

DISQUALIFICATIONS AND RECUSALS

A WORD ABOUT ETHICS

What is disqualification or recusal?

- Disqualification or recusal is when you are barred from working on a matter as a Government employee because of a conflict of interest.

When do I need to disqualify myself from working on a matter?

- Disqualification is necessary whenever you (or someone close to you) have a financial interest that can be affected by an agency action on a matter to which you are assigned or when one of the parties in a matter before your agency is someone (or is represented by someone) with whom you have a close personal or business relationship.

What financial interests require disqualification?

- You cannot work on any matter affecting your personal financial interests or those of your spouse or minor children, a household member, a general partner, or an organization in which you are employed or serve as an officer or board member or are seeking employment. However, exceptions allow you to participate in matters if the financial interest is in a broadly-diversified mutual fund or is a stock or bond holding of \$15,000 or less traded on a U.S. exchange.

What personal relationships require disqualification?

- You cannot work on a matter if one of the parties is (or is represented by):
 - someone with whom you have or seek a financial or business relationship;
 - a close relative;
 - a household member;
 - an employer (or prospective employer) or client of a parent, spouse, or dependent child or an organization in which they of them serves as an officer or director;
 - a former employer or client of yours for a period of one year after you left employment or two years if you are a political appointee or if you received an extraordinary severance payment; or
 - an organization in which you are an active participant.
- However, if in the agency's interest, special authorization to participate may be available through the Ethics Law and Programs Division.

Must a disqualification be written?

- No, unless it concerns a prospective employer and
 - you are an employee required to file a public financial disclosure report,
 - you have received a travel payment to attend an interview, or
 - it is a bidder on a procurement of \$150,000 or more.

**Ethics Law and Programs Division – Office of the General Counsel – United States
Department of Commerce**

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