

**From:** [Richards, Jocelyn](#)  
**To:** [2635 Modernization](#)  
**Subject:** Proposed Amendments to Standards of Conduct - Office of Government Ethics Regulation Identifier Number (RIN), 3209-AA43  
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All –

The Department of Energy submits two comments to the proposed Office of Government Ethics (OGE) amendments to the Standards of Conduct, RIN 3209-AA43.

Both comments concern Proposed § 2635.503—Covered Payments From Former Employers:

1. With respect to OGE’s proposed definition of “Qualifying program” at 2635.503(b)(2)(i)(A), the updated definition reads “(A) A compensation, partnership, or benefits program that is contained in bylaws, a contract, or other written form, *and does not treat individuals entering Government service more favorably than other individuals;*” (emphasis added). We note that employers commonly have written policies that permit for acceleration of benefits or lump sum payouts for individuals entering government service. These policies are often written to expedite the transition to Federal service. This change would exclude those type of payments from a qualifying program, and will cause unnecessary delays and conflicts in the transition to Federal service.
2. With respect to OGE’s updated definition of “former employer” at 2635.503(b)(3) via new Note 1 to paragraph (b)(3), the new text states, “The definition of former employer includes former clients for whom an employee may have served as an agent, attorney, consultant, or contractor.” We recommend OGE clarify that former clients are those for whom the individual personally provided services, and not all clients of a larger firm.

Sincerely,

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