



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314

REPLY TO
ATTENTION OF:

DAEN-CCZ-A

22 JUN 1963

SUBJECT: Negotiating for Employment

All HQUSACE/OCE Elements and All Field Operating Activities'

1. In two recent letters, General Bratton set forth the restrictions of 18 U.S.C. 208 and AR 600-50 applicable to Corps of Engineers personnel who are negotiating for employment. The letters emphasized the need to comply with the requirements of the law and regulation and included an example of how violations can occur quite innocently, but with unfortunate results. Set forth below is the procedure to be used to preclude violations when negotiating for employment.
2. 18 U.S.C. 208 and AR 600-50, paragraph 2-1n, prohibit DA employees from participating personally and substantially in any particular matter in which, to their knowledge, an organization with whom they are negotiating for employment has a financial interest. It is, therefore, necessary for Corps employees to be disqualified from such participation. Disqualification should occur before contacting any organization or responding to an unsolicited communication regarding prospective employment when it appears reasonably possible that the employee's official function will affect the financial interests of that organization. A formal disqualification must be sent to the employee's superior and immediate subordinates. After disqualification, matters relating to the organization with whom the employee is negotiating must be reassigned to someone else who is not subordinate to the disqualified person (AR 600-50, para. 2-11g(4)). If an employee cannot adequately perform his official duties after disqualification, he must cease to negotiate or be removed from his position. As the immediate superior must reassign matters relating to the disqualified person and may determine whether or not an employee can adequately perform his function after disqualification, the immediate superior's concurrence should be received, in writing, before the disqualification is accomplished. Attached is a sample disqualification statement.
3. Any questions regarding disqualification when negotiating for employment should be addressed to your Deputy Standards of Conduct Counsellor.

FOR THE COMMANDER:

Enclosure

A handwritten signature in cursive script that reads "Lester Edelman".

LESTER EDELMAN
Chief Counsel

SAMPLE DISQUALIFICATION STATEMENT

MEMORANDUM FOR IMMEDIATE SUPERIOR
IMMEDIATE SUBORDINATES

1. This is to notify you that I wish to negotiate for employment with the following organizations and, pursuant to the provisions of AR 600-50, I am required to disqualify myself from official action related to them:

(List applicable organizations)

2. Accordingly, I may not participate personally and substantially in any official actions affecting these organizations if that would create a conflict, or even the appearance of a conflict, with my official duties. My participation would be "personal" whether I act directly or through others. My participation would be "substantial" in any case in which my decision, approval, disapproval, recommendation, investigation, advice, or any other activity may contribute to or influence the official action affecting an organization in which I have an interest. My participation would create a conflict, or at least the appearance of one, whenever it appears reasonably possible that my official functions will affect the organizations, or by actions involving policies, standards, objectives or other matters of general application which may substantially affect the organization.

3. Any such matters in our office should be handled without my knowledge or participation.

CONCUR

NONCONCUR