

Overview of Government Ethics Education Requirements under Subpart C of 5 C.F.R. Part 2638 (effective January 1, 2017)

Requirement	Overview	Format ¹	Content	Deadline	Tracking
Notice to prospective employees § 2638.303	Written employment offer must include certain ethics-related information	Written	Statement regarding agency’s commitment to gov’t ethics; notice regarding standards of conduct and criminal conflicts statutes; how to obtain additional information; time frame for completing initial ethics training; financial disclosure requirements (if applicable)	When offer letter is issued	DAEO must review the written procedures each year; in an agency with 1,000 or more employees, any office not under the DAEO’s supervision that performs this duty must annually provide the DAEO a written summary of procedures and confirmation with reasonable assurances that the procedures have been implemented
Initial ethics training § 2638.304	Each new employee at the agency ² must complete initial ethics training and receive certain written materials*	Interactive	Presentation must focus on ethics laws and regulations that the DAEO deems appropriate for the audience; must address concepts related to financial conflicts of interest, impartiality, misuse of position, and gifts	Within 3 months of appointment**	
Notice to new supervisors § 2638.306	New civilian supervisors must be provided certain ethics-related information	Written	Contact info. for agency’s ethics office; text of § 2638.103; Principles of Ethical Conduct; other information DAEO deems necessary	Within 1 year of appointment	
Additional ethics briefing for certain agency leaders § 2638.305	New PAS appointees must be briefed by a qualified presenter on immediate ethics obligations ³	Live	Potential for conflicts arising from any new financial interests not previously disclosed; basic recusal obligation; ethics agreement commitments; process for recusals; instructions for completing initial ethics training	After confirmation, not more than 15 days after appointment**	DAEO must maintain a record of the briefing date while appointee serves in the position
Annual training: confidential filers and certain others § 2638.307	Confidential filers and certain others must receive annual ethics training that meets specified requirements ⁴ and certain written materials*	Interactive	Presentation must focus on ethics laws and regulations that the DAEO deems appropriate for the audience; must address concepts related to financial conflicts of interest, impartiality, misuse of position, and gifts	December 31	Employee must certify that training has been completed; a presenter with personal knowledge may record an employee’s completion instead, as may an automated training system that tracks completion automatically
Annual training: public filers § 2638.308	Public filers must receive annual ethics training that meets specified requirements and certain written materials*	<i>EX Levels 1 & 2: Live</i>	Presentation must focus on ethics laws and regulations that the DAEO deems appropriate for the audience; must address concepts related to financial conflicts of interest, impartiality, misuse of position, and gifts	December 31	
		<i>Other civilian employees identified in § 103(c) of the EIGA stationed in the U.S.: Live every 2 years, interactive in other years</i>			
		<i>Other public filers: Interactive</i>			

* Written materials consist of a summary of the Standards of Conduct, relevant provisions of supplemental agency regulations (or summary), other written materials the DAEO determines should be included, and instructions for contacting the agency's ethics office. Written instructions for accessing these materials can be provided in lieu of the materials themselves.

** For special Gov't employees serving no more than 60 days a year on a board, commission, or committee, it must be provided before (or, in the case of initial ethics training, at) their first meeting.

¹ Live ethics training is defined at § 2638.302(a); interactive ethics training is defined at § 2638.302(b).

² The DAEO, in the DAEO's sole and exclusive discretion, may exclude a non-supervisory position at or below the GS-8 grade level, or the equivalent, from the requirement to complete interactive training, provided that certain conditions are met and they receive written training materials.

³ The DAEO, in the DAEO's sole and exclusive discretion, may elect to exclude experienced members of the career Foreign Service or uniformed services from this requirement.

⁴ Special Government employees who are expected to work no more than 60 days in a calendar year and officers in the uniformed services serving on active duty for no more 30 consecutive days may be authorized to receive the written materials only, when the DAEO, in the DAEO's sole and exclusive discretion, determines that providing interactive training is impracticable.