

Departmental Ethics Office Quick Guide: Ethics Rules for Seeking & Negotiating Employment

As a general matter, you are not prohibited from, or even discouraged by, the Federal ethics laws and regulations from seeking employment outside the Federal Government and negotiating with potential future employers. However, in certain circumstances, contacts with potential future employers may raise conflict of interest concerns with respect to your position and official duties in the DOI and may require you to recuse from working on certain matters. There are also additional requirements if you are involved in certain procurement actions.

Please consult with the Departmental Ethics Office (DEO) *before* beginning a job search and *immediately upon* receiving unsolicited offers or inquiries for more targeted ethics guidance.

Disqualification Requirement When Seeking Employment

You may not participate personally and substantially in a particular matter that, to your knowledge, has a direct and predictable effect on the financial interest of the entity with whom you are seeking employment unless a waiver or authorization has been previously approved by the DEO.

Seeking employment with begins when you communicate, respond, or negotiate about possible employment with a potential future employer, regardless of who initiates the contact. Seeking employment can include:

- sending a resume or completing a job application;
- being approached by a potential employer and you make any response other than a rejection, including a response deferring the conversation to a later date; or
- using a headhunter or agency to search for potential employment, if you know the identity of the potential employers the headhunter is contacting on your behalf.

Seeking employment ends when:

- either party affirmatively rejects the possibility of employment and all discussions end; or
- two months have transpired since you submitted an unsolicited resume and you have not received any indication of interest from a prospective employer.

Recusal When Negotiating or Entering into Arrangements for Future Employment

Once you begin negotiating employment or you enter into an arrangement for future employment with a potential non-Federal employer, a criminal ethics statute, 18 U.S.C. § 208(a), requires your disqualification from any particular matter that has a direct and predictable effect on the

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financial interests of the potential non-Federal employer. You must recuse from “particular matters” that involve deliberation, decision, or action that is focused upon the interests of (1) specific persons or (2) a discrete and identifiable class of persons.

Termination of Disqualifications or Recusals Created by Seeking or Negotiating Employment

You remain disqualified and/or recused from particular matters involving a potential future employer until:

- either you or that potential employer terminates the possibility of future employment;
- you terminate your service at DOI after accepting an offer of employment; or
- your seeking and negotiating activities prove unsuccessful.

Notification Requirements When Seeking and Negotiating Employment

You are not required to notify your supervisor and co-workers that you are seeking or negotiating employment. However, when you are disqualified from participating in a particular matter, we recommend that you consider notifying the person responsible for your assignments. We further recommend that you consult with the DEO and document your disqualification in order to establish compliance with the ethics regulations on seeking employment.

If you file an OGE Form 278e Public Financial Disclosure Report, you are required to provide the Departmental Ethics Office with written notice of any and all employment negotiations within three business days of the beginning of such negotiations. The required notice can be found at: <https://www.doi.gov/ethics/forms/STOCK-act-notification>.

DEO Contact Information

Please contact the DEO for additional assistance or guidance during any phase of your seeking and negotiating for post-Government employment. Contact the Departmental Ethics Office at DOI_Ethics@sol.doi.gov or Tel: (202) 208-7960.

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