

***Application
for
Special Government Employee (SGE)
Voluntary Protection Programs***



Revised October 2011



**U.S. Department of Labor
Occupational Safety and Health Administration**

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Confidential Financial Disclosure Report (OGE-450) not included in application packet. You must visit http://www.usoge.gov/forms/oge450_pdf/oge450_accessible_08.pdf to complete and attach to SGE application.

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Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Directorate of Cooperative and State Program U.S. Department of Labor, 200 Constitution Ave., Suite N3700 NW, Washington, DC 20210-4537 and reference the OMB Control Number 1218-0239

Eligibility

The SGE Program accepts new and renewal applications from the following categories of volunteers:

- VPP site employees. Permanent, full-time employees from approved VPP worksites in states under federal jurisdiction or in states with OSHA-approved State Plans.
- Corporate/Headquarter employees. Permanent, full-time employees who have direct oversight of one or more approved VPP in states under federal jurisdiction or in states with OSHA-approved State Plans.
- Approved SGEs who move from a VPP worksite to a non-VPP worksite ***within the same corporation*** and who continue to have corporate support for SGE participation.

The SGE Program will consider ineligible and will disqualify the following applicants:

- Any applicant whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.

Qualifications to Participate

All SGE applicants must meet the following qualifications:

- United States citizenship.
- Employed at a VPP worksite for at least two (2) years.
- Experience applying OSHA regulations.
- Experience (current or within the previous two years) in a leadership position (although not necessarily management) dealing with workplace safety and health. Applicants from a VPP worksite or corporation must have actual VPP experience.
- Strong interpersonal skills.
- Sound reading and writing skills.
- Management and/or corporate support for participating in the VPP SGE program.

Safety and Health Professionals must meet these additional qualifications:

- Two or more years experience in the safety and health field.
- If employed, more than 50% of daily duties must be dedicated to conducting or managing worksite or corporate safety and/or health activities.
- In addition, safety and health professionals who are ***Process Safety Management (PSM) Specialists:***
 - ✓ must have successfully completed the OSHA Training Institute's (OTI) Course 3300, Safety and Health in the Chemical Processing Industries and Course 3400, Hazard Analysis in the Chemical Processing Industries; ***or***
 - ✓ must have successfully completed equivalent training; ***or***
 - ✓ must document work experience and/or other appropriate qualifications, for example, experience as a Process Safety Manager, Process Safety Engineer, etc; and
 - ✓ must include with their application documentation of PSM Level 1 certification.

Qualifications of SGE applicants who are not Safety and Health Professionals:

SGEs need not be safety and health professionals. They may be hourly employees who have several years of experience implementing effective safety and health management systems. Besides meeting the qualifications above, these applicants must also meet the following qualifications:

- As a general rule, must be a current employee of a VPP worksite who has worked at a VPP site for a minimum of two years. However, an SGE who moves from a VPP worksite to a non-VPP worksite ***within the same corporation*** may continue to serve as an SGE, so long as corporate support continues.

- During that minimum two-year period, must have gained experience in at least three of the following activities (or their equivalent):
 - ✓ chairing a safety/health committee;
 - ✓ working directly with the OSHA VPP onsite review team during the previous onsite review;
 - ✓ training others in safety and health procedures;
 - ✓ writing and reviewing Job Safety Analyses (JSAs) and/or Behavior Job Analyses (BJAs);
 - ✓ coordinating accident investigations;
 - ✓ coordinating proactive safety and health activities such as wellness days;
 - ✓ leading worksite hazard inspection teams;
 - ✓ coordinating hazard abatement activities;
 - ✓ other experience that demonstrates knowledge of safety and health management systems.

Program Information

- Applicants must complete and submit an application to participate as a volunteer OSHA Special Government Employee (SGE) for VPP. Currently serving SGEs must reapply to participate at the end of their term of service. OSHA will send a renewal reminder letter to each SGE prior to expiration of service.
- SGE applications are processed four times each year. Applications must be received in the Directorate of Cooperative and State Programs, Office of Partnerships and Recognition on or before January 15, April 15, July 15 or October 15 of each year. If the deadline date falls on the weekend or a Federal holiday, applications are due on the first Federal business day following the applicable deadline date. Late applications will be held until the next submission deadline.
- All new applicants must attend training. A new SGE applicant will not be approved to attend training until his/her application has been approved by OSHA's Office of Human Resources. Applicants whose application has been approved will receive notification by the SGE Coordinator of the date and location of training.
- The term of service for SGEs is three years. SGEs serve at the pleasure of the Assistant Secretary of Labor for Occupational Safety and Health. An SGEs service is contingent upon proper and ethical conduct. The term of service for new SGEs begins upon successful completion of the SGE training course. The term of service for renewing SGEs is calculated from the approval date of their application.
- The Director of Cooperative and State Programs or his/her designee will disqualify from eligibility all applicants whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.
- As a member of a VPP Onsite Evaluation Team, an SGEs assignments may include, but are not limited to, the following activities:
 - ✓ reviewing company documents that describe or verify the worksite's safety and health management system;
 - ✓ conducting a walkaround of the worksite to ensure that the site's safety and health management system is operating effectively;
 - ✓ interviewing employees of the company and contractors to determine their level of involvement in and perceptions of the worksite's safety and health management system; and
 - ✓ assisting in the preparation of a team report that evaluates the worksite's safety and health management system with respect to VPP criteria.
- SGEs are encouraged to participate on at least one VPP onsite evaluation as soon as possible after completing the SGE training course. Thereafter, OSHA encourages SGEs to participate on at least one onsite evaluation each year, if possible. If an SGE does not meet participation expectation, OSHA has the option to require retraining.
- All costs associated with attending the SGE training and participating on VPP onsite evaluations are the responsibility of the SGE's employer.

Application Instructions and Checklist

The following forms must be **completed, signed, and dated** for your application to be processed. This instruction and checklist is for your convenience. If you have any questions, please contact the SGE Coordinator at (202) 693-2213. Keep a copy of your application for your files and future reference.

- ✓ Complete the SGE Eligibility Information Sheet.

- ✓ Include a copy of your most recently updated resume or “Optional Application for Federal Employment” Form OF612. Position-specific safety and/or health experience must be included on your resume or on the OF612. **Failure to include position-specific safety and/or health experience may result in delays in processing your application or disqualification.**

- ✓ Please complete the "Confidential Financial Disclosure Report" OGE Form 450. **Remember to sign and date the form.** The form is not part of the SGE Application packet, but can be found on the SGE webpage <http://www.osha.gov/dcsp/vpp/sge.html> or U.S. Office of Government Ethics webpage http://www.usoge.gov/forms/oge450_pdf/oge450_accessible_08.pdf.

- ✓ Please read "*2008 Summary of the Ethics Rules for Special Government Employees.*"

_____ SGE Eligibility Information Sheet

_____ Current Resume or “Optional Application for Federal Employment” Form OF612

_____ Confidential Financial Disclosure Report - OGE Form 450

Return these forms with a cover letter to:

U.S. Department of Labor – OSHA
SGE Coordinator
Directorate of Cooperative and State Programs
200 Constitution Avenue, NW, Room N-3700
Washington, DC 20210

SGE Eligibility Information Sheet

SGE Contact Information: (Check one) New SGE Renewing SGE

Your Name and Title: Last First Mid Init. Job Title _____

Your Company Name: _____

Site Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ E-mail: _____

ELIGIBILITY

Applicants actively employed by VPP Participants:

OSHA VPP Site DOE VPP Site State OSHA VPP Site

Your worksite's first official VPP approval date: _____ Your starting employment date: _____

Corporate-level applicants, please provide the site name, address and approval date of the VPP site you

Control: Site Name Complete mailing address Date of VPP approval _____

=====
Based on the "Qualifications to Participate" (Page 4), are you applying as a safety and/or health professional? Yes No

Field(s) of Expertise (mark all that apply):

Safety Professional CSP Health Professional CIH PSM-Level 1 (see qualifications) X

Ergonomics Construction Spanish-Speaking Maritime Other (specify):
X

If you are not applying as a safety or health professional, please list at least three of the required experiences from the "Qualifications to Participate" (Page 4) that you have participated in while working at your present VPP site.

Waiver of Claims Against the Government

I hereby waive any and all claims against the United States Government or the State in which I perform services, for any compensation on account of my services as an SGE rendered in connection with an onsite evaluation of an applicant to OSHA's VPP Program or a State Plan State's VPP Program.

Signature of Employee

Ethical Conduct for Government Employees:

I have read and fully understand the *Summary of Ethics Rules Special Government Employees*.

Signature of Employee

U.S. Citizenship

Are you a United States citizen? Yes No
(If no, you are unable to apply to become a Special Government Employee (SGE))

Management Contact Information:

Name of Manager/Supervisor: _____ Title: _____

Corporation: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Signature of Manager/Supervisor

(Signature required. Signature implies concurrence with SGE applicant's qualifications.)

Form Approved
OMB# 1218-0239 Expired 01-30-2018

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GENERAL INFORMATION

You may apply for most Federal jobs with a resume, the attached *Optional Application for Federal Employment* or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job. Type or print clearly in dark ink. Help speed the selection process by keeping your application brief and sending only the requested information. If essential to attach additional pages, include your name and Social Security Number on each page.

- For information on Federal employment, including job lists, alternative formats for persons with disabilities, and veterans' preference, call the U.S. Office of Personnel Management at **912-757-3000**, **TDD 912-744-2299**, by computer modem **912-757-3100**, or via the Internet (Telnet only) at **FJOB.MAIL.OPM.GOV**.
- If you served on active duty in the United States Military and were separated under honorable conditions, you may be eligible for veterans' preference. To receive preference if your service began after October 15, 1976, you must have a Campaign Badge, Expeditionary Medal, or a service-connected disability. Veterans' preference is not a factor for Senior Executive Service jobs or when competition is limited to status candidates (current or former career or career-conditional Federal employees.)
- Most Federal jobs require United States citizenship and also that males over age 18 born after December 31, 1959, have registered with the Selective Service System or have an exemption.
- The law prohibits public officials from appointing, promoting, or recommending their relatives.
- Federal annuitants (military and civilian) may have their salaries or annuities reduced. All employees must pay any valid delinquent debts or the agency may garnish their salary.
- Send your application to the office announcing the vacancy. If you have questions, contact that office.

THE FEDERAL GOVERNMENT IS AN EQUAL OPPORTUNITY EMPLOYER

PRIVACY ACT AND PUBLIC BURDEN STATEMENTS

- The Office of Personnel Management and other Federal agencies rate applicants for Federal jobs under the authority of sections 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394 of title 5 of the United States Code. We need the information requested in this form and in the associated vacancy announcements to evaluate your qualifications. Other laws require us to ask about citizenship, military service, etc.
- We request your Social Security Number (SSN) under the authority of Executive Order 9397 in order to keep your records straight; other people may have the same name. As allowed by law or Presidential directive, we use your SSN to seek information about you from employers, schools, banks, and others who know you. Your SSN may also be used in studies and computer matching with other Government files, for example, files on unpaid student loans.
- If you do not give us your SSN or any other information requested, we cannot process your application, which is the first step in getting a job. Also, incomplete addresses and ZIP Codes will slow processing.
- We may give information from your records to: training facilities; organizations deciding claims for retirement, insurance, unemployment or health benefits; officials in litigation or administrative proceedings where the Government is a party; law enforcement agencies concerning violations of law or regulation; Federal agencies for statistical reports and studies; officials of labor organizations recognized by law in connection with representing employees; Federal agencies or other sources requesting information for Federal agencies in connection with hiring or retaining, security clearances, security or suitability investigations, classifying jobs, contracting, or issuing licenses, grants, or other benefits; public and private organizations including news media that grant or publicize employee recognition and awards; and the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, the National Archives, the Federal Acquisition Institute, and congressional offices in connection with their official functions.
- We may also give information from your records to: prospective nonfederal employers concerning tenure of employment, civil service status, length of service, and date and nature of action for separation as shown on personnel action forms of specifically identified individuals; requesting organizations or individuals concerning the home address and other relevant information on those who might have contracted an illness or been exposed to a health hazard; authorized Federal and nonfederal agencies for use in computer matching; spouses or dependent children asking whether the employee has changed from self-and-family to self-only health benefits enrollment; individuals working on a contract, service, grant, cooperative agreement or job for the Federal Government; non-agency members of an agency's performance or other panel; and agency- appointed representatives of employees concerning information issued to the employee about fitness-for-duty or agency-filed disability retirement procedures.
- We estimate the public reporting burden for this collection will vary from 20 to 240 minutes with an average of 40 minutes per response, including time for reviewing instructions, searching existing data sources, gathering data, and completing and reviewing the information. You may send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to U.S. Office of Personnel Management, Reports and Forms Management Officer, Washington, DC 20415-0001.
- Send your application to the agency announcing the vacancy.

OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT - OF 612

You may apply for most jobs with a resume, this form, or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job.

1 Job title in announcement Special Government Employee (SGE)	2 Grade(s) applying for N/A	3 Announcement number N/A
4 Last name Last	First and middle names First Mid Init.	5 Social Security Number
6 Mailing address City State ZIP Code		7 Phone numbers (include area code) Daytime () Evening ()

WORK EXPERIENCE

8 Describe your paid and nonpaid work experience related to the job for which you are applying. Do **not** attach job descriptions.

Job title (if Federal, include series and grade)

1)

From (MM YYYY) MM YYYY	To (MM YYYY) MM YYYY	Salary \$	per Year	Hours per week 40
Employer's name and address				Supervisor's name and phone number ()

Describe your duties and accomplishments

Job title (if Federal, include series and grade)

2)

From (MM YYYY) MM YYYY	To (MM YYYY) MM YYYY	Salary \$	per Year	Hours per week 40
Employer's name and address				Supervisor's name and phone number ()

Describe your duties and accomplishments

9 May we contact your current supervisor?

YES

NO If we need to contact your current supervisor before making an offer, we will contact you first.

EDUCATION

10 Mark highest level completed. Some HS HS/GED Associate Bachelor Master Doctoral

11 Last high school (HS) or GED school. Give the school's name, city, State, ZIP Code (if known), and year diploma or GED received.

12 Colleges and universities attended. Do **not** attach a copy of your transcript unless requested.

1)	Name	Total Credits Earned		Major(s)	Degree - (if any)	Year Received
		Semester	Quarter			
	City	State	ZIP Code			
2)						
3)						

OTHER QUALIFICATIONS

13 **Job-related** training courses (give title and year). **Job-related** skills (other languages, computer software/hardware, tools, machinery, typing speed, etc. **Job-related** certificates and licenses (current only). **Job-related** honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking, and performance awards.) Give dates, but do **not** send documents unless requested.

GENERAL

14 Are you a U.S. citizen? YES NO

Give the country of your citizenship. USA

15 Do you claim veterans' preference? NO YES

Mark your claim of 5 or 10 points below.

5 points Attach your DD 214 or other proof.

10 points Attach an *Application for 10-Point Veterans' Preference* (SF 15) and proof required.

16 Were you ever a Federal civilian employee? NO YES

For highest civilian grade give: Series Grade From (MM YYYY) To (MM YYYY)

17 Are you eligible for reinstatement based on career or career-conditional Federal status? NO YES

MM YYYY MM YYYY

NO YES If requested, attach SF 50 proof.

APPLICANT CERTIFICATION

18 I **certify** that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I **understand** that false or fraudulent information on or attached to this application may be grounds for not hiring me or firing me after I begin work, and may be punishable by fine or imprisonment. I **understand** that any information I give may be investigated.

SIGNATURE

DATE SIGNED

Ethics for SGEs

**2008 Summary of the Ethics Rules
for Special Government Employees**

U.S. Department of Labor



**U.S. Department of Labor
Office of the Solicitor
Division of Legislation and Legal Counsel
Counsel for Ethics
Tel. No. (202) 693-5528**

ETHICS FOR SGEs

The role of consultants and advisors is vital to the effective functioning of the Federal Government. All employees are held to a high standard of conduct. As an employee, whether paid or unpaid, who is expected to serve 130 days or less per year, you are considered a “special Government employee” and are subject to many, but not all, of the ethics rules applicable to Government employees who serve for longer periods of time. This document is to help familiarize you with those rules.

You are strongly encouraged to ask questions whenever you have any concerns about ethics-related matters. In this area, “preventive medicine” is the best course of action to avoid embarrassment to you, the Secretary, and the Department. Each Department and agency has a Designated Agency Ethics Official and an Alternate Designated Agency Ethics Official; see below for this and other contact information.

“Warranties and Limitations” This document is designed to be a basic, “user-friendly” summary of the ethics requirements. It is not an independent regulation and does not supersede any of the legal authorities described above. This summary is meant solely to familiarize you with the requirements and help you recognize and deal with potential pitfalls.

Designated Agency Ethics Official:
Gregory F. Jacob, Solicitor of Labor

Alternate Designated Agency Ethics Official:
Robert A. Shapiro, Associate Solicitor for Legal Counsel

If you have questions regarding an ethics issue, please contact Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519.

FINANCIAL CONFLICTS OF INTEREST

To ensure public confidence in the integrity of the Government and its employees, a conflict of interest statute prohibits you from working as a special Government employee on a matter affecting your personal financial interests (or the interests of those close to you). Participating in such a matter would create a conflict of interest between your personal interests and your duty to the Government.

General Rule. You may not participate as a Government official on a matter that will have a direct and predictable effect on your financial interests or the financial interests

of your spouse, minor children, or general partners; persons with whom you are seeking or have an arrangement concerning employment; organizations for which you serve as officer, director, trustee, general partner, or employee; or, with regard to a matter involving specific parties, a member of your household (unless an exception applies or you receive a conflict of interest waiver).

Exceptions to the General Rule. Disqualification is not necessary if the interest is:

- held in a broadly diversified mutual fund (a fund which does not concentrate its investments in a particular industry sector or geographic area);
- held in a sector mutual fund (i.e., a fund investing in a specific industry sector and (1) the affected holding is not invested in the sector in which the fund concentrates, or (2) the aggregate market value of the disqualifying interest in all sector mutual funds (including those of persons whose interests are imputed to the employee) does not exceed \$50,000;
- a publicly-traded stock or bond holding of \$15,000 or less (unless the matter involves specific parties and holdings in all affected parties total more than \$15,000);
- a publicly-traded security or long-term Federal or municipal security in an entity that is not a party to the matter, but may be affected by the matter; and the aggregate market value of the holdings does not exceed \$25,000;
- a publicly-traded stock or bond holding of \$25,000 or less if the matter is a general policy matter and the total value of investments in affected entities is \$50,000 or less;
- an interest for which you have received a conflict of interest waiver (the Department usually issues waivers for all interests reported on financial disclosure reports filed by members of Federal Advisory Committees); or

If you are a Federal Advisory Committee member, disqualification is not necessary if the interest is:

- an interest arising from your non-Federal employment and the matter at issue is a general policy matter affecting that interest as part of a class.

Conflict of Interest Waivers. You may receive a conflict of interest waiver for interests that are not substantial or, if you serve on a Federal Advisory Committee, for interests that are reported on a financial disclosure report if there is a determination that the need for your service outweighs any potential conflict of interest presented by the financial interest in question. You should contact Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519 to obtain a conflict of interest waiver, if you think one is appropriate.

EXAMPLES

NO PROBLEM

An advisory committee member advises on regulations which will affect all domestic telecommunications companies. She has \$20,000 worth of stock in a telecommunication company.

A 90-day temporary employee reviews a proposed safety and health regulation affecting the mining industry. She has \$60,000 of holdings in a broadly-diversified mutual fund, which may include mining equities.

PROBLEM

An advisory committee member advises on regulations which will affect all domestic telecommunications companies. She has \$30,000 worth of Stock in a telecommunication company and no conflict of interest waiver.

A 90-day temporary employee reviews a proposed safety and health regulation affecting the mining industry. She has \$60,000 of holdings in a mining-sector mutual fund.

APPEARANCES OF BIAS – NON-FINANCIAL CONFLICTS OF INTEREST
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Because the public must have confidence in the Government and the impartiality of its employees, it is important that you avoid situations that may give rise to an appearance of a conflict of interest based on your personal relationships. There may be matters on which you are asked to work that will not create an actual financial conflict of interest, but may, because the matter involves someone with whom you have close ties, create an appearance of favoritism or loss of objectivity. Thus, in addition to the statutory restrictions above, there is an additional restriction in the Standards of Conduct, which prohibits you from participating in matters in which certain persons with whom you have close ties (“covered relationships”) are parties or are representing parties, if, under a reasonable person standard, participation would cause an appearance of loss of impartiality.

General Rule. You may not participate in a matter involving specific parties if: (1) a person with whom you have close ties (a “covered relationship”) is a party or is representing a party in the matter; and (2) your participation would create an appearance of loss of impartiality (unless you receive specific authorization to participate in the matter). Persons with whom you have a “covered relationship” include:

- persons with whom you have business or financial relationships or are seeking such relationships (other than routine consumer transactions);
- household members;
- close relatives;
- employers and clients (and prospective employers and clients) of your parents, dependent children, or spouse;
- former non-Federal employers and clients (for one or two years depending on the amount of any severance payment); and
- organizations (other than political parties) in which you are an active participant.

Exception to the General Rule. You may be able to work on the matter if the interest of the Government in your participation outweighs a concern that someone may question the integrity of the Department’s programs and operations. However, before you participate in such a matter you must receive authorization to do so. Contact Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519, to obtain such an authorization if such a situation arises.

EXAMPLES

NO PROBLEM

A consultant works on a grant application from a company for which he worked 3 years ago.

PROBLEM

A consultant works on a grant application from a company for which he worked 3 months ago.

NON-GOVERNMENT ACTIVITIES

General Rule regarding Non-Federal Employment. You may not engage in non-Federal employment that conflicts with your Government duties. You must ensure that aspects of your current employment do not interfere with your ability to carry out your responsibilities as a consultant or advisor to the Government.

General Rule regarding Outside Speaking and Writing Activities. Generally, Federal employees may not receive compensation for outside speaking or writing activities that relate to the employee’s official duties. SGEs are specifically prohibited from receiving compensation for activities related to their services to the Government, but only as to matters to which the SGE is currently (or had been) assigned during his or her current appointment. An activity is considered to relate to one’s official duties if:

- the activity is performed as part of your services to the Government,
- the invitation was extended because of your Government position,
- the invitation was extended by someone with interests in matters that may be affected by your services,
- the information requested draws substantially on nonpublic information obtained because of your Government service, or
- the subject of the activity deals in significant part with:
 - any matter to which the employee is assigned or has been assigned during the previous one-year period,
 - any ongoing or announced policy, program, or operation of the agency, or
 - (in the case of a non-career employee) the general subject matter area, industry, or economic sector primarily affected by the programs and operations of the agency.

For SGEs who serve less than 60 days during the year, the last bulleted factor is applied more narrowly. Please call Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519, for more information.

General Rule regarding Outside Teaching Activities. All SGEs may accept compensation for outside teaching activities, provided the course requires multiple presentations offered as part of a regularly established curriculum at various specified types of educational institutions or is part of an educational or training program sponsored and funded by Federal, State, or local government.

General Rule regarding Political Activities. Under the Hatch Act, the rules on political activities are intended to allow you to actively participate in the political process, but also to ensure that Government activities and political activities are not intermingled. You may not engage in political activities during Government duty hours or on Government premises or use Government resources (including your Government affiliation) for a partisan political purpose or to aid a political campaign or organization. You may engage in partisan political activities during non-duty hours, even on days in which you are providing services to the Government. However, you may not solicit or accept political contributions during the term you serve as a special Government employee, unless you serve on an intermittent basis, in which case you may not conduct campaign solicitations on days you are providing services to the Government. As a special Government employee, you are, unlike other employees, permitted to run for partisan political office, but you may actively campaign only when not on duty.

Service as an Expert Witness. Unless you receive prior authorization, you may not serve as an expert witness in any case involving the United States Government if you participated as a Government employee in the matter that is the subject of the proceeding. Additionally, if you served for more than 60 days during the previous year, or on a commission established by statute, you may not serve as an expert witness in any proceeding before a Federal court or Federal agency if the Department of Labor is a party or has a direct and substantial interest in the matter, unless you receive prior

authorization.

EXAMPLES

NO PROBLEM

A special Government employee makes telephone calls on behalf of a candidate in a partisan election on a weekend from his home on a personal cellular telephone.

PROBLEM

A special Government employee makes telephone calls on behalf of a candidate in a partisan election during her lunch hour from her Government office on a personal cellular telephone.

LOBBYING THE FEDERAL GOVERNMENT

General Rules on Lobbying the Government. Because you are considered a Federal official, generally you may not contact other Federal officials to influence Government actions on behalf of others (e.g., business associates) in some situations. The restrictions differ depending on how many days you provided services to the Government during the previous year.

If you served for more than 60 days during the previous year, you may not represent anyone before a Federal agency or Federal court in any matter involving specific parties (e.g., contracts, grants, investigations) in which the United States is a party or has a substantial interest if:

- you participated personally and substantially in the matter as a special Government employee, or
- the matter is pending before the Department of Labor.

If you served for 60 days or less, you may not represent anyone before a Federal agency or Federal court in any matter involving specific parties in which the United States is a party or has a substantial interest if:

- you participated personally and substantially in the matter as a special Government employee.

Unlike regular Government employees, SGEs may represent others or receive

compensation for representational services in connection with particular matters of general applicability, such as broadly applicable policies, rulemaking proceedings, and legislation which do not involve specific parties. In addition, in certain limited circumstances, SGEs may be authorized to represent another before the Government “in the performance of work under a grant by, or a contract with or for the benefit of, the United States,” where the SGE’s special knowledge or skills may be required. This requires a waiver from the Secretary of Labor; please contact Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519, for further information.

Restrictions on Serving as a Foreign Agent. Federal officials may not serve as registered agents of foreign governments.

EXAMPLES

NO PROBLEM

An advisory committee member (who serves for less than 60 days) contacts a Labor employee on behalf of a neighbor concerning a grant unrelated to the committee’s work.

PROBLEM

An advisory committee member (who serves for more than 60 days) contacts a Labor employee on behalf of a neighbor concerning a grant unrelated to the committee’s work.

BRIBES, GIFTS AND SALARY SUPPLEMENTATION

The United States Government recognizes that the acceptance of bribes is one of the most basic forms of corruption. Similarly, gratuities from persons with matters before the Government may create an appearance of undue influence on Government employees.

General Rule concerning Bribes. You may not receive anything of value for taking action or failing to take action in your Government position.

General Rules concerning Personal Gifts. You may not accept gifts from a person who has business before the Department of Labor or which is regulated by the Department, unless an exception applies; similarly, you may not accept gifts which are given to you because of your Government position, unless an exception applies.

Exceptions to the General Rules concerning Personal Gifts. You may accept:

- gifts valued at \$20 or less (other than cash) (up to \$50 per year from the same source);
- gifts from relatives and friends (if based on a personal relationship);
- gifts of meals, lodging, and travel based on your outside business or employment relationships or those of your spouse;
- awards and honorary degrees (in specified circumstances);
- invitations to widely attended events (if your Government supervisor approves as in the Department's interest);
- business meals and travel related expenses under some circumstances with prior approval of your supervisor; and
- gifts from a foreign government of \$335 or less. (Gifts of over \$335 may be accepted, but become property of the United States Government.)

NOTE: Remember that the appearance of favoritism or impropriety can cause embarrassment to both you and the Department. Thus, even where acceptance of a gift may be permitted by one of the above exceptions, it is never inappropriate and often prudent to decline a gift.

General Rules concerning Salary Supplementation. A criminal statute prohibits Federal employees from receiving any salary, any contribution to or supplementation of their salary from an outside source as compensation for Government services. SGEs, however, are completely exempt from this prohibition and, thus, may continue to collect their regular salary from an outside employer for days on which they are providing services to the Government (whether their Government service is paid or unpaid).

**MISUSE OF GOVERNMENT
RESOURCES**

It is important to limit the use of taxpayer-funded resources to activities that benefit the public rather than the individual employee.

General Rule. You may only use Government equipment, supplies, services, and personnel for authorized Government activities.

In particular, your official title may not be used in connection with non-Government activities. You are prohibited from using public office for your own private gain or the private gain of another. Therefore, you should generally not endorse any product, service, organization, or enterprise in an official capacity, or use or allow the use of your name and title in a manner that could be construed as Governmental sanction. If participating in outside events, unrelated to your Government responsibilities, you may note that you serve as a special Government employee if appropriate, but should refrain from invoking your Government title or position to merely enhance your stature or to obtain special treatment or benefits.

Specifically:

- you must avoid circumstances that may imply that the Government endorses a particular private activity with which you are associated.
- you may not use nonpublic data, economic analyses, private personnel information, national security information, or other nonpublic information for your private activities; and
- you may not use your Government authority, including business contacts obtained through Federal employment, for personal non-official activities.

EXAMPLES

NO PROBLEM

An advisory committee member uses a Labor-produced publicly available study to solicit potential customers for his private business.

PROBLEM

An advisory committee member uses a Labor-produced non-public study to solicit potential customers for his private business.

**POST FEDERAL EMPLOYMENT
RESTRICTIONS**

After leaving Federal service you will continue to be subject to some restrictions on your activities, particularly with regard to lobbying the Government and using nonpublic information.

General Rules. After you leave Federal service you may not represent others before a Federal agency or Federal court with regard to a particular matter involving specific parties (e.g., investigations, grants, contracts) in which you participated personally and substantially as a special Government employee. Similarly, for two years after leaving Federal service you may not represent others before a Federal agency or Federal court concerning a matter which was under your official responsibility as a special Government employee during your last year of service.

Certain high level SGEs (those positions for which the rate of pay is fixed according to the Executive Schedule, those compensated at a rate of pay equivalent to the rate of basic pay for level 5 of the Senior Executive Service, or those appointed by the President or Vice President) are subject to the one-year “cooling off” period from representing anyone before their former agency or department, in connection with any matter, if they served 60 days or more during a one year period before terminating their services as a “senior employee.” Furthermore, you may not use or disclose nonpublic information you obtained through your Federal service.