

**Administrative
Law
Advisory**



**CHANGE IN
POST-EMPLOYMENT
RULES FOR
SOME SL/ST EMPLOYEES**

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June 5, 2009

New Post-Employment Restrictions for Some SL/ST Employees

Effective April 12, 2009, the pay system for senior-level (SL) and scientific or professional (ST) employees changed so that locality pay is eliminated and all pay is "base pay." An employee who received base pay equal to or greater than 86.5% of the rate of pay for Level II of the Executive Schedule (which in 2009 is equal to or greater than \$153,105) is considered a "senior employee" and subject to two restrictions not applicable to other employees:

- (1) a one-year bar on representing anyone before the former employee's agency (the operating unit of the employee, such as NIST or NOAA, rather than the entire Department) and
- (2) a one-year bar on representing a foreign government or foreign political party before any branch of the United States Government and from assisting or advising a foreign government or foreign political party regarding its dealings with the United States Government.

Because of the change in the pay system, some employees are now considered "senior employees" and subject to these rules, even though previously they had not been (because their pre-April base pay (which was their salary excluding locality pay) was below 86.5% of Level II of the Executive Schedule, but their "base pay" is considered greater than that amount because it incorporates what had previously been considered locality pay).

Like all former employees, a senior employee is also barred from representing anyone before a Federal court or Federal agency on a specific-party matter on which the former employee worked or, for two years, which was under the former employee's official responsibility during the last year of Federal employment.

A summary of all post-employment restrictions, including those relating to limits on compensation and use of information, is available from the Ethics Law and Programs Division of the Office of the Assistant General Counsel for Administration by calling 202-482-5384 or at the Division's web page at www.ogc.doc.gov/ethics.html.