

September 30, 2013
LA-13-11

LEGAL ADVISORY

TO: Designated Agency Ethics Officials

FROM: Walter M. Shaub, Jr.
Director

SUBJECT: Ethics Laws and Regulations Continue to Apply to Federal Government
Employees during Furlough Periods

As you know, the current continuing resolution for Fiscal Year 2013 expires tonight, Monday, September 30, 2013, after 11:59 p.m. In the event of a lapse in appropriations, agencies will have to furlough employees until additional funding is provided.

To prepare for such a possibility, the Office of Government Ethics (OGE) recommends that agencies remind their employees that they remain employees of the Federal Government during furlough periods. Therefore, employees must continue to comply with all of the ethics laws and regulations, including the criminal conflict of interest laws at 18 U.S.C. §§ 203, 205, 207, 208 and 209, the Standards of Ethical Conduct for Employees of the Executive Branch, and any agency-specific supplemental standards of ethical conduct. It is particularly important for employees to understand that ethics provisions regarding outside activities, including provisions regarding outside employment, will continue to apply to them while they are in a furlough status.

OGE previously issued guidance for employees in a furlough status earlier this year in OGE Legal Advisory LA-13-02 and in June 2004 in OGE Informal Advisory Letter 04x6. In addition, the Office of Personnel Management has posted guidance on shutdown furloughs on its web site at <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf>.

While we hope that a lapse in appropriations may be avoided before the deadline, prudent management requires that ethics officials remind Federal employees of the ethics laws and regulations that govern their Federal Government employment. If you have any questions, please do not hesitate to contact your OGE Desk Officer.