

UNCLASSIFIED

AMCCC (27)

POINT PAPER

1 May 2001

SUBJECT: Transitional Counseling and Post-Government Employment Restrictions

PURPOSE: Provide information on the restrictions applicable to USAMC personnel when seeking employment, and in subsequent non-Federal employment.

FACTS:

- **Seeking Employment.** Once an employee begins to seek employment, he or she is disqualified from participating in any official matter that affects the financial interests of the company where seeking employment.
  - Seeking employment begins upon sending a resume, or even with a telephonic or other contact with an expression of interest in future employment, unless one of the parties unequivocally rejects the contact.
  - If the prospective employer is a USAMC contractor, the AMC employee probably should issue a written notice of the disqualification.
  - If the prospective employer is a bidder or offeror in a competitive procurement in which the AMC employee is participating (*e.g.*, the employee wrote the statement of work, reviewed and approved the statement of work, or is on the source selection evaluation board), the procurement integrity law requires the AMC employee to give a special notice, even if he or she has no intention of pursuing the contact.
- **In Transition.**
  - General officers and members of the Senior Executive Service (SES) must file their termination financial disclosure report (SF 278) not later than 30 days after date of retirement. As applicable, report signing bonuses or money earned from new employer before date of retirement on Schedule A, the date that an understanding was reached about future employment on Schedule C.II., and the position taken with new employer on Schedule D.I.
  - If employee files a financial disclosure report and intends to engage in employment during terminal (transition) leave with an Army contractor, he or she needs the written approval of his or her supervisor.
  - During terminal (transition) leave, a criminal law prohibits officers or employees from representing any non-Federal entity before the Federal Government, or even from assisting a non-Federal party in prosecuting a claim against the Federal Government.

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SUBJECT: Job Hunting and Post-Government Employment Restrictions

- **Post-Government Employment.**
  - Former senior officials (general officers and SES Level V and higher civilians) have a one-year cooling off period:
    - ✓ For one year they may not attempt to influence official action in the agency in which they served in their last year on behalf of a non-Federal party;
    - ✓ For one year, they may not advise and assist a foreign government to help influence a Federal action (not just in their formal agencies).
  - The procurement integrity law restricts a former agency official from accepting compensation from a contractor for one year after the official held one of the following positions with respect to a contract exceeding \$10 million: procuring contracting officer, source selection authority, member of source selection evaluation board, chief of a financial or technical evaluation team, administrative contracting officer, program manager, or deputy program manager.
  - The procurement integrity law restricts a former agency official from accepting compensation from a contractor for one year after the official personally made one of the following decisions: to award a contract, subcontract, task order or deliver order exceeding \$10 million; to establish overhead or other rates exceeding \$10 million; to approve contract payments exceeding \$10 million; or to pay or settle a claim for more than \$10 million.
  - An officer or employee may not ever represent a non-Federal party back to the Government concerning a particular matter involving a specific party (e.g., contract, task order, delivery order, investigation, audit, etc.) in which he or she participated personally and substantially.
  - An officer or employee may not represent a non-Federal party back to the Government for two years concerning a particular matter involving a specific party which was pending under his or her official responsibility during the last year of Federal employment.
- **Ethics advice and counsel** are available to assist employees make the transition in compliance with the applicable laws and regulations. AMC employees should seek this advice and counsel *before* they send their first resume.

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