

REMINDER ON THE APPLICABILITY OF THE FEDERAL RULES OF ETHICS DURING FURLOUGH PERIODS

The Office of the General Counsel (OGC) is publishing this reminder that employees who are furloughed during a lapse in appropriations remain subject to all ethics statutes and regulations while they are in a non-pay status. The Office of Government Ethics has [previously published guidance](#) to assist furloughed employees navigating commonly encountered situations, particularly in the areas of outside employment, acceptance of gifts, and “crowdsourcing.” Information concerning ethics requirements is also readily available on the [NRC’s public-facing ethics web page](#).

Of particular note for NRC employees:

- The NRC’s supplemental ethics regulations in [5 C.F.R. Part 5801](#) continue to apply during a furlough. This includes the NRC’s prohibited securities rule ([5 C.F.R. § 5801.102](#)) and the NRC’s general prohibition on engaging in compensated outside employment, absent specific written authorization, with particular types of employers ([5 C.F.R. § 5801.103](#)). Generally speaking, this includes NRC applicants and licensees; NRC contractors; Agreement state licensees; organizations that represent clients before the NRC; or any organization directly engaged in commercial nuclear activities.
- Furloughed employees are not prohibited from engaging in compensated employment that is entirely unrelated to their official duties or the NRC’s statutory mission. However, employees who engage in permissible compensated employment while furloughed must not (1) represent parties in matters before the federal government; or (2) use their official government title in conjunction with their employment.
- Furloughed employees are generally permitted to accept free meals or discounts from businesses that are offering such benefits to all furloughed employees.
- Furloughed employees generally cannot engage in a “crowdsourcing” campaign to raise funds because they are in a non-pay status, as this is considered a solicitation for a gift based on the individual’s status as a federal employee.
- Furloughed employees who are covered by the STOCK Act and are required to make timely disclosures of certain financial transactions, or notifications of commencement of employment negotiations, are not required to file such disclosures while in non-pay status. However, these employees must promptly submit any such disclosures to ethics officials as soon as practicable upon returning to pay status.