

POST-EMPLOYMENT RESTRICTIONS

Are there any restrictions on a former employee after leaving Federal service?

- Yes. All former employees are barred from representing others before a Federal agency or Federal court regarding:
 - any specific-party matter on which the employee worked and
 - for two years after leaving the Government, any specific-party matter which was under the employee's official responsibility during the last year of holding a Federal position (including matters on which a subordinate worked).In addition, former employees are subject to restrictions on disclosing or using protected nonpublic information, receiving payments for the representational activities of others for actions during the period of their Federal service, and testifying on matters related to their Government work.

What does "representing" entail?

- Any communication to a Government official made with the intent of influencing Government action is representation. Social contacts and communications to obtain information readily available to the public are not representations.

Are there any additional restrictions applicable to some former employees but not others?

- Yes. In addition to the general restrictions on all employees:
 - *senior employees* (employees paid at or above 86.5% of Executive Level II (\$135,805), or who were paid at or above SES level 5 before 1/11/2004) are subject to a one-year cooling-off period regarding lobbying their former agencies and a one-year bar on representing or advising foreign governments,
 - *attorneys* are also subject to bar rules,
 - *employees who received a buy-out* are subject to a 5-year re-employment bar,
 - *procurement officials* are barred for one year from receiving compensation from the winning bidder of a major procurement (\$10,000,000 or more),
 - *EDA employees* are barred for 2 years from working for EDA grantees in some cases, and
 - *USPTO employees* are barred for one year from obtaining patent rights.

Where can an employee or former employee obtain advice on these rules?

- By contacting the Ethics Division at (202) 482-5384.

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FOR ADVICE ON THIS TOPIC, CALL THE ETHICS DIVISION AT (202) 482-5384

A WORD ABOUT ETHICS