**General**

**Q. Do the ethics rules apply to both excepted and non-excepted employees during a lapse in appropriations, generally referred to as a federal government shutdown or partial government shutdown (“shutdown”)?**

**A.** Yes, all of the ethics rules continue to apply to all employees during a shutdown. The Standards of Conduct, at 5 C.F.R. § 2635.102(h), provides that “status as an employee is unaffected by pay or leave status” This means that even though non-excepted employees are not reporting to work during a shutdown, the ethics rules still apply with the same effect.

**Q. Where may employees seek guidance if they have an ethics-related question?**

**A.** Generally, ethics officials are non-excepted; therefore, they will not be available to answer questions during a shutdown. If an employee is concerned that his or her actions may violate the ethics statutes, the Standards of Conduct, or USDA’s supplemental ethics regulations, it is best to refrain from that action until the employee can obtain the necessary guidance. Employees are referred to the USDA Ethics Mobile Application (the USDA Ethics App), a free resource available for download on both Apple and Android smart phones by searching “USDA Ethics.” Additionally, the USDA Office of Ethics website or to the U.S. Office of Government Ethics website are available resources to review the applicable ethics rules governing outside employment, respectively, at: [www.ethics.usda.gov](http://www.ethics.usda.gov) or [www.oge.gov](http://www.oge.gov). The USDA Ethics App, the USDA Ethics website, and the OGE website are valuable resources that contain extensive information on all ethics topics and are not limited to just outside employment.

Furthermore, this Questions and Answers sheet provides general guidance to assist employees with the most common issues that may arise during a shutdown.

**Outside Activities/Outside Employment**

**Q. May employees take other jobs while on furlough?**

**A.** It depends. USDA employees are required to comply with the ethics regulations governing engaging in outside employment or activities (5 CFR Parts 2635 and 8301). During a furlough, the requirement for employees to seek advance approval of any outside employment or activity is waived. As noted above, it is important to remember that the ethics rules still apply to all employees during a furlough period, so any outside activity or employment must not present a conflict of interest with your USDA position and duties. Because employees will not have access to their ethics officials during a shutdown, employees must evaluate any outside activity closely. If there is a risk that the outside activity/employment would create a conflict of interest or even the appearance of a conflict of interest, the employee should refrain from participating during the shutdown.

**Q. May employees volunteer for a partisan political campaign or a partisan political candidate during the shutdown?**

A. It depends. Remember the Hatch Act (5 U.S.C. § 7321–7326), applies during a shutdown and under the Hatch Act, employees have different restrictions on their political activities based upon their positions at USDA. All employees regardless of status are barred from soliciting, accepting, or receiving campaign contributions from any person at any time. Additionally, career SES officials are further restricted under the Hatch Act and may not actively participate in political campaigns, even on their own time. Employees are advised to refer to the Office of Special Counsel’s website ([www.osc.gov](http://www.osc.gov)) or the USDA Ethics webpage ([www.usda.gov/ethics](http://www.usda.gov/ethics)). Additionally, employees are referred to the Hatch Act information contained on the USDA Ethics Mobile Application. The USDA Ethics App is a free resource available for download on both Apple and Android smart phones by searching “USDA Ethics.” If there is a risk that the contemplated activity violates the Hatch Act, employees should refrain from participating in the activity.

**Q. May employees use their official title or position in connection with their outside activity/employment?**

**A.** No. Employees must not misuse their official status in order to obtain outside employment, nor may they use their titles or positions to benefit the outside activities/employment.

**Unemployment Compensation**

**Q. How do I know if I am eligible for Unemployment Compensation (UC)?**

**A.** While on furlough, Federal employees may become eligible for unemployment benefits under the Unemployment Compensation for Federal Employees (UCFE) program. UCFE is paid by the states under the same terms and conditions as regular state UC. You will need to contact the state of your **last duty station** to file an UCFE claim. To qualify for benefits, you must have earned sufficient wages during the prior 12 — 18 months, as determined under the state UC law. The state will advise you of whether or not you are eligible for benefits.

**Q. I accepted unemployment compensation during the furlough. If, after the furlough, the Federal Government pays Federal employees for all time and benefits missed during the furlough, are there ethics rules that require the employees to return the unemployment payments back to the paying State or Municipality?**

**A.** If you receive unemployment compensation and are paid your salary retroactively for furlough time, any unemployment compensation received will need to be repaid. It is a fundamental ethical obligation of Federal service that "Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations. . . ." 5 CFR 2635.101(b)(12); 5 CFR 2635.809. Whether an unemployment payment received by a Federal employee as a result of a furlough is a just financial obligation is a question of State law, U.S. Department of Labor unemployment guidance, and OPM guidance. As of this writing, the U.S. Department of Labor, OPM, and all states require repayment of unemployment benefits in this situation. Employees who have further questions are advised to check with their Agency and State for more specific guidance.

**Gifts**

**Q. Do the gift rules apply during a shutdown?**

**A.** Yes, as noted above, all of the ethics rules continue to apply to Federal employees during a government shutdown. The general rule concerning gifts from an outside source (versus gifts among employees) is that a Federal employee may not accept a gift from a prohibited source or given because of his official position. There are a few exceptions to this rule, addressed below.

**Q. May employees accept a discount offered by a bank or other commercial organization?**

**A.** Generally, yes, IF the discount is offered to ALL Federal employees regardless of pay or agency. (For example, a local restaurant is offering free cookies to all Federal government employees during the shutdown.) Employees also may also accept a discount offered to the public. (For example, a local pizza delivery shop offers large pizzas for $7 every Monday.)

**Q. May employees present their Government identification badge to receive a permissible discount offered to all Federal employees?**

**A.** Yes. Employees may show their Government ID to prove they are eligible for an existing discount. REMEMBER! Employees may not use their Government ID to solicit or encourage a gift or special treatment- this is a misuse of position!

**Q. A fellow employee is having a hard time paying bills during a Government shutdown. May I give a gift to help?**

A. It depends. An employee may give a gift to another employee who is not his or her supervisor and who does not make more money than the giving employee. For example, a GS-14 knows that a GS-5 is having problems feeding his large family during a Government shutdown. The GS-14 buys a bag of groceries and leaves it on the GS-5’s porch. The GS-14 has not violated any ethics regulations.

**Social Media**

**Q. May employees comment/blog about the government shutdown on social media sites?**

**A.** Generally, yes, employees may comment about the shutdown in their personal capacity. However, be aware that if employees’ official titles/positions are listed on the introduction page of their site, they must be careful not to make comments that would appear to be official statements. Also, remember that information that is not appropriate for disclosure by employees in work status continues to be inappropriate for disclosure when employees are in shutdown status.

**Q. May employees continue to conduct USDA business during a shutdown using their personal email or social media sites?**

**A.** No, employees may not continue to work using their personal email or social media sites. This equates to employees volunteering their services during the shutdown, which is prohibited. However, supervisors may use personal email addresses to send approved notices, particularly return-to-work notices.

**STOCK Act - Periodic Transaction Reporting Requirement (Only Applies to Public Financial Disclosure Report Filers)**

For all Public Financial Disclosure Report (OGE-278) filers, during a government shutdown, the STOCK Act's Periodic Transaction Reporting requirement remains in effect. The Act requires that all OGE-278 filers submit reports on transactions (purchases and sales) involving stocks, bonds, commodities futures and other securities (but not mutual funds) where the sale or purchase is in excess of $1,000. This includes transactions by the employee, the employee's spouse, or dependent children, and reports are due within 30 days of receiving notification of a transaction, but no later than 45 days after the transaction. (Note: If you do not have transactions to disclose, you do not need to submit a negative report.) During a government shutdown, the USDA Office of Ethics will grant an automatic 45-day filing extension to any filer who had reportable transactions due during a shutdown.