

Washington State Executive Ethics Board

360.664.0871

ethics@atg.wa.gov

Post-State Employment

Leaving State Service?

If you are leaving state service, there are some rules you must follow to insure that you don't obtain an advantage as a result of any decision you might have made while in public service.

Post-state employment restrictions fall into one of three categories: a contract restriction, a beneficial interest restriction and a continuing restriction.

The Contract Restriction

This restriction applies to those state employees and/or officers who were involved in the negotiation or administration of agency contracts. The law, RCW 42.52.080(1), prohibits a former state officer or employee from accepting employment or receiving compensation from someone if:

- The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration of one or more agency contracts with that employer, and was in a position to make discretionary decisions affecting the outcome of the negotiation or administration; and
- The contract or contracts had a total value of more than \$10,000; and
- The duties of the employment with the new employer include fulfilling or implementing the provisions of the contract, or include the supervision or control of actions taken to fulfill or implement the contract.

The Beneficial Interest Restriction

A former state employee or officer may do business with his or her former agency. However, a two year window is in effect and restrictions apply if:

- Within a two year period following termination of state employment, the former employee has a beneficial interest in a contract or grant that was expressly authorized or funded by specific legislation or executive action in which the former state officer or employee participated.

"Beneficial Interest" is defined as: "Profit, benefit, or advantage resulting from a contract, or the ownership of an estate as distinct from the legal ownership or control..." Black's Law Dictionary. Fifth ed. 1979.

The Continuing Restrictions

Several restrictions are continuing, which means that you may never accept employment from someone if:

- Accepting the offer or receiving compensation from an employer if the former state employee or officer knows that the offer was intended to influence the employee or was a reward for the performance or nonperformance of the employee's official duties as a public servant; or
- Accepting the offer or receiving compensation from someone would cause a reasonable person to believe the offer was made or the compensation was given for the purpose of influencing the performance or nonperformance of a duty by the state employee during state employment.