REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY*

(Ref.: HHS Standards of Conduct Regulations)

☐ Initial Request
☐ Revised Request
☐ Renewal

1. NAME *(Last, First, Initial)*	2. ORGANIZATIONAL LOCATION *(Operating Division, Bureau, Division)*
3. TITLE OF POSITION	4. GRADE AND SALARY *(Federal)*
*5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED	6. LOCATION WHERE SERVICES WILL BE PERFORMED

7. NATURE OF ACTIVITY *(Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of week and hours of day proposed activity will be performed.)*

8. ESTIMATED TIME INVOLVED

a. PERIOD COVERED FROM TO	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY *(If on a continuing basis, give estimated time per year)*

c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORKING HOURS?

☐ YES ☐ NO IF "NO", INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK

9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY?

☐ NO ☐ YES *(Describe)*

*10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?

☐ NO ☐ YES *(Describe)*

11. METHOD OR BASIS OF COMPENSATION ☐ FEE ☐ HONORARIUM ☐ PER DIEM ☐ PER ANNUM ☐ ROYALTY ☐ EXPENSES ☐ OTHER *(Specify)*	12. WILL COMPENSATION BE DERIVED FROM A DHHS GRANT OR CONTRACT? ☐ NO ☐ YES *(Describe)*

13. THIS REQUEST IS MADE WITH FULL KNOWLEDGE OF DEPARTMENT AND OPERATING DIVISION POLICY AND PROCEDURES ON OUTSIDE ACTIVITIES. THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

14. SIGNATURE OF EMPLOYEE	15. DATE	*16. ADDITIONAL INFORMATION ATTACHED ☐ YES ☐ NO

17. ACTION RECOMMENDED BY REVIEWING OFFICIAL

a. ☐ APPROVAL ☐ DISAPPROVAL	b. SIGNATURE	c. TITLE	d. DATE

18. ACTION TAKEN

a. ☐ APPROVAL * ☐ DISAPPROVAL	b. SIGNATURE	c. TITLE	d. DATE

*See reverse of form

HHS-520 (Rev. 1/82)

(INSTRUCTION ON BACK OF FORM)

INSTRUCTIONS

* Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners, giving their names, and if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

* Item 10 - Federal Grants or Contracts involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

* Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

---

* ITEM 17 - COMMENTS OF REVIEWING OFFICIAL

Requester has signed "Notice to Applicants..." and "Standards of Ethical Conduct"

Reviewing Official

---

* ITEM 18 - REASON FOR DISAPPROVAL

NOTICE TO APPLICANTS FOR PRIOR APPROVAL OF OUTSIDE ACTIVITIES

APPROVAL OF AN HHS FORM 520 DOES NOT RELEASE YOU FROM A CONTINUING LEGAL OBLIGATION TO DISQUALIFY YOURSELF FROM OFFICIAL ASSIGNMENTS AFFECTING YOUR OUTSIDE EMPLOYER. WHILE PERFORMING AN APPROVED OUTSIDE ACTIVITY, ANY ACTIONS TAKEN IN CONFLICT WITH APPLICABLE ETHICS LAWS MAY SUBJECT YOU TO CRIMINAL PROSECUTION OR DISCIPLINARY PROCEEDINGS.

Caution. When you work for a company, organization, or other employer outside your government job, your relationship with that outside employer has certain legal and ethical consequences. The approval of an outside activity does not mean that you are free of conflicts of interest. You must still follow all substantive ethics requirements after approval is granted. Consult the ethics regulations at 5 C.F.R. Sections 2635.802 and 5501.106(d)(4) which are reprinted on the reverse side of this notice.

Conflicts Resolution. An approved HHS Form 520 does not signify that you need not be concerned about conflicts of interest. Under the law, conflicts of interest arising out of outside employment can be resolved in advance in only three ways: (1) you can inform your supervisor and disqualify yourself from participating in a conflicting government matter (often called a recusal); (2) you can ask for and receive, if certain legal requirements are satisfied, a separate legal document from your appointing official or designee that specifically permits you to work on the government matter (known as a waiver, an exemption, or an authorization); or (3) you can resign from either your government or outside job.

Effect of Prior Approval. The outside activities prior approval process has very limited purposes. When a supervisor or other reviewer approves an HHS Form 520 for your outside activity, only two assessments are being made, which are discussed below. You reasonably may rely on these specific determinations only if you provided all relevant information on the form and the circumstances under review do not thereafter change. You remain responsible for the legal consequences of any change in personal or business affairs.

First, based on the information which you provide, the reviewer determines whether your proposed activity is plainly prohibited by applicable statutes or regulations. For example, if you want to lobby federal agencies on behalf of a non-profit organization that employs you, prior approval will be denied because a criminal statute prohibits such representational activities.

Second, assuming your proposed activity is not specifically prohibited, the reviewer determines whether, under the circumstances, approval should be denied for other reasons specified under the law. For example, the reviewer may deny approval if the facts show that you used your government position to obtain an outside compensated business opportunity. Another common reason for denying approval is that the outside activity may prevent you from handling work that is expected of you. Because the outside activity may cause you to have to disqualify yourself from a broad range of job assignments, or even a few crucial projects, that will affect your outside employer, it may be impossible for you to discharge fully your government duties. If, however, your outside activity is approved, the reviewer has determined that the matters in which you will not be allowed to participate are not "so central or critical to the performance of [your] official duties" that your ability to perform the duties of your position would be materially impaired. In other words, you cannot work on a government matter affecting your outside employer, but the reviewer expects that you will be able to stay away from these assignments and still do your job.

Recusal Obligation. When performing your federal duties, you must avoid participating in any government matter that will affect your own self-interest in continuing your outside job. For example, you would have to disqualify yourself from participating in any official matter that might put your outside employer out of business or seriously affect its finances, either positively or negatively, so that the odds of your remaining employed are also affected. Also, when you work for an outside employer, the financial interests of that company or organization are considered to be your own. This means that you cannot participate in government matters that will affect that company or organization. You cannot work on a government matter that involves your outside employer as a specific party, such as a contract, grant, audit, or investigation. The law also requires you to stay away from government matters that are larger in scope, such as deliberations and decisions on developing, implementing, or enforcing statutes, regulations, policies, studies, or proposals, that will have an effect on a large class of employers like the one for which you work on the outside. For example, if you have an outside position as an employee of a hospital, a drug company, or a nonprofit organization, you cannot participate personally in any significant way in a policy decision that affects the financial interests of the industry or organizational sector in which these employers operate. A waiver often can be granted for such "particular matters of general applicability," if you notify your appointing official in advance and receive a written determination.

Scope of Recusal. Although many employees understand the need to disqualify themselves from participating in an official matter that affects their outside employer, they often believe erroneously that they can pick and choose among the various aspects of a particular matter and stay away only from the important decisions. Such incomplete recusals will not protect you from a criminal conflict of interest violation. Unless a waiver, approved in advance, identifies specific permitted activities, you must refrain entirely and absolutely from participating personally and substantially in a government matter that affects your own financial interest or that of an outside employer. When you are involved significantly in proposing, planning, advising, deciding, or implementing some official action, and you do so individually or by actively directing subordinates, your participation is personal and substantial.

EXCERPTS FROM THE STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SUPPLEMENTAL AGENCY ETHICS REGULATIONS:

TITLE 5 CODE OF FEDERAL REGULATIONS

Section 2635.802 Conflicting outside employment and activities.

An employee shall not engage in outside employment or any other outside activity that conflicts with his official duties. An activity conflicts with an employee's official duties:

(a) If it is prohibited by statute or by an agency supplemental regulation; or

(b) If, under the standards set forth in Sections 2635.402 and 2635.502, it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired.

Employees are cautioned that even though an outside activity may not be prohibited under this section, it may violate other principles or standards set forth in this part or require the employee to disqualify himself from participation in certain particular matters under either subpart D or subpart E of this part.

Example 1: *An employee of the Environmental Protection Agency has just been promoted. His principal duty in his new position is to write regulations relating to the disposal or hazardous waste. The employee may not continue to serve as president of a nonprofit environmental organization that routinely submits comments on such regulations. His service as an officer would require his disqualification from duties critical to the performance of his official duties on a basis so frequent as to materially impair his ability to perform the duties of his position.*

Example 2: *An employee of the Occupational Safety and Health Administration who was and is expected again to be instrumental in formulating new OSHA safety standards applicable to manufacturers that use chemical solvents has been offered a consulting contract to provide advice to an affected company in restructuring its manufacturing operations to comply with the OSHA standards. The employee should not enter into the consulting arrangement even though he is not currently workin on OSHA standards affecting this industry and his consulting contract can be expected to be completed before he again works on such standards. Even though the consulting arrangement would not be a conflicting activity within the meaning of Sec. 2635.802, it would create an appearance that the employee had used his official position to obtain the compensated outside business opportunity and it would create the further appearance of using his public office for the private gain of the manufacturer.*

Section 5501.106(d)(4) Standard for approval.

Approval shall be granted unless it is determined that the outside employment or other outside activity is expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

Note: The granting of approval for an outside activity does not relieve the employee of the obligation to abide by all applicable laws governing employee conduct nor does approval constitute a sanction of any violation. Approval involves an assessment that the general activity as described on the submission does not appear likely to violate any criminal statutes or other ethics rules. Employees are reminded that during the course of an otherwise approvable activity, situations may arise, or actions may be contemplated, that, nevertheless, pose ethical concerns.

Example 1: *A clerical employee with a degree in library science volunteers to work on the acquisitions committee at a local public library. Serving on a panel that renders advice to a non-Federal entity is subject to prior approval. Because recommending books for the library collection normally would not pose a conflict with the typing duties assigned the employee, the request would be approved.*

Example 2: *While serving on the library acquisitions committee, the clerical employee in the preceding example is asked to help the library business office locate a missing book order. Shipment of the order is delayed because the publisher has declared bankruptcy and its assets, including inventory in the warehouse, have been frozen to satisfy the claims of the Internal Revenue Service and other creditors. The employee may not contact the Federal bankruptcy trustee to seek, on behalf of the public library, the release of the books. Even though the employee's service on the acquisitions committee had been approved, a criminal statute, 18 U.S.C. 205, would preclude any representation by a Federal employee of an outside entity before a Federal court or agency with respect to a matter in which the United States is a party or has a direct and substantial interest.*

Requester's Signature

Prepared by: _____ Fax No.: _____ Phone No.: _____

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY*

(Ref.: HHS Standards of Conduct Regulations + NCI/NIH Rules)

☐ Initial Request
☐ Revised Request
☐ Renewal

1. NAME ***(Last, First, Initial)*** Phone:	**2. ORGANIZATIONAL LOCATION**
3. TITLE OF POSITION	**4. GRADE AND SALARY** ***(Federal)***
***5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED**	**6. LOCATION WHERE SERVICES WILL BE PERFORMED**

7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of week and hours of day proposed activity will be performed.) *ALSO, answer (a.), (b.), (c.), and (d.) below*.

Only published and publicly available information and data will be discussed. For consulting, DHHS rules regarding consulting will be observed.
Employee('s): *(a.)* **is/is not (circle one)** a project officer; *(b.)* **has/has no (circle one)** extramural responsibilities;
(c.) **has/has no (circle one)** CRADA or MTA-CRADA responsibilities;
(d.) **Branch/Office has/has no (circle one)** grants or contracts with this organization.

8. ESTIMATED TIME INVOLVED

a. PERIOD COVERED FROM TO	**b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY** *(If on a continuing basis, give estimated time per year)*

c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORKING HOURS? IF NO, COMPLETE THE FOLLOWING:
☐ YES ☐ NO I currently have _____ DAYS/HOURS of unused annual leave. If this request is approved, I will use the following time for the activity: _____ DAYS/HOURS A.L.

9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? Related to professional competence, but not an official responsibility for use of government funds
☐ NO ☐ YES

***10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, DO YOUR WOULD-BE ASSOCIATES RECEIVE OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?** Services provided will not knowingly involve, directly or indirectly, preparation of material which could relate to any financial dealings between the outside organization and NIH
☐ NO ☐ YES *(Describe)*

11. METHOD OR BASIS OF COMPENSATION ☐ HONORARIUM ☐ FEE ☐ NONE ☐ ROYALTY ☐ EXPENSES ☐ OTHER *(Specify)*	**12. WILL COMPENSATION BE DERIVED FROM A DHHS GRANT OR CONTRACT?** ☐ NO ☐ YES *(Describe)*

13. THIS REQUEST IS MADE WITH FULL KNOWLEDGE OF DEPARTMENT AND OPERATING DIVISION POLICY AND PROCEDURES ON OUTSIDE ACTIVITIES. THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

14. SIGNATURE OF EMPLOYEE	**15. DATE**	***16. ADDITIONAL INFORMATION ATTACHED** ☐ YES ☐ NO

17. ACTION RECOMMENDED BY REVIEWING OFFICIAL

a.	☐ **APPROVAL** ☐ **DISAPPROVAL**	**b. SIGNATURE**	**c. TITLE**	**d. DATE**

18. ACTION TAKEN

a.	☐ **APPROVAL** ☐ **DISAPPROVAL**	**b. SIGNATURE**	**c. TITLE** Deputy Ethics Counselor, NCI	**d. DATE**

***See reverse of form**
HHS-520 3/8/98

SEE REVIEWING OFFICIAL COMMENTS ON REVERSE

DO NOT WRITE
IN THIS BOX

NCI Modification to add standard phrases.

INFORMATION TO EMPLOYEE: The collection of the information requested on this form is authorized by Executive Order 11222 and the regulations issued thereunder. The information you disclose will be used to determine whether a conflict of interest would exist between the outside activity and your official duties. The information will be held in confidence and made available only to persons specifically authorized by the head of the principal operating component or designee. The information may be used: a) by a Federal, state or local agency when there is an indication of a violation or potential violation of law; b) by a Federal agency in deciding on the hiring or retention of an employee or other benefit; c) for statistical information excluding personal identification of individuals; and d) for other routine uses published in accordance with 5 USC 552a. Your failure to provide the information requested will preclude your engaging in the outside activity for which approval is required.

INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners, giving their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

Item 17 - COMMENTS OF RECOMMENDING OFFICIAL

NOTICE TO APPLICANTS FOR PRIOR APPROVAL OF OUTSIDE ACTIVITIES AND EXCERPTS FROM THE STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SUPPLEMENTAL AGENCY ETHICS REGULATIONS HAVE BEEN PROVIDED TO REQUESTOR.

Reviewing Official Initials Date

EMPLOYEE UNDERSTANDS THAT (S)HE IS DISQUALIFIED FROM ALL OFFICIAL DUTY ACTIVITIES RELATING TO THIS ORGANIZATION, EFFECTIVE IMMEDIATELY AND FOR TWELVE MONTHS BEYOND THE CONCLUSION OF THIS ACTIVITY 5 CFR 2635.502 UNLESS (S)HE SEEKS AUTHORIZATION FROM THE DEPUTY ETHICS COUNSELOR.

Item 18 - REASON FOR DISAPPROVAL