

Previous Employment Relationship Disclosure (Form 36)



District Personnel Manual Instruction No. 18-4

Effective Date	Expiration Date	Related DPM Chapters
February 27, 2015	Until Superseded or Rescinded	18

Overview

The purpose of this instruction is to inform, distribute, and provide guidance to agencies on the use of the newly developed D.C. Standard Form (DCSF) No. 36, Previous Employment Relationships Disclosure (Form 36) developed by D.C. Department of Human Resources (DCHR). The Form 36 has been developed as the official form for newly hired employees to utilize when disclosing all previous employment relationships, and information on any previous employment relationships, as may be directed by the agency head.

For convenience, District government employees may access the Form 36 and instructions on DCHR’s internet and intranet sites under the “Forms” link at www.dchr.dc.gov and www.dcop.in.dc.gov, respectively.

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General Policy – Chapter 18 Provisions (Form 36)

1. Chapter 18 of the D.C. personnel regulations, Employee Conduct, provides that, as a means of assisting District government agencies to evaluate real or potential conflicts of interests in the areas of contracting and procurement, newly hired employees are required to report their prior employment relationships to their supervisor, or another individual designated by the agency head. The prior employment relationships must be provided within thirty (30) days of the effective date of the new appointment. (DPM §§ 1805.1, 1805.3)
2. Employment relationships refer to a former employer:
 - a. For whom the employee (within one (1) year from the effective date of his or her employment with the District government) has served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; and
 - b. From whom the employee enjoys an ongoing economic benefit such as a pension, annuity, stock option, bonus, cash or in-kind distribution in satisfaction of equitable interest, payment of all or a portion of the premiums on a life or health insurance policy, or any other comparable benefit.

Responsibilities Relating to Form 36

1. **D.C. Department of Human Resources Responsibilities**

Inform newly hired employees (during the New Employee Orientation (NEO)) of the requirement to complete the Form 36.


2. **Agency Head (or his or her Designee) Responsibilities**

- a. Inform a newly hired employee of the requirement to complete and submit the Form 36, within thirty (30) days of the effective date of his or her appointment;
- b. Inform each new employee of the information that must be disclosed and advise the employee in writing of the applicable restrictions as provided in section 1805.4 of Chapter 18 (and referenced above in the *General Policy* section);
- c. Notify the employee in writing that for one (1) year after the date of initial employment with the District government, he or she will be restricted from participating in the District government's decision to enter into, extend, modify, or renew a contract or consultancy engagement with the employee's former employer (DPM § 1805.4(a));
- d. Inform the employee in writing that the restriction referenced in section 2c (above) will be extended for the duration of time in which the employee receives the ongoing economic benefit from his or her former employer (DPM § 1805.4(b));
- e. In Form 36 the employee that he or she is to submit his or her signed Form 36 to the Agency Head or his or her designee for placement in a confidential file. These confidential files should be kept in the same place as Confidential Financial Disclosure Statements filed by employees; and
- f. Inform the employee that if a conflict of interest arises from the employee's previous employment relationships under D.C. Official Code § 1-1162.23(a) (Financial Conflicts of Interest) during or after the filing of the Form 36, the employee may seek a waiver of the conflict of interest by:

- (1) Advising his or her supervisor and the Board of Ethics and Government Accountability (BEGA), of the nature and circumstances of the particular matter;
- (2) Making a full disclosure of the financial interest; and
- (3) Receiving, in advance, a written determination made by both the employee's supervisor and BEGA that:
 - (a) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from the employee; or
 - (b) Another legally cognizable basis exists for waiving any potential conflicts.

3. **Employee's responsibilities**

- a. An employee must inform his or her employing agency, via his or her immediate supervisor and a person designated by the Agency Head, of any previous employment relationships in the public or private sectors, and any additional related information as the employing agency may direct; and
- b. Provide to his or her immediate supervisor a completed Form 36, within thirty (30) days of the effective date of his or her appointment with the District government.

 **NOTE:** If a waiver request is not granted, the employing agency must make a determination as to whether the employee must refrain from taking part in any action or matter that concerns the employee's former employer.

Legal Authorities and Applicability

1. **Authority:** D.C. Official Code §§ 1-618.01, 1-608.02 and 1-1162.23(a) & (b); and Chapter 18 of the D.C. personnel regulations, Employee Conduct; and
2. **Applicability:** The provisions of the E-DPM instruction are applicable to all District government employees.

Definitions

“Conflict of Interest” means that no employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee. D.C. Official Code § 1-1162.23(a).

“Days” means calendar days, unless otherwise specified.

“Former employer” means a person or organization which (1) the employee has served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee within one (1) year

preceding his or her employment with the District government; or (2) the employee receives an ongoing economic benefit.

“Ongoing economic benefit” means a pension, annuity, stock option, bonus, cash or in-kind distribution in satisfaction of equitable interest, payment of all or a portion of the premiums on a life or health insurance policy, or any other comparable benefit.

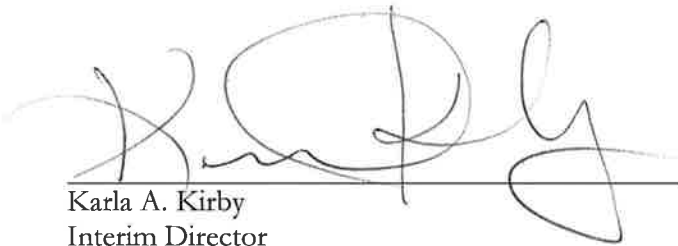
References

Section 1805, *Financial Interests and Disclosures*, of Chapter 18 of the D.C. personnel regulations, Employee Conduct

Inquiries

Inquiries concerning the provisions of the DPM instruction can be directed to the Policy and Compliance Administration, DCHR, by calling (202) 442-9700 or via email at dchr.policy@dc.gov. Additional guidance can also be provided by the employee’s agency Human Resources Advisor.

Inquiries concerning waivers of conflicts of interest and any other ethical issues can be directed to the District’s Board of Ethics and Government Accountability at bega@dc.gov.



Karla A. Kirby
Interim Director

Attachment: DC Standard Form No. 36, Previous Employment Relationships

Attachment – D.C. Standard Form No. 36

GOVERNMENT OF THE DISTRICT OF COLUMBIA D.C. Department of Human Resources

PREVIOUS EMPLOYMENT RELATIONSHIPS

ORIGINAL

AMENDMENT

Name: _____

Date of Birth: _____

Hiring Agency: _____

Appointment Date: _____

Position: _____

As a means of assisting District government agencies in evaluating real or potential conflicts of interest, the D.C. Standard Form 36, *Previous Employment Relationships*, has been developed. In accordance with Chapter 18 of the D.C. personnel regulations, Employee Conduct, Form 36 is to be completed by new employees for the purpose of disclosing previous employment relationships in which the employee receives any ongoing economic benefit from a former employer(s) (public or private) or information on any additional employment relationship directed by the Agency Head. In reference to this form, the terms below have the following meanings:

Ongoing economic benefit from former employer – refers to a pension, annuity, stock option, bonus, cash or in-kind distribution in satisfaction of equitable interest, payment of all or a portion of the premiums on a life or health insurance policy, or any other comparable benefit.

Former employer – refers to a person or organization which (1) you previously served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee within the last year; or (2) you receive an ongoing economic benefit.

Conflict of Interest -- No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee. (D.C. Official Code § 1-1162.23(a)).

I do not have a previous employment relationship(s) to disclose.

I do have a previous employment relationship(s) to disclose (identified below)

Please provide the requested information on any and all financial interests held from former employer(s). If more space is needed please use a separate sheet of paper or the back of this form:

1. Please list each former employer, private or public, from which you receive an ongoing economic benefit, and any information on employment relationships as directed/requested by the agency head.

Name of Previous Employer: _____

Position: _____

Start Date: _____

End Date: _____

Nature of Business: _____

Nature of Interest: _____

Amount (optional): _____

2. Please list each business, whether private or public, in which you had an agreement or arrangement for a leave of absence or future employment, including date of agreement, or continuation of payment by a former employer.

Name of Previous Employer: _____

Position: _____

Start Date: _____

End Date: _____

Nature of Business: _____

Nature of Interest: _____

3. Please list any previous employment relationships with employers who were District vendors or Certified Business Entities

Name of Previous Employer: _____

Position: _____

Start Date: _____

End Date: _____

Nature of Business: _____

Nature of Interest: _____

I certify that the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge. I understand that the making of a false statement on this form or materials submitted with this form is punishable by criminal penalties pursuant to D.C. Official Code § 22-2405 et seq. (2012 Repl.). I understand that any information I give may be investigated as allowed by law or regulation. I will update forgoing disclosures as new information becomes available that could affect the interests of the District government.

Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

Agency Head's (or designee) Signature: _____ Date: _____