

§ 805.735-22

Commission or the Chairman may determine for good cause shown.

§ 805.735-22 Effect of statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 805.735-23 Submission of statements by special Government employees.

(a) A special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which the Chairman determines are relevant in the light of the duties he is to perform.

(b) A special Government employee who is a consultant or expert shall submit a statement of employment and financial interests to the Personnel Officer, in the format prescribed by the Managing Director, at the time of his employment, and shall keep his statement current throughout his period of employment by submission of supplementary statements.

(c) The Chairman may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when it has been determined that the duties of the position held by the special Government employee are of a nature, and at such a level of responsibility, that the submission of the statement by the incumbent is not necessary to protect the integrity of the Board. For the purpose of paragraphs (b) and (c) of this section, the following are examples of special Government employees who are not consultants and experts;

49 CFR Ch. VIII (10-1-03 Edition)

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

§ 805.735-24 Review of financial statements.

(a) The Personnel Officer shall review each statement of employment and financial interests submitted under the regulations in this part (other than his own, which is reviewed by the Managing Director) to determine whether conflicts of interest or apparent conflicts of interest exist. If the review, or other information from other sources, indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Board, the Personnel Officer shall forward the statement, together with a position description of the employee involved, to the General Counsel of the Board.

(b) The employee or special Government employee whose statement has been referred under the provisions of paragraph (a) of this section will receive, from the General Counsel, advice and guidance regarding the matters questioned by the Personnel Officer. He will be afforded an opportunity to explain the conflict or appearance of conflict. It is expected that most problems will be settled at this informal stage. However, if an agreement cannot be reached after consultation, the matter shall be reported by the General Counsel, after consulting with the Managing Director, to the Chairman for resolution.

(c) The Chairman may provide the employee or special Government employee concerned with an additional opportunity to explain the conflict or appearance of conflict. If the matter cannot be resolved, the Chairman may invoke the disciplinary provisions of § 805.735-27, or may decide that remedial steps shall be taken with regard to such employee or special Government employee. When the questions of conflict of interest are resolved at one of

National Transportation Safety Board

Pt. 805, App. I

the stages of review, the reviewing official shall sign and date a copy of the employee's statement to evidence his clearance, and this statement shall thereafter be kept as provided in § 805.735-21.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

§ 805.735-25 Publication and interpretation.

(a) The Personnel Officer of the Board shall be responsible for making the regulations in this part and all revisions thereof, and the formats for statements of employment and financial interests available to:

(1) Each Member, employee, and special Government employee at the time of issuance and at least annually thereafter;

(2) Each new Member, employee, and special Government employee of the Board at the time of his entrance on duty; and

(3) Each Member, employee, and special Government employee of the Board at such other times as circumstances warrant.

(b) The Personnel Officer shall have available for review by Members, employees, and special Government employees of the Board, copies of such laws, Executive orders, Civil Service Commission regulations and instructions, and Board regulations as may currently appertain to their standards of ethical and other conduct.

(c) The General Counsel of the Board is designated to provide counseling and assistance to interpret the regulations in this part and matters relating to ethical conduct, particularly matters subject to the provisions of the conflict-of-interest laws and other matters covered by the Executive order. These counseling services are available to all Members, employees, and special Government employees at the General Counsel's office, by appointment for consultation or by written communication.

§ 805.735-26 Employee's complaint on filing requirements.

An employee who believes that his position has been improperly included under the regulations in this part, as one requiring the submission of a

statement of employment and financial interests, may request review through the Board's grievance procedure.

§ 805.735-27 Disciplinary or remedial action.

(a) A violation of the regulations in this part by an employee or special Government employee may be cause for disciplinary action in addition to any penalty prescribed by Federal statute or regulation, except for active duty officers or enlisted members of the Armed Forces detailed to the Board in which cases disciplinary actions may be effected against such military personnel by the parent military service. Disciplinary action may take the form of a warning, suspension, demotion, or removal, depending upon the gravity of the offense.

(b) Any employee or special Government employee who is charged with a violation of the regulations in this part shall be provided an opportunity to explain the violation, or appearance of violation, to the charging authority. The charging authority shall be the Managing Director of the Board.

(c) When, after consideration of the explanation, the charging authority decides that disciplinary action is not required, he may take appropriate remedial action. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of any financial interest that conflicts, or appears to conflict, with the performance of his official duties; or

(3) Disqualification for a particular assignment.

(d) Remedial or disciplinary action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

[40 FR 30239, July 17, 1975, as amended at 41 FR 39758, Sept. 16, 1976]

APPENDIX I TO PART 805— MISCELLANEOUS STATUTORY PROVISIONS

Each Member and employee and each special Government employee has a positive duty to acquaint himself with each statute which relates to his ethical and other conduct as an officer or employee of the National Transportation Safety Board and of the Government. Therefore, each Member