

POST-GOVERNMENT SERVICE EMPLOYMENT RESTRICTIONS
Flag/General Officers/SES

Key References: DOD 5550.7-R, Joint Ethics Regulation; 18 U.S.C. § 207, Restrictions on Former Officers, Employers, and Elected Officials of the Executive and Legislative Branches; 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.

Key Concept: These prohibitions do not bar acceptance of employment with a private or public employer after Government service (unless Procurement Integrity Law applies); they limit or ban the type of activities a former government employee may engage in.

• **1 Year Ban:**

- May not represent someone else before his or her former agency (e.g., DON), with the intent to influence, regarding any official action. Office of Government Ethics can waive this restriction.

- May not aid, advise, or represent:

- others regarding trade or treaty negotiations they worked on their last year of Government service.
- a foreign government or foreign political party with intent to influence the U.S. Government. Retired military members may not accept employment from any foreign government, including corporations owned or controlled by foreign governments, without consent of SECNAV and SECSTATE.

• **2 Year Ban:** May not on behalf of someone else, try to influence any U.S. Government agency, officer or employee concerning a particular matter they did not work on themselves, but was pending under their responsibility during their last year of Government service.

• **Lifetime Ban:** May not, on behalf of someone else, try to influence a U.S. Government agency, officer or employee concerning a particular matter in which you participated *personally and substantially* on behalf of the Government.

• **Employment by DOD**

- Retired military personnel are prohibited from appointment to a civil service position in any DoD component for 6 months after retirement. The Secretary has temporarily waived this prohibition.

- Military personnel on terminal leave may accept a civilian position in the U.S. Government and accept pay for services rendered while still receiving military pay and allowances.

- However, they may not hold any office that exercises the sovereign power of the Federal, state or local government (for example, an elected official) during terminal leave.

• **Seeking Employment:** While seeking employment, Federal employees may not participate in matters that affect the financial interest of a potential employer. "Seeking employment" is broadly defined; it includes sending resumes and responding to unsolicited proposals. This may require:

- disqualification from performing work on certain projects by issuing written notice of disqualification to superiors, subordinates, and designated ethics counselor;
- issuance of notice to specified individuals if participating in a procurement action;
- change of duties; or
- forgo pre-retirement / separation job hunting with certain employers.

• **Procurement Integrity Laws:** For **one year**, may not accept compensation from a contractor if

- served as procurement contracting officer, source selection authority, member of the source selection evaluation board or council, or chief of a financial/technical evaluation team for a procurement of more than \$10 million won by that contractor.

- served as a program manager, deputy program manager, or administrative contracting officer for a contract in excess of \$10 million held by that contractor.

- personally made a decision:

- to award a contract, subcontract, modification, task order or delivery order in excess of \$10 million to that contractor.
- to establish overhead or other rates, approve a contract payment or payments, or pay to settle a claim, for more than \$10 million for that contractor.