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# High Risk Areas:

Transitioning from state employment to the private sector

## The Rules:

42 IAC 1-5-14 (IC 4-2-6-11) Post-Employment restrictions

42 IAC 1-5-6 (IC 4-2-6-9) Conflicts of interest; decisions and votes

IC 4-2-6-6 Compensation resulting from confidential information

### Conflicts of Interest

A conflict of interest arises if you participate in a **decision** or **vote** in which an entity that you are **negotiating** employment with has a financial interest in the outcome of the matter. If you identify a potential conflict of interest, you must notify your agency to disclose the conflict and be **screened** from the matter.

**Negotiations:** Employment negotiations begin as soon as back and forth communications begin.

**Decision or Vote:** This includes anything related to or leading up to the decision or vote.

**Screen:** Changing your normal duties to avoid a matter that would normally come before you does not relieve you of the disclosure requirements of IC 4-2-6-9. In other words no self-imposed screens.

### Post-Employment Restrictions

**Cooling off Period:** State workers who negotiated or administered a contract with a potential employer or who made regulatory or licensing decisions that applied to the employer may have to wait a year before working for that employer. A new exception may apply if a contract has been over for at least two years. A one-year prohibition on executive branch lobbying applies to all state workers.

**Particular Matters Restriction:** Former state workers can never assist or represent persons in particular matters that they participated in as a state worker.

Both restrictions are subject to waiver by an agency leader.

## FAQs

**Q: What should I do if I am negotiating for a position, but I am not sure if any post-employment restrictions would apply?**

**A: Request an informal advisory opinion from the OIG. The application of the post-employment rule is very fact specific and there are exceptions to the cooling off period that may apply. In some cases a formal advisory opinion from the State Ethics Commission may be advisable for a public and final determination.**

**Q: I'm pretty sure one or more restrictions would apply to me. What are my options?**

**A: Discuss the matter with your agency's ethics officer. Your agency leader has the authority to waive application of the post-employment rule if the waiver is presented to and approved by the State Ethics Commission. A waiver must be approved BEFORE you start working for a new employer, so be sure to plan ahead.**