and the specific provisions of law and Standards of Ethical Conduct regulations, as applicable (see Appendix for Principles of Ethical Code for Government Officers and Employees);

   b. Comply with the regulations issued by the Office of Government Ethics (OGE) (see 5 CFR Chapter XVI, Subchapter B, “Government Ethics”), Department of Health and Human Services’ (HHS) Supplemental Standards of Ethical Conduct listed at 5 CFR 5501 and 5 CFR 5502, and any other applicable HHS Standards of Conduct regulations (see 45 CFR Part 73 and 45 CFR Part 73a);

   c. In addition to the regulations and standards contained in Subsections 7-1.a and b., and those in this Instruction, Corps officers, as Federal personnel, are subject to, and must comply with, all supplementary regulations or requirements established and issued by HHS Operating Divisions (OPDIVs)/Staff Divisions (STAFFDIVs)/non-HHS organizations to which assigned;

   d. Exercise informed judgment to avoid misconduct or conflict of interest;

   e. Secure approvals when required and file financial disclosure reports or statements in accordance with either the OGE or HHS’ Standards of Conduct regulations; and

   f. Consult supervisor or OPDIV/STAFFDIV/non-HHS organization’s Deputy Ethics Counselor or Ethics Coordinator if an ethics concern or issue arises.

7-2. Supervisors will:

   a. Ensure that Corps officers staff adhere to Standards of Conduct as stipulated; and

   b. Exercise timely and appropriate disciplinary action in compliance with Commissioned Corps Directive CC46.4.1, “Disciplinary Actions.”

7-3. OPDIV/STAFFDIV/non-HHS Ethics Officers will:

   a. Provide information concerning HHS’ Standards of Conduct and applicable laws and regulations;

   b. Provide advice and guidance when needed;

   c. Review outside activity requests and financial disclosure reports of employees, as required, for possible conflicts of interest and/or other ethics concerns;

   d. Refer matters to the Office of the Inspector General when misconduct appears to violate a criminal statute; and

   e. Seek advice and counsel from the Ethics Division, Office of the General Counsel, as needed.
7-4. The Office of the Surgeon General (OSG) will:
   a. Provide advice and guidance concerning disciplinary action that can be taken when Corps officers violate applicable Standards of Conduct;
   b. Make recommendations to the appropriate OPDIV/STAFFDIV/non-HHS organization officials about what disciplinary actions should be taken against officers who violate applicable Standards of Conduct;
   c. Refer matters to the Office of the Inspector General when misconduct appears to be in violation of a criminal statute; and
   d. Seek advice and counsel from the Ethics Division, Office of the General Counsel, as needed.

8. PROCEDURES:

8-1. Administrative Approval for Certain Outside Activities.
   a. Required Approval. An officer must obtain advance administrative approval to engage certain outside employment, including self-employed business activities, or other outside activities as provided in 5 CFR 2635 and 5 CFR 5501.106(d).

      Note: In addition to the Standards of Conduct regulations, Corps officers may not be granted station leave during scheduled work periods for the purpose of engaging in compensated outside activities.

   b. Requests for Administrative Approval. An officer seeking to engage in any of the outside activities for which advance administrative approval is required must submit the request:
      (1) On form HHS-520, "Request for Approval of Outside Activity," available on the electronic Commissioned Corps Management Information System Web site at http://dcp.psc.gov; and
      (2) In accordance with the procedures outlined in 5 CFR 2635 and 5 CFR 5501.106(d)(4).

   c. Maintenance of Records. A copy of all outside work requests (form HHS-520) for Corps officers must be forwarded to the following address or fax number for inclusion in the electronic Official Personnel Folder (eOPF):

      Director, Office of Commissioned Corps Operations, OSG
      ATTN: Officer's eOPF
      Plaza Level, Suite 100
      1101 Wootton Parkway
      Rockville, MD 20852
      Fax: 301-480-1436 or 301-480-1407
8-2. Financial Disclosure Reports.


b. Reporting Requirements for Officers Not Covered by Ethics in Government Act of 1978, as amended. Some officers based on rank and/or grade as determined by administrative command are required to submit confidential financial disclosure reports (OGE Form 450, “Confidential Financial Disclosure Report – Executive Branch”) in accordance with 5 CFR 2634, Subpart I. This does not apply to officers identified to submit financial disclosure reports under Subsection 8-2.a. HHS personnel offices maintain a listing of positions for which an officer is required to file a confidential financial disclosure report.

c. Filing of Financial Disclosure Reports. Financial disclosure reports must be filed in the confidential system of records maintained by the OPDIV/STAFFDIV/non-HHS organization and in accordance with applicable regulation (5 CFR 2634, Subpart F, “Procedure”). Officers are to contact their OPDIV/STAFFDIV/non-HHS organization’s Ethics Officer for more information.

Note: Do not forward documents to the Office of Commissioned Corps Operations/OSG.

9. HISTORICAL NOTES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC26.1.1, “Standards of Conduct,” dated 2 August 2002. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Instruction within the eCCIS.
Appendix

General Principles of Ethical Conduct

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(4) An employee shall not, except as permitted by 5 CFR 2635, Subpart B, “Gifts from Outside Sources,” solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(5) Employees shall put forth honest effort in the performance of their duties.

(6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

(7) Employees shall not use public office for private gain.

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

(10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

(11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those - such as Federal, State, or local taxes - that are imposed by law.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.