NIH Policy Manual

2300-940 - Clearance of Personnel for Separation or Transfer

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Transmittal Notice

1. **Explanation of Material Transmitted:** This chapter prescribes the policies and procedures governing the clearance of separating or transferring personnel from the National Institutes of Health. The following changes were made:

    - Formatting changes were made throughout to improve flow of overall information and document;
    - Nomenclature changes were made based on organizational changes;
    - Throughout, expanded official records to include paper and electronic files such as slides, pictures, etc.;
    - Deleted all reference to the HHS exit interview as the link does not work and there is no other link available at the current time;
    - References were added and updated;
    - Responsibilities section was added;
    - Internal controls section was added;
    - Procedures regarding the sudden termination or separation of an employee was added to the Responsibilities and Procedures sections;
    - Added telephone exit interview option for employees located at distant locations from their immediate supervisor;
    - Performance Management information was changed due to the implementation of the Performance Management Appraisal Program (PMAP), 8/4/2011;
    - Contact information was included for instances when Government property cannot be retrieved or located;
    - Updated unresolved debt scenario to include ITAS information;
    - Deleted reference to WYLBUR for deregistration of CIT accounts as this system is no longer used;
    - Added process for deactivating NBS user access;
    - Amended Fellowship Termination Notification – removed Form NIH 2144, terminations are processed through the Automated Fellowship Payment System (FPS);

- Updated information on badges, regarding switching/transferring ICs, which no longer requires a new HHS HSPD-12 badge (nor an NIH badge) unless they are clinical and are switching in or out of the Clinical Center;
- Adding the requirement that individuals with clearance need to meet with DPSAC to debrief in-person;
- Removed reference to NIH 433 in section referring to "Request to Change NIH Directory Information", and replaced with NIH Enterprise Directory (NED);
- Removed reference to form PHS 31, as it is obsolete and replaced by the COLTS system;
- The original Appendix 1, which was a link to the NIH Form 2737-2, Clearance of Personnel for Separation or Transfer, was removed, as this document is hyperlinked throughout the manual chapter;
- Removed reference to HHS Personnel Manual Instruction 550-9 in Appendix 2;
- Updated benefits link in Benefits Counseling section;
- Updated Employee Responsibilities to include requisite post-employment guidance/notice as associated with clearance for separation. Also included information pertaining to this requirement in the references and definitions section of the document;
- Included contact information for return of the government issued passport; Included contact information for OFM's Royalty Coordinator; and
- Added definition of "Senior Employee" to the definitions section.

2. **Filing Instructions:**

Remove: NIH Manual Chapter 2300-940, dated 8/20/97
Insert: NIH Manual Chapter 2300-940, dated 10/16/12

PLEASE NOTE: To sign up for email notification of future changes, please go to the NIH Manual Chapters LISTSERV Web page at http://list.nih.gov/archives/nih-manual-chapters.html

A. Purpose

The purpose of this policy is to prescribe the policies and procedures governing the clearance of separating or transferring personnel from the National Institutes of Health (NIH).

B. Background

When separating, all NIH employees have an obligation to go through a clearance process to return Government issued property appropriate to the circumstances of their leaving. Such property includes, but is not limited to: credentials, equipment, electronic devices, phone lines, access passes, keys, parking permits, library material, credit and phone cards, Transhare and SmarTrip fare cards, government-issued passports, official electronic and paper records, advanced funds, and payments received in expectation of extended employment where the allotted time period has not been completed. Employees must arrange for such clearance at

least two (2) weeks prior to separation/transfer. Only when all property items are satisfactorily accounted for and any debts owed by the employee are settled, will clearance be given to the employee. Particular attention should be given to departing employees identified as “senior,” to assure these employees receive notice of their obligation to comply with the post-employment conflict of interest restrictions as set forth in 18 U.S.C. § 207(c).

C. References

1. 5 U.S.C. 5512, Withholding Pay; Individuals in Arrears
2. 18 U.S.C. 207, Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches
3. 31 U.S.C. 3301 et seq, Depositing, Keeping, and Paying Money
4. 44 U.S.C. 3301, Definition of Records
5. 45 C.F.R. Part 30, Claims Collection
6. HHS Transmittal 90.03, General Administration Manual, HHS Chapter 1-90, "Clearance of Personnel for Separation or Transfer," dated 07/13/90
7. HHS-2007-004.001, "HHS Policy for Records Management," January 30, 2008
8. HHS Instructions 430-4 and 430-7, Performance Management Appraisal System, dated 8/4/11
9. NIH Manual Chapter 1743, Keeping and Destroying Records

D. Definitions

For purposes of this Manual Chapter, the following definitions apply:

1. **Accountable Property** - Government-owned personal property that meets the Department of Health and Human Services (HHS) accountable property criteria for which controls must be maintained.
2. **Administrative Officer (AO)** - An employee whose primary activity consists of providing staff, support, or services for an organizational unit.
3. **Clearance Official (CO)** - The separating employee's immediate supervisor. In coordination with the AO, the supervisor/CO is charged with primary responsibility for coordinating the clearance of the separating or transferring employee.
4. **Clearance Point Authorized Approving Official (CPO):** The individual designated on NIH Form 2737-2, Clearance of Personnel for Separation or Transfer, who is authorized to certify that the employee has or has not been released from obligations for clearance of Government property, records, funds, etc. under the control of that office.
5. **Clearance Points:** The offices functionally responsible for maintaining the records and files that must be reviewed in order to certify employee release from property and financial obligations as well as from access to official computer networks and databases.
6. **Debt** - An amount of money, property and/or advanced leave owed to the Institute or Center (IC), NIH, or HHS.
7. **Deregistration Official** - IC official responsible for ensuring that system passwords for NIH employees and contractors who leave an IC are changed or deleted in accordance with HHS policy.

8. **Employee** - For the purpose of this chapter, NIH Employees include: personnel employed by the Federal Government under a career or career conditional appointment; Individuals on Temporary or Term appointments (including student appointments); Guest Researchers; Volunteers; Fogarty International Center Scholars; Staff Fellows; Intramural Research Training Award Fellows; IC Fellowship Award Recipients; Visiting Associates, Scientists, and Fellows; Commissioned Corps Officers; and Contractors employed by the Federal Government who have been issued Government property or have control over official Government records (to the extent applicable).

    a. **Transferred Employee** - An employee who is reassigned out of an IC to another NIH IC or HHS component, or transfers to another Federal agency.
    b. **Separating Employee** - An employee who is leaving his or her position with the Federal Government.

9. **Official Records** - As defined by 44 U.S.C. 3301, as used in this chapter, "records" includes all books, papers, maps, photographs, machine readable materials, or other documentation materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operation, or other activities of the Government or because of the information value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stock of publication and of processed documents are not included.
10. **Property Custodial Officer (PCO)** - An employee accountable to the IC Property Management Representative who is responsible for the day-to-day custody, use, care, and safekeeping of property in a defined custodial area.
11. **Property Management Representative** - An official who is responsible for directing the personal property management program in an IC and is accountable to the NIH Property Management Officer.
12. **Salary Offset and Stipend Recovery** - A procedure, by which HHS Payroll may collect an outstanding employee debt from an employee's salary, leave balance, and/or retirement account.
13. **Senior Employee** – A Senior Employee, for the purposes of this chapter, is any individual employed in either a position:

    a. for which the rate of pay is specified in or fixed according to 5 U.S.C 5 U.S.C. §§ 5311-5318, except § 5312;
    b. whose rate of basic pay is equal to or greater than 86.5 percent of the rate for level II of the Executive Schedule;
    c. that is O-7 or above active duty commissioned officer;
    d. appointed by the Vice President to a position under 3 U.S.C. § 106(a)(1)(A);
    e. appointed by the President to a position under 3 U.S.C. § 105(a)(2)(A);
    f. appointed by the Vice President to a position under 3 U.S.C. § 106(a)(1)(B);
    g. appointed by the President to a position under 3 U.S.C. § 105(a)(2)(B);

h. classified as the Vice President;
i. classified as an executive Level I employees listed in 5 U.S.C. § 5312 or any individual employed in a position at the **exact** rate of pay payable for level I of the Executive Schedule;
j. in the Executive Office of the President and paid at Executive Level II;
k. assigned from private sector organization to an agency under the Information; or
l. under the Technology Exchange Program, 5 U.S.C. chapter 37 (private sector assignees).

E. Policy

For each separating or transferring employee, the employee's immediate supervisor, also known as their Clearance Official (CO), with assistance from the organization's Administrative Officer (AO), is responsible for the following:

1. Immediately notifying the AO when he/she learns of an impending employee separation or transfer, preparing SF 52, Request for Personnel Action, and submitting it to the AO within three (3) business days of employee notice of separation/transfer.
2. Ensuring that a separating or transferring employee is cleared properly by having the employee complete in full the NIH Form 2737-2, Clearance of Personnel for Separation or Transfer. This form is mandatory and must be used by all ICs. If there are additional requirements for clearance, the IC may attach an addendum or add items to the form itself in the "other" category. In completing the form, the employee must report to all designated clearance checkpoints, and turn in all NIH property for which he/she is accountable such as advances, funds, property, forms, files, accounts, keys and access cards, and records issued to the employee.

   For locations which are distant from the clearance offices, the CO has the option to complete the appropriate items on NIH Form 2737-2 through a telephone exit interview with the appropriate clearance officials. Telephone clearances must be annotated on this form with the name of the official contacted, status of each item, and date of clearance.

   ICs outside of the NIH Bethesda campus commuting area, (e.g., National Institute of Environmental Health Sciences (NIEHS); National Cancer Institute (NCI) facilities in Frederick, MD; and National Institute on Aging (NIA) and National Institute on Drug Abuse (NIDA) facilities in Baltimore, MD) that have their own policies and procedures for facilities may use their own clearance procedures, but must ensure complete clearance of personnel for all property, records, etc. Alternative clearance procedures must meet the minimum HHS requirements as outlined in HHS Chapter 1-90, "Clearance of Personnel for Separation or Transfer" and additional requirements contained in the HHS Policy for Records Management.
3. If an employee is not available to complete the clearance procedure due to serious illness, sudden death, or sudden termination or resignation wherein the employee is not available or accessible, the CO must ensure that the requirements of this policy are completed to the greatest extent possible and with the least disruption to the employee's

family.

4. If the employee participated in a Telework Program, information recovered from the home must be directed to the CO for review. Records residing on the hard drive must be captured and redirected to another assigned responsibility for the program or dispositioned in accordance with Manual Chapter 1743, Appendix 1.

F. Responsibilities

1. **Employee**

    a. Notifies his/her supervisor of separation or transfer, at least two (2) weeks before requested release date.

    b. Identifies, returns, and/or accounts for all items received from the Government during the course of his/her employment. This includes, but is not limited to: the Personal Identity Verification (PIV) card, credentials, equipment, electronic devices, phone lines, passes, keys, parking permits, library material, credit and phone cards, Transhare and SmarTrip fare cards, government-issued passports, official electronic and paper records, advanced funds, and payments received in expectation of extended employment where the allotted time period has not been completed. The employee must arrange for such clearance before the last day of duty.

    c. Initiates employee responsibility for NIH Form 2737-2, Clearance of Personnel for Separation of Transfer:

        i. At the direction and with the assistance of the CO and AO, the separating/transferring employee must use the form to obtain proper clearance from his/her position. Applicable sections must be completed *before* separating/transferring.

        ii. The employee is responsible for reviewing the form items for accuracy, allowing sufficient time to obtain all required clearances, calling ahead to schedule an appointment at each checkpoint (if necessary), traveling to, and acquiring the signature of the appropriate official at the checkpoint.

        iii. A separating/transferring employee is responsible for resolving any issues of indebtedness before separation or transfer and working with the appropriate officials to ensure that proper clearances are obtained. Failure to do so may result in salary offset and stipend recovery (see Appendices 2 & 3).

        iv. Once the employee has cleared each designated checkpoint and prior to separation/transfer on the final day of official duty, the employee must sign and date the form and obtain the final approval signatures from the CO, AO, and any concurring signatures as required by the IC.

    d. Separating “senior” employees should also be mindful of the requisite post-employment guidance/notice and abide by the following:

i. The post-employment restrictions in section 18 U.S.C. § 207(c) require that for one year after service in a "senior" position ends, no former "senior" employee may knowingly make, with the intent to influence, any communication to or appearance before an employee of a department or agency in which he or she served in any capacity during the one-year period prior to ending service in that "senior" position, if that communication or appearance is made on behalf of any other person (except the United States), in connection with any matter concerning which he or she seeks official action by that employee. These post-employment restrictions will apply for one year after service in a "senior" position as defined above ends.

ii. These restrictions are in addition to, among other provisions, the permanent and two-year official responsibility prohibitions described in 18 U.S.C. § 207(a)(1) and (2) that apply respectively to representational communications or appearances with respect to particular matters involving specific parties in which the former "senior" employee participated personally and substantially at any time during his/her government service or that were under his/her supervision during his/her last year of government service.

2. **Clearance Official (CO)**

a. The separating/transferring employee's immediate supervisor is designated as the CO. A CO is charged with the primary responsibility for coordinating the clearance of the separating or transferring employee, or assigning a Federal designee to coordinate the clearance on his/her behalf.
b. Submits SF-52, Request for Personnel Action, immediately to AO upon learning of separation or transfer (within three (3) business days).
c. Informs the separating/transferring employee of the requirement to complete the clearance procedures and that the consequences of failing to do so could result in the initiation of deductions from the employee's salary, leave balance, or retirement account, and/or delay processing the separation or transfer.
d. Coordinates the planned separation/transfer of the employee with the IC, AO, and Office of Human Resources (OHR).
e. CO responsibility for NIH Form 2737-2, Clearance of Personnel for Separation or Transfer:

i. Upon notification that the employee is transferring or separating, the CO notifies the AO (within three (3) business days) who in turn initiates this form, completes items 1-6, and provides the form back to the CO.

ii. The CO coordinates with the AO to note which clearance points are applicable by checking them under "Check if Applicable." The CO should work with the AO to identify the name and location of appropriate checkpoints within the IC and NIH. All clearance points must be cleared

prior to separation or transfer.

f. Ensures that all clearances and forms are completed before the employee separates or transfers, or if the employee is not available due to unforeseen circumstances, notifies the AO, who will initiate completion of NIH Form 2737-2. The CO will obtain necessary signatures to the extent that he/she is able.
g. Ensures that issues of employee indebtedness to HHS are resolved and that action(s) taken are noted on the NIH Form 2737-2. See Appendix 2 for guidance on resolving indebtedness to HHS.
h. Assure that "senior" employees are provided with required post-employment restrictions in section 18 U.S.C. § 207(c) by contacting, or having the employee contact, the office of the HHS Designated Agency Ethics Official or the Deputy Ethics Counselor for your component. The contact information is available at http://ethics.od.nih.gov/default.htm

3. **Administrative Officer (AO)**

a. Coordinates with the CO on all separations and transfers.
b. AO responsibility for NIH Form 2737-2, Clearance of Personnel for Separation or Transfer:

i. Initiates NIH Form 2737-2, Clearance of Personnel for Separation or Transfer and completes items 1-6 before providing the form to the CO. Additionally, the AO works with the CO to indicate which items on the form must be cleared and which items are not applicable. The AO should also assist the CO in identifying the name and location of appropriate checkpoints within the IC and NIH.
ii. Initiate completion of NIH Form 2737-2 for the employee in the event the separating/transferring employee is unable to personally accomplish the required clearance requirements due to death, physical or mental disability, abandonment of position, or sudden termination or resignation wherein the employee is not available or accessible, or other similar circumstances. The AO should notate on the form that the employee is not on duty to clear in person. The AO must provide this form to the CO, who will then obtain the necessary clearance signatures for the employee.
iii. The IC AO is responsible for retaining the original form for one (1) year after separation/transfer or for one (1) year after any indebtedness is recovered, whichever occurs later.

4. **Clearance Point Authorized Approving Official (CPO)**
The CPO, under control of the respective office, must complete and sign appropriate line items under #7 on NIH Form 2737-2 to certify that the employee has or has not been released from obligations.
5. **Others**
Any office made aware of a sudden termination as described in the last paragraph in section E3 above must ensure that the proper steps are taken to immediately terminate

the separated employee's government PIV card, computer and account access, keys, etc.

G. Procedures

The following procedures are listed to ensure that all clearances are properly carried out prior to the separation or transfer of an employee:

1. The employee notifies his/her supervisor of plans to transfer or separate as soon as he/she knows that he/she will be leaving, preferably at least two (2) weeks in advance of the scheduled separation/transfer date.
2. The CO completes form SF-52, Request for Personnel Action, which is to be submitted to the respective AO (within three (3) business days of employee's notice).
3. The CO coordinates the planned transfer/separation of the employee with the IC AO and OHR. In many cases the AO, other designated IC official, or the employee, is the appropriate person to complete clearance through a given clearance point; however, it is the CO's responsibility to ensure that all required clearances are completed.
4. Upon notification by the CO of a separating/transferring employee, the AO will initiate completion of and provide NIH Form 2737-2 to the CO, with items 1-6 completed and identification of items on the form that must be cleared and items that are not applicable.
5. Following the completion of clearance processing and satisfactory resolution of any outstanding issues, the CO obtains the employee's signature and date on NIH Form 2737-2. If the employee is unable or refuses to sign, the CO will note this on the form.
6. Upon employee completion of the NIH Form 2737-2, the CO will:

    a. Sign and date it, certifying that all required clearances have been obtained,
    b. Retain a copy of the form for his/her files and provide a copy to the separating/transferring employee, and
    c. Forward the original copy to the respective AO for retention. The form will be retained for one (1) year after separation/transfer or for one (1) year after any indebtedness is recovered, whichever occurs later.

7. The CO ensures that the employee has satisfactorily accounted for and relinquished (when necessary) all access to systems and networks, property, forms, and records, as well as settled accounts and owed funds, and provided all notices necessary for separation.
8. In the event the separating/transferring employee is unable to personally accomplish the required clearance requirements due to death, physical or mental disability, abandonment of position, or sudden termination or resignation wherein the employee is not available or accessible, or other similar circumstances, the CO must undertake the clearance steps for the employee as follows:

    a. Notify the AO, who will then initiate NIH Form 2737-2.
    b. Upon receipt of the NIH Form 2737-2 from the AO, the CO will obtain the necessary clearance signatures for the employee as described in this manual, and

will notate that the employee was not present to sign the form.

c. Attempt to obtain, when possible, all Government property, keys, passes, parking permits, materials, forms, records, and funds (except appropriate wages) in the employee's possession with least disruption to the employee's family. When such Government property cannot be located or retrieved, an explanation must be attached to NIH Form 2737-2 and the CO must notify the designated PCO of property status.
d. The CO shall undertake these activities as soon as it is known that an absent or suddenly terminated employee will be or has separated without returning to duty, and shall ensure that these actions are initiated and completed in a timely manner.

H. Clearance Types

1. **Systems and Network Clearance:**

a. The CO ensures that all appropriate measures are taken to cancel access to systems, databases, networks, etc. The CO ensures the timely preparation of applicable forms that are required for system deactivation.
b. The CO ensures the timely preparation of applicable forms that are required for system deactivation. The CO ensures the cancellation or proper disposition of designations, appointments, and authorities as follows:

i. Contract Project Officer: Ensures that this authority is rescinded.
ii. Grant Program Officer: Ensures that this authority is rescinded.
iii. Procurement Approving/Ordering Official: Ensures that this authority is rescinded and notifies the Office of Procurement Management.

c. The CO coordinates with the IC Deregistration Official, or other IC designated official, to deactivate the employee's NED profile, thereby rescinding employee access to all computer systems accounts (e.g., VPN accounts, LAN, e-mail, Center for Information Technology (CIT) accounts, personnel databases, etc.). All information technology-related identification codes (e.g., Human Resource Database authorization codes, etc.), computer passwords, and account numbers will be changed or deleted on all systems, networks, etc. prior to or concurrent with the transfer or separation of the employee.
d. The following is a list of systems/networks for which official forms, in addition to NIH Form 2737-2, are to be utilized to initiate, ensure, and document employee separation and clearance.

i. NIH Enterprise Directory (NED): If the separating/transferring employee is leaving the Federal Government, the CO will coordinate deletion of the NED account. If the separating employee is transferring to another NIH IC, the CO will work with the AO to ensure the new office information is submitted to NED. Additionally, for employees leaving the Federal Government, the CO will coordinate with the separating employee to complete Form HHS-476, Record of Home Address, if there is a change of

address. This form is then submitted to the appropriate AO. Alternately, the employee can also change his/her address through "My Pay" prior to separation.

ii. CIT Accounts: If the separating/transferring employee is leaving the Federal Government, the CO will utilize Form NIH 1767-1,Deregistration Official Authorization for CIT Accounts, to coordinate with the IC Information Technology office (or other appropriate office as designated by the IC) in ensuring the employee no longer has authority to act as a CIT Account Sponsor.

iii. Procurement Accounts: If the separating/transferring employee is a Procurement Official leaving during the conduct of procurement action in excess of $100,000, the CO must ensure the submission of the "Certification of Continuing Obligation Form" (Appendix 1) to the AO.

iv. NIH Business System (NBS) Account: If the separating/transferring employee is a user of the NBS System, the CO will coordinate completion of P-CARD User Form requesting the action to "remove user." The form must then be routed to the IC Purchase Card Coordinator (ICPCC) who will submit the completed form to the Office of Acquisition Management and Policy Purchase Card Program (OAMP/PCP) (creditcard@od.nih.gov) to deactivate the account privileges of separating employee.

v. Delegation of Acquisition Authority: If the separating employee has been delegated acquisition authority, the CO will complete Form NIH-2604, Delegation of Acquisition Authority, and submit the form to the Head of Contracting Activity (or Designee), Division of Acquisition Programs, Office of Logistics and Acquisition Operations (OLAO), with Line Item 9 (Cancel Delegation) completed.

2. **Equipment Clearance**

a. The CO coordinates with the IC Property Management Representative/Custodial Officer to review the listing of accountable property and ensures that all property in possession of the transferring/separating employee is accounted for, checking for property passes, loans, and personal custody items.
b. Upon request by the separating employee's CO, the Property Management Representative/Custodial Officer conducts a physical inventory of equipment and reconciliation of discrepancies for the transferring/separating employee.
c. The Property Management Representative/Custodial Officer notifies the transferring/separating employee's CO of the status of the inventory conducted for the employee.
d. The CO works with the transferring/separating employee to reconcile any additional discrepancies. The following is a list of equipment for which a transferring/separating employee must receive clearance.

i. Telephone Lines: Upon notification of the employee's departure, the CO notifies the AO, who in turn determines if telephone lines should be

disconnected.

ii. Software/Hardware/Phone Lines for Home Computing: The CO ensures the employee has returned all Information Technology hardware and software issued to the employee for use at home. All federal agreements to pay phone or other charges in connection with work at home (non-NIH sites) for the transferring/separating employee must be terminated.

iii. Cellular Telephones, Pagers, and other Electronic Devices: The CO collects any NIH provided cellular telephones and/or pagers issued to the employee. The CO ensures the service agreement(s) for the employee's cellular phone and/or pager is canceled by sending a cancellation notice to the vendor with a copy going to the Telecommunications Branch (TCB) and a notification to the AO if action taken.

iv. NIH/National Library of Medicine (NLM) Material: The CO ensures that prior to separation; the departing employee has returned any borrowed NLM material.

3. **Property Access Clearance**

a. The CO ensures that all identification, security clearance, parking permits, and building passes and keys are returned.

i. NIH Identification Card: If the separating/transferring employee is leaving the Federal Government, the CO ensures the return of the NIH identification card prior to the separation of an employee. The card is then forwarded to the Office of Research Services (ORS), Division of Personnel Security and Access Control (DPSAC), via the AO upon closing out the employee's file. If the separating employee is transferring to another NIH IC, no action needs to be taken unless he/she is switching in or out of the Clinical Center. If an individual is transferring into the Clinical Center, the employee must contact DPSAC to receive the Blue Title Badge. If an individual is transferring out of the Clinical Center, the Blue Title Badge shall be returned to DPSAC (Bldg. 31/1B03).

ii. Radiation Badge, Materials, and Equipment: The CO ensures that the separating/transferring employee returns his/her radiation badge (dosimeter) on the last full working day prior to separation/transfer to ORS, Division of Radiation Safety (DRS). DRS will test the badge to ensure that the separating employee was not exposed to any harmful radiation. If it is discovered that the employee has been exposed, the DRS will notify the AO, who will in turn notify the former, or soon to be former employee, and will proceed to act as directed by the DRS. Radioactive materials and/or equipment must be cleared in accordance with the DRS policy, found at www.ors.od.nih.gov/sr/drs.

iii. Security Clearance: The CO ensures that the NIH Security Representative, OHR, is notified whenever an employee in a sensitive position who has a security clearance for access to Top Secret, Secret, or Confidential

information is separating or transferring so that the employee can be debriefed by DPSAC. The employee must contact DPSAC to schedule his/her appointment for debriefing and appear in person for the debriefing at the designated appointment time.

iv. Keys/Cardkeys: The CO ensures the return of the separating/transferring employee's keys and cardkeys prior to separation. The employee submits all keys and cardkeys to the Lab or Branch office, or to the AO. The CO then ensures keys and cardkeys are submitted to DPSAC.

v. Government-Issued Passports: The CO ensures the return of the separating/transferring employee's Government-issued passports immediately upon separation to the Fogarty International Center (FIC), Visa/Passport Office (V/PO) (Bldg. 31/B2C35). If further guidance is needed regarding the return of Government-issued passports, the FIC, V/PO, can be reached at (301) 402-1135.

vi. Parking Permits: If an employee is transferring to another IC, the employee retains the NIH issued parking permit (parking hanger) for use in the new IC. However, the ORS,Employee Transportation Services Office (ETSO), Division of Amenities and Transportation Services (DATS), should be notified by telephone of the IC to which the employee is transferring. The CO ensures that any IC issued parking permits are relinquished prior to transfer. For employees separating/transferring from NIH, the CO ensures the return of any NIH parking permits prior to the employee's separation/transfer. The permit is then submitted to ETSO.

4. **Forms/Records Clearance**

a. Official Records: It is the responsibility of the CO to ensure that official records created or received by the separating/transferring employee during their tenure in the Government remains in the possession of the Federal Government. Examples of official records include paper files, electronic files, slides, videos, pictures, etc. The CO should notify the IC Network Administration/Information Technology office to archive appropriate electronic files, including all email files. The destruction or removal of Government records other than as authorized in an approved records schedule, is a serious offense that could lead to adverse action against the individual (NIH Manual Chapter 1743, Keeping and Destroying Records). With explicit permission of the supervisor and after consulting with the IC Records Liaison, an employee may be allowed to take along a copy of a record.

b. Paper, Electronic, Lab Records/Files: The CO arranges for the archiving of any necessary files from the employee's home directory. In some cases, files from the employee's personal computer may need to be archived as well. Additionally, any paper, lab, or official government record of some other sort will need to be archived or transferred to another employee at the discretion of the Supervisor.

c. Record Removal:

i. **Records that May Not be Removed.** (1) Any material regardless of the media that meets the definition of a Federal Record. (2) Any information not normally released to the general public, unless prior approval has been obtained from the CO, the Records Officer and the Freedom of Information Act (FOIA) Officer. (3) Extra copies of Federal Records, unless the employee's supervisor has provided explicit permission for their removal.

ii. **Documentary Materials that May Be Removed: Personal Papers.** Personal papers are those outside the scope of the definition of Federal Records (i.e., not used to conduct government business). They belong to the individual, not the agency. Personal files must be clearly designated as such and must be maintained separately from the office's official records. 36 C.F.R. § 1222.20.

iii. **Penalties for Unlawful Removal of Records.** Criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 641 and 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. 793, 794, 798 and 952).

5. **Leave and Funds Clearance**

a. The CO ensures that all funds receive proper clearance and that issues of indebtedness are noted and resolved.

b. When an employee is separating from the Federal Government, OHR, Client Services Division (CSD), or Commissioned Corps Office will process the non-retirement separation action upon receipt of SF-52, Request for Personnel Action, or PHS-1373, Separation of Commissioned Officer, and will forward it to OHR, Workforce Relations Division (WRD), Benefits & Payroll Liaison Branch (BPLB).

c. Separation Consultation: The WRD, BPLB, will counsel the separating employee on matters of payroll and leave discrepancies and resolution. Employment-related obligations such as advanced leave balances, travel advances, tuition reimbursements, recruitment incentives, creditable service for annual leave, etc. must be properly cleared. Additionally, the WRD, BPLB will refer the employee to the following website: http://hr.od.nih.gov/benefits/retirement/seperation.htm to find information on: 1) retirement benefits (CSRS/FERS), 2) Thrift Savings Plan package, 3) Health and Life Insurance, 4) lump sum payment of annual leave, 5) reinstatement eligibility, and 6) approximate date when last paycheck will be issued.

d. Payroll Records: The employee must print out his/her last Leave and Earning Statement (LES) from the Defense Finance and Accounting Service (DFAS) and provide it to the new timekeeper at the gaining station. If the separating employee is a Commissioned Officer, he/she must prepare form PHS-1373 and direct his/her timekeeper to attach to the form a printed copy of his/her leave history report, printed from the Commissioned Officers Leave Tracking System

(COLTS), showing the officer's leave balance prior to his/her last day at the duty station. This information must be forwarded to the NIH Commissioned Corps Liaison Office for further action by the Office of Commissioned Corps Operations, Division of Commissioned Corps Assignments. Note that these forms must be received at least 30 days before the separation date.

NOTE: If the employee has an outstanding debt that is unresolved at the time of separation, the CO is responsible for ensuring that the employee's final timecard is not sent to payroll through the normal process. The CO will send the timecard and an explanatory memorandum to payroll through the payroll liaison. Payroll will withhold the amount of the debt from the final salary payment and the lump-sum annual leave payment, or take other appropriate action.

e. The CO reviews the listing of outstanding cash advances (available from the IC Travel Coordinator) and, if any are found, notifies the employee of the need to submit a voucher prior to separation.
f. Credit Cards and Government Issued Travel Credit Cards: The AO reviews the listing of Government issued travel cardholders and if the separating employee has been issued a card, ensure that the employee returns it prior to separation/transfer.
g. IMPAC Purchase Card: The AO reviews the listing of IMPAC purchase cardholders and if the separating employee has been issued a card, ensures that the employee cuts the card in half and returns it to the IC IMPAC Purchase Card Coordinator through the Card Approving Official (CAO) prior to separation. If outstanding orders have not been invoiced, the CAO must reconcile and review the monthly summary.
h. Self-Service Store Charge Card: For an employee who maintains this card, the CO ensures the card is transferred to the employee designated to maintain this card, and indicates that the separating employee will no longer maintain the card.
i. NIH Calling Cards: The AO reviews the listing of NIH domestic and international phone cardholders and if the separating employee has been issued a calling card, ensures that the employee returns it prior to separation. All such cards must be returned to the CIT Telecommunications Infrastructure Branch (TIB). The Government Emergency Telecommunications Service (GETS) is a White House-directed emergency phone service provided by the Department of Homeland Security. Certain high-level officials within NIH are issued these phone cards and they must be returned to DPSAC upon separation/transfer.
j. Transhare Commuter Cards and Fare Media: An employee separating from NIH must notify ETSO as soon as possible to relinquish all non-expired Transhare commuter cards and fare media before the date of separation. The employee must submit Form NIH 2705-5, NIH Transhare Program Termination, through either email (nihparkingoffice@mail.nih.gov), fax ((301) 480-0854), or mail (Building 31, Room B3B04) to complete this process.
k. Metro/SmarTrip Fare Cards: The CO collects any NIH provided Metro/SmarTrip Fare Cards signed out to the employee.

l. If the separating employee has inventions to report, he/she is responsible for preparing form MH-PAT/01, PHS Employee Invention Report (EIR), documenting the inventions(s) made while at NIH. Once completed, the EIR should be routed to the NIH Office of Technology Transfer (OTT) (6011 Executive Boulevard, Suite 325, (301) 496-7057). The separating employee should also provide a forwarding address to ensure royalty checks can be mailed.

m. Royalty Checks: If the separating employee will be receiving royalty checks, a forwarding address should be provided to the Assistant Director for Finance, Senior Royalties Administrator in the Office of Financial Management, (301) 435-4359, to ensure royalty checks can be mailed.

6. **Special Clearance Categories for Visiting and Science Trainees**

a. Separating Visiting Fellows, Visiting Associates and Visiting Scientists: If the separating employee is a Visiting Fellow, Visiting Associate, or Visiting Scientist, the CO will work with the employee's sponsor to request termination in accordance with NIH Manual 2300-320-3, using Form NIH-829-5, Notification of Termination of Visiting Program Participation.

b. Separating an Employee Awarded a NIH Training Fellowship: If the separating employee is a recipient of an NIH Training Fellowship, the CO will coordinate the fellowship termination through the Automated Fellowship Payment System (FPS). Procedures on termination are located in NIH Manual Chapter 2300-320-7 - Intramural Research Training Award (IRTA) Program - Automated Fellowship Payment System.

7. **Occupational Medical Service (OMS)**

a. OMS Clearance: Any employee who has undergone medical evaluation at OMS, has participated in any surveillance program, or has been treated or evaluated for any occupationally related injury or illness must clear through OMS prior to separation. This will ensure that the employee is informed as to the disposition to be made of his/her medical records and provide for the timely transfer of the records by the OMS. For an employee transferring to a new assignment within NIH, this will allow for a determination as to whether the employee has a need to enter into, or continue in a surveillance program, and provide for an update to the employee's medical records.

I. Rating Performance

1. The CO completes a performance review/rating of the separating employee, prior to the employee's last day of employment with the IC, in accordance with the HHS Performance Management Appraisal Program (PMAP) if:

a. The employee changes positions within HHS during the appraisal period if the plan has been in effect for at least 90 days. The employee is to be rated at the time of position change. Note: The rating of record for the appraisal period must

consider all ratings made during the entire appraisal period.

b. The employee transfers from HHS to a new agency or separates from federal service after serving under a plan for at least 90 days.

2. The CO will share the performance review and rating with the employee and the IC will forward it to the WRD, BPLB file room for appropriate records management.

J. Notice of Post-Employment Restrictions

1. The CO is responsible for providing notice to a departing senior employee, or directing the employee to the appropriate ethics contact who will provide notice, of the one year post-employment "cooling off" period in 18 U.S.C. § 207(c). Notification must be provided before the employee's departure. For more information on restrictions, seehttp://ethics.od.nih.gov/topics/POST-EMP-Oct-2011.pdf or identify and contact the Deputy Ethics Counselor for your component through http://ethics.od.nih.gov/default.htm.

K. Records Retention and Disposal

All records (electronic and paper) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743,"Keeping and Destroying Records, "NIH Records Control Schedule," Section 2300, Item 2300-200-1b.

NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered official records. These records must be maintained in accordance with current NIH Records Management guidelines. All NIH e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of NIH e-mail messages. NIH e-mail messages may also be provided to Congressional oversight committees if requested and are subject to FOIA requests. Back-up files are subject to the same requests as the original messages. Contact your IC Records Liaison for additional information.

The AO retains the original of NIH Form 2737-2 for one year or for one year after any indebtedness is recovered, whichever occurs later.

L. Internal Controls

The purpose of this manual issuance is to provide guidance for the clearance of personnel for separation or transfer.

1. The Office responsible for reviewing internal controls relative to this Chapter is OHR, Office of the Director, NIH. Through this issuance, the OHR is accountable for the method used to ensure that internal controls are implemented and working.

2. Frequency of Review: OHR will periodically review the records of clearance of previously separated and transferred employees as part of the three-year staffing function self-assessment evaluation.
3. Method of Review: OHR will select a random sampling (i.e., 10% of clearances from each of the previous three (3) years) to evaluate IC experiences with clearing the station procedures. ICs should obtain feedback on the use, effectiveness of, and satisfaction with procedures and decisions, and report back to OHR. OHR will consolidate IC review reports for dissemination to executive management.
4. Review reports are sent to the Deputy Director for Management. NIH reports should indicate that controls are in place and working well or indicate any internal control issues that should be brought to the attention of the report recipient.

Appendix 1. HHS Procurement Officials Certification of Continuing Obligation

I, _____ , (Print or Type Name) hereby certify that I understand the provisions of Subsection 27(e)(4) of the Federal Procurement Policy Act (41 U.S.C. 423), as amended by Section 814 of Public Law 101-189 and by Section 815 of Public Law 101-510, concerning restrictions on Government officials and employees. I have participated personally and substantially in the conduct of HHS procurement: or have personally (Solicitation or Contract Number) reviewed and approved the award, modification, or extension of the contract. Accordingly, I understand that I have a continuing obligation not to disclose proprietary or source selection information related to the procurement identified herein.

_____

_____

(Date) (Signature of Procurement Official)

this certification concerns a matter within the jurisdiction of an agency of the united states and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under title 18, united states code, section 1001, as well as administrative, civil and criminal prosecution under title 41, united states code, section 423, as amended by section 814 of public law 101-189 and section 815 of public law 101-510.

Appendix 2. Resolution of Indebtedness to the HHS

1. **Separating from the Federal Government**

    a. If the employee is separating from the Federal Government, all outstanding indebtedness must be repaid before separation. Agreements for repayment after separation are not acceptable. All payments of debt involving advance leave or other payroll issues must be paid by check, made payable to HHS. All payments of debt involving travel advances must be paid by check, made payable to HHS. It should be noted that travel advances are usually accounted for through preparation and submission of the travel voucher.

HHS Payroll is ultimately responsible for outstanding debts. However, the timekeeping documents will reflect any advance annual or sick leave that the employee must pay back.

b. If the employee has an outstanding debt that is unresolved at the time of separation, the supervisor is responsible for ensuring that the employee's time and attendance record is not sent to payroll through the normal process.

   The supervisor sends the time and attendance record and an explanatory memorandum through the timekeeper, through the IC payroll representative, to Payroll. The record is also sent to the AO for filing.

   Payroll will withhold the amount of the debt from the final salary payment and the lump-sum annual leave payment. If necessary, payroll will take other appropriate actions permitted under the Debt Collection Act and other authorities as required, including a request to the Office of Personnel Management (OPM) to withhold the appropriate amount when the employee seeks to withdraw retirement monies. (Procedures for collecting debt from Commissioned Officers are contained in the PHS Commissioned Corps Manual.)

c. If indebtedness is discovered after submission of the final time and attendance record, the supervisor must immediately request the IC payroll representative to arrange for withholding from the final salary payment, lump-sum annual leave payment and retirement benefits. (Procedures for collecting debt from Commissioned Officers are contained in the PHS Commissioned Corps Manual.) At a minimum, the supervisor should call the IC payroll representative followed by a network message or some other form of written notification.

   The payroll representative will in turn work with the timekeeper, HHS Payroll, and/or the Human Resources Specialist as appropriate.

d. If the employee later clears the indebtedness, the supervisor must inform the payroll representative so that the employee can be paid any amounts withheld.

2. **Transferring to Another HHS Component**

   a. If the employee is transferring to another HHS component and has an outstanding debt, the employee may elect to pay off the debt in full prior to transfer, pay the debt in installments, or have payroll automatically deduct payments from his/her salary. The employee must sign an agreement in the case of installment payments (see Appendix 3).

      HHS Payroll is ultimately responsible for outstanding debts. However, the timekeeping documents will reflect any advance annual or sick leave that the employee must pay back and whether the employee had received an emergency payment that had not been repaid.

      When the employee is transferring to another HHS component, all payments of debt involving outstanding travel advances must be paid by check, made payable

to HHS. It should be noted that travel advances are usually accounted for through preparation and submission of the travel voucher.

If an installment agreement or salary offset is already in effect, the employee may continue repayment through this mechanism until the debt is satisfied.

b. If the employee has an outstanding personnel/payroll debt that is unresolved under 2.a. above at the time of transfer, a salary offset is generated. Salary offset may be initiated only for debts arising from the personnel/payroll system that are owed to the United States by HHS employees.
c. If indebtedness is discovered after the employee has transferred, HHS Central Payroll informs the employee and requests resolution from the employee. If full payment or a signed agreement for installment payments is not received within 60 days, salary offset is to be initiated.

3. **Transferring to Another Federal Agency**

a. If the employee is transferring to another Federal agency that is not part of HHS and has an outstanding debt, the employee may elect to pay off the debt in full prior to transfer, pay the debt in installments, or if salary offset is already in effect, continue repayment through salary offset at the new agency until the debt is satisfied. The employee must sign an agreement in the case of installment payments. (See Appendix 3.)

All payments of debt involving advance leave or other payroll issues must be paid by check, made payable to HHS.

All payments of debt involving outstanding travel advances must be paid by check, made payable to HHS. It should be noted that travel advances are usually accounted for through preparation and submission of the travel voucher.

To either initiate or continue salary offset, HHS Central Payroll computes the status of employee indebtedness as of the effective date of transfer, and will then request the new agency to initiate or continue salary offset until the debt is satisfied.

Salary offset may be initiated only for debts arising from the personnel/payroll system that are owed to the United States by HHS employees.

b. If the employee has an outstanding debt that is unresolved under 3.a. above at the time of transfer, the supervisor must notify the IC payroll representative and request initiation of salary offset.
c. If indebtedness is discovered after the employee has transferred, the NIH Payroll Office informs HHS Central Payroll, who in turn requests the assistance of the employee's new agency to obtain resolution from the employee. If full payment or a signed agreement for installment is not received within 60 days, HHS Central Payroll will request salary offset.

Appendix 3. DHHS Sample Installment Repayment Agreement for Transferring Personnel - Not to Exceed One Year

I, _____, an employee of the Department of Health and Human Services, National Institutes of Health, acknowledge that as of _____(date including year), I am indebted to the Department in the amount of $_____. The debt consists of $_____ principal; and accrued late payment charges of $_____ interest, $_____ administrative costs, and $_____ penalty. It arose as a result of my failure to repay the Department for _____(insert reason). I hereby certify under penalty of perjury that I am financially unable to repay the debt in full in a single payment and request to be allowed to repay it in installments instead of having it offset from my salary or other funds that may be due me.

TERMS OF THE REPAYMENT AGREEMENT

Repayment of $_____ (existing principal and all accrued to date late payment charges) with financing charges of percent (Private Consumer Rate in effect on date of agreement) in equal payments of $_____ payable on the dates listed below. Financing interest over the length of the agreement will amount to $_____.

PAYMENT DUE DATES

1.	**7.**
2.	**8.**
3.	**9.**
4.	**10.**
5.	**11.**
6.	**12.**

Payments must be made out to the Department of Health and Human Services and be received by the Finance Office at the address noted below on or before the payment due date. Failure to pay any payment on time will result in this repayment agreement being declared in default. Without further notice, any amount owed at the time of default will be referred to your employing agency for offset against your salary or other funds due to you.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
(Insert mailing address)

I have read the above repayment agreement and I understand and agree to its terms and conditions as witnessed here by my signature.

Employee's Name (Print):	**Employee's Signature:**	**Date:**
Employee Home Address:		

FINANCE OFFICE APPROVAL

I hereby approve the repayment of the above cited debt by installments.

Approving Official's Name/Title (Print):	**Approving Official's Signature**	**Date:**
Insert location of approving official		