



FREQUENTLY ASKED QUESTIONS & ANSWERS

Post-Employment Restrictions

Q1: What are the post-employment restrictions?

A1: The post-employment restrictions are rules about what former State employees can do with the experience and connections they may have developed during their time as State employees.

Q2: What is the purpose of the post-employment restrictions?

A2: The post-employment restrictions are intended to prevent State employees from using the knowledge and connections they may have developed during their period of State service to gain special benefits that would not be available to someone who was not a State employee. The post-employment restrictions also help to prevent the appearance that a former State employee might be receiving special treatment due to their State work experience.

Q3: What is the two-year bar?

A3: The two-year bar contains two distinct restrictions. The first says that a former State employee may not “appear or practice” before their former agency. The second says that a former State employee may not be paid for performing “backroom services” related to a matter that is before their former agency.

Q4: What does “appear or practice” mean?

A4: Appear or practice generally means any attempt to communicate with one’s former agency for the purpose of influencing an action or decision by the agency, or to obtain information that the agency would not make available to a member of the general public. This can include allowing your name to appear on a document that will be submitted to your former agency.

Q5: What are “backroom services”?

A5: Backroom services refer to work performed “behind the scenes.” The two-year bar prohibits a former State employee from receiving payment for performing work “behind the scenes” on a matter that is or will be considered by their former agency. This applies even if the agency does not know about the former employee’s involvement in the matter.

Q6: What are some examples of backroom services?

A6: Some examples of backroom services include:

- (1) assisting with an application to be submitted to one's former agency;
- (2) assisting with a plan or strategy for influencing a decision of one's former agency; and
- (3) providing verbal guidance regarding a matter that is before one's former agency.

Q7: Can I perform backroom services for free?

A7: Yes, it is permissible to perform backroom services on a matter that is or will be considered by your former agency if you are not paid to do so. For example, you may help a friend prepare an application to be submitted to your former agency on a purely volunteer basis, with no payment for your services.

Q8: When does the two-year bar start to run?

A8: The two-year bar period starts on the day a State employee formally leaves the State payroll. If you use up accumulated leave time before officially leaving State service, the two-year bar does not start to run until the leave time is depleted and you are officially removed from the payroll.

Q9: Can I work for my former agency through a private staffing company?

A9: You cannot request an assignment to work for your former agency, but if a staffing company or employment agency wishes to assign you to perform work for your former agency, you may be permitted to do so depending on the specific circumstances. For example, you would have to take direction and supervision from the staffing/employment agency, and you could not be directly supervised by employees of your former agency.

Q10: Can I return to my former agency as a full State employee?

A10: Yes, the two-year will not prevent you from being re-employed at any time by your former agency or any other State agency.

Q11: What is the lifetime bar?

A11: The lifetime bar generally prohibits a former State employee from performing work that is related to a matter in which they were significantly involved as a State employee. For example, if you participated in the preparation of a Request for Proposals on behalf of your agency, you could not, in a subsequent job, work on preparing a response to that Request for Proposals.

Q12: Do the post-employment restrictions apply if a former State employee works for a different governmental entity after leaving State service?

A12: No, the post-employment restrictions do not apply if you are working for another governmental entity. This means the post-employment restrictions would not affect you in your capacity as an employee of any State, local, or federal government agency, including school districts.

Q13: Do the post-employment rules apply to student interns?

A13: It depends. Generally, the post-employment restrictions will not apply to someone who, based on an examination of the specific circumstances, was primarily a full-time student while secondarily working for the state. Please contact COELIG ethics guidance staff to evaluate your specific circumstances.

Additional Resources:

- Relevant Post-Employment Advisory Opinions:
 - *Two-year bar*:
 - Appear or practice: [24-01](#), [21-03](#), [21-01](#), [07-02](#), [04-06](#), [99-17](#), [97-15](#), [95-28](#), [95-23](#), [94-06](#), [94-05](#), [94-02](#), [94-01](#), [92-22](#), [90-04](#), [89-09](#), [89-08](#)
 - Backroom Services: [01-07](#), [99-17](#), [97-01](#), [90-07](#), [90-04](#), [90-03](#)
 - *Lifetime Bar*: [20-01](#), [18-01](#), [92-20](#), [91-18](#), [91-02](#), [90-04](#)
 - *Student Exemption/Interns*: [17-03](#), [91-01](#)
 - *Volunteer Service for the State*: [10-02](#), [93-13](#)
- [Public Officers Law § 73](#)
- [Find my Ethics Officer](#)