

INFORMATION PAPER

ARNO-JA
11 March 2014

SUBJECT: Seeking Outside Employment During Transitional Leave

1. Purpose. To summarize the rules concerning employment during transitional leave

2. Facts. The following is a synopsis of restrictions, which apply to senior appointees who seek employment.

a. Seeking employment and official duties.

(1) If you are seeking employment from an organization, you are prohibited from participating personally and substantially (through decision, approval, disapproval, recommendation, advice, investigation or otherwise) in any Government matter (e.g., contract, source selection, claim, sale of asset) in which the organization has a financial interest.

(a) Before you begin to seek employment with a particular organization (i.e., before you send the resume or have the first employment discussion), you must be disqualified from performing any official duties that have a direct and predictable effect on the financial interests of that organization.

(b) The disqualification must be in writing. Your supervisor may disapprove your request for disqualification from duties. A disqualification letter can disqualify you from duties involving one or many organizations. In addition to notifying your supervisor, you should notify your co-workers that you are prohibited from working on matters involving the organization.

(2) There is no requirement to disqualify yourself if you have no duties involving an organization with which you are seeking employment.

(a) Once you seek employment with an organization, however, you will be prohibited from participating personally and substantially in any Government matter in which the organization has a financial interest.

(b) Again, you should notify your supervisor and coworkers that you are prohibited from working on matters involving the organization.

b. Termination of disqualification.

(1) If no job results from employment discussions with an organization, a disqualification from official duties involving that organization may be terminated. Your supervisor, however, has the right to determine that, for appearance

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purposes, you should wait a period of time before you resume duties involving an organization with which you were recently having employment discussions.

(2) If you were disqualified from duties and sought employment (by having discussions or giving a resume), you may end the disqualification and resume official duties involving the organization if: (a) either you or the organization rejected the possibility of employment and all employment discussions have ended, or (2) two months have passed since you sent an unsolicited resume or employment proposal to the organization, and you received no indication of interest from the organization.

c. Employment research firms. You may use an employment search firm (i.e., headhunter) when seeking post-Government employment. An employment search firm may contact, on your behalf, organizations that have no relation to your Government duties. An employment search firm may also contact on your behalf, an organization, where you are participating in a Government matter that affects the organization's financial interests, as long as the employment search firm provides you no information that it has contacted the organization (and assuming that you have not asked the employment search firm to contact the organization). Once the employment search firm informs you that it has contacted the organization, you are disqualified from participating personally and substantially in any government matter that affects the organization's financial interests.

d. Duty to report certain employment contacts. The Procurement Integrity Act provides that if you are participating personally and substantially in a procurement contract, and you contact, or are contacted by, a bidder or offeror in that procurement regarding possible employment, you must do two things: 1) You must promptly report the contact in writing to your supervisor and to the designated agency ethics official (or designee); and 2) You must either reject the possibility of employment, or disqualify yourself from further personal and substantial participation in the procurement (until you have been authorized to resume participation in the procurement).

e. Interviewing expenses. You may accept reimbursement from a prospective employer for meals, lodging, transportation, and other benefits in connection with bona fide employment discussions, as long as: (1) you have no duties that can affect the interests of the prospective employer (if so, you must first become disqualified from performing duties involving the organization), and (2) the benefits you receive are "customarily" provided by the prospective employer to the people being interviewed (i.e., the benefits you receive are no more extravagant than those received by others competing for the position).

f. Information. You are prohibited from using "non-public information" to further your own private interests, or the private interests of any other person or

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organization. Thus, you may never disclose non-public information to a prospective employer.

g. After you accept the job offer. If you have an employment arrangement with an organization, you are prohibited from participating personally and substantially in any Government matter (e.g., contract, source selection, claim, sale of asset) in which the organization has a financial interest. This prohibition lasts until you leave Federal service, or until the employment arrangement is canceled.

3. Employees should contact their Agency's Ethics Counselor for tailored guidance.

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