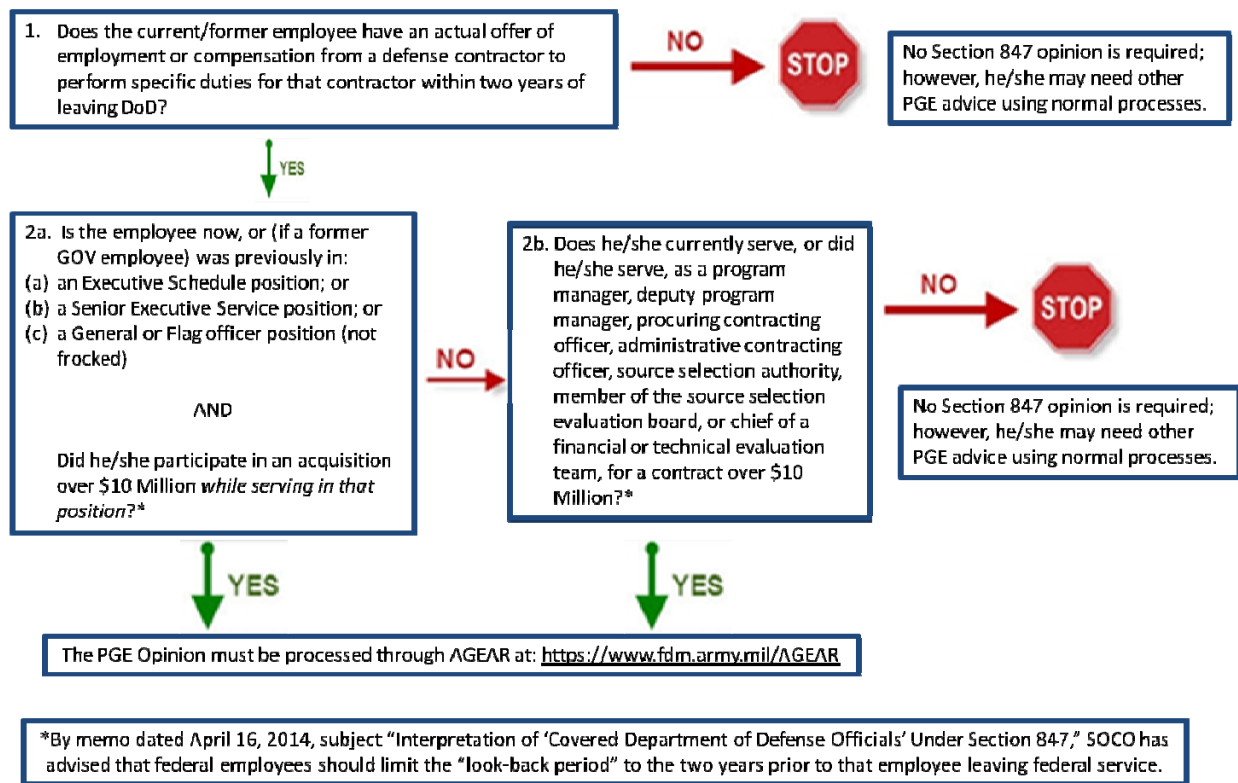


## FAQs for DoD Ethics Counselors

### 1. Under what conditions does special handling of Post-Government Employment (PGE) advice apply?

Answer: Most Ethics Counselors prepare written PGE advisory opinions and file them locally. Pursuant to Section 847 of the National Defense Authorization Act for Fiscal Year 2008, [https://www.fdm.army.mil/PM\\_Reference\\_Docs/Section847.pdf](https://www.fdm.army.mil/PM_Reference_Docs/Section847.pdf), certain “covered officials” require special processing of their PGE opinions. Ethics Counselors should use the following matrix to determine if “special processing required” is required:

#### Ethics Official's Decision Flowchart for Section 847 Opinions



### 2. What should I do if a Questionnaire is assigned to me and I have no knowledge of the employee’s last assignment or duties?

The AGEAR Agency Manager will attempt to properly identify the employee’s last organization where he or she were assigned and, in the case of an employee that filed an OGE 278 or OGE 450 financial report, use the FDM application to identify the responsible legal reviewer that reviewed their report. However, if a request is erroneously transferred to you, contact the AGEAR Agency Manager immediately and work with him/her to determine the appropriate DoD Ethics Counselor for re-assignment to write the letter. It is expected that there may be some confusion as to the appropriate Counselor when a DoD employee has been detailed or assigned outside his regular agency. Do not delay, as the 30-day clock may be ticking.

### **3. Do I have to use the model letter?**

The model letter is not mandatory and is provided for your convenience. Your DoD Agency Designated Agency Ethics Official, however, may provide specific guidance for your agency on its use. It does provide an accurate synopsis of every facet of post-employment law, including Section 847. You should delete the parts that are not relevant to the individual employee and adapt other sections to the specific circumstances. Of course you will need to develop the specific advice based on the unique facts provided. Feel free to use the model for other post-employment advice, just delete Section 847 and other non-relevant parts.

### **4. What should I do if the submitted information is not complete?**

Employees cannot attach documents to their request due to internet security concerns. Since the application provides very limited space to summarize duties and responsibilities you may need to contact the individual employee and explain what you need. Remind him or her that the 30-day clock does not start until complete information is received. Also remind the employee that the request will be rejected should he or she not provide the information within 15 days. It is recommended that the employee provide you a copy of his or her resume that was submitted to the employer and the company's position description. The employee should provide it to you in electronic format. If the information is received via e-mail, save the data to a Word document and then you may attach it to the request. If the information is received in hard copy, scan the document and attach it to the request. The application provides you with the opportunity to upload any documents necessary while specifically allowing for resumes, position descriptions and the legal opinion provided. All format types are accepted (Word, WordPerfect, Adobe Acrobat, etc.).

### **5. When does service in a covered position trigger Section 847 requirements?**

The DoD Section 847 guidance, SOCO Advisory 08-03, April 28, 2008, located on the DoD SOCO webpage, [http://www.dod.mil/dodgc/defense\\_ethics/](http://www.dod.mil/dodgc/defense_ethics/), requires only that covered personnel hold a covered position either at the time of the request or at the time they left. The statute is silent as to when such positions are held. By memorandum dated 16 April 2014, SOCO advised that covered officials should limit the look-back period to the two years prior to leaving federal service.

### **6. What should I do if I am not sure that section 847 applies?**

Contact the next higher ethics official in your legal chain of command and discuss it with them. Do not contact the system administrator, Agency Manager or DoD SOCO (unless it is your next higher level).

### **7. Where can I find additional assistance with using the AGEAR application?**

Answer: Use the AGEAR Quick Start:

[https://www.fdm.army.mil/PM\\_Reference\\_Docs/EO\\_QuickStart.pdf](https://www.fdm.army.mil/PM_Reference_Docs/EO_QuickStart.pdf) or contact the AGEAR Process

Owner: Phone 703-695-4296 or e-mail [usarmy.pentagon.hqda-ogc.mbx.agear-manager@mail.mil](mailto:usarmy.pentagon.hqda-ogc.mbx.agear-manager@mail.mil) for assistance using the application.