

05 x 8

Letter to a Company
dated December 21, 2005

I received your letter describing your proposal to conduct interviews and surveys and to host focus groups in order to gather information from Federal and postal employees, annuitants, and active and retired military personnel about [a type of] insurance offered to Federal employees. The purpose of this process is to gather information in order to identify areas of improvements to the insurance offered to Federal employees under a contract with [Company A] and [Company B]. You plan to pay persons \$50 to \$100 for their participation in the project. Your letter indicates that your company would interview current Federal employees during their non-duty hours away from the Federal workplace. Your concern is that you comply with Federal ethics laws and regulations.

Based on the information you provided to me, most current Federal employees who participate in the survey would not violate 18 U.S.C. § 209 by accepting payment from your company for participating in the survey under the conditions you described. 18 U.S.C. § 209 prohibits Government employees from receiving compensation from non-Governmental sources for their services as Government employees. Unless their Government job involves the selection of the insurer for the Government or involves the administration of the insurance contract, the employees are not providing services to the Government when they make decisions regarding insurance for themselves or family members. This insurance is a personal matter for most Federal employees.

Because employees will receive payment for their participation in the survey, we consider this activity to be part-time employment. Many agencies have supplemental regulations that govern the outside activities, including part-time employment, of its employees. Although 18 U.S.C. § 209 is not a bar to most employees participating in the survey, employees who wish to participate must comply with

their agency regulation regarding outside activities before they can participate in your survey.

If our Office can be of further assistance, please contact us.

Sincerely,

Ira S. Kaye
Acting Deputy General Counsel