



Furlough Periods & Ethics Rules

The Standards of Conduct (5 C.F.R. Part 2635) and the other ethics rules remain in effect for federal employees during furloughs. In particular, employees should note that specific statutes and regulations prohibit or limit certain outside employment and activities. This information paper summarizes these and other rules that commonly impact these activities. Before engaging in outside employment or activities, employees should consult with an agency ethics official with any questions.

Non-Federal Employment, Volunteering, and Other Non-Federal Activities - While on furlough, Federal employees must be mindful of not engaging in any outside employment or activities that would conflict with their Government duties.

(Note: Presidential appointees and non-career employees must abide by limitations on outside earned income. PAS and PA employees should consult an ethics counselor before engaging in any outside activities.)

Generally, non-Federal employment or volunteer activities potentially conflict with an employee's Federal duties if:

- The performance of the employee's government duties affect an outside employer or organization; or
- The employee will be representing others before a Federal agency or court, or will serve as an expert witness on a matter in which the U.S. is a party or has a substantial interest.

Additionally, employees should not engage in the following activities that:

- Involve using an employee's public office for private gain, including using a DHS title, position, or authorities or allowing others to reference or use the authorities of an employee's official position;
- Create a real or perceived conflict of interest with an employee's government responsibilities;
- Affect an employee's impartiality or appear to affect an employees' impartiality in carrying out official business; or
- Require the employee's disqualification from central or critical elements of his/her government position.

Employees may engage in teaching, speaking, and writing in their personal capacities; however, employees may not accept compensation from non-Federal sources for teaching, speaking, and writing in their personal capacities when the opportunity is based on the following reasons:

- The offer is because of the employee's Government position rather than his/her personal expertise;
- The offer is from a person who has interests that may be affected by the performance of the employee's Government duties;
- The subject of the offer concerns a matter to which the employee was assigned in the past year; or
- The subject of the offer concerns an ongoing policy, program, or operation of DHS or the matter draws from official ideas, data, or information.

(Note: Teaching at elementary and secondary schools and accredited institutions of higher learning are generally exceptions to the compensation prohibition, if the course is part of an established curriculum.)

Fundraising - Employees may wish to assist non-Federal individuals or organizations. When engaging in personal fundraising or collection of goods, employees may not take the following actions:

1. Fundraise for a partisan political candidate, party, or group;
2. Use their official DHS titles or reference their government positions in connection with any fundraising;
3. Solicit contributions or support from subordinates or other individuals or entities that are prohibited sources, as defined below; or
4. Raise funds for non-Federal organizations in the workplace (for employees with access to their workplace or other Federal facilities) or using Government computers, equipment or networks.

Questions? Please contact your Component Ethics Officials.

For DHS Headquarters employees -- Contact the Ethics Office at 202-447-3515 or at: EthicsOffice@hq.dhs.gov

Assisting Co-workers - Employees considering offering assistance to other employees through gifts, fundraisers or collections of food or other items, should consult with an Ethics Official as there are certain limitations on conducting these efforts at work or when the beneficiaries include an employees' supervisors, managers and senior employees.

Conflicts of Interest - A criminal conflict of interest statute, 18 U.S.C. § 208, generally prohibits an employee from taking official action in any "particular matter" that would have a direct and predictable effect on the employee's own financial interests, on those of the employee's spouse or dependent children or on those of an organization which the employee serves as an officer, director, trustee, general partner, or employee. Employees who have DHS job responsibilities that involve a potential employer, volunteer activity, or other activity should consult an Ethics Official before proceeding.

Gifts - Employees may not accept gifts offered because of their Government position or from "prohibited sources" unless a gift exception applies. A "gift" is anything, tangible or intangible, with monetary value, including, but not limited to, any gratuity, favor, discount, entertainment, hospitality, loan, or forbearance.

A "prohibited source" is any entity engaged with DHS in the following ways:

- Seeking official action by DHS;
- Doing business or seeking to do business with DHS;
- Regulated by DHS;
- Has interests that may be affected by the performance/nonperformance of the employee's official duties; or
- Is an organization comprised primarily of the above prohibited sources.

Exceptions to the gift prohibition allow employees to accept the following:

- Gifts, other than cash, valued at \$20 or less;
- Gifts based on a personal relationship;
- Discounts available to all Government employees;
- Gifts based on outside business or employment relationships; and
- Widely-attended gatherings, with agency approval.

(NOTE: Political appointees may not accept gifts from registered lobbyists. This prohibition overrides many of the regulatory gift exceptions.)

Other Compensation - Employees are prohibited from receiving salary or other compensation from anyone other than the Government for the performance of their official job responsibilities. There are also rules on receiving compensation for more than one government job.

Political Activities - Political Activity limitations continue to apply during the furlough. See: www.osc.gov.

General Ethics Prohibitions - The following rules always apply to federal employees:

- Personal business activities may not be conducted in the workplace or using Government property, time and resources. During a furlough period, although an employee may not have access to the workplace, an employee may not use Government equipment or resources to conduct personal business.
- Federal employees should not disclose non-public government information unless authorized to do so.

Financial Disclosure - Employees who file financial disclosure reports must report outside positions on their next report. Public Financial Disclosure (OGE-278) filers are required by the STOCK Act to report job negotiations and employment agreements to their Ethics Office within 3 days of beginning any such negotiations or agreement. (Form 360)

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