

REVIEW/APPROVAL OF FREE ATTENDANCE AT WIDELY ATTENDED GATHERINGS (WAG)

NAME OF EMPLOYEE <i>(or for blanket determination, a list of attendees is attached)</i>		TELEPHONE NUMBER
SIGNATURE OF EMPLOYEE <i>(not required for blanket determination)</i>		
ORGANIZATIONAL ELEMENT <i>(for blanket determination)</i>		
NAME OF SUPERVISOR <i>(for blanket determination, highest ranking official's signature)</i>		
CONFERENCE OR EVENT (WAG)	DATE OF REQUEST	
LOCATION OF WAG	DATE OF WAG	
	TIME OF WAG	

Provided below are the elements that need to be assessed to determine if acceptance of an offer of free attendance is appropriate under the exception to the gift rule found in the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635.204(g)(2)). The employee initiating the request should complete Questions 1 - 9. The employee will consult with the Office of Management, Ethics and Integrity Staff, HFA-320, to determine if Question 10 and all its elements must be addressed. The requesting employee will forward the completed checklist to the Ethics and Integrity Staff for review and recommendation.

1. What is the purpose of the event and where will it be held?

2. Is attendance at this event in the interest of the agency because it will further agency operations?

Yes No

- If **Yes**, explain how the event relates to the employee's duties and how attendance would further agency programs.

- If **No**, the gift may not be accepted under this exception.

3. Is the employee assigned on official duty to participate as a speaker, panel member or otherwise to present information on behalf of FDA at a conference or similar engagement?

Yes No

- If **Yes**, attendance on the day(s) of the employee's actual presentation is a customary and necessary part of his performance of the assignment and does not involve a gift to the individual or the FDA. **NO FURTHER ACTION IS NECESSARY.**
- If **No**, or the invitation includes attendance for days when the employee will not be making a presentation, *proceed to Question 4.*

4. Has someone other than the sponsor of the event invited the employee? Yes No

Will someone other than the sponsor bear the cost of the employee's attendance? Yes No

- If the answer to **either is No**, *proceed to Question 5.*
- If the answer to **both is Yes**, the invitation may not be accepted under the widely attended gathering exception UNLESS more than 100 persons are expected to attend the event and the gift of free attendance has a market value of \$335 or less.
 - If the market value of the gift of free attendance is \$335 or less AND more than 100 persons are expected to attend, *proceed to Question 5.*
 - If the answer to **either** question is **No**, this gift may not be accepted under this gift exception rule.

5. Was the offer of free attendance solicited? Yes No

- If **Yes**, the invitation may not be accepted.
- If **No**, *proceed to Question 6.*

6. Is the event "widely attended" within the meaning of 5 CFR 2635.204(g)(2)? It appears to be It does not appear to be
Currently, there is no precise test for determining whether an event is "widely attended" but several factors may be relevant to this determination in a given case:

a. Is the event open to members from throughout a given industry? Yes No

- If **Yes**, please provide a brief description including the different interests and points of view they may represent.

b. Will individuals in attendance represent a range of persons interested in a given matter? Yes No

- If **Yes**, please provide a brief description of likely attendees.

c. Is the event expected to be attended by a large number of people? Yes No

- If **Yes**, please provide the approximate number of expected attendees _____

7. A WAG exception involves a gift to an individual rather than the FDA. Therefore, any individual subject to a leave system must be on his own time or have an excused absence.

- Will the event be after duty hours, e.g., evening, weekend? Yes No

- If during duty hours, the employee may be on excused absence in accordance with the Delegation of Authority Staff Manual Guide 1431.4.* Yes No

* If the immediate supervisor recommends approval, and the Agency Designee approves attendance, the employee's attendance during duty hours may be on excused absence without charge to the employee's leave account.

8. Does the invitation include attendance by the employee's spouse or other guest?* Yes No

- If **Yes**, will other attendees at the event generally be accompanied by their spouse or other guests? Yes No

NOTE: If yes, and someone other than the event sponsor is paying, the value of the guest's free attendance **must be** aggregated with the value of the employee's free attendance in applying the \$335 ceiling for WAGS offered by nonsponsors.

* Under the provisions of 5 CFR 2635.204(g)(6) when others in attendance will generally be accompanied by spouses or other guests, the Agency Designee may authorize an employee to accept a sponsor's invitation to an accompanying spouse or other guest to participate in all or a portion of the event.

9. What is the monetary value of the gift of free attendance and how was this cost determined (conference fee, ticket price, etc.)?

NOTE: If the value of the WAG is \$335 or if it is valued at more than \$134 and the employee accepts other such gifts from the same source in excess of \$134 each, and the aggregate value reaches \$335 or more, an employee who is required to file a public or confidential financial disclosure form must report this on the financial disclosure form in the appropriate section on gifts.

10. Does the person/organization who extended the invitation have interests that may be substantially affected by the performance or nonperformance of the attendee's official duties? If the invitation is from an organization/association, do the majority of its members have such interests? Yes No

- If the response to Question 10 is **No**, please forward this checklist to HFA-320 for action. If the response to Question 10 is **Yes**, authorization to attend may be granted only if the Agency Designee issues a written finding that the FDA's interest in the employee's participation outweighs concern that the acceptance of the gift may or may not appear to improperly influence the employee in the performance of his official duties.
- If the response to Question 10 is **Yes**, please provide the following information to assist the Agency Designee in reaching a decision:

Describe the importance of the event to FDA:

Provide information on the nature and sensitivity of any pending matter(s) affecting the interests of the sponsor of the event:

Describe the significance, if any, of the employee's role in the matter described above:

SUPERVISOR REVIEW

NAME

RECOMMENDATION

Recommend Approval

Recommend Disapproval

COMMENTS

SIGNATURE

DATE

ETHICS AND INTEGRITY STAFF REVIEW

NAME

RECOMMENDATION

Recommend Approval

Recommend Disapproval

COMMENTS

SIGNATURE

DATE

AGENCY DESIGNEE ACTION

The approval may be a blanket determination to cover any or all categories of invitees for whom the answer to Question 10 would be No.

A written determination may be issued to cover two or more employees whose duties similarly affect the interests of the sponsor or its members for those employees for whom the answer to Question 10 would be Yes.

This form constitutes my written determination that:

- Attendance at this event is approved.
- Attendance at this event is not approved.
- The sponsor's offer to the employee's spouse/guest is authorized.

SIGNATURE

DATE

Director, Ethics and Integrity Staff, OM

SIGNATURE *(Required only for SES or equivalent positions)*

DATE

Assistant Commissioner for Management (Operations)

Additional Information Attached