ISSUED JANUARY 8, 2019

ETHICS SHUTDOWN FAQ

OUTSIDE EMPLOYMENT

Even though EPA is shut down, employees are still subject to all of the ethics laws and regulations, including the conflict of interest statutes and the Hatch Act.

The following types of outside employment require advance approval from an ethics official:

- Consulting services
- Practicing a profession
- Holding State or local public office
- Any subject matter that deals in significant part with the policies, programs or operations of EPA, or any matter to which you are currently assigned or to which you have been assigned in the previous year, or
- Providing services to an EPA contractor or subcontractor, the holder of an EPA assistance agreement or sub-agreement, or a firm that is regulated by your Region or Office

EXAMPLES THAT REQUIRE PRIOR APPROVAL: Real estate agent, volunteering or working as a lawyer or tax accountant, environmental consultant, executive coach (if you are a coach as part of your EPA duties)

To seek prior approval of the outside activity during the shutdown, you need to provide the following information to your ethics official:

- your name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- confirmation that the service will be performed entirely outside of normal duty hours (and an indication of whether you anticipate continuing this activity when the shutdown ends);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- the basis for compensation (e.g., fee, per diem, per annum, etc.);
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.103 (EPA's Supplemental Regulations); and

- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

While you ordinarily have to notify your first level supervisor before seeking approval from the ethics official, you will not need to so during the shutdown. Instead, you may go directly to your own Deputy Ethics Official (see the list on the internet) or Justina Fugh at ethics@epa.gov .

Even if your outside employment does not require prior approval, please remember the following:

- You cannot represent the interests of anyone else back to the United States, even during the shutdown;
- You cannot use any EPA equipment or resources in connection with the outside employment;
- If the outside employment continues after the shutdown ends, you still cannot use EPA equipment, time or resources in connection with the outside employment. There is no *de minimis* use of government equipment that applies to any compensated outside activity; and
- If you are required to file a financial disclosure report, then you will have to report the outside employment position on the next filing (that is filed in 2020 to cover CY 2019). And if you gross over $1000 in CY 2019, then that income will also have to be reported on the next filing (again, the one that is filed in 2020 to cover CY 2019)

EXAMPLES THAT DO NOT REQUIRE PRIOR APPROVAL: working in retail sales, language tutor, substitute teacher, coffee shop barista, babysitter, caterer, bartender

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