



HAWAII STATE ETHICS COMMISSION

1001 Bishop Street, Suite 970 | Honolulu, HI 96813 | ethics@hawaiiethics.org | (808) 587-0460 | Twitter: @HawaiiEthics

THE STATE ETHICS CODE – A QUICK GUIDE ON POST-EMPLOYMENT LAWS

Are there any restrictions on me once I leave my job with the State of Hawai'i? What if I'm an unpaid Board or Commission member?

Yes. The post-employment laws apply to anyone who has worked for the State for at least six months, as an employee, legislator, or board or commission member.

What are the post-employment rules?

There are four restrictions:

1. A one-year restriction on certain kinds of private work;
2. A two-year restriction on contracts with the State;
3. A permanent restriction on revealing confidential information; and
4. A one-year restriction on lobbying for legislators, legislative employees, and other high-level state employees.

Here's how each one works:

- 1. One-year "cooling off" period.** For one year after you leave state employment, you may not:
 - a. represent someone else, for pay, before your former agency; or
 - b. represent someone else, for pay, on any matters you worked on while at your former agency.In other words, for one year, you may not communicate directly with your former agency on behalf of a private employer. Also, for one year, you can't represent your company before any state agency on matters you worked on while a state employee.
- 2. Two-year restriction on certain kinds of contracts.** The Ethics Code prohibits a state agency from contracting with a private company if:
 - a. the private company is assisted by a former employee of the state agency;
 - b. the former employee worked on the same matter while s/he worked for the State; and
 - c. the former employee left state employment less than 2 years ago.Here's how this works: let's say you work on a project for the State, and you then leave your state job to work for a private company. Your new employer wants to bid on a contract with the State involving the same project. If you assist the company with its bid, and you left your state job less than 2 years ago, the State cannot enter into the contract with your company. In other words, by assisting the company with its bid, you could "taint" the potential contract, costing your new private employer the opportunity to work on that contract. To see how this works in practice, see <http://bit.ly/Hlethics-2017-05>.
- 3. Permanent restriction on using or revealing confidential information.** You may not disclose confidential information you learned while employed by the State or use it for anyone's benefit.
- 4. One-year restriction on lobbying for certain state officials.** Some state officials, including department heads, legislators/legislative employees, and other high-level employees, are prohibited from lobbying for one year.

I'm retiring, but my agency wants to contract with me to finish up some work. Can we do that?

Yes, within limits. Under the Ethics Code, the State can contract directly with former employees under certain circumstances; however, this might affect your retirement benefits. If you are thinking about doing this, please contact the Ethics Commission and ERS for advice.

Can I get help from the Ethics Commission before I leave my job with the State? What about after I leave?

Yes and yes! If you are thinking of leaving your state job, contact us for confidential guidance about what restrictions might apply to you in a new job. If you're already in your new job, you can still call us. It's free, fast, and confidential.

Is there anything else required by the Ethics Code before I leave State employment?

If you file a financial disclosure form each year, you may need to file an "exit" form. Similarly, you may need to file a final gifts disclosure statement if you received any reportable gifts in the last year. Contact the Ethics Commission for more information.