

FDA STAFF MANUAL GUIDES, VOLUME III - GENERAL ADMINISTRATION

PERSONNEL

PERSONNEL RELATIONS AND SERVICES

CERTIFICATION REQUIRED OF NEW AND SEPARATING EMPLOYEES

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1. PURPOSE

The purpose of the Guide is to explain the uses and objectives of Form FDA-2096, Regulation Certification for **New Employees**, and Form FDA-2097, **Regulation Certification** for Separating Employees, and provide specific guidance for their continued use.

2. CROSS REFERENCE

- A. Executive Order 11222, "Standards of Ethical Conduct for Government Officers and Employees."
- B. Federal Personnel Manual (FPM), Chapter 735, "Employee Responsibilities and Conduct."
- C. 5 CFR Part 737, "Post Employment Conflict of Interest."
- D. SMG FDA 3118.3, "Guidelines for Protection Against Post-Employment Conflict of Interest."

3. OBJECTIVES

- A. FDA-2096 provides management with assurance that all FDA Employees are aware of their responsibility to comply with the Department's Standards of Conduct Regulations and the FDA supplements to the Departmental regulations; that each employee has received a copy of such regulations; and that the employee's supervisor witnessed the employee's certification receipt of the required information.

- B. FDA-2097 provides management with assurance that all employees separating from FDA are aware of their responsibilities regarding post-employment conflict of interest restrictions imposed by statute and applicable regulations.

4. APPLICABILITY

This Guide applies to all employees of FDA. The term "FDA employee" includes all employees of the Food and Drug Administration; PHS Commissioned Corps personnel assigned to the Agency; and employees of the HHS General Counsel, Food and Drug Division (special Government employees are excluded).

5. RESPONSIBILITIES AND PROCEDURES

- A. The Division of Personnel Management is responsible for obtaining a completed FDA-2096 and FDA-2097 from Headquarters personnel at the time of their appointment or separation; providing new and separating Headquarters employees with the written regulations and written FDA policies regarding Standards of Conduct and post-employment conflict of interest; and filing and maintaining completed forms.
- B. Directors of district offices are responsible for obtaining a completed FDA-2096 or FDA-2097 from field personnel at the time of their appointment or separation and forwarding the completed forms to the FDA Division of Personnel Management (DPM) (HFA-450) for filing and maintenance. (This responsibility is carried out by the field administrative officers.)
- C. Associate Commissioners and the Directors of centers, bureaus, and offices are responsible for obtaining Forms FDA-2096 from each new employee assigned to their organization, and for forwarding the completed Form FDA-2096 to DPM (HFA-450) for filing. (This responsibility is carried out by the organization's executive officers and/or the administrative officers.)
- D. The immediate supervisor of each new employee is responsible for assuring that the employee understands the requirements of Form FDA-2096 and witnesses the signature of the employee.