

## **Guidance on Outside Employment During a Shutdown**

Outside employment by federal employees who are furloughed due to a lapse in appropriations is often permissible during the period of their furlough. However, guidance from the U.S. Office of Personnel Management (“OPM”) provides that:

While on furlough, an individual remains an employee of the Federal Government. Therefore, **executive branch-wide standards of ethical conduct and rules regarding outside employment continue to apply when an individual is furloughed** (specifically, the executive branch-wide standards of ethical conduct (the standards), at 5 CFR part 2635). In addition, there are specific statutes which prohibit certain outside activities, and agency-specific supplemental rules that require prior approval of, and sometimes prohibit, outside employment. Therefore, **before engaging in outside employment, employees should review these regulations and then consult their agency ethics official to learn if there are any agency-specific supplemental rules governing the employee.**

OPM 2025 Guidance for Shutdown Furloughs, p.5, available at <https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/guidance-for-shutdown-furloughs-sep-28-2025/> (emphasis added).

Application of the laws, rules, regulations, and policies, governing outside employment varies and can be fact and position specific. Members seeking to engage in outside employment during a furlough, especially members who have not previously received prior approval from their agency to engage in the specific outside employment in which they wish to engage, should therefore carefully review the guidance linked above. Members may also contact the AFGE General Counsel’s Office for advice or guidance on non-criminal matters.

**Please Note:** This publication is for informational purposes only and does not guarantee any particular result in a specific case. The information provided is not, nor is it intended to be, a substitute for individualized legal or professional advice. For case-specific advice, please contact the AFGE General Counsel’s Office.