



Post-Employment Restrictions

—Job seeking in general—

While it is possible to seek a second job when working for the City, there are several basic restrictions: Your job search must be conducted on your own time, and you may not use your City position (or letterhead) to promote your job search.

Q. I am looking for a new job outside City service. May I send my resume to a firm that does business with my City agency?

A. Yes, unless you are **personally involved** with that firm in your City job. In that case you will have two choices:

- ▶ Ask your supervisor to take you off the project completely, a full recusal, or
- ▶ Wait until the work with the firm is over.

Remember: You may not discuss a possible job with a firm or even send them your resume as long as you are dealing with them in your City job.

—Post-Employment Restrictions—

Q. I am leaving my City job to work for a private company. Are there any City ethics rules that will apply to my new job?

A. Yes. No matter what your position with the City is, there are certain rules regarding post-City employment that you must follow:

- ▶ You may not appear before your old agency on business for a period of one year.
- ▶ You may *never* work on a particular matter or project that you were directly involved in while employed by the City.
- ▶ You may not divulge confidential City information to benefit yourself or your new employer.

—*Definition of “appearance”*—

Q. Does the phrase, “*may not appear,*” mean that I cannot visit my friends at my old agency?

A. Of course you may visit or call your friends socially. However, you may not write letters, make phone calls, attend meetings, or have other contacts with your old agency on business matters. This ban is for one year. Certain high level City officials have a stricter rule, and may be prohibited from appearing before the entire branch of City government they previously served.

—*“Appearance” vs. “ministerial matter”*—

Q. Does this mean I cannot even pick up documents at my old agency?

A. No, during the one-year period you are allowed to contact your old agency on *ministerial matters*. But be careful. Anything more than just picking up a document at the front desk or taking a telephone message might be prohibited. (Generally, if the appearance will involve some current public servant’s discretion—a bid, a contract, a lawsuit, a sales pitch, etc.—it will probably be prohibited.)

—*The lifetime bar*—

Q. My private sector job concerns a project I worked on when I worked for the City. Is this a problem?

A. Yes. If you personally and substantially worked on a specific project for the City, there is a *lifetime* bar on your working on that same *particular matter* for anyone else, except another government agency.

—*Consulting*—

Q. I've become somewhat of a specialist in my City job. What are the restrictions on consulting work after City service?

A. The same rules apply. Keep in mind the restrictions mentioned earlier, particularly the one-year appearance ban and specific projects (particular matter) bar.

Q. Could I return to my old agency as a consultant?

A. Yes, but you must be hired directly by your old agency, not through another company. There are also certain other restrictions, particularly regarding the level of pay you may receive. Contact the Conflicts of Interest Board or your agency's general counsel for specifics.

—*Post-employment waivers*—

Q. Are exceptions ever made to these post-employment restrictions?

A. In certain limited cases, where it is determined to be in the City's best interests, waivers may be granted by the Board, but only after you have gotten your agency head's permission.

—Government to government transfers—

Q. I'd like to leave my City job to do similar work for a State or Federal agency. Do the same restrictions apply?

A. No. The government-to-government exception provides that the one-year ban and specific projects (particular matter) bar do not apply if you are getting a job with another municipality, the State, or the Federal government.

—Confidential information—

Also keep in mind the former public servants, just like current public servants, are prohibited from divulging confidential information to anyone for any reason, unless reporting corruption, waste, inefficiency, fraud, criminal activity or conflicts of interest.

FOR ADDITIONAL INFORMATION, CONTACT

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**OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>**