

# WORKING WITH CONTRACTORS IN THE FEDERAL WORKPLACE

## 2004 ANNUAL ETHICS TRAINING FOR DESIGNATED DEPARTMENT OF DEFENSE PERSONNEL

Department of Defense/Office of General Counsel  
Standards of Conduct Office  
703/695-3422  
[http://www.defenselink.mil/dodgc/defense\\_ethics](http://www.defenselink.mil/dodgc/defense_ethics)  
Pentagon, Room 3D941  
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Welcome to your annual ethics training. This year we will review the ethics rules as they apply to your working with contractors on the job. Our goal is to help you recognize that we must consider our agency's business relationships when dealing with contractor personnel, even if we are working side-by-side. We will illustrate the main issues so that you will be aware of the differences, and know when you need to review the rules and, if necessary, contact your ethics official.

This year, Secretary of Defense Donald Rumsfeld personally directed the development of special training on this topic for the defense acquisition workforce to maintain the confidence and support of the American people. That training included a video message from the Secretary, in which he emphasized that we must "avoid even the appearance of anything less than complete integrity, objectivity, and impartiality in the performance of our important responsibilities." Because of the importance and visibility of all of our interactions with contractors, that special training has been adapted for your annual ethics training this year.

### **Why This Ethics Training?**

The last decade has seen remarkable change, not only in the way DoD competes and awards contracts, but also a fundamental change in the role contractors play in supporting DoD's mission. A widely-held, but inaccurate, view is that contractors are no longer "outsiders" with whom we deal at arm's length. Instead, acquisition reform has encouraged the view that contractors are "partners" - - part of the DoD team. This change has yielded many benefits: decreased procurement lead-times, enhanced productivity, and greater flexibility in the way in which we employ contractor services.

But, as positive as many of these changes have been, there remain fundamental differences between the government and the contractor, and very definite legal and ethical limitations on the degree to which we may act as "partners."

Recent, highly-visible ethics investigations suggest that some government officials may have lost sight of the line that divides government from contractor, and ethical from unethical. Angela Styles, former Head of the Office of Federal Procurement Policy, recently observed that:

"The risk-taking, or what the acquisition reformers would call 'innovation,' did go too far. The environment became one that encourages and rewards carelessness. The lines became too easy to cross, and no one was paying attention. I don't even think most people know where the lines are anymore." *Government Executive*, February 2004, p. 21.

### **Our Goal for this Training**

The purpose of this training is to re-establish those lines. In many cases, the ethics rules governing your relations with contractor personnel are different from the rules governing

your relations with your fellow government employees. The goal of this training is to enhance your awareness of the differences in these rules.

If you have questions on how the restrictions may apply to your particular situation, please contact your ethics counselor *in advance* of any action. It is much easier and safer for you to get advice ahead of time than it is to try to undo inappropriate actions. Such actions can involve career-ending mistakes, or the possibility of suffering administrative, civil, or even criminal penalties.

If you have any questions while you are performing this training, please contact your ethics counselor. **If you are in the Office of the Secretary of Defense, your ethics counselor is in the DoD Standards of Conduct Office (SOCO). We may be reached at:**

Telephone:

703/695-3422

E-mail: [SOCO@dodgc.osd.mil](mailto:SOCO@dodgc.osd.mil)

**If you are NOT in the Office of the Secretary of Defense, you must contact your cognizant ethics counselor. If you are not sure who that is, check with your supervisor, your administrative office, or your local General Counsel or Judge Advocate.**

### **What Topics Will We Cover?**

Our topics are:

- 1) accepting gifts,
- 2) giving time off,
- 3) evaluating a contractor's work,
- 4) disclosing procurement-related information,
- 5) seeking employment with a contractor, and
- 6) working for a DoD contractor after you leave federal service.

We will cover each of these topics by presenting one or more scenarios. Each scenario is followed by a question and multiple choice answers. Please choose the best answer (without peeking!) and examine why your choice was right or wrong.

Let's look at our first topic.

QUESTION: You are the program manager for the Universal aircraft program, and the cost reimbursement contract has been awarded to Best Aircraft. The team ("Universal Team") of DoD and Best employees has been working well together and are ahead of schedule. To promote the smooth working of the team, Best's project manager offers tickets to a Boston Red Sox baseball game for all the DoD and Best members of the team. The face value of each ticket is \$50.

May you or the other DoD employees accept?

Please choose the best among the following answers.

- A. Yes, accepting the tickets will contribute to team-building and help smooth the way for continued success on the program, which is an exception to the prohibition on accepting gifts.
- B. No, Best does business with DoD, and no exception covers this offer.
- C. Yes, you and the others may accept the ticket from the contractor because there is an exception to the prohibition on accepting gifts that lets you accept gifts up to \$50 a year.
- D. Yes, because Best got a deal on the tickets, they really cost Best only \$15 each.

The correct answer is “B”: Best does business with DoD, and no exception covers this offer.

The general rule is that you may not accept a gift from a “prohibited source,” which includes anybody:

Who has or seeks business with DoD,  
That has interests that may be influenced by the performance of your official duties,  
That seeks official action by DoD, or  
That is regulated by DoD.

Since the contractor does business with DoD, it is a “prohibited source.” In this situation, there is no exception to the general prohibition that would let you accept the tickets.

The value of the ticket is the actual face value of the ticket, not its actual cost to the contractor. That is why D is wrong.

Although there is an exception that allows you to accept up to \$50 in a calendar year from the same contractor, you may only accept up to \$20 in gifts on any one occasion. That is why C is wrong.

And no, there is no exception for team-building gifts, which is why A is wrong.

**FOLLOW-UP QUESTION:** Could you and the other DoD employees go to the game with your Best teammates if you each paid Best \$50 for each ticket?

**ANSWER:** If you pay full face value for the ticket, it is no longer a gift, so you would be able to attend the game with your teammates. But, since you have to evaluate the performance of the contractor, should you be concerned about close social relationships with the contractor? Remember, it is never a bad decision to politely decline a gift. It may be wise to keep relations on a professional level.

QUESTION: After almost 20 minutes of intense debate with yourself, you decide to get married to the person you met last month on your vacation to Tahiti. Having heard about your and your future spouse's cooking abilities, your DoD employees have decided to collect for a gift of a \$300 convection oven and are asking everyone on the Universal team (DoD and Best employees) to pitch in \$10 each.

May they do this?

Please choose the best among the following answers.

- A. Yes, while they normally may not solicit for group gifts for someone above them in the chain of command, there is an exception for gifts that are offered on a special, infrequent, occasion, such as marriage.
- B. Yes, because the Universal Team works for you, all team members are considered your subordinates and may give you gifts on this type of occasion.
- C. No, because they may not give you a gift that exceeds \$285 in value.
- D. No, because they may not solicit contractor employees.

The CORRECT ANSWER is “D”: While there is an exception that allows Federal personnel to give official superiors a group gift on a special, infrequent, occasion, such as marriage, the exception does not apply to gifts from contractors or their employees. On these occasions, employees may give group gifts up to \$300 (or more, if certain conditions are met.) So, even though the contractor support personnel are on the team, they are not DoD employees. That is why B is wrong.

DoD employees may solicit each other only on these special, infrequent, occasions, but they may not solicit more than \$10, as was done here. DoD employees are never allowed to solicit contractor personnel for gifts, even for a personal one on this type of occasion. That is why A is wrong.

As no other contractor gift exception applies to this situation, you may not accept a gift of more than \$20 from the contractor, which includes all its employees. So, even if all the contractor employees wanted to voluntarily contribute to the gift, the sum total of their contribution could not exceed \$20.

The \$285 figure is the amount you may accept from foreign governments! That is why C is wrong.

Let’s try another one.

QUESTION: Best invites you to the company's annual holiday party for its personnel and their best customers. It would be an open bar and dinner. Approximately 70 people are expected to attend.

May you accept?

Please choose the best among the following answers.

- A. No, this is a gift from a contractor, and there is no exception that would allow you to accept the gift.
- B. Yes, your attendance will be in the interest of DoD since it will give you an opportunity to interact socially with Best personnel and some of its other customers.
- C. Yes, there is no restriction on accepting personal hospitality from contractors that are part of your "team."
- D. Yes, are you kidding? Free dinner and open bar are always acceptable!

The CORRECT ANSWER is “A”: The general rule is that you may not accept gifts from contractors, and that you may only accept a gift from a contractor if an exception applies, and no exception applies here.

The “widely attended gathering” exception does not apply because the party is not open to members from throughout the industry, but only to Best’s employees and customers. Even though 70 people are invited, it is not a widely attending gathering.

Just because attendance is in DoD’s interest, doesn’t mean that you may accept a personal gift from a prohibited source. That is why B is wrong.

The rule on acceptance of personal hospitality only applies to hospitality offered by government personnel to other government personnel. It does not apply to such hospitality offered by contractors. (Also, the employee exception only applies to personal hospitality offered in one’s home, not at a restaurant. That is why C is wrong.

Let’s look at another vexing area involving a close relationship between DoD and contractor personnel.

QUESTION: The Universal program has just met a major milestone and everyone is celebrating. The Admiral is so happy that he's authorized everyone in the office to take off 59 minutes early on Friday. You turn to the Best project officer and tell him that some of you are heading to the local restaurant at 4:01 and invite him and his people along. He's not too sure that he's allowed, but you say, "Look, the Admiral has pretty much ordered all of us to leave. See you down there."

What should you have done?

Please choose the best among the following answers.

- A. Tell the project manager to have all his employees take the time off and bill the time to the Government as a team-building meeting.
- B. Tell the project manager to check with his boss as to whether they could take the time off.
- C. Tell the project manager that you'll see him and his employees at 4:05, but that it's up to him to bill the time correctly.
- D. Tell the project manager to take the time on Friday, but to work another hour sometime in the week and just charge 8 hours each day.

The CORRECT ANSWER is “B”: If contractor employees get paid time off, that is their employer’s decision, not the government’s. The government’s personnel rules, which allow supervisors to give time off to government employees, don’t apply to the contractor’s employees.

You shouldn’t put the contractor in the position of deciding between giving its employees paid time off, which means losing reimbursement from the Government on a cost reimbursement contract, or making their employees work. You also shouldn’t put the contractor’s personnel in the position of taking unpaid leave in order to join you and be seen as part of the team. That is why C is wrong.

The Government can’t be billed for time not spent working on the program. The time at the restaurant is not a team-building meeting and it’s not billable! That is why A is wrong.

Needless to say, you also don’t want to condone playing with the time sheets. That is why D is wrong.

Let’s look at the next issue.

QUESTION: Everything has been going smoothly on the Universal program and you just met a major milestone. The Admiral, who is your supervisor and who just gave you time off, has recently given Congressional testimony to that effect. But now the Best technical manager has just reported to you that the back-up data for the test results, which led to meeting the milestone, may be questionable because some sensors were not calibrated. The results could still be good, then again, maybe not. Because of the Admiral's testimony, Congress is on the verge of authorizing additional funding for the program. Repeating the tests will take months. If that happens, with the budget deficits, Congress may not approve the money in the future. If this comes to public attention, the list of people who may be embarrassed includes: (1) you; (2) the Admiral; (3) the contractor; (4) contractor employees with whom you have been on excellent terms; and (5) a variety of other people whom you like and respect.

What should you do?

Please choose the best among the following answers.

- A. Keep the information to yourself. As time goes on, it may turn out that the test results are perfectly fine, so why get everybody excited now?
- B. Mention the problem in a report up the chain of command, but downplay its significance, so that it may, or may not, be noticed.
- C. Make a prompt report of the concerns up your chain of command, together with any recommendations you might have to resolve the situation.

The CORRECT RESPONSE is C: This is a question that invokes your personal integrity. Situations like this give meaning to the principle that

“Public Service is a Public Trust”

This situation exemplifies that Federal personnel have a broad duty to their agency to not only protect and conserve Government resources, but to ensure the accuracy and impartiality of Government decision-making. In this case you have a duty to report such information accurately and promptly. By allowing possibly faulty data to be used by your Agency, you may jeopardize the public’s confidence in the Government and cause your Agency to incur unnecessary expenses.

Let’s move to our next topic.

QUESTION: Best Aircraft Corp., Not Quite So Good Aircraft Co., and Worst Aircraft Limited Liability Co. are the bidders on a multi-billion dollar contract to build the ABFX all-weather, variable-wing, hypersonic all-purpose aircraft. As the chief of the ABFX technical evaluation team, you know the cost and pricing data from Worst Aircraft's bid. After a team meeting on the Universal Aircraft program, Best's project manager starts talking with you about the ABFX procurement. You tell him that they have a good technical proposal, and you're just about to tell him that they may not be the lowest price, which is a real concern.

May you tell him that?

Please choose the best among the following answers.

- A. Yes, but only if you reopen discussions and advise all of the offerors of their standing with regard to price.
- B. No, Worst's cost and pricing data are protected from public disclosure under Federal acquisition rules.
- C. Yes, as long as you do not receive any benefit from Worst's competitors in exchange for giving them Worst cost and pricing data.

The CORRECT ANSWER is “B”: The improper disclosure of nonpublic government procurement information violates the integrity of the procurement process, and is inconsistent with both specific acquisition rules and general ethical principles. If you give the information to Best, you will prejudice the integrity of the procurement.

Federal ethics principles also specifically prohibit you from allowing the improper use of nonpublic government information, such as Worst’s cost and pricing data, to further any private interest, including the interests of Worst’s competitors for the ABFX procurement.

It is not a defense to say that you may violate the integrity of a government procurement as long as you do so in an impartial way, and in a way that does not bring personal benefit to you. That is why A is wrong.

Also, you are not allowed to release cost and pricing data, even if you don’t personally benefit. That is why C is wrong.

Let’s move to the next topic.

QUESTION: You have acted properly in making a prompt and full report to your chain of command on the flaws in the back-up data for the test results for the Universal milestone. While the Admiral was not thrilled with the bad news, your report and recommendations were the basis for correcting the problem at an early date. You kept your good standing with your chain of command and your good relations with the contractor. Best's project manager tells you that it expects to get the ABFX award and that it will need the "right someone" to take charge of one of the major tasks, someone like you.

What may you tell him?

Please choose the best among the following answers.

- A. Yes, you can meet with Best right away to start discussing employment because your government duties do not involve any decisions on awarding the contract to the company, just providing technical evaluation to the Source Selection Authority.
- B. No, you may not discuss employment with Best because you are the chief of the technical evaluation team on ABFX and Best is one of the offerors, and you are the program manager of the Universal program, on which Best is the contractor.
- C. Yes, you want to discuss employment with Best, but have to wait until after the award is made.
- D. Maybe, but you will immediately find out what to do before doing anything else.

The CORRECT ANSWER is “D”: You have the right to seek employment (which is why B is wrong), but certain things have to occur first (which is why A is wrong), and there may be certain consequences!

First, the Procurement Integrity Act (41 U.S.C. 423), which applies to competitive procurements over \$100,000, the ABFX, requires anyone participating personally and substantially, which includes you as the chief of the technical evaluation team, to recuse themselves from such participation before seeking employment with a competing offeror.

So, if you are interested in seeking employment with Best, you must submit a written notice of disqualification from working as Chief of the Technical Evaluation Team to the contracting officer, the source selection authority, and your immediate supervisor. Be aware, however, that if nothing comes from the employment discussions, only the head of the contracting authority may authorize you to resume your participation. This example highlights why it is so important to contact your Ethics Counselor immediately, as, under these facts, you won't be able to work for Best for one year anyway, so why disqualify yourself and risk not being able to resume your work.

Given that information, you may decide that you don't want to seek employment with Best, so you need to immediately and clearly reject the possibility of employment with Best. Answer C does not clearly reject the offer; it just postpones the decision. If you immediately reject the offer, then you don't have to disqualify yourself. Regardless of which option you choose, the Procurement Integrity Act also requires you to report the employment contact to your supervisor and cognizant ethics counselor.

Second, a criminal statute, 18 U.S.C. 208, also requires you to disqualify yourself from personally and substantially participating in any particular matter that may affect the interests of your potential employer. As the program manager for the Universal program and the chief of the technical evaluation team for the ABFX, clearly you are participating in such matters. As Best is the contractor for the Universal program and a competing offeror for the ABFX, its interests may be affected by those matters. So, you may not seek or negotiate for employment with Best until you disqualify yourself from participating in both matters and send a written notice to your supervisor. "Seeking employment" includes making a response other than rejection to the company's unsolicited offer to discuss employment.

Let's look at another issue.

QUESTION: You enjoyed being program manager for the Universal program more than the other jobs that you had in your Federal service, but on May 30 of last year, you retired after 30 years of Federal service. Because of your expertise and enjoyment as Universal program manager, you had rejected Best's earlier employment overture. Besides, you wanted to take a "Round the World" cruise before making any specific arrangements to work in the private sector.

Now, however, you have been out of the government a little over a year and you are rested, tanned, and ready to go back to work. Last Tuesday, you approached Best Aircraft about employment with them. On Wednesday, the company came back with an offer to work for them on the ABFX program. (It got the award!) An essential part of your job would be interacting with DoD employees on all aspects of the execution of the ABFX contract, but you would not try to drum up any new business for Best under that contract.

May you take the job with Best Aircraft?

Please choose the best among the following answers.

- A. No, since you were the chief of the technical evaluation team on the ABFX procurement, valued at more than \$10 million, you are barred for life from working for the company that won the award.
- B. No, because you can't represent Best to Federal employees.
- C. Yes, since more than a year has passed, you are no longer subject to the employment ban.

The CORRECT ANSWER is “B”: Although you are not prohibited from working for Best, you do have a lifetime bar on representing anybody to Executive or Judicial Branch employees concerning a specific contract or other particular matter, if you participated personally and substantially in that matter. As Chief of the technical evaluation team, you participated in that manner. So, you could do behind-the-scenes work for Best on the ABFX contract, as long as you do not use nonpublic government information that you gained as a Federal employee. That is why B is wrong.

But, you may not represent Best, or anybody else outside the government, concerning the contract. By “representing,” we mean communicating to or appearing before a Federal employee on behalf of Best with the intent to influence that employee. This may include such things as signing a letter, making a phone call, and, depending on the circumstances, even attending a meeting without saying anything. Communications or appearances to influence can occur in the execution of an existing contract, and are more than drumming up business for your employer.

Although the Procurement Integrity Act applied to you, because you performed a certain function, serving as chief of the technical evaluation team, on a procurement valued at more than \$10 million, you are no longer subject to its employment ban because more than one year has passed since the contract was awarded. The ban is only one year, not forever. That is why A is wrong.

ONE MORE QUESTION: Before you retired, a situation occurred that has always bothered you. The BEST project manager and you were having a technical discussion about the feasibility of a possible modification to the Universal program contract, when retired General Wiseman dropped in on the discussion. General Wiseman used to be your second level supervisor. He had retired 13 months previously and had been the Universal program manager for a short time while he was still in the Air Force. BEST recently hired him to support the program. He had concurred with BEST's project manager that the technical and cost elements of the modification could be a significant change. The General then told you that you could consider the project manager as his personal representative.

What should you have done?

Please choose the best among the following answers.

- A. Do nothing. The General didn't do anything wrong.
- B. Have an off-the-record chat with the BEST project manager and tell him that you don't think the General can work on the program.
- C. Tell your boss that you think the General may be jeopardizing the program.

The CORRECT ANSWER is "C": If you see conduct like this, it is always advisable to raise it with someone higher in the chain, especially if you have concerns. Don't go to the contractor, keep it in-house; you don't owe the General or the contractor any loyalty at this point. And don't just suffer in silence. Even if you're not sure if the General's action is illegal, you have a duty to report this action to your supervisor, and not to the contractor. That is why B is wrong.

The General has communicated to you that he believes the modification may be significant. Did he intend to influence you when he said that, and was he representing BEST at the time? Yes! Was it a violation? Well, first, it appears that more than a year has gone by since he left DoD. When was he hired by BEST? It looks close, but it may be okay for him to work for BEST under the Procurement Integrity Act. But, someone higher than you can get that information.

Former senior officials (military officers 0-7 and above, and civilian officials earning more than \$136,757 in 2004) are prohibited from representing anyone to employees of the agency in which they worked for one year prior to leaving that senior position, concerning a matter on which they are seeking official action, whether or not they ever worked on it before. The purpose of this restriction is to prevent former senior officials from misusing their influence. Like the Procurement Integrity Act, that restriction lasts for only one year. So, the General did not violate this restriction.

The General was the former program manager for the program, so he did participate personally and substantially. As discussed in the answer to the previous scenario, he may not represent BEST concerning any particular matter in which he so participated. It appears that he may have violated this restriction, so you do have a duty to report it up your chain of command. That is why A is wrong.

In addition to these particular issues we have just explored, there are some general matters we should quickly review:

I. Employees' Responsibilities under Executive Order 12674 (as amended):

**DO**

Place loyalty to the Constitution, the laws, and ethical principles above private gain.

Act impartially to all groups, persons, and organizations.

Give an honest effort in the performance of your duties.

Protect and conserve Federal property.

Disclose fraud, waste, abuse, and corruption to appropriate authorities.

Fulfill in good faith your obligations as citizens, and pay your Federal, State, and local taxes.

Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or handicap.

## **DO NOT**

Use nonpublic information to benefit yourself or anyone else.

Solicit or accept gifts from persons or parties that do business with or seek official action from DOD (unless permitted by an exception).

Make unauthorized commitments or promises that bind the government.

Use Federal property for unauthorized purposes.

Take jobs or hold financial interests that conflict with your government responsibilities.

Take actions that give the appearance that they are illegal or unethical.

II. Guidance for DOD Personnel: Specific guidance for DOD personnel may be found in DOD 5500.7-R, Joint Ethics Regulation, and at the DOD Standards of Conduct Office website: [www.defenselink.mil/dodgc/defense\\_ethics](http://www.defenselink.mil/dodgc/defense_ethics).

## III. Employees' Responsibilities under Federal Conflict of Interest Statutes:

### *Conflicting Financial Interests*

You may not do Government work on a particular matter that could affect your financial interests, or those of your spouse, minor children, general partner, or organization with which you are negotiating or have an arrangement for future or current employment. If you believe you have a conflicting financial interest, contact your ethics counselor to determine the appropriate remedy.

### *Bribery and Graft*

You may not seek or accept anything of value, other than your government pay, for being influenced in your official duties.

### *Outside Representation or Compensation in Matters Involving Government*

You generally may not represent anyone else to a federal agency or court on a particular matter involving the government, whether you receive compensation or not. This includes the time you are on terminal leave.

You generally may not share in any compensation resulting from such a representation that was made by anybody else to a Federal agency or court during the time you were a Federal employee.

### *Post-Government Employment Restrictions*

#### Seeking and Engaging in Nonfederal Employment while You are still in the Government

You may not do Government work that affects your possible future employment or someone with whom you are seeking employment.

Two statutes require your disqualification in these types of situations.

Under the criminal statute, you may not participate personally and substantially in particular matters that could affect your future salary or the financial interests of the potential employer.

Under the Procurement Integrity Act, if you hold a certain position in a procurement valued at \$100,000 or more, you must be disqualified from participating in the procurement before you may seek employment with a competing contractor.

#### Procurement Integrity Compensation Ban

You may not accept compensation from a concerned contractor for one year following your service or action in a matter valued at more than \$10 million if:

You served as procuring contracting officer, source selection authority, member of a source selection evaluation board, chief of a financial or technical evaluation team on the date of selection or award of a contract, or

You served as program manager, deputy program manager, or administrative contracting officer on a contract, or

You personally made a decision to do any of the following:

(1) award a contract, subcontract, or modification of a contract or subcontract, or a task or delivery order

(2) establish overhead or other rates

(3) approve issuance of a contract payment

(4) pay or settle a claim

You may accept compensation from a division or affiliate that does not produce the same or similar products or services.

Before you receive any compensation, you may request a written ethics advisory letter, which should be provided in 30 days.

#### Restrictions other than Procurement Integrity

Senior Officials:

Civilian Employees with Annual Rate of Basic Pay at or above \$136,757 (in 2004), and General and Flag Officers

For one year after leaving your senior position, you may not make any communication or appearance on behalf of anyone else to employees of the agency in which you served within 1 year of leaving your position, with the intent to influence them in connection with an official action.

For one year after leaving your senior position, you may not aid, advise, or represent a foreign government or foreign political party, with the intent to influence employees of any department or agency.

All Officers and Employees:

You may not ever make a communication or appearance on behalf of anyone else, with the intent to influence, to any officer or employee of any Federal agency or court on any particular matter that you worked on personally and substantially. The matter must involve specific parties at the time of your participation and representation, and the U.S. must be a party or have a direct and substantial interest.

For two years after leaving Federal service, you may not make a communication or appearance on behalf of anyone else, with the intent to influence, to any officer or employee of any Federal agency or court on any particular matter that was pending under your official responsibility during your last year of Federal service, even if you don't personally work on it.

The matter must involve specific parties at the time of your responsibility and representation, and the U.S. must be a party or have a direct and substantial interest.

For one year after leaving Federal service, you may not aid, advise, or represent anyone else, on the basis of covered information, concerning an ongoing trade or treaty negotiation in which you participated during your last year of Federal service.

You may use and disclose nonpublic government information only as authorized.

Reservists and Retired Members of the Armed Forces:

You must obtain approval from your Service Secretary before you accept any benefit from a foreign government, or you will lose your retired military pay. This may include a benefit that you accept from a foreign university or foreign corporation that is substantially owned or controlled by a foreign government. It may also include a benefit that you accept as an employee of a U.S. company that is a contractor, or even a subcontractor, to a foreign government.

During terminal leave, military officers are prohibited from holding civil office with a state or local government.

For six months after you retire, you are prohibited from holding a civil service position with DoD. This restriction has been waived during the current period of national emergency starting 9/12/01.

#### *Supplementation of Federal Salary*

You generally may not accept any compensation from a non-Federal source for your government work.

**You are strongly encouraged to consult your ethics counselor well before you separate from the government about the post-government service restrictions that will apply to your specific situation.**

IV. Ethics Contacts:

Contact your local Judge Advocate General office for the names and contact information of your Ethics Counselor.