

# HIOSH DIRECTIVE

<b>DIRECTIVE NO.: CSP 03-01-004</b>	<b>EFFECTIVE DATE: October 1, 2016</b>
<b>SUBJECT: Special Government Employee Program Policies and Procedures Manual for the Occupational Safety and Health Administration's Voluntary Protection Programs Directive</b>	

This CSP has been adopted in its entirety.



# OSHA INSTRUCTION

**DIRECTIVE NUMBER: CSP 03-01-004**

**EFFECTIVE DATE: July 30, 2015**

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**SUBJECT** Special Government Employee (SGE) Program Policies and Procedures Manual for the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Programs

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## ABSTRACT

- Purpose:** This instruction describes and implements the policies and procedures governing the administration and operation of Special Government Employee activity conducted under the auspices of OSHA's Voluntary Protection Programs (VPP).
- Scope:** OSHA-wide.
- References:** Voluntary Protection Programs Policies and Procedures Manual CSP-03-01-003.
- Cancellation:** CSP 03-01-001, originally issued as TED 8.3.
- State Impact:** This instruction describes a Federal Program Change for which State adoption is not required.
- Action Offices:** National and Regional Offices.
- Originating Office:** Directorate of Cooperative and State Programs.
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## Executive Summary

This manual cancels and replaces OSHA Instruction CSP 03-01-001, originally issued as TED 8.3. The purpose of this manual is to provide the overall policy framework for Special Government Employee (SGE) activity. This latest revision of the manual expands the role of SGEs and updates and clarifies the requirements to apply, receive training, and participate in SGE activities. The major changes are:

- Citizenship Requirement. The Federal Government requires an individual to be a United States citizen in order to apply for SGE status.
- Confidential Financial Disclosure Report. SGEs are required to update their financial disclosure report annually.
- Department of Defense (DoD) SGEs. Employees from Department of Defense (DoD) VPP sites who meet eligibility requirements to become SGEs.
- Expanded Role of SGE. An SGE can serve in a capacity beyond assisting OSHA personnel during on-site evaluations. The expanded role of an SGE allows the SGE to perform additional qualifying activities outlined in Chapter 2, Section IV.
- Injury/Illness of an SGE. If an SGE experiences a safety or health injury/illness while conducting a VPP on-site evaluation or other qualifying activity, the SGE must report the injury/illness to their immediate employer and not OSHA outlined in Chapter 3, Section 3.
- Management Signature. SGE applicants or renewing SGEs must obtain the signature of their supervisor or manager on the SGE Eligibility Sheet prior to application submission. Signature implies agreement with the applicant's qualifications and management's commitment to allow the SGE to serve.
- Process Safety Management (PSM). An SGE applicant who has identified him/herself as a PSM specialist must have PSM Level 1 (or equivalent) training outlined in Chapter 2.
- Renewing SGEs. In order for an SGE to be reapproved, the SGE must have been actively involved in the VPP during his/her previous term of service. To gain reapproval, the SGE must have performed a minimum of three (3) qualifying activities outlined in Chapter 2.
- SGE On-site Evaluation Participation. SGEs are strongly encouraged to participate in a VPP on-site evaluation as soon as possible after completing the SGE course. Thereafter, OSHA requires SGEs to participate in other on-site evaluations and/or perform other qualifying activities.
- SGE Composition on VPP On-site Team. Regional Administrators have the authority to approve an unlimited number of SGEs to serve on a VPP on-site evaluation team so long as the Team Leader is a qualified Federal or State Plan State employee as outlined in

Chapter 4.

- SGE Incentives. A chapter has been added that describes incentives, benefits, and awards for active SGEs outlined in Chapter 5.
- State Plan States Memorandum of Understanding (MOU). State Plan States must sign a Memorandum of Understanding (MOU) with Federal OSHA if they wish to use Federal SGEs on State Plan VPP on-site evaluations of VPP applicants or participants. The MOU has been revised to clarify liability issues.

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## Chapter 1

### Introduction

- I. Purpose. This instruction sets forth the policies and procedures governing administration and operation of OSHA's Special Government Employee Program and activities.
- II. Scope. OSHA-wide.
- III. Reference. Voluntary Protection Programs Policies and Procedures Manual (CSP-03-01-003).
- IV. Cancellation. OSHA Instruction CSP-03-01-001.
- V. Major Changes.
  - A. Citizenship Requirement. The Federal Government requires an individual to be a United States citizen in order to apply for SGE status.
  - B. Confidential Financial Disclosure Report. SGEs are required to update their financial disclosure report annually.
  - C. Department of Defense (DoD) SGEs. Employees from Department of Defense (DoD) VPP sites are eligible to become SGEs.
  - D. Expanded Role of SGE. An SGE can serve in a capacity beyond assisting OSHA personnel during on-site evaluations. The expanded role of an SGE allows the SGE to perform additional qualifying activities outlined in Chapter 2.
  - E. Injury/Illness of an SGE. If an SGE experiences a safety or health injury/illness while conducting a VPP on-site evaluation or other qualifying activity, the SGE must report the injury/illness to their immediate employer and not OSHA (outlined in Chapter 3, Section 3).
  - F. Management Signature. SGE applicants and renewing SGEs must now obtain the signature of their supervisor or manager on the SGE Eligibility Sheet prior to application submission. Signature implies concurrence with SGE applicant's qualifications and management's commitment to provide the resources necessary to support the SGE through the SGE program.
  - G. Process Safety Management (PSM). An SGE applicant who has identified him/herself as a PSM specialist must have PSM Level 1 (or equivalent) training outlined in Chapter 2.
  - H. Renewing SGEs. In order for an SGE to be reapproved, the SGE must have been actively involved in the VPP within his/her previous term of service. To gain



reapproval, the SGE must have performed a minimum of three (3) qualifying activities outlined in Chapter 2.

- I. SGE On-site Participation. SGEs are strongly encouraged to participate in a VPP on-site evaluation as soon as possible after completing the SGE course. Thereafter, OSHA requires SGEs to participate in other on-site evaluations and/or perform other qualifying activities.
  - J. SGE Participation on VPP On-site Team. Regional Administrators have the authority to approve an unlimited number of SGEs to serve on a VPP on-site evaluation team so long as the Team Leader is a qualified Federal or State Plan State employee.
  - K. SGE Incentives. Chapter 6 has been added describing incentives, benefits and awards for active SGEs.
  - L. State Plan States Memorandum of Understanding (MOU). States Plan States must sign a Memorandum of Understanding (MOU) with Federal OSHA if they wish to use federally-approved SGEs on State Plan State VPP on-site evaluations of applicants or participants.
- VI. Federal Program Change. This Instruction describes a Federal Program Change for which State adoption is not required. However, States that wish to use federally-approved SGEs as members of VPP on-site review teams must enter into a Memorandum of Understanding (MOU) with Federal OSHA. Without a signed MOU between OSHA and the State Plan, federal SGEs are not authorized for use by a State Plan. See Appendix A for the approved Memorandum of Understanding template.
- VII. Action Information.
- A. OSHA National Office.
    - 1. Directorate of Cooperative and State Programs. The Directorate of Cooperative and State Programs (DCSP), through the Office of Partnerships and Recognition (OPR), is responsible for: 1) receipt and processing SGE applications; 2) providing final approval within 15-20 working days of application deadline; and 3) nationwide coordination and administrative oversight of Special Government Employee activities. OPR is also responsible for establishing the policies and procedures that govern the operation, monitoring, and evaluation of Special Government Employee activities. The SGE Program Policies and Procedures Manual is the Program's principal policy guidance document for SGE activity. Additionally, OPR provides VPP support and assistance to the Regions, State Plans States, and participants.
    - 2. Directorate of Administrative Programs. The Directorate of

Administrative Programs (DAP), through the Office of Human Resources (HR), is responsible for confirming final approval and receipt of SGE applications from the OPR. These responsibilities include: 1) receipt of accepted SGE applications from OPR for processing; 2) complete form DL1-438, Request for Approval of Expert and Consultant Action for each application received; 3) the HR Officer and Agency Head must sign and date each DL 1-438; and 4) copies are maintained in the DAP Office of Human Resources.

B. OSHA Regional Offices. OSHA VPP Managers and VPP Coordinators/Officers are responsible for contacting, recruiting, and encouraging interested VPP site employees to become SGEs; assisting with SGE training; facilitating the oath of office ceremony for new and renewing SGEs; scheduling SGE participation; and requesting approval for SGE use from the SGE Coordinator.

C. State Plan States.

1. State Plan States may choose to use federally-approved SGEs to serve as members of a VPP on-site review team within the State. Qualified individuals from approved VPP sites in State Plan States may submit their SGE application to OSHA, receive training, and obtain OSHA approval.
2. In order to utilize federally-approved SGEs, a State Plan State must sign a Memorandum of Understanding (MOU) with Federal OSHA. Without a signed MOU between OSHA and the State Plan, federal SGEs will not be authorized for use by a State Plan.
3. A State may establish its own SGE activities, independent of OSHA, for training SGEs from VPP sites within the State to serve as members of a State VPP on-site review team.

VIII. A Brief History of SGE Activity in OSHA.

- A. SGE activities were established in 1994 in order to leverage OSHA's limited resources by utilizing private sector safety and health professionals during VPP on-site evaluations.
- B. An SGE serves in the capacity of a volunteer employee while he or she is assisting OSHA personnel during on-site evaluations. While at an on-site evaluation, an SGE is held to the same ethical and legal standards as a Federal Government employee.

IX. How SGE Activities are Administered. SGE activities are administered jointly by the Directorate of Cooperative and State Programs' Office of Partnerships and Recognition and the Regional VPP Managers.

- A. Office of Partnerships and Recognition (OPR). The SGE Coordinator receives and processes SGE applications, coordinates quarterly training sessions with Regional staff, evaluates and approves requests for SGE usage, and conducts oversight of SGE activities. The SGE Coordinator provides administrative and programmatic support to SGEs during the application, training, and reapplication process; provides quarterly updates of approved SGEs and their contact information; and collects data on SGE usage.
- B. VPP Managers. Federal or State OSHA employee who coordinates VPP activities and works with SGEs to secure assistance in on-site evaluations, request approval for SGE participation, assists with SGE training and renewals, coordinate administration of the oath of office, and report SGE usage to DCSP.

X. Definitions.

- A. Active SGE. An SGE whose term of appointment has not expired and who has met the Continuing Eligibility Requirements (outlined in Chapter 2) as expected during each three-year term.
- B. Application Deadline. The final date in each calendar quarter to receive SGE applications in the Office of Partnerships and Recognition. Applications received after this date will be processed in the following quarter.
- C. Appointing Official. An OSHA official who is or is serving in the capacity of: 1) Directorate Heads; Director, Office of Partnership and Recognition; OASAM Regional Personnel Officers; Regional Administrators; Area Directors; or Deputies acting in these capacities.
- D. Assistant Secretary. The Assistant Secretary of Labor for Occupational Safety and Health.
- E. Mentoring. A formal process to assist companies/facilities interested in the VPP or improving their safety and health management systems.
- F. New SGE. An individual who has not previously applied to participate as an SGE.
- G. Oath of Office. The oath required of all employees who enter Federal service or serve as an SGE.
- H. Process Safety Management (PSM) Specialist (Level 1). An individual who has successfully completed the OSHA Training Institute's (OTI) Course 3300, *Safety and Health in the Chemical Processing Industries* and Course 3400, *Hazard Analysis in the Chemical Processing Industries* and Course 3430, *Advanced PSM in the Chemical Industries* (see Appendix B for course content) or equivalent training or experience as demonstrated by training/ education/job classification, for example, Process Safety Manager, Process Safety Engineer, etc.

- I. Renewing SGE. An individual presently serving as an SGE who takes action to continue his/her SGE qualification for another term. Alternatively, an individual who is reapplying after a lapse of SGE service of more than one year.
- J. Safety and Health Professional. An individual employed in a position in which more than 50% of daily duties are dedicated to conducting or managing worksite or corporate safety and/or health activities.
- K. Special Government Employee. A permanent, full-time employee who has been approved and trained by OSHA to assist Federal or State Plan State OSHA staff in conducting VPP on-site evaluations or other qualifying activities.
- L. Special Government Employee Application. The information and forms that must be submitted to the Office of Partnerships and Recognition in order for an individual to be considered for participation as an SGE.
- M. Special Government Employee Coordinator. The Office of Partnerships and Recognition staff member responsible for coordinating and managing federal SGE activities.
- N. Special Government Employee Training. The training course required for participation as an SGE.
- O. Special Government Employee Usage Request. The written request from a VPP Manager, Coordinator/Officer, or Team Leader that is submitted to the SGE Coordinator asking for approval to use a specified SGE on one or more specified on-site evaluations.
- P. State Plan States Memorandum of Understanding (MOU). A formalized, written agreement that a State Plan State and Federal OSHA must sign if the State wants to use federal SGEs on its State VPP applicant or participant on-site evaluations.
- Q. Term of Service. The three-year time period for SGE participation. Individuals wishing to continue participation must reapply every three years.
- R. VPP Coordinator/Officer. A Federal OSHA employee used in the Regions to assist the VPP Manager with VPP on-site evaluations and other VPP-related activities.
- S. VPP Manager. Federal or State OSHA employee who coordinates VPP activities and works with SGEs to secure assistance in on-site evaluations, request approval for SGE participation, assists with SGE training and renewals, coordinate administration of the oath of office, and report SGE usage to DCSP.

## Chapter 2

### SGE Eligibility, Qualifications, and Application Process

I. Eligibility. The SGE Program accepts new and renewal applications from the following categories of volunteers:

A. VPP Employees. Permanent, full-time employees from approved VPP worksites in states under Federal jurisdiction or in states with OSHA-approved State Plans.

An SGE who moves from a VPP worksite to a non-VPP worksite *within the same corporation* may continue to serve as an SGE, so long as corporate support continues.

Employees from approved VPP DoD sites are eligible to become SGEs.

B. VPP Corporate Participants. The designated corporate safety official for a VPP Corporate participant may designate persons within the organization to become SGEs. Persons designated should be from an approved VPP worksite whenever feasible. However, persons who are not from an approved VPP site and who meet the criteria below may also be designated to become SGEs if the purpose of their SGE participation is to advance VPP within the organization as a whole. All other SGE criteria apply. Criteria specific for VPP Corporate participants are as follows:

1. Applicant must have at least two years of experience in performing safety and health-related duties.
2. Applicant must have attended an entry-level VPP orientation with the corporation or OSHA.
3. Applicant must be knowledgeable about VPP safety and health management system (SHMS) requirements.
4. Applicant must be assigned VPP-related duties within the organization, for example, preparing sites for VPP application; assisting in application preparation and review; assisting with training; assisting in on-site self-evaluations, etc.

II. SGE Qualifications.

A. Citizenship Requirement. The Federal Government requires that an individual be a United States citizen in order to apply for SGE status.

B. Qualifications for All SGEs. All SGEs must meet the following qualifications:

1. Employed full-time at a VPP worksite for at least two (2) years.
2. Management and/or corporate support for participating in the VPP SGE Program.
3. Experience in applying OSHA regulations.
4. Experience (current or within the previous two years) in a leadership position (although not necessarily management) dealing with workplace safety and health. Applicants from a VPP worksite or corporation must have actual VPP experience.
5. Strong interpersonal skills.
6. Sound reading and writing skills.
7. Physically able to perform activities required during the on-site evaluation.

C. Qualifications for Safety and Health Professionals (including Process Safety Management (PSM)).

1. Safety and health experience:
  - a. Must have two or more years of experience in the safety and health field.
  - b. More than 50% of daily duties must be dedicated to conducting or managing worksite or corporate safety and/or health activities.
2. PSM experience:
  - a. Must have successfully completed the OSHA Training Institute's (OTI) Course 3300, *Safety and Health in the Chemical Processing Industries*, Course 3400, *Hazard Analysis in the Chemical Processing Industries*, and Course 3430, *Advanced PSM in the Chemical Industries* (see Appendix B for course content); **or**
  - b. Must have successfully completed equivalent training; **or**
  - c. Must document work experience and/or other appropriate qualifications, for example, experience as a Process Safety Manager, Process Safety Engineer, etc.
  - d. Must include with their application documentation of PSM Level 1 certification (see Appendix B) or equivalent training.

- D. Applicants Who Are Not Safety and Health Professionals. SGEs need not be safety and health professionals. They may be hourly employees or individuals who have experience implementing effective safety and health management systems. Besides meeting the qualifications in C. above, applicants who are not safety and health professionals must also meet the following qualifications:
1. As a general rule, the applicant must be a current employee of a VPP approved employer who has worked at a VPP worksite for a minimum of two years. However, for an exception regarding employees who no longer work at a VPP worksite, see NOTE at I.A., above.
  2. During that minimum two-year period, applicant must have gained experience in at least three of the following activities (or their equivalent):
    - a. Chairing a worksite safety and health task team/committee.
    - b. Working directly with the OSHA VPP on-site review team during the previous on-site review.
    - c. Training others in safety and health procedures.
    - d. Writing and reviewing Job Safety Analyses (JSAs) and/or Behavioral Job Analyses (BJAs).
    - e. Coordinating accident investigations.
    - f. Coordinating proactive safety and health activities such as wellness days.
    - g. Leading worksite hazard inspection teams.
    - h. Coordinating hazard abatement activities.
    - i. Other experience that demonstrates knowledge of safety and health management systems.
- E. Ineligible Applicants/Conflicts of Interest.
1. The Director of Cooperative and State Programs or his/her designee must disqualify any applicant whose employment or financial involvements may present a conflict of interest or the appearance of impropriety. This includes applicants who do consulting work outside of their regular employment at a VPP worksite.

III. SGE Application Process.

- A. Application Cycle and Submission Deadlines. The SGE Coordinator in the Office of Partnerships and Recognition (OPR) processes SGE applications four times per year. Applications must be received in OPR on or before January 15, April 15, July 15 or October 15 of each year. If the deadline falls on a weekend or a federal holiday, applications are due on the first federal business day following the holiday. Applications received after a deadline are held and processed in the next submission cycle.

Failing to attend SGE training within one year of submitting the SGE application will result in the prospective SGE having to reapply.

- B. Required Application Forms for All SGEs (New and Renewing). All forms in the SGE Application must be completed before the application will be processed. If the application is not complete, the SGE Coordinator may notify the applicant and secure the missing information. It is the applicant's responsibility to return the corrected information prior to the deadline. If the corrected application is not received by the deadline, the application will be held until the next application deadline. The required application forms for all SGEs are (See Appendix C – SGE Application):

1. SGE Eligibility Information Sheet.
2. Current Resume or "Optional Application for Federal Employment" Form OF612.
3. Confidential Financial Disclosure Report (OGE-450).

If, at any time during an individual's term of service as an SGE, OSHA discovers that the applicant knowingly withheld information or provided information that was untrue, that individual's participation as an SGE will be terminated by OSHA.

- C. Management Signature. SGE applicants and renewing SGEs must obtain the signature of their supervisor or manager on the SGE Eligibility Information Sheet prior to submission. The signature implies that management agrees with the skills and qualifications of the applicant as provided in the SGE application and supports the applicant's participation.
- D. Ethics Documents. The SGE Application package includes a document that describes the ethics requirements for SGEs. All SGE applicants must acknowledge that they have read and that they understand all ethics requirements.
- E. Confidential Financial Disclosure Report. The SGE Application includes a document that provides a mechanism for determining actual or potential financial conflicts between the SGEs public and private interests and activities. This allows the SGE and OSHA to fashion appropriate protections against such conflicts. The



report shall be:

1. Reviewed and certified by the SGE Coordinator after the SGEs application approval.
2. Updated by the SGE on an annual basis. If no financial changes have occurred, the SGE must notify the SGE Coordinator, in writing, that there are no changes since the previous submission.

IV. Continuing Eligibility Requirements. All renewing SGEs must continue to meet the initial SGE qualifications as outlined in Section II of this chapter.

V. Qualifying Activities. In order for an SGE to be reapproved, the SGE must have been actively involved in the VPP within his/her previous term of service. To gain reapproval, the SGE must have performed a minimum of three (3) Qualifying Activities. One of the three Qualifying Activities must have been participation on a VPP On-site Evaluation Team.

1. Qualifying Activities include the following:
  - a. Participate on a VPP On-site Evaluation Team (minimum requirement of one).
  - b. Assist the Regional VPP Manager with the review of a site's VPP application.
  - c. Assist the Regional VPP Manager with the review of VPP sites' annual self-evaluation report.
  - d. Serve as an instructor/co-instructor for the SGE Course.
  - e. Serve as an instructor/co-instructor for the VPP Application Workshop.
  - f. Provide on-site mentoring to a potential or reapproving VPP site.
  - g. Present a VPP or related safety and health topic at a Regional or National VPPPA Conference.

## Chapter 3

### SGE Training, Oath of Office, and Terms of Service

- I. SGE Training. SGE training is required for all new applicants. Newly-approved SGEs are required to attend a three-day OSHA training course that provides an overview of OSHA's VPP and the roles and responsibilities of SGEs. OSHA provides the training free of charge.
  - A. Training Notification. The SGE Coordinator must send applicants written notice of where to report for training no later than four (4) weeks prior to the start of the SGE training. Renewing SGEs need not attend SGE training unless notified by the SGE Coordinator.
  - B. Training Frequency. SGE training is conducted several times each quarter. The total number of trainees in any one session may not exceed 35 unless approved by the Director, Office of Partnerships and Recognition following consultation with the course instructor(s).

Request for an ad-hoc class(es) will be considered on a case-by-case basis.
  - C. Training Responsibilities. The SGE Coordinator has primary responsibility for organizing SGE training, with assistance from a VPP Manager. Instructors must be identified based on the needs of the trainees and the geographic location of the training. The lead instructor is generally a VPP Manager with extensive VPP experience in evaluating effective safety and health management systems. The lead instructor may request assistance from experienced SGEs, Compliance Safety and Health Officers (CSHOs), Compliance Assistance Specialists (CASs), or other knowledgeable persons.
  - D. Training Content. Training content will be determined by the Director, Office of Partnerships and Recognition (OPR), with assistance from VPP Managers. Modifications to the training content must be approved by the OPR Director before implementation.
- II. Oath of Office. SGEs may not participate on an on-site evaluation until they have taken the Federal oath of office administered by an OSHA appointing official empowered by the head of the Agency under the authority of 5 U.S.C. 2903. OSHA appointing officials include the Assistant Secretary, Deputy Assistant Secretaries, Regional Administrators, Directorate Heads, Director of the Office of Partnerships and Recognition, Office of the Assistant Secretary for Administration and Management (OASAM) Regional Human Resource Officers, and Area Directors, or a designated deputy who is temporarily acting for one of the officials listed above.
  - A. Oath of Office for New SGEs.

1. The oath of office must be administered to new SGEs after the completion of the class. The VPP Manager is responsible for securing an appointing official to administer the oath and for coordinating the swearing-in activities.
  2. Federal employees need not take the oath of office since it was administered upon their employment with the Federal Government.
- B. Oath of Office for Renewing SGEs. The VPP Manager is responsible for coordinating a suitable time and place for an appointing official to administer the oath of office to renewing SGEs. If the SGEs current term of service has not expired, the three year term will automatically be extended without the need to retake the oath of office or sign a new appointment affidavit.

However, if the SGEs term of service has expired, but the SGE has been reapproved, the SGE must contact the Regional VPP Manager/Coordinator for assistance in: (1) re-taking the "Oath of Office" and (2) signing a new appointment affidavit which will extend the SGE term of service for another three years.

- C. Appointment Procedures. Each SGE appointee may elect to either “swear” or “affirm” the oath of office. An American flag must be present. The appointing official must meet the qualifications as described on page 1-4.
1. The appointing official must ascertain if the appointee elects to swear or affirm to this affidavit. If the individual wishes to affirm the oath, then the words “So help me God” in the oath and the word “swear” should be stricken wherever these words appear. Only these words may be stricken and only when the appointee elects to affirm the affidavit.
  2. The appointing official must ask all persons present to rise for the administration of the oath of office. The appointing official must stand facing the appointee(s) with the American flag between them and instruct the appointee(s) to raise his or her right hand. The appointing official must read the oath of office in short phrases, waiting for the appointee to repeat each phrase before proceeding to the next.
  3. When the administration of the oath of office is complete, the appointing official must complete and sign the Appointment Affidavit (SF-61). The position of appointment must be “Special Government Employee.”
- D. SGE Appointment Affidavits. An Appointment Affidavit (SF-61) must be completed for each SGE who takes the oath of office. This form can be downloaded from the Internet at: [www.opm.gov/forms/html/sf.asp](http://www.opm.gov/forms/html/sf.asp). Both the SGE and the appointing official must sign the form after the oath of office has been

administered. After the Appointment Affidavits has been signed by both parties, the VPP Manager or the appointing official is responsible for sending the original signed Appointment Affidavits to:

U.S. Department of Labor – OSHA  
OSHA Office of Partnerships and Recognition  
200 Constitution Ave., NW – Room N-3700  
Washington, DC 20210  
ATTN: SGE Coordinator

III. SGE Term of Service. All SGEs are initially appointed to a three-year term of service. SGEs serve at the pleasure of the Assistant Secretary for Occupational Safety and Health. Service is contingent upon proper ethical conduct.

- A. New SGEs. The term of service for new SGEs must be calculated from the date that they successfully complete SGE training and take the oath of office.
- B. Renewing SGEs. The term of service must be calculated from the date their application is reapproved by the Director of Cooperative and State Programs.
- C. Termination of Service. Service as an SGE must be terminated without notice by the Agency if the conditions in Chapter 2 of this Policies and Procedures Manual under which the SGE was originally appointed no longer apply. If the OSHA or State Plan State team leader has evidence or determines that an SGE is not conducting him/herself in a proper manner during a VPP on-site evaluation, the team leader must ask the SGE to leave the worksite immediately. The VPP Manager/Coordinator must provide information about the incident to the Director of Cooperative and State Programs within five business days of the conclusion of the onsite and, if appropriate, recommend that the SGEs term of service be terminated.

Additionally, if complaints are received or made by either OSHA or the host company regarding a particular SGEs performance (or lack thereof), inappropriate behavior/conduct during an on-site evaluation or other qualifying activity, the SGEs term of service will be terminated.

D. SGE On-site Evaluation Duties. SGEs function as members of a VPP on-site team. SGE assignments may include, but are not limited to, the following on-site evaluation activities:

- 1. Reviewing company documents that describe or verify the worksite's safety and health management system.
- 2. Conducting a walkaround of the worksite to ensure that the site's safety and health management system is operating effectively.

3. Interviewing employees of the company and contractors to determine their level of involvement in and perceptions of the worksite's safety and health management system.
  4. Assisting in the preparation of a team report that evaluates the worksite's safety and health management system with respect to VPP criteria.
- E. Other SGE Duties/Qualifying Activities. At the request and discretion of the VPP Manager/Coordinator (or VPPPA in the case of items 5 and 6), SGEs may also be involved in other activities which are outlined below.
1. Assist the Regional VPP Manager with the review of a site's VPP application.
  2. Serve as an instructor/co-instructor for the SGE Course.
  3. Serve as an instructor/co-instructor for the VPP Application Workshop.
  4. Assist the Regional VPP Manager with the review of VPP sites' annual self-evaluation.
  5. Provide on-site mentoring to a potential or reapproving VPP site. (This activity may be coordinated through the Regional VPP Manager or through a VPPPA Mentoring Program Coordinator.)
  6. Present a VPP or related safety and health topic at a Regional or National VPPPA Conference. (This activity shall be coordinated through the Regional or National VPPPA.)
- F. SGE Participation. SGEs are strongly encouraged to participate on a VPP on-site evaluation as soon as possible after completing the SGE course. Thereafter, OSHA requires the SGE to have performed a minimum of three (3) qualifying activities. One of the three qualifying activities must have been participation on a VPP On-site Evaluation Team (see Chapter 2, Section IV). Failing to meet this requirement due to OSHA's cancellation of an on-site or other activity will not adversely affect the SGEs ability to renew their status.
- If an SGE does not meet the participation requirements, OSHA will not approve the SGE for renewal. The SGE must wait at least one year before reapplying. SGE training is only necessary if the lapse in service is greater than three years.
- G. SGE Costs. All costs associated with attending the SGE training and participating in VPP on-site evaluations and other SGE duties are the responsibility of the SGEs employer.

H. Injury/Illness of an SGE. In the event that an SGE experiences a safety or health injury/illness while conducting a VPP onsite evaluation or other qualifying activity, the SGE must report the injury/illness to their immediate employer and notify the onsite team leader. The following factors preclude the Department of Labor from the responsibility of the SGEs injury/illness:

1. OSHA does not pay the salary of the SGE.
2. OSHA does not have day to day oversight of the SGE on a regular basis.
3. OSHA does not oversee the job site.
4. OSHA does not instruct the SGE on how to perform their duties.

## Chapter 4

### SGE Utilization

#### I. Utilization of SGEs.

##### A. SGE Utilization in State Plan States.

1. State Plan States that want to use federally-approved SGEs for VPP on-site evaluations first must have in place a signed and dated Memorandum of Understanding (MOU) with OSHA. An SGE MOU template can be downloaded at [www.osha.gov/dcsp/vpp/sge/sge\\_mou\\_states.html](http://www.osha.gov/dcsp/vpp/sge/sge_mou_states.html). See also Appendix A for a sample.
2. SGE MOU Submission Process. A State must secure the appropriate signature from the State Designee and forward the completed MOU to OSHA's SGE Coordinator in the Office of Partnerships and Recognition.

The SGE Coordinator will process the requested MOU and forward it to the Assistant Secretary for approval and signature. Once the MOU is signed, the Directorate of Cooperative and State Programs (DCSP) will notify the State of MOU approval, and the State can begin use of SGEs.

##### B. Requesting Assistance from SGEs. VPP Managers/Coordinators must request assistance directly from SGEs.

1. Requesting Use of Approved SGEs. Only those individuals whose SGE status is "active" may be requested. Once an SGE has agreed to participate in a specific on-site review, the VPP Manager/Coordinator must request permission from the SGE Coordinator to utilize that SGE.
2. Site Concurrence in Utilizing SGEs. The VPP Manager or VPP Coordinator must inform the VPP applicant/participant of the intention to use an SGE as a member of the VPP on-site evaluation team, and the employer must agree with this arrangement.

##### C. Composition of OSHA or State Plan State Evaluation Team.

1. The VPP on-site evaluation team must include at least one Federal or State employee serving in the capacity of Team Leader. SGEs may not serve as Team Leaders or Backup Team Leaders unless they are conducting an OSHA Regional/Area Office VPP on-site evaluation.
2. With approval by the Regional Administrator and if the Team Leader is a

qualified Federal or State Plan employee, an unlimited number of SGEs may serve on a VPP on-site evaluation team.

D. Requesting an SGE. Requests for SGEs must be submitted to the SGE Coordinator, at a minimum, no later than two weeks prior to the scheduled on-site evaluation. Late requests, however, may be approved on a case-by-case basis. Requests must be e-mailed and must include the following information:

1. The full name and company of the SGE requested.
2. The company name, city, and state of the worksite that is being evaluated.
3. The beginning date and expected duration of the on-site evaluation.

A VPP Manager must use discretion where there may be a potential conflict of interest outside the normal approval process. Such examples may include, but not limited to, DoD SGEs evaluating the same service branch/Defense Department for which they are employed or same/similar industries for private sector SGEs. The VPP Manager should consult with the site being evaluated prior to the SGE being approved.

E. SGE Approval and Notification.

1. The SGE Coordinator reviews requests for SGEs and approves or denies those requests. The SGE Coordinator may deny a request for an SGE based on the following criteria:
  - a. Information in the request is incomplete.
  - b. The requested SGE is not yet approved, or his/her term of service has expired.
  - c. A financial conflict of interest or the appearance of impropriety precludes participation of the requested SGE.

The SGEs Financial Disclosure Report will be reviewed upon each request to ensure there are no financial conflicts between the requested SGE and the site to be evaluated.

2. The SGE Coordinator must respond to a request for an SGE via e-mail within ten (10) working days of receipt. If a request is denied, the SGE Coordinator may assist the Regional or State Plan State staff in finding a replacement SGE in time for the evaluation.



## Chapter 5

### Application Processing and Program Administration

#### I. Application Processing.

A. Receipt of Applications. The SGE Coordinator is responsible for tracking and managing each SGEs application from the time of receipt until the SGE has taken the oath of office. When an application arrives in the Office of Partnerships and Recognition (OPR), the SGE Coordinator must date stamp it and determine whether it includes all required information.

1. Evaluating the Application. The application must contain the following completed forms:
  - a. SGE Eligibility Information Sheet.
  - b. Current resume or “Optional Application for Federal Employment” Form OF612.
  - c. Confidential Financial Disclosure Report (OGE-450).

The SGE Coordinator must verify that the resume or OF612 contains position-specific safety and health experience. If the resume or OF612 does not include position-specific information, the SGE Coordinator may contact the applicant and request information that satisfies this requirement.

2. Verifying all Required Signatures. The applicant must physically sign all applicable signature areas of the SGE Eligibility Information Sheet, Form OF612 (if applicable), and the Confidential Financial Disclosure Report (OGE-450). No electronic signatures are accepted. If an applicant does not sign one of these forms, the SGE Coordinator must receive, at a minimum, a fax, or photocopy of a signed original.
3. Confidentiality. Due to the sensitivity of some information contained on the SGE application, all SGE applications are stored and locked in file cabinets accessible only by the SGE Coordinator and the OPR Director.

#### B. Preparing the Application Submission Package.

1. Confidential Financial Disclosure Report. The SGE Coordinator must separate the Confidential Financial Disclosure Report (OGE-450) from the rest of the application. This information is confidential and must not be submitted to the Office of Human Resources or discussed with any other

staff member.

2. Application Processing Checklist. The SGE Coordinator must print the SGE Application Processing Checklist, located on the DCSP server at: *Q:\cspOPR\SGE/Application cover sheet.doc*, and complete the checklist, verifying that all forms are attached.
  3. Consolidate the Application Submission Package. After verifying that all forms are completed and attached to the SGE Application Processing Checklist, the SGE Coordinator must sign and date the form.
  4. File the Completed Application Submission Package. After the SGE Application Processing Checklist has been signed, the SGE Coordinator must attach the Confidential Financial Disclosure Report (OGE-450) to the original application packet, attach these documents to the completed application submission package, and file the entire package in the corresponding quarterly submission file until the application due date.
- C. Transmitting Completed Application Submission Packages to the Office of Human Resources. The SGE Coordinator must transmit to OSHA's Office of Human Resources all the completed application submission packages. This should occur as soon after the application due date as possible.
- D. Communication with SGE Applicants and Renewing SGEs. The SGE Coordinator is responsible for maintaining communication with applicants, renewing SGEs and VPP Managers/Coordinators. These responsibilities include:
1. E-mail notification that the application has been received for review and processing.
  2. E-mail notification that the application has been approved and that the applicant is invited to attend training.
  3. E-mail notification of renewed appointment.
- E. Preparing SGE Training Certificates and Appointment Affidavits. The SGE Coordinator must prepare the SGE training certificates. After the certificates are prepared, the SGE Coordinator must transmit them to OSHA's Controlled Correspondence Unit (CCU) in preparation for signature by the Assistant Secretary. The SGE Coordinator must also prepare appointment affidavits for each prospective new SGE. Signed training certificates and appointment affidavits must be completed prior to the beginning of training and must be sent to the training site or the designated Regional instructor.

## II. SGE Program Administration.

- A. Reapplication by SGEs. The SGE term of service is three years. The SGE Coordinator must send each SGE, VPP Manager and VPP Coordinator a reapplication e-mail notification 90 to 120 days before expiration of the SGEs term of service. The reapplication process is detailed in Chapter 2.
- B. Customer Service to SGE Applicants/Participants. The SGE Coordinator's most important responsibility is customer service. The SGE Coordinator must be responsive to all inquiries regarding the SGE Program.
- C. Customer Service to VPP Managers/Coordinators. The SGE Coordinator must be responsive to VPP Managers/Coordinators.
- D. Customer Service to Office of Human Resources. The SGE Coordinator must work closely with the Office of Human Resources. The SGE Coordinator's role includes:
  - 1. Verifying application information.
  - 2. Contacting the applicant if additional experience or other information is needed to process and approve the application.
- E. SGE Data Management.
  - 1. Contact and Experience Data. The SGE Coordinator must enter all of the data from each Application Submission Package into the SGE database.
  - 2. SGE E-mail Addresses. After each prospective SGE has been approved and has taken the oath of office, the SGE Coordinator must submit his/her e-mail addresses to Directorate of Information Technology (DIT) to be added to the SGE global e-mail listing. If an SGE no longer meets the SGE qualifications, the SGE Coordinator must immediately remove his/her name and e-mail address from the e-mail listing.
  - 3. Modifications to SGE E-mail Addresses. It is the responsibility of each SGE to provide the SGE Coordinator with any e-mail address modifications in a timely manner.
  - 4. Out-of-Date E-mail Addresses. If the SGE Coordinator attempts to contact an SGE via e-mail and receives an "invalid e-mail address" error message, the SGE Coordinator will contact the Regional VPP Manager for assistance. If the SGE Coordinator and Regional VPP Manager are unable to reach the SGE, the SGEs term of service will be terminated.
  - 5. Requested On-site Participation Data. When an SGE is approved to

participate on an on-site evaluation, the SGE Coordinator must enter the information into the SGE Database within five working days.

6. Removing an SGE from the Active List. If the SGE Coordinator determines that an SGE no longer meets program qualifications, the SGE Coordinator will notify the respective VPP manager, update the SGE database and convert the identified SGEs status from “active” to “inactive.”

F. SGE Reports. Reports issued by the Office of Partnerships and Recognition are sent to the VPP Managers.

1. Report of Active SGEs. This report lists all active SGEs and is provided to the VPP Managers on a quarterly basis or at their request.
2. Specialized Reports. Specialty reports can be generated upon request to the SGE Coordinator. These include, for example: Active SGEs in a particular Region or State; SGE activity report; PSM qualified SGEs; and Industrial Hygienist qualified SGEs.

G. Planning and Coordination of Training. The SGE Coordinator is responsible for initiating the planning process for SGE training courses. Prior to the beginning of each fiscal year, the date and location of SGE training needs to be determined in advance of the application deadline corresponding to a training session. Ad-hoc classes will be considered on a case-by-case basis.

1. Networking with VPP Managers. The SGE Coordinator should discuss timeframes for upcoming training sessions with the VPP Managers and encourage them to host the event or to work with a VPP site in their Region to host the event.
2. Coordinating Training with a VPP Site or Other Host Organization. If a VPP site or other organization offers to host SGE training, the VPP Manager must first discuss the offer with the SGE Coordinator. The SGE Coordinator must not accept the offer before the VPP Manager determines whether this arrangement is acceptable and that the Region is able to provide the necessary training resources.
3. End of Training. At conclusion of training, the SGE Course instructor will present the host site with a Certificate of Appreciation.
4. Postponement of SGE Training. In the event that a training class needs to be postponed, the SGE Coordinator will notify all applicants via e-mail who are scheduled to attend the class.

5. Deferral of Training by an SGE Applicant. An SGE applicant occasionally will be unable to attend the SGE training as scheduled, in which case he or she may defer training until the next available training session. The SGE Coordinator must consider a deferred application as one received during the current application period.

Failure to attend SGE training within one year of submitting the SGE application will result in the prospective SGE having to reapply.

## Chapter 6

### SGE Incentives, Benefits and Awards

- I. Incentives/Benefits. In the interest of encouraging SGE participation and recognizing SGEs' value to VPP and OSHA, the Agency offers the following incentives/benefits:
- A. Certification Points. SGEs may earn Certified Safety Professional (CSP) or Certified Industrial Hygienist (CIH) certification points by doing the following:
1. Attending and successfully completing the VPP SGE three day training course. The certification maintenance points are noted on the bottom of the SGE Certificate of Completion.
  2. Participating in VPP on-site evaluations. Each 40-hour VPP on-site evaluation is equivalent to 1 CM point for CIH and .625 COC credit for CSP.
- B. Continuing Education Units (CEU). SGEs are awarded continuing education units upon attending and successfully completing the VPP SGE three day training course. The CEU points are noted on the bottom of the SGE Certificate of Completion.
- C. Tuition Waiver for OSHA Training Institute (OTI) Courses. Active SGEs are eligible to attend OSHA Training Institute courses in Arlington Heights, Illinois and have their tuition waived. To qualify for the benefit, you must be an active SGE who have completed at least one qualifying activity. The SGE must contact the SGE Coordinator directly to register. The SGE Coordinator will oversee course registration and provide final course approval and confirmation. To facilitate the registration process, each SGE must:
1. View the OTI Searchable Course Schedule for a complete list of available courses at [http://www.osha.gov/dte/ecd/course\\_otiec\\_search\\_public.html](http://www.osha.gov/dte/ecd/course_otiec_search_public.html). The individual course listings will indicate the number of seats available.
  2. Make a course selection and note the course number, course title, and date offered.
  3. Forward the course information to the SGE Coordinator.

The SGE Coordinator will notify the respective VPP Manager and process SGE course registration through OTI. An e-mail notification will go directly from OTI to the SGE, confirming his/her slot for the selected course. NOTE: Travel

arrangements should not be made until e-mail confirmation is received.

D. Recognition.

1. Lapel Pins. Prior to the start of a new SGEs first on-site evaluation, the VPP Team Leader will present a lapel pin to the SGE.
2. Thank-You Letters. After an SGE participates on a VPP on-site evaluation, the VPP Manager will send the SGEs manager a letter of appreciation for the SGEs contributions to the on-site evaluation.

The Regional VPP Manager/Coordinator will assure that the SGE assisting with the class will be provided either a certificate of appreciation or a letter from the Regional Administrator.

II. SGE of the Year Award.

A. Purpose. This award is designed to recognize an SGE who epitomizes and exhibits exceptional support, effort, and action in VPP, and in so doing sets him/herself apart from other SGEs. The person selected must meet the following criteria:

1. Be actively involved in volunteer activities that benefit the VPP.
2. Perform outreach and assistance to employers/employees outside his/her own company.
3. Demonstrate an outstanding commitment to the partnership ideals of VPP.

B. Candidate Selection Process. The Director, Cooperative and State Programs will solicit one candidate from each Regional VPP Manager and forward the names and supporting recommendations to the SGE Coordinator.

C. Scoring. Each candidate will be reviewed and scored by Regional and National Office VPP staff based on the criteria outlined in A.1.-3., above. The National Office score will be the average of the scores submitted by National Office VPP staff. The SGE of the Year will be determined by tallying the candidates' Regional and National Office scores. The top score will be the winner.

D. Announcement of Winner. Each year the Director, Cooperative and State Programs will determine the appropriate venue for announcing the SGE of the Year.

# Appendix A

## Memorandum of Understanding for State Plans



MEMORANDUM OF UNDERSTANDING  
between  
THE STATE/COMMONWEALTH OF \_\_\_\_\_,  
DEPARTMENT OF \_\_\_\_\_  
A STATE PLAN STATE  
and  
THE UNITED STATES DEPARTMENT OF LABOR,  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

I. Purpose and Authority

Pursuant to section 21(c)(2) of the Occupational Safety and Health Act of 1970, (29 U.S.C. § 656, the Act), the State of \_\_\_\_\_, \_\_\_\_\_(designated state agency) and the Occupational Safety and Health Administration (OSHA) agree that the State of \_\_\_\_\_ may request and, within the prescribed intent, scope, policies and procedures of OSHA, use duly authorized Federal employees, some of whom may be Federal volunteers who have the status of Special Government Employees (SGEs) as defined at 18 U.S.C. § 202(a), as members of the State's Voluntary Protection Programs (VPP) on-site review teams.

II. Duties of Duly Authorized Federal Employees

A. The Federal members of the State of \_\_\_\_\_ VPP on-site review team duties will include, but are not limited to:

1. Reviewing company documents that describe or verify the worksite's safety and health management system;
2. Conducting a walkaround of the worksite to ensure that the site's safety and health management system is operating effectively;
3. Interviewing employees of the company and contractors to determine their level of involvement in and perceptions of the worksite's safety and health management system; and
4. Assisting in the preparation of a report that evaluates the worksite's safety and health management system with respect to VPP criteria.

B. The duties of the Federal members of the State of \_\_\_\_\_ VPP on-site review team shall not include, at any time, the role of Team Leader or other primary decision maker.

III. Period of Performance

This agreement shall commence upon its execution by both parties. Activities shall begin as

soon as possible.

Either party may terminate this agreement on 30 days written notice to the other.

IV. Miscellaneous

The State may be asked to provide reports, information and/or recommendations to OSHA regarding activities, expenses and feedback about its experience under this agreement.

The State shall take all reasonable steps to protect the safety and health of the Federal employees acting as members of the on-site review team.

V. Effect of Agreement

This agreement is between government entities and is not intended to confer any right upon any private person.

Nothing in this agreement shall be interpreted as limiting, superseding or otherwise affecting either agency's normal operations or decisions in carrying out its statutory or regulatory duties. This agreement does not limit or restrict the parties from participating in similar activities or arrangements with other entities.

This agreement does not itself authorize the expenditure or reimbursement of any funds. Nothing in this agreement obligates the parties to expend appropriations or to enter into any contract or other obligations.

AGREED TO

\_\_\_\_\_  
[NAME]  
Assistant Secretary of Labor for  
Occupational Safety and Health

\_\_\_\_\_  
Date

FOR THE STATE OF \_\_\_\_\_

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

# Appendix B

## Process Safety Management (PSM)

### Level 1 Requirements

# Process Safety Management (PSM) Level 1 Requirements

Below are the course descriptions for the OSHA Training Institute (OTI) Course #3300 *Safety and Health in the Chemical Processing Industries*, Course #3400 *Hazard Analysis in the Chemical Processing Industries* and Course #3430 *Advanced PSM in the Chemical Industries*. To ensure compliance with Process Safety Management (PSM) Level 1 training, you must have received equivalent training in the concepts identified below.

## **OSHA Training Course (OTI) Course #3300 *Safety and Health in the Chemical Processing Industries***

Course focuses on the recognition, evaluation, and control of safety and health hazards in the chemical industry. The standard 29 CFR 1910.119 is reviewed in detail. In addition, the course is designed to teach students how to review safety analyses used in the management of highly hazardous chemicals. Topics include a review of the strengths and weaknesses of common analytical methodologies such as: What-If, Checklist, What-If/Checklist, and Hazard Operability Studies (HAZOP). Students participate in exercises on reading process and instrumentation diagrams (P&IDs) and reviewing hazard analysis studies.

## **OSHA Training Course (OTI) Course #3400 *Hazard Analysis in the Chemical Processing Industries***

Course focuses on mechanical integrity and other significant safety and health issues at facilities regulated by 29 CFR 1910.119, Process Safety Management for Highly Hazardous Chemicals. Highlights include the analysis of requirements for materials, the study of specific equipment items identified as critical to process safety management, and the identification of how these materials and equipment fail. What must be done to prevent catastrophic failures in a variety of specific industries and processes is discussed in detail.

## **OSHA Training Course (OTI) Course #3430 *Advanced PSM in the Chemical Industries***

Course is designed to address the recognition, evaluation, and control of hazardous operations in chemical processing facilities. The course focuses on providing the policies and procedures for conducting inspections scheduled in response to OSHA Notice 09-06 (CPL 02) PSM Covered Chemical Facilities National Emphasis Program, effective July 27, 2009. Topics will include: a review of chemical hazards using available resources external to OSHA; examination of the processes, equipment, available standards, and recognized and generally accepted good engineering practices (RAGAGEPs); use of the Dynamic List questions; and effective documentation of inspection findings. The application exercises simulate and support pre-inspection preparation, document management, and case file and report preparation. A variety of case study workshops, review of previous incident and inspection experiences, and participant experiences provide a forum for expanding the students' resources and references for conducting these critical inspections. Students must review four previously archived webinars/webcasts posted in LearningLink prior to attending this class: 0007 PSM of Reactive Hazards, 0014 PSM of Ammonia Refrigeration, 0017 PSM of Chlorine Hazards, and 0022 Chemical Industry NEP.

# Appendix C

## SGE Application

*Application  
for  
Special Government Employee (SGE)  
  
Voluntary Protection Programs*



*Revised July 2015*



**U.S. Department of Labor  
Occupational Safety and Health Administration**

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*Confidential Financial Disclosure Report (OGE-450) not included in application packet. You must visit [www.usoge.gov/forms/oge450\\_pdf/oge450\\_accessible\\_08.pdf](http://www.usoge.gov/forms/oge450_pdf/oge450_accessible_08.pdf) to complete and attach to SGE application.*

# *Eligibility*

---

***The SGE Program accepts new and renewal applications from the following categories of volunteers:***

- VPP site employees. Permanent, full-time employees from approved VPP worksites in states under federal jurisdiction or in states with OSHA-approved State Plans.
- Corporate/Headquarter employees. Permanent, full-time employees who have direct oversight of one or more approved VPP in states under federal jurisdiction or in states with OSHA-approved State Plans.
- Approved SGEs who move from a VPP worksite to a non-VPP worksite ***within the same corporation*** and who continue to have corporate support for SGE participation.

***The SGE Program will consider ineligible and will disqualify the following applicants:***

- Any applicant whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.



# *Qualifications to Participate*

---

## *All SGE applicants must meet the following qualifications:*

- United States citizenship.
- Employed at a VPP worksite for at least two (2) years.
- Management and/or corporate support for participating in the VPP SGE program.
- Experience applying OSHA regulations.
- Experience (current or within the previous two years) in a leadership position (although not necessarily management) dealing with workplace safety and health. Applicants from a VPP worksite or corporation must have actual VPP experience.
- Strong interpersonal skills.
- Sound reading and writing skills.
- Physically able to perform activities required during the on-site evaluation.

## *Safety and Health Professionals must meet these additional qualifications:*

- Two or more years of experience in the safety and health field.
- If employed, more than 50% of daily duties must be dedicated to conducting or managing worksite or corporate safety and/or health activities.
- In addition, safety and health professionals who are ***Process Safety Management (PSM) Specialists:***
  - ✓ must have successfully completed the OSHA Training Institute's (OTI) Course 3300, Safety and Health in the Chemical Processing Industries, Course 3400, Hazard Analysis in the Chemical Processing Industries, and Course 3430, Advanced PSM in the Chemical Industries, and must include with their application documentation of PSM Level 1 certification; ***or***
  - ✓ must have successfully completed equivalent training; ***or***
  - ✓ must document work experience and/or other appropriate qualifications, for example, experience as a Process Safety Manager, Process Safety Engineer, etc.

## *Qualifications of SGE applicants who are not Safety and Health Professionals:*

SGEs need not be safety and health professionals. They may be hourly employees who have several years of experience implementing effective safety and health management systems.

Besides meeting the qualifications above, these applicants must also meet the following qualifications:

- As a general rule, must be a permanent full-time employee of a VPP worksite who has worked at a VPP site for a minimum of two years. However, an SGE who moves from a VPP worksite to a non-VPP worksite *within the same corporation* may continue to serve as an SGE, so long as corporate support continues.
- During that minimum two-year period, must have gained experience in at least three of the following activities (or their equivalent):
  - ✓ chairing a safety/health committee;
  - ✓ working directly with the OSHA VPP on-site review team during the previous on-site review;
  - ✓ training others in safety and health procedures;
  - ✓ writing and reviewing Job Safety Analyses (JSAs) and/or Behavior Job Analyses (BJAs);
  - ✓ coordinating accident investigations;
  - ✓ coordinating proactive safety and health activities such as wellness days;
  - ✓ leading worksite hazard inspection teams;
  - ✓ coordinating hazard abatement activities; or
  - ✓ other experience that demonstrates knowledge of safety and health management systems.

# *Program Information*

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- Applicants must complete and submit an application to participate as a volunteer OSHA Special Government Employee (SGE) for VPP.
- Employees from approved VPP DoD sites are also eligible to become SGEs.
- SGE applications are processed four times each year. Applications must be received in the Directorate of Cooperative and State Programs, Office of Partnerships and Recognition on or before January 15, April 15, July 15 or October 15 of each year. If the deadline date falls on the weekend or a Federal holiday, applications are due on the first Federal business day following the applicable deadline date. Late applications will be held until the next submission deadline.
- All new applicants must attend training. A new SGE applicant will not be approved to attend training until his/her application has been approved by OSHA. Applicants whose application has been approved will receive e-mail notification by the SGE Coordinator of the date and location of training.
- Failure to attend SGE training within one year of submitting the SGE application will result in the prospective SGE having to reapply.
- The term of service for SGEs is three years. SGEs serve at the pleasure of the Assistant Secretary of Labor for the Occupational Safety and Health Administration. A SGEs service is contingent upon proper and ethical conduct. The term of service for new SGEs begins upon successful completion of the SGE training course. The term of service for renewing SGEs is calculated from the approval date of their reapplication.
- The Director of Cooperative and State Programs or his/her designee will disqualify from eligibility all applicants whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.
- As a member of a VPP On-site Evaluation Team, an SGEs assignments may include, but are not limited to, the following activities:
  - ✓ reviewing company documents that describe or verify the worksite's safety and health management system;
  - ✓ conducting a walkaround of the worksite to ensure that the site's safety and health management system is operating effectively;
  - ✓ interviewing employees of the company and contractors to determine their level of involvement in and perceptions of the worksite's safety and health management system; and
  - ✓ assisting in the preparation of a team report that evaluates the worksite's safety and health management system with respect to VPP criteria.
- Currently-serving SGEs must reapply to participate at the end of their term of service. OSHA will send a renewal reminder e-mail to each SGE prior to their expiration of service.
- In order for an SGE to be reapproved, the SGE must have been actively involved in the VPP within his/her previous term of service. To gain reapproval, the SGE must have performed a minimum of three (3) qualifying activities. One of the three qualifying activities must have

been participation on a VPP On-site Evaluation Team. Qualifying activities include the following:

- ✓ Participation on a VPP On-site Evaluation Team (minimum requirement of one);
  - ✓ Assisted the Regional VPP Manager with the review of a site's VPP application;
  - ✓ Served as an instructor/co-instructor for the SGE Course;
  - ✓ Served as an instructor/co-instructor for the VPP Application Workshop;
  - ✓ Assisted the Regional VPP Manager with the review of VPP sites' annual self-evaluation report;
  - ✓ Provided on-site mentoring to a potential or reapproving VPP site; and
  - ✓ Presented a VPP or related safety and health topic at a Regional or National VPPPA Conference.
- SGEs are encouraged to participate on at least one VPP on-site evaluation and/or other qualifying activities as soon as possible after completing the SGE training course.
  - All costs associated with attending the SGE training and participating on VPP on-site evaluations are the responsibility of the SGEs employer.
  - In the event that an SGE experiences a safety or health injury/illness while conducting a VPP onsite evaluation or other qualifying activity, the SGE must report the injury or illness to their immediate employer and not OSHA. The following factors preclude the Department of Labor from the responsibility of the SGEs injury/illness:
    - ✓ OSHA does not pay the salary of the SGE.
    - ✓ OSHA does not have day to day oversight of the SGE on a regular basis.
    - ✓ OSHA does not oversee the job site.
    - ✓ OSHA does not instruct the SGE on how to perform their duties.

# *Application Instructions and Checklist*

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The following forms must be **completed, signed, and dated** for your application to be processed. This instruction and checklist is for your convenience. If you have any questions, please contact the SGE Coordinator at (202) 693-2213. Keep a copy of your application for your files and future reference.

- ✓ Complete the SGE Eligibility Information Sheet.
  
- ✓ Include a copy of your most recently updated resume **or** “Optional Application for Federal Employment” Form OF612. Position-specific safety and/or health experience must be included on your resume or on the OF612. **Failure to include position-specific safety and/or health experience may result in delays in processing your application or disqualification.**
  
- ✓ Please complete the "Confidential Financial Disclosure Report" OGE Form 450. **Remember to sign and date the form.** The form is not part of the SGE Application packet, but can be found on the SGE webpage [www.osha.gov/dcsp/vpp/sge.html](http://www.osha.gov/dcsp/vpp/sge.html) or the U.S. Office of Government Ethics webpage [www.usoge.gov/forms/oge450\\_pdf/oge450\\_accessible\\_08.pdf](http://www.usoge.gov/forms/oge450_pdf/oge450_accessible_08.pdf).
  
- ✓ Please read "*2015 Summary of the Ethics Rules for Special Government Employees.*"

\_\_\_\_\_ SGE Eligibility Information Sheet

\_\_\_\_\_ Current Resume or “Optional Application for Federal Employment” Form OF612

\_\_\_\_\_ Confidential Financial Disclosure Report - OGE Form 450

Return these forms with a cover letter to:

U.S. Department of Labor – OSHA  
SGE Coordinator  
Directorate of Cooperative and State Programs  
200 Constitution Avenue, NW, Room N-3700  
Washington, DC 20210

# SGE Eligibility Information Sheet

**SGE Contact Information:** (Check one)  New SGE  Renewing SGE

Your Name and Title: Last First Mid Init. Job Title \_\_\_\_\_

Your Company Name: \_\_\_\_\_

Site Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

## ELIGIBILITY

### **Applicants actively employed by VPP Participants:**

OSHA VPP Site  DOE VPP Site  State OSHA VPP Site

Your worksite's first official VPP approval date: \_\_\_\_\_ Your starting employment date: \_\_\_\_\_

### **Corporate-level applicants:** Please provide the site name, address and approval date of the VPP site you

control: Site Name: \_\_\_\_\_ Complete mailing address: \_\_\_\_\_

Date of VPP approval: \_\_\_\_\_

Based on the "Qualifications to Participate" (Page 4), are you applying as a safety and/or health professional? Yes  No

Field(s) of Expertise (mark all that apply):

Safety Professional  CSP  Health Professional  CIH  PSM-Level 1 (see qualifications)

Ergonomics  Construction  Spanish-Speaking  Maritime  Other (specify):

If you are not applying as a safety or health professional, please list at least three of the required experiences from the "Qualifications to Participate" (Page 4) that you have participated in while working at your present VPP site.

\_\_\_\_\_  
\_\_\_\_\_

### **Waiver of Claims Against the Government:**

I hereby waive any and all claims against the United States Government or the state in which I perform services, for any compensation on account of my services as an SGE rendered in connection with an on-site evaluation of an applicant to OSHA's VPP Program or a State Plan State's VPP Program.

\_\_\_\_\_  
Signature of Employee

### **Ethical Conduct for Government Employees:**

I have read and fully understand the *Summary of Ethics Rules for Special Government Employees*.

\_\_\_\_\_  
Signature of Employee

**U.S. Citizenship:**

Are you a United States citizen? Yes  No   
(If no, you are unable to apply to become a Special Government Employee (SGE))

**Management Contact Information:**

Name of Manager/Supervisor: \_\_\_\_\_ Title: \_\_\_\_\_

Corporation: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

\_\_\_\_\_  
Signature of Manager/Supervisor

(Signature required. Signature implies concurrence with SGE applicant’s qualifications and management’s commitment to provide the resources necessary to support the SGE through the SGE program.)

**Renewing SGEs Only:** In order to extend your three-year term, indicate below which qualifying activities you were involved in during your previous term of service.

Participated on VPP On-site Evaluation: Site name \_\_\_\_\_ Date of evaluation \_\_\_\_\_

Reviewed of a site’s VPP Application: Site name \_\_\_\_\_

Assisted with review of VPP site’s annual self-evaluation report: Region \_\_\_\_\_

Co-Instructor of SGE Course or VPP Application Workshop:

Location \_\_\_\_\_ Date of training \_\_\_\_\_

Mentored applicant or reapproval of VPP site: Applicant/site name \_\_\_\_\_

Presented a VPP or safety & health topic at a Regional or National VPPPA Conference:

Location \_\_\_\_\_ Date \_\_\_\_\_

Other \_\_\_\_\_

OMB Control Number: 1218-0239 Expires 01-31-2018

Public reporting burden for this collection of information is voluntary and is estimated to average 8 minutes per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Partnerships and Recognition, Department of Labor, Room N-3700, 200 Constitution Avenue., N.W., Washington, DC 20210.

## **GENERAL INFORMATION**

You may apply for most Federal jobs with a resume, the attached *Optional Application for Federal Employment* or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job. Type or print clearly in dark ink. Help speed the selection process by keeping your application brief and sending only the requested information. If essential to attach additional pages, include your name and Social Security Number on each page.

- For information on Federal employment, including job lists, alternative formats for persons with disabilities, and veterans' preference, call the U.S. Office of Personnel Management at **912-757-3000**, **TDD 912-744-2299**, by computer modem **912-757-3100**, or via the Internet (Telnet only) at **FJOB.MAIL.OPM.GOV**.
- If you served on active duty in the United States Military and were separated under honorable conditions, you may be eligible for veterans' preference. To receive preference if your service began after October 15, 1976, you must have a Campaign Badge, Expeditionary Medal, or a service-connected disability. Veterans' preference is not a factor for Senior Executive Service jobs or when competition is limited to status candidates (current or former career or career-conditional Federal employees.)
- Most Federal jobs require United States citizenship and also that males over age 18 born after December 31, 1959, have registered with the Selective Service System or have an exemption.
- The law prohibits public officials from appointing, promoting, or recommending their relatives.
- Federal annuitants (military and civilian) may have their salaries or annuities reduced. All employees must pay any valid delinquent debts or the agency may garnish their salary.
- Send your application to the office announcing the vacancy. If you have questions, contact that office.

## **THE FEDERAL GOVERNMENT IS AN EQUAL OPPORTUNITY EMPLOYER**

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## **PRIVACY ACT AND PUBLIC BURDEN STATEMENTS**

- The Office of Personnel Management and other Federal agencies rate applicants for Federal jobs under the authority of sections 1104, 1302, 3301, 3304, 3320, 3361, 3393, and 3394 of title 5 of the United States Code. We need the information requested in this form and in the associated vacancy announcements to evaluate your qualifications. Other laws require us to ask about citizenship, military service, etc.
- We request your Social Security Number (SSN) under the authority of Executive Order 9397 in order to keep your records straight; other people may have the same name. As allowed by law or Presidential directive, we use your SSN to seek information about you from employers, schools, banks, and others who know you. Your SSN may also be used in studies and computer matching with other Government files; for example, files on unpaid student loans.
- If you do not give us your SSN or any other information requested, we cannot process your application, which is the first step in getting a job. Also, incomplete addresses and ZIP Codes will slow processing.
- We may give information from your records to: training facilities; organizations deciding claims for retirement, insurance, unemployment or health benefits; officials in litigation or administrative proceedings where the Government is a party; law enforcement agencies concerning violations of law or regulation; Federal agencies for statistical reports and studies; officials of labor organizations recognized by law in connection with representing employees; Federal agencies or other sources requesting information for Federal agencies in connection with hiring or retaining, security clearances, security or suitability investigations, classifying jobs, contracting, or issuing licenses, grants, or other benefits; public and private organizations including news media that grant or publicize employee recognition and awards; and the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, the National Archives, the Federal Acquisition Institute, and congressional offices in connection with their official functions.
- We may also give information from your records to: prospective nonfederal employers concerning tenure of employment, civil service status, length of service, and date and nature of action for separation as shown on personnel action forms of specifically identified individuals; requesting organizations or individuals concerning the home address and other relevant information on those who might have contracted an illness or been exposed to a health hazard; authorized Federal and nonfederal agencies for use in computer matching; spouses or dependent children asking whether the employee has changed from self-and-family to self-only health benefits enrollment; individuals working on a contract, service, grant, cooperative agreement or job for the Federal Government; non-agency members of an agency's performance or other panel; and agency-appointed representatives of employees concerning information issued to the employee about fitness-for-duty or agency-filed disability retirement procedures.
- We estimate the public reporting burden for this collection will vary from 20 to 240 minutes with an average of 40 minutes per response, including time for reviewing instructions, searching existing data sources, gathering data, and completing and reviewing the information. You may send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to U.S. Office of Personnel Management, Reports and Forms Management Officer, Washington, DC 20415-0001.
- Send your application to the agency announcing the vacancy.



# OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT - OF 612

You may apply for most jobs with a resume, this form, or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job.

<b>1</b> Job title in announcement Special Government Employee (SGE)	<b>2</b> Grade(s) applying for N/A	<b>3</b> Announcement number N/A
<b>4</b> Last name <u>Last</u>	First and middle names <u>First</u> <u>Mid Init.</u>	<b>5</b> Social Security Number
<b>6</b> Mailing address  City State ZIP Code		<b>7</b> Phone numbers (include area code) Daytime ( )  Evening ( )

## WORK EXPERIENCE

**8** Describe your paid and nonpaid work experience related to the job for which you are applying. Do **not** attach job descriptions.

1) Job title (if Federal, include series and grade)

From (MM YYYY) MM YYYY	To (MM YYYY) MM YYYY	Salary \$	per Year	Hours per week 40
Employer's name and address				Supervisor's name and phone number ( )
Describe your duties and accomplishments				

2) Job title (if Federal, include series and grade)

From (MM YYYY) MM YYYY	To (MM YYYY) MM YYYY	Salary \$	per Year	Hours per week 40
Employer's name and address				Supervisor's name and phone number ( )
Describe your duties and accomplishments				

9 May we contact your current supervisor?  
 YES  NO  If we need to contact your current supervisor before making an offer, we will contact you first.

**EDUCATION**

10 Mark highest level completed. Some HS  HS/GED  Associate  Bachelor  Master  Doctoral

11 Last high school (HS) or GED school. Give the school's name, city, State, ZIP Code (if known), and year diploma or GED received.

12 Colleges and universities attended. Do **not** attach a copy of your transcript unless requested.

1)	Name	Total Credits Earned		Major(s)	Degree - (if any)	Year Received
		Semester	Quarter			
	City	State	ZIP Code			
2)						
3)						

**OTHER QUALIFICATIONS**

13 **Job-related** training courses (give title and year). **Job-related** skills (other languages, computer software/hardware, tools, machinery, typing speed, etc. **Job-related** certificates and licenses (current only). **Job-related** honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking, and performance awards.) Give dates, but do **not** send documents unless requested.

**GENERAL**

14 Are you a U.S. citizen? YES  NO  Give the country of your citizenship. USA

15 Do you claim veterans' preference? NO  YES  Mark your claim of 5 or 10 points below.  
 5 points  Attach your DD 214 or other proof. 10 points  Attach an *Application for 10-Point Veterans' Preference* (SF 15) and proof required.

16 Were you ever a Federal civilian employee? NO  YES  For highest civilian grade give:  
 Series Grade From (MM YYYY) To (MM YYYY)  
 MM YYYY MM YYYY

17 Are you eligible for reinstatement based on career or career-conditional Federal status? NO  YES  If requested, attach SF 50 proof.

**APPLICANT CERTIFICATION**

18 I certify that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I understand that false or fraudulent information on or attached to this application may be grounds for not hiring me or firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated.

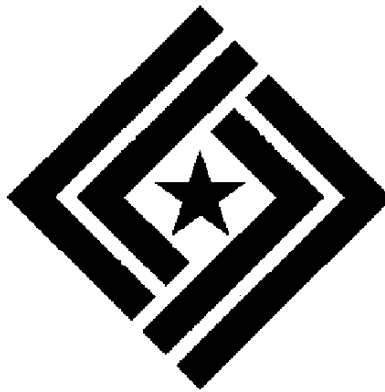
SIGNATURE

DATE SIGNED

# **Ethics for SGEs**

**2015 Summary of the Ethics Rules  
for Special Government Employees**

**U.S. Department of Labor**



**U.S. Department of Labor  
Office of the Solicitor  
Office of Legal Counsel  
Counsel for Ethics Tel. No. (202) 693-5528**

# ETHICS FOR SGEs

The role of consultants and advisors is vital to the effective functioning of the Federal Government. All employees are held to a high standard of conduct. As an employee, whether paid or unpaid, who is expected to serve 130 days or less per year, you are considered a “special Government employee” and are subject to many, but not all, of the ethics rules applicable to Government employees who serve for longer periods of time. This document is to help familiarize you with those rules.

You are strongly encouraged to ask questions whenever you have any concerns about ethics-related matters. In this area, “preventive medicine” is the best course of action to avoid embarrassment to you, the Secretary, and the Department. Each Department and agency has a Designated Agency Ethics Official and an Alternate Designated Agency Ethics Official; see below for this and other contact information.

**“Warranties and Limitations.”** This document is designed to be a basic, “user-friendly” summary of the ethics requirements. It is not an independent regulation and does not supersede any of the legal authorities described above. This summary is meant solely to familiarize you with the requirements and help you recognize and deal with potential pitfalls.

**If you have questions regarding an ethics issue, please contact Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Senior Ethics Staff Attorney, at (202) 693-5519.**

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Designated Agency Ethics Official:  
M. Patricia Smith, Solicitor of Labor

Alternate Designated Agency Ethics Official:  
Robert A. Shapiro, Associate Solicitor for Legal Counsel

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<b>FINANCIAL CONFLICTS OF INTEREST</b>
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To ensure public confidence in the integrity of the Government and its employees, a conflict of interest statute prohibits you from working as a special Government employee on a matter affecting your personal financial interests (or the interests of those close to you). Participating in such a matter would create a conflict of interest between your personal interests and your duty to the Government.

**General Rule.** You may not participate as a Government official on a matter that will have a direct and predictable effect on your financial interests or the financial interests of your spouse, minor children, or general partners; persons with whom you are seeking or have an arrangement concerning employment; organizations for which you serve as officer, director, trustee, general partner, or employee; or, with regard to a matter involving specific parties, a member of your household (unless an exception applies or you receive a conflict of interest waiver).

**Exceptions to the General Rule.** Disqualification is not necessary if the interest is:

- held in a broadly diversified mutual fund (a fund which does not concentrate its investments in a particular industry sector or geographic area);
  - held in a sector mutual fund (i.e., a fund investing in a specific industry sector and (1) the affected holding is not invested in the sector in which the fund concentrates, or (2) the aggregate market value of the disqualifying interest in all sector mutual funds (including those of persons whose interests are imputed to the employee) does not exceed \$50,000;
  - a publicly-traded stock or bond holding of \$15,000 or less (unless the matter involves specific parties and holdings in all affected parties total more than \$15,000);
  - a publicly-traded security or long-term Federal or municipal security in an entity that is not a party to the matter, but may be affected by the matter; and the aggregate market value of the holdings does not exceed \$25,000;
  - a publicly-traded stock or bond holding of \$25,000 or less if the matter is a general policy matter and the total value of investments in affected entities is \$50,000 or less;
  - an interest for which you have received a conflict of interest waiver (the Department usually issues waivers for all interests reported on financial disclosure reports filed by members of Federal Advisory Committees); or
- (b) If you are a Federal Advisory Committee member, disqualification is not necessary if the interest is:
- an interest arising from your non-Federal employment and the matter at issue is a general policy matter affecting that interest as part of a class.

**Conflict of Interest Waivers.** You may receive a conflict of interest waiver for interests that are not substantial or, if you serve on a Federal Advisory Committee, for interests that are reported on a financial disclosure report if there is a determination that the need for your service outweighs any potential conflict of interest presented by the financial interest in question. You should contact Rob Sadler, Counsel for Ethics, at

(202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519 to obtain a conflict of interest waiver, if you think one is appropriate.

## EXAMPLES

### NO PROBLEM

*An advisory committee member advises on regulations which will affect all domestic telecommunications companies. She has \$20,000 worth of stock in a telecommunication company.*

*A 90-day temporary employee reviews a proposed safety and health regulation affecting the mining industry. She has \$60,000 of holdings in a broadly-diversified mutual fund, which may include mining equities.*

### PROBLEM

*An advisory committee member advises on regulations which will affect all domestic telecommunications companies. She has \$30,000 worth of stock in a telecommunication company and no conflict of interest waiver.*

*A 90-day temporary employee reviews a proposed safety and health regulation affecting the mining industry. She has \$60,000 of holdings in a mining-sector mutual fund.*

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### APPEARANCES OF BIAS – NON-FINANCIAL CONFLICTS OF INTEREST

Because the public must have confidence in the Government and the impartiality of its employees, it is important that you avoid situations that may give rise to an appearance of a conflict of interest based on your personal relationships. There may be matters on which you are asked to work that will not create an actual financial conflict of interest, but may, because the matter involves someone with whom you have close ties, create an appearance of favoritism or loss of objectivity. Thus, in addition to the statutory restrictions above, there is an additional restriction in the Standards of Conduct, which prohibits you from participating in matters in which certain persons with whom you have close ties (“covered relationships”) are parties or are representing parties, if, under a reasonable person standard, participation would cause an appearance of loss of impartiality.

**General Rule.** You may not participate in a matter involving specific parties if: (1) a person with whom you have close ties (a “covered relationship”) is a party or is representing a party in the matter; and (2) your participation would create an appearance of loss of impartiality (unless you receive specific authorization to participate in the matter). Persons with whom you have a “covered relationship” include:

- persons with whom you have business or financial relationships or are seeking such relationships (other than routine consumer transactions);

- household members;
- close relatives;
- employers and clients (and prospective employers and clients) of your parents, dependent children, or spouse;
- former non-Federal employers and clients (for one or two years depending on the amount of any severance payment); and
- organizations (other than political parties) in which you are an active participant.

**Exception to the General Rule.** You may be able to work on the matter if the interest of the Government in your participation outweighs a concern that someone may question the integrity of the Department's programs and operations. However, before you participate in such a matter you must receive authorization to do so. Contact Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519, to obtain such an authorization if such a situation arises.

### **EXAMPLES**

#### **NO PROBLEM**

*A consultant works on a grant application from a company for which he worked 3 years ago.*

#### **PROBLEM**

*A consultant works on a grant application from a company for which he worked 3 months ago.*

### **NON-GOVERNMENT ACTIVITIES**

**General Rule regarding Non-Federal Employment.** You may not engage in non-Federal employment that conflicts with your Government duties. You must ensure that aspects of your current employment do not interfere with your ability to carry out your responsibilities as a consultant or advisor to the Government.

**General Rule regarding Outside Speaking and Writing Activities.** Generally, Federal employees may not receive compensation for outside speaking or writing activities that relate to the employee's official duties. SGEs are specifically prohibited from receiving compensation for activities related to their services to the Government, but only as to matters to which the SGE is currently (or had been) assigned during his or her current appointment. An activity is considered to relate to one's official duties if:

- the activity is performed as part of your services to the Government,
- the invitation was extended because of your Government position,
- the invitation was extended by someone with interests in matters that may be affected by your services,
- the information requested draws substantially on nonpublic information obtained because of your Government service, or
- the subject of the activity deals in significant part with:

- any matter to which the employee is assigned or has been assigned during the previous one-year period,
- any ongoing or announced policy, program, or operation of the agency, or
- (in the case of a non-career employee) the general subject matter area, industry, or economic sector primarily affected by the programs and operations of the agency.

For SGEs who serve less than 60 days during the year, the last bulleted factor is applied more narrowly. Please call Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519, for more information.

**General Rule regarding Outside Teaching Activities.** All SGEs may accept compensation for outside teaching activities, provided the course requires multiple presentations offered as part of a regularly established curriculum at various specified types of educational institutions or is part of an educational or training program sponsored and funded by Federal, State, or local government.

**General Rule regarding Political Activities.** Under the Hatch Act, the rules on political activities are intended to allow you to actively participate in the political process, but also to ensure that Government activities and political activities are not intermingled. You may not engage in political activities during Government duty hours or on Government premises or use Government resources (including your Government affiliation) for a partisan political purpose or to aid a political campaign or organization. You may engage in partisan political activities during non-duty hours, even on days in which you are providing services to the Government. However, you may not solicit or accept political contributions during the term you serve as a special Government employee, unless you serve on an intermittent basis, in which case you may not conduct campaign solicitations on days you are providing services to the Government. As a special Government employee, you are, unlike other employees, permitted to run for partisan political office, but you may actively campaign only when not on duty.

**Service as an Expert Witness.** Unless you receive prior authorization, you may not serve as an expert witness in any case involving the United States Government if you participated as a Government employee in the matter that is the subject of the proceeding. Additionally, if you served for more than 60 days during the previous year, or on a commission established by statute, you may not serve as an expert witness in any proceeding before a Federal court or Federal agency if the Department of Labor is a party or has a direct and substantial interest in the matter, unless you receive prior authorization.



## EXAMPLES

### NO PROBLEM

*A special Government employee makes telephone calls on behalf of a candidate in a partisan election on a weekend from in a partisan election his home on a personal cellular telephone.*

### PROBLEM

*A special Government employee makes telephone calls on behalf of a candidate in a partisan election during her lunch hour from her Government office on a personal cellular telephone.*

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## LOBBYING THE FEDERAL GOVERNMENT

**General Rules on Lobbying the Government.** Because you are considered a Federal official, generally you may not contact other Federal officials to influence Government actions on behalf of others (e.g., business associates) in some situations. The restrictions differ depending on how many days you provided services to the Government during the previous year.

If you served for more than 60 days during the previous year, you may not represent anyone before a Federal agency or Federal court in any matter involving specific parties (e.g., contracts, grants, investigations) in which the United States is a party or has a substantial interest if:

- you participated personally and substantially in the matter as a special Government employee, or
- the matter is pending before the Department of Labor.

If you served for 60 days or less, you may not represent anyone before a Federal agency or Federal court in any matter involving specific parties in which the United States is a party or has a substantial interest if:

- you participated personally and substantially in the matter as a special Government employee.

Unlike regular Government employees, SGEs may represent others or receive compensation for representational services in connection with particular matters of general applicability, such as broadly applicable policies, rulemaking proceedings, and legislation which do not involve specific parties. In addition, in certain limited circumstances, SGEs may be authorized to represent another before the Government “in the performance of work under a grant by, or a contract with or for the benefit of, the United States,” where the SGEs special knowledge or skills may be required. This requires a waiver from the Secretary of Labor; please contact Rob Sadler, Counsel for Ethics, at (202) 693-5528, or Kathy Easmunt, Ethics Staff Attorney, at (202) 693-5519, for further information.

**Restrictions on Serving as a Foreign Agent.** Federal officials may not serve as registered agents of foreign governments.

### **EXAMPLES**

#### **NO PROBLEM**

*An advisory committee member (who serves for less than 60 days) contacts a Labor employee on behalf of a neighbor concerning a grant unrelated to the committee's work.*

#### **PROBLEM**

*An advisory committee member (who serves for more than 60 days) contacts a Labor employee on behalf of a neighbor concerning a grant unrelated to the committee's work.*

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### **BRIBES, GIFTS AND SALARY SUPPLEMENTATION**

The United States Government recognizes that the acceptance of bribes is one of the most basic forms of corruption. Similarly, gratuities from persons with matters before the Government may create an appearance of undue influence on Government employees.

**General Rule concerning Bribes.** You may not receive anything of value for taking action or failing to take action in your Government position.

**General Rules concerning Personal Gifts.** You may not accept gifts from a person who has business before the Department of Labor or which is regulated by the Department, unless an exception applies; similarly, you may not accept gifts which are given to you because of your Government position, unless an exception applies.

**Exceptions to the General Rules concerning Personal Gifts.** You may accept:

- gifts valued at \$20 or less (other than cash) (up to \$50 per year from the same source);
- gifts from relatives and friends (if based on a personal relationship);
- gifts of meals, lodging, and travel based on your outside business or employment relationships or those of your spouse;
- awards and honorary degrees (in specified circumstances);
- invitations to widely attended events (if your Government supervisor approves as in the Department's interest);
- business meals and travel-related expenses under some circumstances with prior approval of your supervisor; and
- gifts from a foreign government of \$350 or less. (Gifts of over \$350 may be accepted, but become property of the United States Government.)

NOTE: Remember that the appearance of favoritism or impropriety can cause embarrassment to both you and the Department. Thus, even where acceptance of a gift may be permitted by one of the above exceptions, it is never inappropriate and often prudent to decline a gift.

**General Rules concerning Salary Supplementation.** A criminal statute prohibits Federal employees from receiving any salary, any contribution to or supplementation of their salary from an outside source as compensation for Government services. SGEs, however, are completely exempt from this prohibition and, thus, may continue to collect their regular salary from an outside employer for days on which they are providing services to the Government (whether their Government service is paid or unpaid).

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**MISUSE OF GOVERNMENT  
RESOURCES**

It is important to limit the use of taxpayer-funded resources to activities that benefit the public rather than the individual employee.

**General Rule.** You may only use Government equipment, supplies, services, and personnel for authorized Government activities.

**In particular, your official title may not be used in connection with non-Government activities.** You are prohibited from using public office for your own private gain or the private gain of another. Therefore, you should generally not endorse any product, service, organization, or enterprise in an official capacity, or use or allow the use of your name and title in a manner that could be construed as Governmental sanction. If participating in outside events, unrelated to your Government responsibilities, you may note that you serve as a special Government employee if appropriate, but should refrain from invoking your Government title or position to merely enhance your stature or to obtain special treatment or benefits.

Specifically:

- you must avoid circumstances that may imply that the Government endorses a particular private activity with which you are associated.
- you may not use nonpublic data, economic analyses, private personnel information, national security information, or other nonpublic information for your private activities; and
- you may not use your Government authority, including business contacts obtained through Federal employment, for personal non-official activities.

## EXAMPLES

### NO PROBLEM

*An advisory committee member uses a Labor-produced publicly available study to solicit potential customers for his private business.*

### PROBLEM

*An advisory committee member uses a Labor-produced non-public study to solicit potential customers for his private business.*

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<p><b>POST FEDERAL EMPLOYMENT RESTRICTIONS</b></p>
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**After leaving Federal service you will continue to be subject to some restrictions on your activities, particularly with regard to lobbying the Government and using nonpublic information.**

**General Rules.** After you leave Federal service you may not represent others before a Federal agency or Federal court with regard to a particular matter involving specific parties (e.g., investigations, grants, contracts) in which you participated personally and substantially as a special Government employee. Similarly, for two years after leaving Federal service you may not represent others before a Federal agency or Federal court concerning a matter which was under your official responsibility as a special Government employee during your last year of service.

Certain high-level SGEs (those positions for which the rate of pay is fixed according to the Executive Schedule, those compensated at a rate of pay equivalent to the rate of basic pay for level 5 of the Senior Executive Service, or those appointed by the President or Vice President) are subject to the one-year “cooling off” period from representing anyone before their former agency or department, in connection with any matter, if they served 60 days or more during a one-year period before terminating their services as a “senior employee.” Furthermore, you may not use or disclose nonpublic information you obtained through your Federal service.