

Office of the Secretary, Commerce

§ 0.735-44

request. Reports concerning such requests, if approved, shall be forwarded to the program Secretarial Officer concerned and to the Assistant Secretary for Administration by the head of the operating unit concerned.

weekend or holiday shall be extended to the next working day.

Subpart H—Disciplinary Actions Concerning Post-Employment Conflict of Interest Violations

§ 0.735-43 Report of violations and investigation.

AUTHORITY: 18 U.S.C. 207(j); 5 CFR 737.27.

SOURCE: 49 FR 32057, Aug. 10, 1984; 50 FR 928, Jan. 8, 1985, unless otherwise noted.

(a) If an employee has information which indicates that a former employee has violated any provisions of 18 U.S.C. 207 or regulations thereunder, that employee shall report such information to the Inspector General.

§ 0.735-42 Scope.

(b) Upon receiving information as set forth in paragraph (a) of this section from an employee or any other person, the Inspector General, upon a determination that it is nonfrivolous, shall expeditiously provide the information to the Director, Office of Government Ethics, and to the Criminal Division, Department of Justice. The Inspector General shall coordinate any investigation under this subpart with the Department of Justice, unless the Department of Justice informs the Inspector General that it does not intend to initiate criminal prosecution.

(a) These regulations establish procedures for imposing sanctions against a former employee for violating the post-employment restrictions of the conflict of interest laws and regulations set forth in 18 U.S.C. 207 and 5 CFR Part 737. These procedures are established pursuant to the requirement in 18 U.S.C. 207(j). The General Counsel is responsible for resolving questions on the legal interpretation of 18 U.S.C. 207 or regulations issued thereunder and for advising employees on these provisions.

(c) All investigations under this subpart shall be conducted in such a way as to protect the privacy of former employees. To ensure this, to the extent reasonable and practical, any information received as a result of an investigation shall remain confidential except as necessary to carry out the purposes of this subpart, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder, or as may be required to be released by law.

(b) For purposes of this subpart, (1) "Former employee" means a former Government employee as defined in 5 CFR 737.3(a)(4) who had served in the Department;

(d) The Inspector General shall report the findings of the investigation to the Director.

(2) "Lesser included sanctions" means sanctions of the same type but more limited scope as the proposed sanction; thus a bar on communication with an operating unit is a lesser included sanction of a proposed bar on communication with the Department and a bar on communication for one year is a lesser included sanction of a proposed five year bar;

§ 0.735-44 Initiation of proceedings.

(3) "Assistant Secretary" means the Assistant Secretary for Administration or designee;

If the Director determines, after an investigation by the Inspector General, that there is reasonable cause to believe that a former employee has violated post-employment statutes or regulations, the Director shall initiate administrative proceedings under this subpart by proposing sanctions against the former employee and by providing notice to the former employee as set forth in § 0.735-45.

(4) "Director" means the Director for Personnel and Civil Rights, Office of the Secretary, or designee;

(5) "Inspector General" and "General Counsel" include any persons designated by them to perform their functions under this subpart; and

(6) "Days" means calendar days except that a dead-line which falls on a