

ETHICS IMPLICATIONS: DEFERRED RESIGNATION (ADMINISTRATIVE LEAVE)

ALL ETHICS RULES STILL APPLY TO YOU!

If you decide to accept the *deferred resignation* offer, then you will be placed in an administrative leave status. During this time – just like when you are in any other leave status -- you are *still an EPA employee* and must abide by all of the federal ethics laws and regulations, including the criminal conflict of interest statutes, the Hatch Act, and the EPA supplemental ethics rules regarding engaging in outside employment and outside activities, whether compensated or not.

Generally, you may not:

- use your official title or authority for your personal benefit or the benefit of others.
- accept gifts that are given because of your official position or from a prohibited source.
- share or disseminate non-public information, including deliberative or attorney-client privileged information.
- engage in non-political fundraising on behalf of a non-federal entity to seek contributions from subordinates or EPA prohibited sources (anyone doing business with or regulated by EPA).
- represent someone else, including any non-federal entity, back to the executive or legislative branch of the United States in any matter in which the US is a party or has a substantial interest.
- accept compensation for representational services involving the US that you or someone else provides while you are on administrative leave.

After your separation date, you will be subject to the criminal post-employment restrictions at [18 U.S.C. § 207](#).

You are still bound by the Hatch Act regarding engaging in political activity. In addition, after you separate from EPA, you will be subject to the criminal post-employment restrictions at [18 U.S.C. § 207](#).

Outside Employment and Outside Activity

Even while you are on administrative leave, you are subject to the rules that prohibit you from non-federal employment or engaging in outside activities that conflict with your official duties, and also from accepting compensation for teaching, speaking, or writing that relates to your official duties, as outlined in [5 CFR 2635.802](#) and [5 CFR 2635.807](#), respectively.

As outlined in the [EPA supplemental ethics regulations](#), the following types of outside employment and activities require prior approval from an ethics official (even when you are in admin leave

status):

- 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

Refer to [5 C.F.R. § 6401.103](#) to see how to request approval of outside activity, if required.

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).

Examples that do not require prior approval: retail sales, tutoring, substitute teaching, babysitter, food/beverage/hospitality positions, ride share driver, exercise instructor.

To make an outside employment or activity request, contact your Deputy Ethics Official (see the [DEO Finder](#) in the Ethics Intranet site) and provide the information set forth at [5 C.F.R. § 6401.103](#). If you need help identifying who your DEO is, send a note to ethics@epa.gov. Remember: you may not engage in the types of outside activity covered by the prior approval provisions until you first receive approval from your DEO.

Even if your outside employment does not require prior approval, the following rules apply to you, even on administrative leave:

- Do not represent the interests of anyone else back to the United States, even while on administrative leave.
- Do not share non-public information, including deliberative and attorney-client privilege information.
- Do not fundraise from subordinates or prohibited sources to EPA.
- Do not allow your official EPA position to be used to further the interests of your outside activity or employment.

Public Financial Disclosure

If you are a *public* financial disclosure filer, then you will have annual and termination filing requirements. You must also have an ethics offboarding discussion with EPA Ethics.

If you have any other questions, send an email to ethics@epa.gov. We are compiling FAQs to help address common questions we are receiving.