§ 6401.103 Prior approval for outside employment.

(a) Requirement for approval. An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

(1) Consulting services;
(2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
(3) Holding State or local public office;
(4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
(5) The provision of services to or for:
   (i) An EPA contractor or subcontractor;
   (ii) The holder of an EPA assistance agreement or subagreement; or
   (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) Form and content of request. The employee’s request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee’s immediate supervisor (for the supervisor’s information) and shall include:

(1) Employee’s name, title and grade;
(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
(4) The estimated time to be devoted to the activity;
(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
(6) The employee’s statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
(7) The employee’s statement that the service will not conflict with the employee’s official duties and responsibilities.

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(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

(8) The employee’s statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

(c) Standard for approval. Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) Keeping the record up-to-date. If there is a change in the nature or scope of the duties or services performed or the nature of the employee’s business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee’s Deputy Ethics Official specifies a longer time period.

(e) Definition of employment. For purposes of this section, “employment” means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.