



JCOPE'S GUIDE TO LEAVING STATE SERVICE: RESTRICTIONS AND PROHIBITIONS ON NEW EMPLOYMENT

(Excluding Legislative and Executive Chamber Employees)

Thinking about leaving your State job?

There are two important restrictions you need to know about when taking a new job

TWO-YEAR BAR RESTRICTION

Applies for two years after you leave your State job for a non-governmental job.

Contains two different types of prohibitions.

1. "APPEARANCE/PRACTICE" PROHIBITION:

- Prohibits a former State employee from interacting (in person, on the phone, or via written or electronic correspondence) in his new job with *any* employee in his former agency in an attempt to influence an agency decision.
- Examples of prohibited work: (i) negotiating a contract with a former agency; (ii) submitting a response to a Request for Proposal from a former agency; (iii) requesting that the former agency take any action on a current or proposed project; (iv) submitting reports or filings to a former agency; (v) attending a meeting with a former agency; and (vi) seeking information from a former agency that is not available to the public.
- Applies to both paid and unpaid (*pro bono*) work.

2. "BACKROOM SERVICES" PROHIBITION:

- Prohibits a former State employee from working "behind the scenes" on a matter that is before his former agency.
- Examples of prohibited work: (i) helping to prepare an RFP response to a former agency; (ii) working on any reports or other submissions to a former agency; (iii) helping to prepare another person for a meeting with, or presentation to, a former agency.
- Applies to paid work only. (In other words, unpaid backroom services work is permissible.)

LIFETIME BAR RESTRICTION

- Applies for your lifetime after you leave your State job for a non-governmental job.
- Prohibits a former State employee from providing services in relation to any case, matter, proceeding, project, application, or transaction with which he was personally involved.
- If the matter is before a New York State agency, you are prohibited from providing any type of services.
- If the matter is before any other entity, you may only provide services if you receive no compensation.

IMPORTANT POINTS

The two-year and lifetime bars *may not* apply to you if:

- you were a full-time student while working for the State
- or
- your new job will be working as an employee of a federal, state, county, or city government

Fines for violations of the two-year bar and the lifetime bar may be up to \$40,000.

The application of the two-year bar and lifetime bar is very fact-specific.

In some cases, the restrictions may not prevent you from accepting your proposed job.

PLEASE CONTACT JCOPE TO DISCUSS YOUR SPECIFIC EMPLOYMENT SITUATION OR IF YOU THINK YOU MAY QUALIFY FOR EITHER OF THE TWO EXCEPTIONS.

(jcope@jcope.ny.gov or 518-408-3976)

WHO WE ARE



The New York State Joint Commission on Public Ethics was established as part of the Public Integrity Reform Act of 2011 ("PIRA"), which comprehensively reformed the oversight and regulation of ethics and lobbying in New York State.

The Commission -- which has oversight of the Legislative and Executive branches of State government, as well as lobbyists and their clients -- was created to restore public trust in government by ensuring compliance with the State's ethics and lobbying laws, regulations, and guidance.

The Commission provides information, education and advice regarding current ethics and lobbying laws and promotes compliance through audits, investigations and enforcement proceedings. It also promulgates regulations with respect to the conduct of State officers and employees, Members of the Legislature, and registered lobbyists and their clients.

Finally, the Commission, promotes transparency by making publicly available required disclosures filed by Statewide elected officials, Executive Branch officers and employees, Members of the Legislature and Legislative branch employees, candidates for Legislative and statewide offices, public benefit corporations, and lobbyists and their clients.

CONTACT US

If you have any questions regarding State ethics and lobbying rules or regulations, please do not hesitate to call or email the Commission at **(518) 408-3976** or [**jcope@jcope.ny.gov**](mailto:jcope@jcope.ny.gov)