

RETURNING TO A FEDERAL AGENCY AS A CONTRACTOR

2021

A WORD ABOUT ETHICS

2021

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

- Yes, but some restrictions apply. After you leave the Government you may not 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 \$10 million procurement on which the employee worked;
- *senior employees* (employees with base pay of \$172,295 or more per year) are barred for 1 year (or 2 years for senior political appointees) from representing anyone, such as an agency contractor, before their former agency; and
- *senior political appointees* are also barred from lobbying their former agency or contacting as a registered lobbyist foreign agent any political appointee for two years or the remainder of the President's term (whichever is longer).

May 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.

How can I get advice about these rules?

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