

Code of Federal Regulations

Title 5. Administrative Personnel

Chapter XVI. Office of Government Ethics

Subchapter B. Government Ethics

Part 2635. Standards of Ethical Conduct for Employees of the Executive Branch (Refs & Annos)

Subpart G. Misuse of Position

5 C.F.R. § 2635.705

§ 2635.705 Use of official time.

Currentness

(a) Use of an employee's own time. Unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under [5 U.S.C. 6301\(2\)](#), has an obligation to expend an honest effort and a reasonable proportion of his time in the performance of official duties.

Example 1: An employee of the Social Security Administration may use official time to engage in certain representational activities on behalf of the employee union of which she is a member. Under 5 U.S.C. 7131, this is a proper use of her official time even though it does not involve performance of her assigned duties as a disability claims examiner.

Example 2: A pharmacist employed by the Department of Veterans Affairs has been granted excused absence to participate as a speaker in a conference on drug abuse sponsored by the professional association to which he belongs. Although excused absence granted by an agency in accordance with guidance in chapter 630 of the Federal Personnel Manual allows an employee to be absent from his official duties without charge to his annual leave account, such absence is not on official time.

(b) Use of a subordinate's time. An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

Example 1: An employee of the Department of Housing and Urban Development may not ask his secretary to type his personal correspondence during duty hours. Further, directing or coercing a subordinate to perform such activities during nonduty hours constitutes an improper use of public office for private gain in violation of § 2635.702(a). Where the arrangement is entirely voluntary and appropriate compensation is paid, the secretary may type the correspondence at home on her own time. Where the compensation is not adequate, however, the arrangement would involve a gift to the superior in violation of the standards in subpart C of this part.

SOURCE: [57 FR 35041](#), Aug. 7, 1992; [62 FR 48747](#), Sept. 17, 1997, unless otherwise noted.

AUTHORITY: [5 U.S.C. 7301](#), [7351](#), [7353](#); 5 U.S.C. App. (Ethics in Government Act of 1978); [E.O. 12674](#), [54 FR 15159](#), 3 CFR, 1989 Comp., p. 215, as modified by [E.O. 12731](#), [55 FR 42547](#), 3 CFR, 1990 Comp., p. 306.

Notes of Decisions (1)

Current through Nov. 14, 2022, 87 FR 68310. Some sections may be more current. See credits for details.

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