

Reporting Off-Duty Employment

If you file an OGE Form 278 or 450, you are required to report on the form the outside positions you hold with any company or other non-federal organization, including such positions as officer, director, trustee, general partner, representative, employee and consultant.

References:

DoD 5500.7-R; Joint Ethics Regulation,
CH-7, 17 November 2011
5 C.F.R. § 2634.907(e), 2635.801-804



Pope Legal Office

This handout provides general information. It is not a substitute for obtaining advice from an ethics counselor on the application of the ethics laws and regulations to a specific set of facts and circumstances. Please contact us at:

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OFF-DUTY EMPLOYMENT

"Service Before Self"

OFF-DUTY EMPLOYMENT

This pamphlet provides a brief overview of the rules affecting off-duty employment. Individual unit activities may have additional instruction. Consult your supervisor for more information.

Working for a Company

If you are participating personally and substantially as part of your official duties in a government matter, you may not work as an employee of a company or organization that has a financial interest in that matter.

Working as a Consultant

If you plan to participate in a particular government matter and have a business, contractual, or financial relationship with the other parties involved in the matter, and feel that your impartiality would be compromised, you must not participate. If you foresee even the appearance of a problem of this nature, inform your supervisor or an ethics official before continuing your work.

Representation Before a Federal Agency

Commissioned military officers and federal civilian employees are generally prohibited from representing individuals, companies, and non-federal organizations before any federal agency. This rule even applies to military officers who are on terminal leave and civilian employees who are on annual leave. The rule does not apply to enlisted military personnel.

Prohibited Representation

- * Signing agreements with the Department of Defense (DoD) or any other federal agency
- * Signing reports, memoranda, grants or other applications, letters, or other materials intended for submission to any federal agency or tribunal

- * Signing tax returns (other than your own) for submission to the Internal Revenue Service
- * Arguing before or speaking to (with the intent to influence) any other federal employee who is acting in his official capacity or before any federal agency in connection with any matter involving the United States

Non-Public Information

Executive Branch employees may not disclose non-public information to further the private interests of any individual, company, or organization.

Non-Public Information

Information that the employee gains by reason of federal employment and that he knows (or should reasonably know) has not been made available to the general public.

Contractor Advisory Boards

DoD employees may not serve, in their official capacity, on an advisory board or advisory committee for a defense contractor. Employees who wish to serve as an advisor to a defense contractor in their personal capacity should meet with an ethics advisor to plan a legal course of action.

Working for a Foreign Government

Active-duty Air Force members, ANG, and USAFR members of the Ready Reserve are ineligible for employment by foreign governments. There are also restrictions on federal civilian employees working for a foreign government (or a company or institution that is owned or controlled by a foreign government). If the rule might apply to you, now or in the future, please see an ethics official for guidance.

Working For A Foreign Government

Foreign government employment is defined as any civil employment with a foreign government agency or instrumentality whether or not compensation is received. This restriction also extends to educational or commercial institutions owned, operated, or controlled by a foreign

government. Eligible individuals (civilian employees or retired military personnel) must receive the joint approval of the Secretary of the Air Force and Secretary of State to be employed by foreign governments. (AFI 36-2913)

General or Flag Officers

General or flag officers may not receive compensation for serving as an officer or member of the board of any non-federal entity (other than professional associations and closely-held family entities). Compensated service in the management of closely held family entities or professional associations must be approved by the applicable Service Secretary.

Approval for Financial Disclosure Files

DoD employees that file a financial disclosure report are required to obtain prior written approval of off-duty employment if they will be working for a prohibited source.

Off duty, employment includes employment by military members while on terminal leave and employment by civilian employees while on annual leave.

Prohibited Source

A person or organization that seeks official action by your agency, does business or seeks to do business with your agency, has activities that are regulated by your agency, or has interests that may be affected by you when you are doing your job. This includes any organization the majority of whose members are described within one of these categories