

POST-EMPLOYMENT ACTIVITIES – RETURNING TO AGENCY AS A CONTRACTOR

A WORD
ABOUT
ETHICS

Can I leave my agency and work for an agency contractor?

- Yes, but some restrictions apply. After you leave the Government you cannot represent an agency contractor before a Federal agency or court on:
 - any specific-party matter on which you worked (which may include work under a contract with your former office) or
 - for two years after leaving the Government, any specific-party matter on which a subordinate worked.

In addition to these general restrictions on all employees:

- *procurement officials* are barred for 1 year from accepting compensation from the winning contractor of a procurement valued at \$10 million on which the employee worked;
- *senior employees* (employees with base pay of \$160,111.50 or more per year) are barred for 1 year (or 2 years for political appointees) from representing anyone, such as an agency contractor, before their former agency; and
- *political appointees* are also barred from contacting as a registered lobbyist any political appointee during the President's term.

How can I get advice and more information about these rules?

- By contacting an ethics official at 202-482-7938 or ethicsdivision@doc.gov.

Can I make plans to return as an agency contractor before leaving Federal employment?

- Yes. However, you may not:
 - draft a Statement of Work or otherwise participate in the creation of a position that you expect to fill as a contractor;
 - work on any matters that will affect the financial interest of a prospective employer, including an agency contractor with whom you have discussed post-Federal employment;
 - work on any matters that will affect your financial interests as a prospective contractor, such as delaying work so that you may perform it as a contractor; or
 - use Government resources (including Government time) for this outside business activity.

As a manager, are there concerns with hiring my former employees of which I should be aware?

- Yes. You should not retain a former agency employee as a contractor if the employee worked on the development of the contract, such as by preparing the Statement of Work, or if the employee will be working on a specific-party matter that the employee worked on while a Federal employee.

Ethics Law and Programs Division – Office of the General Counsel – United States
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