

§ 6701.105

5 CFR Ch. LVII (1-1-02 Edition)

(c) *Waiver.* An employee may make a purchase otherwise prohibited by this section where a written waiver of the prohibition has been given to the employee by the employee's immediate supervisor, with the advice of a Deputy Standards of Conduct Counsellor or the Designated Agency Ethics Official. Such a waiver may be granted only if a determination is made that the waiver is not otherwise prohibited by law or regulation, and that in the mind of a reasonable person with knowledge of the particular circumstances, the purchase of such real estate or interest therein will not raise a question as to whether the employee will use his official position or nonpublic information to obtain an advantageous purchase or create an appearance of loss of impartiality in the performance of the employee's duties.

§ 6701.105 Taking or disposing of Government property.

An employee shall not, directly or indirectly, take or dispose of, or allow the taking or disposal of, Government property, unless authorized to do so. For purposes of this section, property remains Government property until disposed of in accordance with applicable rules and regulations.

§ 6701.106 Prior approval for outside employment.

(a) *Approval requirement.* A GSA employee, other than a special Government employee, shall obtain written approval from his immediate supervisor prior to engaging in outside employment with a prohibited source, with or without compensation.

(b) *Form of request for approval.* A request for approval of outside employment shall include, at a minimum, the following:

- (1) The employee's name, location and occupational title;
- (2) A brief description of the employee's official duties;
- (3) The nature of the outside employment, including a full description of the specific duties or services to be performed;
- (4) The name and address of the prospective outside employer for which work will be done; and

(5) A statement that the employee currently has no official duties involving a matter that affects the outside employer and will disqualify himself from future participation in matters that could directly affect the outside employer.

(c) *Standard for approval.* Approval shall be granted unless a determination is made that the outside employment is expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and this part.

(d) *Definitions.* For purposes of this section:

(1) *Employment* means any form of non-Federal employment or business relationship involving the provision of personal services by the employee. 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, however, 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.

(2) *Prohibited source* has the meaning in 5 CFR 2635.203(d), and includes any person who:

- (i) Is seeking official action by GSA;
- (ii) Does business or seeks to do business with GSA;
- (iii) Conducts activities regulated by GSA;
- (iv) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
- (v) Is an organization a majority of whose members are described in paragraphs (d)(2)(i) through (iv) of this section.

NOTE TO § 6701.106: An employee may obtain advice from an agency ethics official as to whether a potential employer is a prohibited source.