

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Arizona State Office  
One North Central Avenue, Suite 800  
Phoenix, Arizona 85004-4427

December 7, 2015

In Reply Refer To:  
1400-630 (953) P

EMS TRANSMISSION 12/8/2015  
Instruction Memorandum No. AZ-2016-008  
Expires: 9/30/2019

To: All Employees  
From: Deputy State Director, Business and Support Services  
Subject: Outside Work and Activities

**Purpose:** The purpose of this Instruction Memorandum (IM) is to remind employees of the Bureau of Land Management (BLM) Arizona, that they must obtain written approval before engaging in outside employment. This approval is necessary to ensure that employees do not violate Federal ethics rules regarding employment and other activity with a prohibited source.

**Policy/Action:** Before taking on work outside of their BLM positions, employees must submit a request through their supervisors to the Human Resources (HR) Branch for ethics approval to engage in outside employment. Requests for outside employment must be submitted using BLM Arizona Form 1400-735-2 "Request for Ethics Approval to Engage in Outside Work or Activity" ([http://web.az.blm.gov/cfiles/forms/pdf/AZ-1400-735-2\\_OutsideWorkRequestForm.pdf](http://web.az.blm.gov/cfiles/forms/pdf/AZ-1400-735-2_OutsideWorkRequestForm.pdf)) and must include a supervisory recommendation for approval or disapproval.

Employees who wish to serve in their official capacity on outside boards and in professional organizations should seek ethics review and approval before doing so, by submitting Form AZ-1400-735-2. The State's Assistant Ethics Counselor will review the form, record the ethics determination on it, retain the original form and return copies to the employee and their supervisor. In order to prevent a possible conflict of interest, it may be necessary for employees to modify or terminate an outside activity or affiliation.

For purpose of this IM, "employment" means any form of non-Federal business relationship involving the provision of personal services by the employee, with or without 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

done under an arrangement with another person for production or publication of the written product. It does not include participation in the activities of: a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless the participation involves the provision of professional services or advice for compensation other than reimbursement for actual expenses.

A prohibited source includes any organization, a majority of whose members are described in (a) through (d) below, and any person who:

- a. is seeking official action by the BLM;
- b. does business or seeks to do business with the BLM;
- c. conducts activities regulated by the BLM; or
- d. has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

The State's Assistant Ethics Counselor, Barry Kevin, is authorized to approve requests to perform outside work with a prohibited source. Requests must be submitted using Arizona Form 1400-735-2, through the employee's first-level supervisor to the Assistant Ethics Counselor in the HR office.

Upon significant change in the nature of their outside employment or official position, employees must submit a revised request for approval using the same process. If outside employment terminates, no notification to the HR Office is required.

It is assumed that any outside work requests that are approved, will be performed wholly outside duty hours or while employees are on authorized leave; that it will not involve the contribution of time or services by other federal employees during their official duty hours; and that the outside work will not involve the use of government funds, facilities, equipment, or proprietary information that is not available to the public. It is the BLM's policy that Leave Without Pay (LWOP) shall not be granted for the purpose of private employment, with the exception of service with non-federal public or quasi-public organizations. Under no circumstances will Sick Leave be authorized for this purpose. Performance of unauthorized outside work while on official duty shall be treated as a misuse of official time.

**Timeframe:** This IM is effective immediately.

**Budget Impact:** None.

**Background:** Outside work or activities are generally permitted unless they are prohibited by statute or regulation, or would require (to avoid a conflict of interest) the employee's disqualification from matters central or critical to the performance of his or her official duties. Department of the Interior (DOI) regulation, 5 CFR 3501.105, requires that all employees obtain written approval from their Ethics Counselor before engaging in outside employment, paid or unpaid, with a prohibited source.

**Directives Affected:** None.

**Coordination:** None.

**Contact:** If you have any questions, please contact Barry Kevin, Arizona State Assistant Ethics Counselor, at 602-417-9270, or email [bkevin@blm.gov](mailto:bkevin@blm.gov).

Signed:  
Gera Ashton  
DSD, Business and Support Services

Authenticated by:  
Pamela Mier  
Staff Assistant