



SELECT COMMITTEE ON ETHICS

Employment Negotiations and Recusal

Quick Reference

Senators

Senators shall not negotiate or make any arrangements for jobs involving lobbying activities until after their successor has been elected. For any other future private employment, Senators must file a signed public statement with the Secretary of the Senate within 3 business days of beginning the negotiations or arrangements for private employment or compensation. The *Disclosure by Member of Employment Negotiations and Recusal* form may be found at the Office of Public Records (Hart 232) or on the Ethics Committee website at <http://www.ethics.senate.gov>.

Senators who file the *Disclosure by Member of Employment Negotiations and Recusal* form must also recuse themselves whenever there is a conflict of interest (or an appearance of one) with respect to the private entity indentified on the form, and notify the Ethics Committee in writing of such recusals.

Senate Employees Paid \$119,554 or more

Senate employees paid at a rate of 120% of GS-15 (\$119,554 for 2013) must notify the Ethics Committee in writing within 3 days after they start negotiating or otherwise making arrangements for future employment or compensation with a private entity and recuse themselves from official matters involving prospective private employers whenever there is a conflict of interest (or an appearance of one). Senior staff (**employees making \$130,500 or more in CY 2013**) must also recuse themselves from legislative matters that create a conflict of interest (or an appearance of one). The *Non-Public Disclosure By Staff of Employment Negotiations and Recusal* form for complying with these requirements is available on the Ethics Committee website at <http://www.ethics.senate.gov>. All detailees, fellows, and political fund designees paid below \$119,554 are not subject to these requirements.

Definitions

A “negotiation” is the discussion of the terms and conditions of employment after an offer has been made and the Senate Member or employee is considering accepting the offer.

An “employment arrangement” begins when an offer has been made and accepted.



SELECT COMMITTEE ON ETHICS

Post-Employment Restrictions

Quick Reference

Senators

- May not communicate or appear before the House or Senate (Member or staff) on behalf of third party seeking official action for two years. 18 U.S.C. § 207
- May not lobby the Senate (Member or staff) for two years. Senate Rule 37

Please be advised that 18 U.S.C. § 207 is enforced by the Department of Justice, and the Committee's guidance is advisory only.

Senior Staff Paid \$130,500 or more

Employees paid at least 75% of a Member salary (\$130,500 for CY 2013) for at least 60 days in the one year prior to leaving Senate employment:

- May not communicate or appear before the Senate (Member or staff) on behalf of third party seeking official action for one year. 18 U.S.C. § 207
- May not lobby the Senate (Member or staff) for one year. Senate Rule 37

It may be possible for an employee to become subject to Senate-wide post-employment restrictions because of the receipt of a bonus or merit adjustment that is paid out 60 or more days in a calendar year.

All Other Staff

Employees paid less than 75% (\$130,500 for CY 2013) of a Member's salary:

- May not lobby their former employing personal office or committee (Members and staff of the committee) for one year after leaving the Senate payroll.

Substantive Committee Responsibility: A staffer in a personal office who performs substantive responsibilities for a committee on which the staffer's supervising Member sits should refrain from lobbying the committee Members and staff for one year from the date the staffer last performed services for the committee. Substantive committee responsibilities include assisting in the drafting of the committee bills or assisting at hearings and in mark-up (as opposed to committee monitoring and liaison service for the personal office). Such a staffer would also be prohibited from lobbying the employing Member and the Member's personal office for a year.

- **Leadership staff:** May not lobby any Member or staff of the leadership of the same party (including the personal staff of the leadership Member employing the staffer) for one year after leaving the Senate payroll.