

Ethics Guidance for Employees in Non-Pay Status During a Lapse in Appropriations

All DOE employees in a non-pay status continue to be subject to the ethics laws and regulations, including the criminal conflict of interest statutes, [18 U.S.C. §§ 203 and 205 \(representational restrictions\)](#), [208 \(financial conflicts of interest\)](#), and 209 (supplementation of salary); [Standards of Ethical Conduct](#), 5 CFR Part 2635 (gifts, misuse of position); [DOE Supplemental Ethics Regulations](#), 5 CFR 3301.103; and the [Hatch Act](#) (political activities).

Outside Activity Notification Process & Guidance

May I seek nonfederal employment while I am in non-pay status? Yes, if you submit an email notification to your ethics counselor and the activity does not conflict with your DOE duties (such as if the employer is an entity with which you are likely to interact in the course of your DOE duties). Outside activity guidance can be found here: [Outside Employment / Activities](#).

To satisfy DOE's outside activity prior approval requirement while furloughed, you must provide the following information to your ethics official via email:

- The name of the person, group, or organization for whom the work is to be performed;
- A description of the type of work to be performed;
- The proposed hours of work and approximate dates of employment; and
- A statement that you have read, are familiar with, and will abide by the restrictions described in "[Synopsis of Subparts G & H; 203, 205, 208 handout](#)"; and "[DOE Supplemental Ethics Regulations](#) (5 CFR 3301.103)".

You may participate in the activity without a response from an ethics official while on furlough. DOE HQ employees should email standardsofconduct@hq.doe.gov. NNSA and field employees should contact their respective ethics counselors. When you return from federal service, you should contact an ethics official for further guidance regarding your activities.

Are there any limitations on what I can do for an outside employer? Yes: You cannot communicate with the government on behalf of anyone else; you cannot use your official title or position; you cannot use any DOE equipment or resources; and you cannot receive compensation for most teaching, speaking, or writing activities that relate to your official duties.

Other Ethics Guidance

- Acceptance of gifts and crowdsourced funding: [OGE LA-19-01 Ethics Guidance during non-pay status](#); [OGE LA-20-07 Ethics FAQs for crowdsourced fundraising](#).
- Political activities: [DOE's Hatch Act FAQ](#).
- Ethics resources can also be found on the Office of the Assistant General Counsel for Ethics and Personnel Law website: <https://www.energy.gov/gc/ethics-law-resources>.