

Deferred Resignation Program and Other Extended Leave Statuses— Frequently Asked Questions

(Last updated August 2025)



The U.S. Office of Government Ethics has received numerous questions from ethics officials concerning the application of the ethics laws to career employees participating in the Office of Personnel Management’s Deferred Resignation Program or who are in other extended leave statuses. As described below, the ethics rules and regulations apply to any employee who is in a leave status. The FAQs below provide additional responses to some of the questions OGE has received.

Agency ethics officials should ensure that employees who have elected to participate in the Deferred Resignation Program or who are in another extended leave status are aware of the ethics laws that apply to them and can access an agency ethics official if they have questions about how those laws apply. Agency ethics officials who have further questions should contact their OGE Desk Officer.

Q. During the deferred resignation period and other extended leave periods, are employees still subject to the Federal ethics and related laws?

Yes. Federal employees who participate in the Deferred Resignation Program or who are in another extended leave status continue to be covered by the ethics laws during the leave period. Their status as government employees for purposes of the laws is unaffected by their leave status. As a result, employees must continue to abide by all applicable ethics laws until they have officially separated from Federal service. Applicable ethics laws include:

- The criminal conflicts of interest laws, 18 U.S.C. §§ 208 (financial conflicts of interest), 209 (supplementation of salary), and 203 and 205 (representational restrictions);
- The standards of ethical conduct for employees of the executive branch, 5 C.F.R. Part 2635 (gifts, conflicting financial interests, impartiality, seeking employment, misuse of position, outside activities, and legal expense funds);
- The financial disclosure laws, Ethics in Government Act of 1978 (as amended at 5 U.S.C. §§ 13101-13111) and 5 C.F.R. Part 2634;
- Any supplemental standards of ethical conduct applicable to employees of your agency.

Q. Are public financial disclosure filers who participate in the Deferred Resignation Program or who are in another extended leave status required to file financial disclosure reports (OGE 278e and OGE 278-T) and STOCK Act notifications during the leave period?

Yes. Public financial disclosure filers continue to be subject to all financial disclosure filing and STOCK Act notification requirements during the leave period.

- *Annual reports:* Public financial disclosure reports are typically due no later than May 15, unless the filer has been granted an extension. For filers who were granted a second 45-day extension in calendar year 2025, the reports are due to agency ethics officials on August 14, 2025.
- *Periodic Transaction reports:* Public financial disclosure filers must file periodic transaction reports for any purchase, sale, or exchange of securities over \$1000.
- *Termination reports:* Public financial disclosure filers must file a termination report within 15 days before, but no later than 30 days after, leaving a filing position, unless the filer has been granted an extension. A public filer who participates in the Deferred Resignation Program or who is in another extended leave status does not terminate from their filing position until they resign, retire, or officially separate from their filing position.
- *Notification of Negotiation or Agreement for Post-Employment Compensation and Employment:* Public financial disclosure filers must file STOCK Act notifications for negotiations or agreements for employment or a compensation arrangement that will begin after they leave government service. Note that public financial disclosure filers may, but are not required to, file a STOCK Act notification for negotiations or agreements for employment or a compensation arrangement that will begin before they separate from government service.

Q. Are confidential financial disclosure filers who participate in the Deferred Resignation Program or who are in another extended leave status required to file financial disclosure reports (OGE 450) during the leave period?

Yes. Annual confidential financial disclosure reports are typically due no later than February 15, unless the filer has been granted an extension. Employees in a confidential filing position as of February 18, 2025, the report due date for calendar year 2025, were required to file their annual report, even if they participated in the Deferred Resignation Program or were in another leave status. Confidential financial disclosure filers are not required to file an annual report if they leave a covered position before the annual report due date.

Q. Are employees able to work for another employer during the deferred resignation period or while in another extended leave status?

Generally, yes. So long as their outside employment conforms to all applicable ethics laws and does not conflict with their official duties, employees can work for a non-Federal employer. Outside employment is unlikely to conflict with an employee's official duties unless the outside employer is an organization with which the employee is likely to interact or otherwise affect in the course of the employee's government duties. Examples of other applicable ethics laws include:

- Employees whose agencies require them to receive prior approval for an outside job must seek and receive that approval before starting employment with any non-Federal employer;
- Employees cannot communicate or appear before any agency of the executive branch on behalf of their non-Federal employer with the intent to influence the government;
- Employees who are public or confidential financial disclosure filers must report any outside earned income and employment positions on their financial disclosure forms;
- Employees cannot use government resources, such as government computers, telephones, software programs, or other resources to advance the work of their non-Federal employer;
- Employees cannot use their government title, position, or any authority associated with their public office to advance the work of their non-Federal employer;
- Employees cannot use nonpublic information gained through their government work for the benefit of a non-Federal employer or provide that information to a non-Federal employer;
- Employees are prohibited from receiving compensation for most teaching, speaking, or writing activities that relate to their official duties;
- Employees at certain agencies may be prohibited by statute or regulation from being employed with certain non-Federal employers or conducting certain outside business activities.

OGE has previously advised on outside employment issues for employees impacted by furloughs, which can raise similar issues, here: [LA-19-01: Ethics Guidance for Employees in Non-Pay Status During a Lapse in Appropriations.](#)

Q. Are employees who participate in the Deferred Resignation Program or who are in another extended leave status subject to the rules related to the acceptance of gifts from prohibited sources or gifts that are given because of their official position?

Yes. This means that employees who participate in the Deferred Resignation Program or who are in another extended leave status continue to be precluded from accepting gifts given to them by a prohibited source or that are given because of their official position, unless an exception applies. Common exceptions include:

- Gifts worth \$20 or less received from a single source, so long as all gifts received from that source in 2025 total \$50 or less;
- Gifts given by a relative or friend and that are based solely on that personal relationship;

- Gifts given by an outside employer or other person that are based solely on the employee's outside employment relationship and are not enhanced as a result of the employee's official position;
- Gifts of free attendance to widely attended gatherings when authorized in writing by an agency ethics official;
- Gifts related to legal expenses paid for by a third-party, including pro bono services, subject to any applicable approval requirements.

Q. Are employees who participate in the Deferred Resignation Program or who are in another extended leave status covered by post-employment restrictions at the end of the leave period?

Yes. All employees who participate in the Deferred Resignation Program or who are in another extended leave status will become covered by the post-employment laws when they officially separate from Federal service. Senior and very senior employees will become subject to the enhanced cooling-off period restrictions as of the date on which they leave their senior or very senior position. Unless they are formally removed from those positions while on leave, that timing would normally coincide with the date their resignation, retirement, or separation is effective.

OGE has previously provided FAQs on the post-employment laws which can be found here: [LA-16-08: Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees](#)

Q. What if it is unclear whether an employee has resigned, retired, or separated from Federal service?

Ethics officials should consult with their agency's human resources officials to determine the employment status of the employee. OGE does not have authority to advise on employment laws regarding employee status.