

# **Application of the Ethics Laws to Employees who Participate in the Deferred Resignation Program**

The U.S. Office of Government Ethics has received several questions from ethics officials concerning the application of the ethics laws to employees who participate in the Office of Personnel Management's Deferred Resignation Program. As described below, the ethics rules and regulations apply to any person who is in a leave status, including employees who have elected to participate in the Deferred Resignation Program. The FAQs below provide additional responses to some of the questions OGE has received. OGE is aware that there are ongoing developments with regard to the implementation of the Deferred Resignation Program. OGE will update these FAQs as necessary.

Agency ethics officials should ensure that employees who have elected to participate in the Deferred Resignation Program are aware of the ethics laws that would apply to them and can access an agency ethics official if they have questions on how those laws apply. Agency ethics officials who have further questions should contact their OGE Desk Officer.

## **During the deferred resignation period, are employees still subject to the Federal ethics and related laws?**

Yes. Federal employees who participate in the Deferred Resignation Program continue to be covered by the ethics laws during the deferred resignation period. Their status as government employees for purposes of the laws is unaffected by their leave status. As a result, employees must continue to abide by all applicable ethics laws until they have officially separated from Federal service. Applicable ethics laws include:

- The criminal conflict of interest laws, 18 U.S.C. §§ 203, 205, 208, 209;
- The standards of ethical for employees of the executive branch, 5 C.F.R. Part 2635;
- The financial disclosure laws, 5 C.F.R. Part 2634;
- Any supplemental standards of ethical conduct applicable to employees of your agency.

## **Are public financial disclosure filers who participate in the Deferred Resignation Program required to file financial disclosure reports (OGE 278e and OGE 278-T) and STOCK Act notifications during the deferred resignation period?**

Yes. Public financial disclosure filers continue to be subject to all financial disclosure filing and STOCK Act notification requirements during the deferred resignation period.

- *Annual reports:* Public financial disclosure filers who are required to file a 2025 annual report must do so on or before May 15, 2025, unless the filer has been granted an extension.
- *Periodic Transaction reports:* Public financial disclosure filers must file periodic transaction reports for any purchase, sale, or exchange of securities over \$1000;
- *Termination reports:* Public financial disclosure filers must file a termination report within 15 days before, but no later than 30 days after, leaving a filing position, unless the filer has been granted an extension. A public filer who participates in the Deferred Resignation Program does not terminate from their filing position until they resign, retire, or officially separate from their filing position.
- *Notification of Negotiation or Agreement for Post-Employment Compensation and Employment:* Public financial disclosure filers must file STOCK Act notifications for negotiations or agreements for employment or a compensation arrangement that will begin after they leave government service. Note that public financial disclosure filers may, but are not required to, file a

STOCK Act notification for negotiations or agreements for employment or a compensation arrangement that will begin before they separate from government service.

**Are confidential financial disclosure filers who participate in the Deferred Resignation Program required to file financial disclosure reports (OGE 450) during the deferred resignation period?**

Yes. A confidential financial disclosure filer who is in a filing position as of February 18, 2025, must file their annual report, even if they are participating in the Deferred Resignation Program and will subsequently be on administrative leave. Confidential financial disclosure filers are not required to file an annual report if they leave a covered position before February 18.

**Are employees able to work for another employer during the deferred resignation period?**

Yes, subject to other applicable laws, employees are able to work for a non-Federal employer so long as their outside employment conforms to all applicable ethics laws. For example:

- Employees whose agencies require them to receive prior approval for an outside job must seek and receive that approval before starting employment with any non-Federal employer;
- Employees cannot communicate or appear before any agency of the executive branch on behalf of their non-Federal employer with the intent to influence the government;
- Employees cannot use government resources, such as government computers, telephones, software programs, or other resources to advance the work of their non-Federal employer;
- Employees cannot use their government title, position, or any authority associated with their public office to advance the work of their non-Federal employer;
- Employees cannot use nonpublic information gained through their government work for the benefit of a non-Federal employer or provide that information to a non-Federal employer;
- Employees are prohibited from receiving compensation for most teaching, speaking, or writing activities that relate to their official duties;
- Employees at certain agencies may be prohibited by statute or regulation from being employed with certain non-Federal employers or conducting certain outside business activities.

OGE has provided FAQs on outside employment issues for employees impacted by furloughs, which can raise similar issues, here: [LA-19-01: Ethics Guidance for Employees in Non-Pay Status During a Lapse in Appropriations.](#)

**Are employees who participate in the Deferred Resignation Program subject to the rules related to the acceptance of gifts from prohibited sources or that are given because of their official position?**

Yes. This means that employees who participate in the Deferred Resignation Program continue to be precluded from accepting gifts given to them by a prohibited source or that are given because of their official position, unless an exception applies. Common exceptions include:

- Gifts worth \$20 or less received from a single source, so long as all gifts received from that source in 2025 total \$50 or less;
- Gifts given by a relative or friend and that are based solely on that personal relationship;
- Gifts given by an outside employer or other person that are based solely on the employee's outside employment relationship and are not enhanced as a result of the employee's official position;
- Gifts of free attendance to widely attended gatherings when authorized in writing by an agency ethics official;

- Gifts related to legal expenses paid for by a third-party, including pro bono services, subject to any applicable approval requirements.

**Are employees who participate in the Deferred Resignation Program covered by post-employment restrictions at the end of the deferred resignation period?**

Yes. All employees who participate in the Deferred Resignation Program will become covered by the post-employment laws when they officially separate from Federal service. Senior and very senior employees will become subject to the enhanced cooling-off period restrictions as of the date on which they leave their senior or very senior position. Unless they are formally removed from those positions while on administrative leave, that timing would normally coincide with the date their resignation, retirement, or separation is effective.

OGE has provided FAQs on the post-employment laws which can be found here: [LA-16-08: Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees](#)