

Ethics in Public Service Act

RCW 42.52.080



Employment after Public Service

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RCW 42.52.080, Employment after public service, states:

(1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW [42.52.010](#) or any other entity or business that the person owns or in which the person has a controlling interest. For purposes of subsection (1) of this section, the term "employer" does not include a successor organization to the rural development council under chapter [43.31](#) RCW.

What does this mean?

Post-state employment restrictions are designed to ensure that a former state employee does not accrue advantage as a result of decisions or actions made while in public service. Post-state employment restrictions fall into one of three categories:

- a contract restriction
- a beneficial interest restriction
- continuing restrictions.

Contract Restriction: Contract restriction applies only to those state employees who were involved in the negotiation or administration of agency contracts. The restriction under RCW 42.52.080(1) prohibits a former state officer or employee from accepting employment or receiving compensation from an employer for one year if:

The employee was in negotiation or administration of contracts or had any discretionary authority to make decisions with regards to the post-state employer's contract when he/she was a state employee; and,

The contract or contracts have a total value of more than \$10,000; and,

The job duties the former state employee has been hired to fulfill by the post-state employer are, in whole or in part, due to the contract created while a state employee or include supervision or control of the state contract he/she negotiated or administered when with the state.

Beneficial Interest Restriction: Beneficial interest restriction means that for two years after leaving state employment, you cannot receive a beneficial interest from the specific contract or grant you created or administered while a state employee. You can still do business with the former state agency in general, just not in the area that you created or administrated.

Continuing Restrictions: Some post-state restrictions have no time limit on them. This means that they are on-going restrictions that don't end. **Ever.** The following activities are restricted continuously:

- Accepting an offer of post-state employment if the state employee knows or has reason to believe that the offer was intended to influence or reward him/her for the performance or nonperformance of an official duty during state employment.
- Accepting an offer of post-state employment if circumstances would lead a reasonable person to believe the offer was made to influence the state employee during state employment. This is the same as above, except it focuses on the perceptions of others—the "reasonable person" standard—not on the employee's perceptions.
- Assisting in any transaction involving the state in which the former state employee, at any time while fulfilling former state duties, participated. Once you participated in a transaction or supervised the team that participated in a transaction, you cannot give advice or switch sides and assist the outside interest—even if you now work for that outside interest.

Scenarios

1. As an agency administrator you supervise a \$40,000 contract with the Jones Company. The Jones Company offers you \$20,000 more a year if you leave your agency, take a position with the Jones Company, and then oversee the contract with your former agency. Can you accept this offer?
2. Continuing with the above scenario, the Jones Company hiring manager states that if you accept the offer now and get a renewal of the contract between Jones and your agency before you leave the agency, you would get a “sizable bonus” once you “come to work with us.” Can you accept any job with them?