

APPROVAL REQUIRED WHEN EMPLOYEES ENGAGE IN OUTSIDE EMPLOYMENT

Pursuant to 5 C.F.R. §§ 2635.803 and 3301.103 (a), all Department of Energy employees, other than special Government employees, must obtain **prior** written approval from their immediate supervisor and an ethics counselor before engaging in outside employment regardless of whether the employee is compensated for the activity. A special Government employee is an employee serving not more than 130 days in any consecutive 365 day period. Each request for approval must include the name of the employee seeking approval, the group or organization for whom the employee seeks to work, the type of work to be performed, and the proposed dates of employment and hours to be worked. These regulations have been in place for several years.

As defined in the Department of Energy's supplemental regulations, 5 C.F.R. § 3301.103(c), outside employment consists of any form of non-Federal employment or business relationship involving the provision of **personal services** by the employee. It includes but is not limited to personal services as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, advisor, teacher, or employee, such as an employee engaged in retail sales. This can include positions that are **NOT** compensated. It does **NOT** include participating in the activities of a nonprofit, charitable, religious, public service, or civic organization, **unless such activities involve the provision of professional services OR are for compensation**. Professional services include acting as an attorney, accountant, or in another capacity that has a fiduciary duty.

Approval shall be granted unless there is a determination that the outside employment is expected to involve conduct prohibited by statute or Federal regulation, including the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635). http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html. Among the provisions of the Standards are requirements to avoid even the appearance of using public office for private gain and on misuse of position (including one's official title, office, non-public information, and government time, resources and equipment). In addition, 18 U.S.C. §§ 203 and 205 prohibit employees from engaging in certain representational activities before the United States. http://www.usoge.gov/pages/laws_regs_fedreg_stats/compilation_ethics_laws.html.

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