

- ◆ If you are a former senior or very senior employee, you are subject to a one-year prohibition on representing, aiding, or advising a foreign government or foreign political party, with an intent to influence any officer or employee of a department or agency. You also may be prohibited from representing a foreign entity before Congress.
- ◆ If you worked on certain trade or treaty negotiations during your final year of Government service and have had access to certain restricted information, you are barred for one year from aiding or advising anyone other than the United States concerning those negotiations.
- ◆ If you were a private-sector participant in the Information Technology Exchange Program, you may not aid, counsel, or assist in representing anyone other than the United States on any contract with the agency in which you served for one year after the end of your assignment.

Exceptions to Post-Employment Restrictions

There are exceptions to some of these restrictions. For example, one exception permits former employees to engage in post-employment activities performed in carrying out official duties on behalf of the United States. Another exception, in some cases, allows former senior and very senior employees to make representational contacts on behalf of a candidate for Federal or State office, or on behalf of national and campaign committees or a political party. You should

contact your designated agency ethics official for assistance in determining whether any exceptions apply to your situation.

Additional Restrictions

Depending on your current Government duties and your future employment, other post-employment restrictions may apply to you. Here are some common situations in which other post-employment restrictions may apply:

- ◆ If you will be working for a firm that represented clients before either the executive branch or any court where the United States had an interest, you are prohibited from sharing in the profits earned by the firm for those matters. The restriction applies if the firm's work before the Government occurred while you were employed by the Government.
- ◆ If you were involved in certain large procurements or in the administration of contracts, you may not be able to accept compensation from certain contractors for one year.
- ◆ If you are an attorney or other licensed professional, you should consult your local bar rules or similar professional code for any special restrictions on employment following Government service.
- ◆ If your agency has special post-employment laws and regulations, you may be subject to additional requirements and restrictions not mentioned here.

Summary for Avoiding Trouble

Understanding the Federal ethics laws that govern your conduct while you are looking for a job and after you terminate Government service can be challenging. This pamphlet is only a starting point, but remembering these key issues and seeking the assistance of your agency ethics official will help you successfully pass through the revolving door.

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Understanding the Revolving Door:

How Ethics Rules Apply to Your Job Seeking and Post-Government Employment Activities



Understanding the Revolving Door:

How Ethics Rules Apply to Your Job Seeking and Post-Government Employment Activities

If you are planning to leave the executive branch and return to private employment, you need to know how the Federal ethics laws may affect you, both while you are looking for a job and after you leave the Government. This pamphlet provides an overview of the relevant restrictions that apply in these situations. You should consult your agency ethics official for detailed guidance about how these complex rules and criminal prohibitions apply to you.

Looking for a Job

Several issues can arise when you seek employment outside the Government while you are still working in the executive branch.

Generally, you may not work in your Government job on a matter that would affect the financial interests of someone with whom you are discussing possible employment. To do so would be a conflict of interest subject to criminal penalties. You must disqualify yourself from working on such a matter during your job search. In addition, if you participate in certain procurement matters, you may be subject to additional rules,

including the duty to report employment contacts made by you or a bidder or offeror.

Some additional ethics rules may affect your job search. Generally, you may not work on a Government matter that would affect the financial interests of someone with whom you are “seeking employment.” The rules define “seeking employment” broadly. In most cases, you will be considered to be seeking employment before you are engaged in actual job negotiations. For example, sending a resume or having preliminary contacts about possible employment, whether initiated by you or a prospective employer, may be considered seeking employment.

During your job search, you must be careful not to misuse Government resources such as your official time, the services of other employees, equipment, supplies, and non-public information to which you have access. You also will want to bear in mind the post-employment restrictions, discussed below, to which you will be subject once you leave your Government post.

After you accept a job outside the Government, you must continue to refrain from working on matters in your Government job that would affect the financial interests of your prospective employer.

Restrictions on Employment After Government Service

This section highlights the restrictions that will apply to you even after you leave executive branch service. You should seek advice from your agency’s ethics official on how these post-employment restrictions apply to you, both before and after you terminate Government employment.

Criminal Post-Employment Restrictions

Restrictions on post-Government employment do not bar you from working for any particular employer. The restrictions are designed to address certain activities that involve, or may appear to involve, the unfair use of your prior Government employment. How these restrictions apply to you depends upon your position and your duties during your Government service.

- ◆ As an executive branch employee, you are barred permanently from trying to influence any Federal agency or court, by communications or appearances on behalf of someone other than yourself or the United States (i.e., “representational contacts”), on a matter that has parties (such as a contract, grant, or lawsuit) if you worked on that matter as a Government employee. If the matter was under your official responsibility during your last year of Government service, even if you did not personally participate in it, you are barred from making representational contacts about that matter for two years.

- ◆ If you served as a “senior employee” during your last year of Government service, you are subject to a one-year prohibition on making any representational contacts to your former agency on any matter, regardless of whether the matter involves parties or whether you previously worked on the matter. Senior employees include certain Presidential appointees, General and Flag Officers, most members of the Senior Executive Service (and some high-level employees in similar pay systems), and private-sector participants in the Information Technology Exchange Program.
- ❖ If you work for a large department, you should contact your ethics official and inquire about whether your department is divided into smaller components for post-employment purposes. If so, the restriction on your representational contacts, which otherwise would extend to your entire department, may be limited to a smaller subset of offices within your department.
- ◆ If you served as a “very senior employee,” you are covered by a two-year cooling-off period with respect to representational contacts made to your former agency and to any Executive Schedule employee serving in any agency in the executive branch. Very senior employees include cabinet officers, the Vice-President, and certain very high-level White House staff.

