

Ethics in Brief: Ethics Laws & Administrative Leave under the DRP



Generally, the Federal Ethics rules continue to apply to all employees who are on Administrative Leave status under the Deferred Resignation Program (DRP).

Representational Restrictions Back to the Government (Strict Ban):

- **Two criminal statutes, 18 U.S.C. §§ 203 and 205** prohibit you, as a federal employee, from representing the interests of a nonfederal entity before a federal department, agency or officer, even if you are on Administrative Leave status.
- Generally, **this means that you CANNOT engage in outside work that requires you to communicate or otherwise interact with federal personnel on behalf of a third party** since such interactions would likely be considered impermissible representations.
- **This ban applies even when you are on Admin Leave (5 C.F.R. § 2635.102(h)).**

Outside Employment and Conflicts of Interest:

- The potential for an outside employment conflict is dependent on the nature of your assigned duties (if any) at USDA, as well as the nature of your outside employment. If you are **not** assigned official duties during your Admin Leave status, the Conflict of Interest statute (18 U.S.C. § 208), would **not** be implicated.

Post Employment:

- Once you officially terminate your federal employment (*i.e.*, you no longer receiving a USDA paycheck) -- the post-employment restrictions imposed by 18 U.S.C. § 207, will apply. These rules are extremely fact-specific and resources pertaining to the post employment restrictions can be found on the USDA Ethics App (search “USDA Ethics” on any smartphone) or on the USDA Office of Ethics website at www.usda.gov/ethics (See, Rules of the Road Section; Post-Employment and Seeking Employment).

Questions: Contact the USDA Office of Ethics at: DAEO.Ethics@usda.gov