

## **Office of Government Ethics**

**81 x 17 -- 05/15/81**

### **Letter to a Private Attorney dated May 15, 1981**

You have advised us that one of your corporation's employees expects to be appointed to a position with a Government agency. You have told us that the agency has requested him to begin work in May on a consultant basis, pending Senate confirmation of his appointment. Upon confirmation he will resign as an employee of your corporation.

You have asked us what prohibitions, if any, might exist under 18 U.S.C. § 209 if your corporation would grant the employee's request for a leave of absence for a period of 90 days or until Senate confirmation, whichever shall occur first. Your question focuses on five employee benefits which would continue for the duration of the leave of absence and which you outlined in your letter to the Office of the Counsel to the President. You have given us a copy of that letter and your representations in that letter are incorporated herein by reference thereto.

We agree with you that your corporation may grant a leave of absence as outlined in your May letter without violating any applicable Federal conflict of interest statutes or regulations. Specifically, 18 U.S.C. § 209(b) permits the continuation of the annuity credits, insurance plans, and the medical and dental benefit programs which you have described in that letter while the employee is on the leave of absence described above.

We understand that he will sign a letter agreeing to recuse himself from any particular matter affecting your corporation while he is a consultant to the agency on this leave of absence (See 18 U.S.C. § 208). You have represented to us that it is unlikely that any such matter affecting your corporation would come before the employee in his governmental capacity during this maximum ninety day period.

The Office of Legal Counsel, Department of Justice, concurs in the conclusions of this letter.

Sincerely,

J. Jackson Walter

Director

## **ATTACHMENT**

The only benefits which would continue for the duration of the leave are as follows:

1. Annuity credits will be allowed for qualifying employees to the extent that service credit is granted.
2. The employee continues to be eligible to be insured in accordance with the terms of the Family Adjustment Insurance Plan, based on his normal compensation and Benefit Plan service immediately prior to the leave of absence.
3. The employee continues to be eligible to be insured in accordance with the terms of the Family Income Insurance Plan, based on his normal compensation and Family Income Benefit service immediately prior to the leave of absence.
4. The employee continues to be eligible to be insured in accordance with the terms of the Contributory Group Life Insurance Plan, based on the employee's normal compensation immediately prior to the leave of absence.
5. The employee will be eligible to

continue to participate in his unit's medical benefits and dental benefits programs while on leave. Employer payments to these programs would not be made.

There are no other benefits or payments provided under the Policy.