



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

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MEMORANDUM

TO: Designated Agency Ethics Official

FROM: Don W. Fox
General Counsel

SUBJECT: Conducting a Second Review of Financial Disclosure Reports for Current Employees Filling Newly-Vacant Positions

During the transition period, many executive branch officials will leave Federal Government service, creating a number of vacancies throughout the executive branch. Many of these vacancies will be filled on a temporary basis by career officials whose normal duties may differ from those of the temporary positions they will occupy. When a current employee assumes new responsibilities, even on a temporary basis, ethics officials need to reexamine the employee's financial disclosure report to determine whether potential conflicts of interest may exist with the employee's new duties.

This review is essential if the employee is appointed to a position that will have new or additional responsibilities. For example, an agency's current Assistant Director for Human Resources may be asked to fill the newly vacant position of Deputy Director for Administration. While the initial review of the employee's financial disclosure report focused on possible conflicts involving human resource matters, the employee's responsibilities for the Deputy Director position may involve much broader issues, possibly including security, information technology, and procurement. Therefore, it is imperative that a new review of the employee's financial disclosure report focus on the employee's expanded duties.

It is important that a full conflicts of interest review be undertaken, and any conflicts remedied, before the employee assumes the duties of his new position. The Office of Government Ethics is available to assist your efforts in any way we can, including expediting any requests for certificates of divestiture, if needed.