APPLICABILITY OF ETHICS RULES DURING FURLoughS
FAQs –

What Ethics Rules Apply to Federal Employees during a Government Shutdown?

During a shutdown of Government operations Federal employees remain subject to all conflict of interest statutes and ethics regulations, as they would during any other period when not on duty. Below are situations that may be of particular interest to you as an employee.

● Outside Employment and Activities

You can only accept employment or engage in an activity that is compatible with your Government position. Incompatible activities include working for a foreign government or contacting a Federal agency or Federal court (if open) on behalf of others. Also, you cannot work for a company, organization, university, local government, or other entity with which you have dealings as part of your Government position. This restriction means that you may not: (a) work for a contractor, grantee, or licensee if you deal with that contractor, grantee or licensee as part of your Government duties or (b) work for a member of a regulated industry, if you deal with that industry. This ban applies to voluntary, as well as paid, work.

If your official duties include working with a nongovernment organization, such as serving as a liaison to a non-Federal organization, serving as an officer or board member of a standards-setting body, teaching at a university, or supervising Ph.D. candidates, you must stop all such work during a shutdown. You cannot do these tasks as a personal or voluntary activity.

● Political Activities

Political activity restrictions do not change because you are on furlough. You cannot engage in any fundraising activities for a party or candidate during a Government shutdown, just as you cannot during other off-duty time (although you may raise funds for a union multi-candidate fund from other union members who are not your subordinates).

If you are career SES employee, administrative law judge, or NOAA Corps officer, you also cannot work for a campaign or candidate in any way.

● Gifts and Other Payments

You remain subject to the restrictions on gifts during a Government shutdown, which means that you cannot accept a personal gift or invitation from someone with interests before Commerce, unless an exception applies, such as gifts of $20 or less or from a friend. You also cannot accept any payment given to you because of your Government position.

For invitations that require a supervisor’s approval (to a widely-attended gathering), you may attend if you received permission prior to the shutdown. Otherwise, you can attend with the hope that you will receive permission after the fact when Government operations resume, but if you do not receive such approval you will need to pay the host from personal funds the per person cost of the event.

_Prepared by the Office of the Assistant General Counsel for Administration, United States Department of Commerce – 202-482-5384– February 25, 2010_