DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330

OFFICE OF THE GENERAL COUNSEL

January 26, 2025

MEMORANDUM FOR OFFICE OF THE SECRETARY OF THE AIR FORCE PERSONNEL
AIR STAFF PERSONNEL
SPACE STAFF PERSONNEL

FROM: Shannon A. McGuire, Designated Agency Ethics Official

Subject: Guidance Regarding Off-Duty Employment

References: (a) 5 C.F.R. Part 2635
(b) 5 C.F.R. § 2638.104
(c) 5 C.F.R. § 3601.106
(d) Joint Ethics Regulation (JER), May 15, 2024
(e) DAFI 36-147, *Civilian Conduct and Responsibility* (11 Jan 2023)

This memorandum sets out required procedures for DAF personnel in the above-referenced organizations engaged in off-duty employment or other outside business activities. Financial disclosure filers engaging in outside activity with a prohibited source must obtain advance approval from their agency designee; all other personnel must report off-duty employment or other outside business activity to their supervisors. All personnel are to use DAF Form 3902, *Application and Approval for Off-Duty Employment*.

1. DAF financial disclosure filers engaging in outside activity with a prohibited source

In accordance with 5 C.F.R. § 3601.106, DoD personnel (military and civilian) who are required to file a financial disclosure report (OGE Form 450 or 278e) must obtain approval from his/her agency designee before engaging in a business activity with a prohibited source or compensated outside employment with a prohibited source. A prohibited source is a person or entity that is seeking official action by the employee's agency; does business or seeks to do business with the employee's agency; conducts activities regulated by the employee's agency; has interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or is an organization a majority of whose members are described by one of the previous categories. *See* 5 C.F.R. 2635.203(d).

Financial disclosure filers subject to this section must use DAF Form 3902, *Application and Approval for Off-Duty Employment*, to request and obtain approval.

A filer's agency designee is as follows: For any military officer in grade O-7 or above who is in command, the Military Service Chiefs, the Military Service Vice Chiefs, staff principals in the grade of O-9 or higher in a service headquarters organization, and any Presidential appointee requiring Senate confirmation, the agency designee is their Ethics

Official. For all other personnel, the agency designee is a commissioned military officer in the grade of O-4 or above, or a civilian employee in or above the grade of GS-13 or equivalent, who has been designated as a supervisor in the chain of command or supervision of the DoD Personnel concerned. This responsibility may not be further delegated. The agency designee must act in consultation with an Ethics Official.

Approval shall be granted unless a determination is made that the business activity or compensated outside employment is expected to involve conduct prohibited by statute or regulation.

2. All other Office of the Secretary of the Air Force, Air Staff, and Space Staff personnel

In accordance with DAFI 36-147, *Civilian Conduct and Responsibility* (11 Jan 2023), para. 3.6, and 5 C.F.R. § 2638.104(c)(6), all DAF personnel not otherwise required by 5 C.F.R. § 3601.106 to obtain advance approval must report business activity or compensation from outside employment to their supervisors, regardless if such outside activity is with a prohibited source. This includes financial disclosure filers who are engaged in outside activity with an entity/organization that is not a prohibited source as well as DAF personnel who are not financial disclosure filers.

Personnel must use DAF Form 3902, *Application and Approval for Off-Duty Employment* to report outside activity in accordance with this section.

3. You are not required to request approval or report outside activity that does not constitute business activity or compensated outside employment; e.g., if you serve as an uncompensated non-management volunteer of an outside organization. If you are unsure of whether your outside activity constitutes business activity or compensated outside employment such that you are subject to these requirements, please contact an ethics official for guidance.

My point of contact for this memorandum is Meredith A. Pierce, Director of Ethics, at (703) 697-5840.

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SHANNON A. McGUIRE
Designated Agency Ethics Official