

To: All BOEMRE District Employees

From: Michael R. Bromwich
Director, Bureau of Ocean Energy Management, Regulation and Enforcement

Subject: Policy Regarding Interference with the Performance of Official Duties and Potential Conflicts of Interest

Effective immediately, all Bureau of Ocean Energy Management, Regulation and Enforcement (BOEM) District employees performing offshore duties will adhere to the requirements and procedures outlined in this memorandum. Any previous guidance relating to restrictions or recusals associated with the performance of offshore duties by District employees are superseded by this memorandum.

Interference with the Performance of Official Duties

District employees must perform their duties based solely on the facts and information they collect or that are presented to them in accordance with applicable regulations, without any coercion or improper influence from any industry personnel. Pursuant to the procedures set forth below, District employees must immediately report any situation or incident where industry personnel attempt to bribe, harass, coerce or improperly pressure or influence a District employee with respect to the performance of the employee's official duties, including the issuance of Incidents of Noncompliance (INCs) or any other action considered or taken by the employee in accordance with applicable regulations. A mere request by industry personnel that a District employee not issue an INC does not, by itself, constitute interference for the purposes of this policy, so long as the request is based on the facts and circumstances that are giving rise to the INC. On the other hand, repeated requests not to issue INCs and/or additional conduct accompanying an individual request not to issue an INC may amount to interference with a District employee's performance of official duties.

In addition, District employees must immediately report any situation or incident in which a BOEM employee or supervisor attempts to harass, coerce, pressure, improperly influence or direct a District employee with respect to the performance of the District employee's official duties, including with respect to the issuance of INCs or other action considered or taken by the District employee in accordance with applicable regulations.

Procedures for Reporting Interference

District employees must report any interference in the categories described above to the Deputy Regional Supervisor, District Operations, in writing immediately. Within 24 hours of that report, the Deputy Regional Supervisor, District Operations, will notify the Investigations and Review Unit (IRU) of all reports of interference and provide a copy of the report of interference.

The reporting employee must provide a copy of the written report to his/her District Manager, unless the allegation of interference involves or relates to the District Manager, in which case it should be reported solely to the IRU. The report should include:

- the name of the reporting employee;
- date of the alleged interference;

- name of the individual who allegedly attempted to interfere;
- name of the relevant company or operator;
- name of the facility/field/rig;
- detailed description of the alleged interference; and
- any additional relevant information.

The relevant Deputy Regional Supervisor will consult with the IRU to determine who will conduct the investigation into allegations of interference with BOEM employees. The IRU will make the final decision on who should investigate. Whether the investigation is conducted by the IRU or the Deputy Regional Supervisor, the responsibility for pursuing disciplinary actions or other adverse employment actions will reside with the Deputy Regional Supervisor, in consultation with the Human Resources Branch. Allegations of interference by BOEM employees not under the Deputy Regional Supervisor's supervision will be referred to the equivalent or appropriate supervisor for investigation.

Conflict of Interest and Recusal

Every District employee must notify his/her supervisor about, and must request to be recused from, any inspection or other official duty that relates to a designated operator, contract operator, or drilling contractor who employs a member of the district employee's family or personal friend of the District employee, as defined below.

Under this policy, a family member is defined as a person who is a member of the District employee's household, or who is a relative with whom the employee has a close personal relationship. A close personal relationship is defined as a relative who maintains a personal connection and regular social contact with the employee or a member of the employee's household.

Under this policy, a personal friend is defined as an individual who maintains a significant personal connection to the district employee and who maintains regular social contact with the District employee or members of the district employee's family.

District employees must take appropriate steps to avoid even the appearance of a conflict of interest or loss of impartiality with respect to the performance of his or her official duties. District employees shall not participate, without prior approval, in any activity that would appear, to a reasonable person who is knowledgeable of the relevant facts, to present a conflict of interest. A District employee who is concerned that an activity, event, or circumstance might present a conflict of interest, or appearance of a conflict of interest, or raise a question regarding his or her impartiality, shall use the below process to determine whether he or she should or should not participate in the activity.

Merely being acquainted with an individual who is employed on a facility/field/rig does not by itself require a District employee to be recused from official activities that relate to the facility where the individual works. However, a District employee should discuss the specific situation with his or her supervisor and document any concern or situation that may be perceived as a conflict of interest so that a determination can be made regarding whether the District employee should be recused from performing his or her official duties on a particular facility/field/rig.

The following is an example of a situation where recusal is not warranted:

The District employee's neighbor is employed by a drilling contractor operating in the district employee's district and the District employee:

- Has limited personal knowledge of the neighbor, despite the close proximity of their homes;
- Has had only general conversations with the neighbor over time and is not someone with whom the employee discusses personal issues; and
- Does not participate in a significant number of social activities with the neighbor.

Conflict of Interest/Recusal Procedures

All recusals must be documented by the employee on the attached Conflict of Interest Report/Recusal Request and submitted through the District employee's immediate supervisor, if appropriate, and the District Manager to the Deputy Regional Supervisor. The District employee must not perform any official duties relating to the applicable facility/field/rig while the processing of the recusal request is pending. The Deputy Regional Supervisor, in consultation with the District Manager, will review the recusal request as promptly as possible and make the determination on the conflict of interest and need for recusal. The Regional Supervisor may also consult with the BOEM Ethics Officer and other BOEM officials as he or she thinks necessary or appropriate. The form must also be used for all situations that were reviewed but did not result in a recusal.

A copy of the Conflict of Interest Report/Recusal Request determination will be provided to the employee and retained in the District Office. The original form should be retained in the office of the Deputy Regional Supervisor.

If, while performing official duties on a facility/field/rig, an employee becomes aware that a family member or personal friend is employed by the operator, the employee will complete the inspection or official duties and promptly notify his or her supervisor upon returning to the office to determine if recusal is appropriate. If the decision is made to recuse the employee, the official activity performed by the recused district employee shall be re-scheduled and performed by a different district employee.

Former Employment Restrictions

District employees are not allowed to perform any official duties that relate to a former employer who is a designated operator, contract operator, or drilling contractor for a period of two years from the date the district employee was last employed by that employer.

Current District Employees

All District employees who perform offshore duties are required to complete the attached Employment History Certification. District employees must certify whether or not they were hired by BOEM (then-MMS) prior to August 16, 2008. If hired by BOEM on or after August 16, 2008, the District employee must provide his or her District Manager with a written description of his or her employment history, from August 16, 2008, to the date of employment with BOEM, for review. The District Manager will determine whether or not the District employee is to be recused from performing official duties relating to the District employee's former employer.

District employees must submit the completed Employment History Certification to their District Manager no later than September 15, 2010.

The District Manager will forward the Certifications for employees who certify that they were hired before August 16, 2008, to the Deputy Regional Supervisor.

The Certifications for those employees hired on or after August 16, 2008, will be reviewed by the District Manager to identify any potential conflicts of interest under this policy. The District Manager will recuse district employees from performing official duties for a period of two years from the date the employee was last employed by a designated operator, contract operator, or drilling contractor. Any employee who has worked for a designated operator, contract operator, or drilling contractor on or after August 16, 2008, will be recused by the District Manager from performing any official duties relating to that designated operator, contract operator, or drilling contractor for a two year period. The two year period commences on the date the employee was last employed by the designated operator, contract operator, or drilling contractor. The District Manager will provide the employee and the Supervisory Inspector a copy of the recusal determination and forward the original Certification to the Deputy Regional Supervisor.

Newly Hired District Employees

The Employment History Certification will be completed by all new district employees as part of the pre-employment package. The Human Resources Staff will forward the completed Certification to the appropriate District Manager to make a determination as to the need for any recusal. The District Manager will review the district employee's employment history to identify any potential conflicts of interest. The District Manager will recuse the employee from performing official duties for a period of two years from the date the employee was last employed by a designated operator, contract operator, or drilling contractor. The District Manager will provide the employee and the Supervisory Inspector a copy of the Certification determination and forward the original form to the Deputy Regional Supervisor.

Other Reporting Procedures

Allegations of or information about misconduct, ethically impermissible conduct, and unlawful activities shall be reported to the IRU. Anyone with knowledge of or information about fraud, waste, abuse, misconduct, mismanagement, or unlawful activity should call or write the Office of Inspector General's Hotline: <http://www.doioig.gov/hotline>. District employees also may notify and consult with their supervisor or higher management official regarding any of these issues.

Questions regard the guidance contained in this memorandum should be directed to the relevant Deputy Regional Supervisor.

Conflict of Interest/Recusal Request

Purpose: The Recusal Request must be used by an employee who has been called upon to perform inspections or other official duties in which the designated operator, contract operator, or drilling contractor employs a family member or personal friend of the employee, and from which the employee must therefore be recused. The Recusal Request must also document a situation that was reviewed but did not result in a recusal. The Recusal Request may be used by other BOEM employees who find themselves in situations in which recusal may be appropriate and should be submitted through the employee's supervisory chain to his or her Regional Supervisor.

Discussion: The Recusal Request is completed by the employee and submitted through the Supervisory Inspector, if appropriate, and District Manager to the Deputy Regional Supervisor, District Operations. The District Manager in consultation with the Deputy Regional Supervisor will make the final determination on the conflict of interest and recusal. A copy of the Recusal Request determination will be provided to the employee and retained in the District Office. The original Recusal Request will be retained in the office of the Deputy Regional Supervisor.

1. Name of the family member or personal friend:

2. Name of the applicable operator/company and facility/field/rig:

3. Description of the relationship of the family member or personal friend:

4. Other relevant information:

I hereby request to recuse myself from performing official duties pertaining to the above listed designated operator, contract operator, or drilling contractor due to the employment of a family member or personal friend, as described above.

Employee, sign & date

- The employee is recused from performing official duties with the designated operator, contract operator, or drilling contractor as indicated.
- The Recusal Request has been reviewed and the situation does not result in a conflict of interest to the employee. No recusal of official duties is required.

Comments or reasons for determining no conflict of interest exists:

Supervisory Inspector, sign & date, if appropriate

District Manager, sign & date

Deputy Regional Supervisor, District Operations, sign & date

Employment History Certification

Purpose: This Certification documents the employee's employment history with the oil and gas industry to avoid any conflicts of interest, potential conflicts of interest, or the appearance of a conflict of interest in performing inspections or other responsibilities.

Discussion: The Certification will be completed by the employee and forwarded to the appropriate District Manager. The District Manager will review the employee's employment history to identify conflicts of interest, potential conflicts of interest, or the appearance of a conflict of interest. The District Manager will recuse employees from performing official duties relating to the employee's former employer for a period of two years from the date the employee was last employed by the former oil company/operator. The District Manager will notify and provide copies of his determination to the Supervisory Inspector, as appropriate, and employee. The District Manager will forward the original completed certification to the Deputy Regional Supervisor for review and maintaining the official record.

Employee's Name: _____

District Office: _____

I hereby certify that I was hired prior to August 16, 2008 no yes (check one)

Employee Sign and Date: _____

Employment History. Complete this section if employee is hired on August 16, 2008, or later. Use the reverse side if additional space is needed.

Employee completes this section	District Manager completes this section
Name of Company _____ Dates of Employment To _____ From _____	The employee is recused from performing any official duties with this company no yes until date _____
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Name of Company _____ Dates of Employment To _____ From _____	The employee is recused from performing any official duties with this company no yes until date _____

Comments: _____

Employee, sign & date

District Manager, sign & date

Deputy Regional Supervisor, District Operations, sign & date