RESTRICTIONS ON EMPLOYMENT AFTER LEAVING
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

All New York State Department of Transportation (NYSDOT) employees, including seasonal and temporary workers, are subject to two different post-employment restrictions when they leave NYSDOT. The restrictions apply regardless of how long you have worked at NYSDOT. Violations of these post-employment restrictions may result in fines of up to $40,000.

TWO-YEAR BAR RESTRICTION
(Public Officers Law Section 73(8)(a)(i) states: No person who has served as a state officer or employee shall within a period of two years after the termination of such service or employment appear or practice before such state agency or receive compensation for any services rendered by such former officer or employee on behalf of any person, firm, corporation, or association in relation to any case, proceeding or application or other matter before such agency.)

- **“Appearance/Practice” Prohibition:** The two-year bar prohibits any former NYSDOT employee from “appearing or practicing” before NYSDOT for two years after leaving NYSDOT for the private sector.
  - This restriction prohibits a former NYSDOT employee from interacting (in person, on the phone, or via written or electronic correspondence) in his or her new job with any NYSDOT employee in an attempt to influence any DOT decision.
  - Some examples of prohibited work are: negotiating a contract with NYSDOT or submitting a response to a NYSDOT Request for Proposal (“RFP”); submitting a change order to NYSDOT; requesting that NYSDOT take any kind of action on a current or proposed project; and submitting documents to a NYSDOT employee.

- **“Backroom Services” Prohibition:** The two-year bar also prohibits any former NYSDOT employee from being paid to prepare documents or forms for a private firm when it is reasonably foreseeable that the documents or forms will be reviewed by NYSDOT.
  - For example, this restriction prohibits any former NYSDOT employee from helping to prepare an RFP response to NYSDOT.
  - The restriction prohibits a former NYSDOT employee from performing services assigned to him or her directly by a current NYSDOT employee.
  - The restriction also prohibits a former NYSDOT employee from helping to prepare reports that will be submitted to, or reviewed by, NYSDOT, unless his or her work on the report does not involve any substantive contribution or use of his or her expertise or discretion.

LIFETIME BAR RESTRICTION
(Public Officers Law Section 73(8)(a)(ii) states: No person who has served as a state officer or employee shall after the termination of such service or employment appear, practice, communicate or otherwise render services before any state agency or receive compensation for any services rendered by such former officer or employee on behalf of any person, firm, corporation, or other entity in relation to any case, proceeding, application or transaction with respect to which such person was directly concerned and in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.)

- Under the lifetime bar, any former NYSDOT employee is prohibited from providing services in relation to any case, matter, proceeding, project, application, or transaction (i) with which he or she was directly concerned and in which he or she personally participated or (ii) which was under his or her active consideration while a NYSDOT employee.

- The prohibition applies regardless of whether you are being paid for your services when the matter is before a New York State agency. If the matter is before any other entity, you may do the work only if you receive no compensation.
There are NO waivers for the Two-Year Bar or the Lifetime Bar. There are, however, two limited exceptions for both bars:

1. If you are directly hired by a governmental (state, federal, city, county) entity.
2. Full-time students who work part-time (or who work full-time during vacations, including the summer) may qualify for an exemption.

Note: If you accept certain benefits or choose to participate in the State retirement system, you may not be eligible for this exception, even if you are a full-time student. You should contact NYSDOT to determine if you qualify for this exception.

IF YOU ARE A CURRENT NYSDOT EMPLOYEE, CONTACT YOUR ETHICS OFFICER WITH ANY QUESTIONS VIA EMAIL AT: ETHICS.OFFICER@DOT.NY.GOV OR CALL (518) 457-2411.

IF YOU ARE A FORMER NYSDOT EMPLOYEE, CONTACT THE NEW YORK STATE ETHICS ENTITY, THE NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS (JCOPE) WITH ANY QUESTIONS (518) 408-3976 or jcope@jcope.ny.gov

FULL-TIME STUDENT

In order for a New York State Department of Transportation (NYSDOT) employee who is primarily a student and secondarily a NYSDOT employee to not violate the New York State Public Officers Law post employment restrictions, the student:

Must be enrolled full-time in an accredited course of study or on a seasonal recess:

- May work full-time (37.50-40.00 hours/week) during the summer or other semester breaks and are limited to 120 days (4 months) of full-time service for NYSDOT during the summer vacation period;
- Cannot work half time or more per week during the school year; and
- Cannot receive any State employee benefit, such as health insurance, vacation, retirement (refer to Information on Declination of Membership form), or have any rights to re-employment.

The benefits offered to NYSDOT employees, and the consequences of your acceptance of them:

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<th>Benefit</th>
<th>Consequence of Accepting</th>
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<td>Health Insurance through the New York State Health Insurance Plan (NYSHIP)</td>
<td>Employee would no longer be considered a student and would be subject to both the two-year and lifetime bars.</td>
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<td>Dental and Vision Insurance provided by the New York State Public Employees Federation (PEF)</td>
<td>A NYSDOT employee who is primarily a student may accept union benefits received through the union and paid for by union dues since they are not State employee benefits.</td>
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<td>Membership in the NYS and Local Retirement System</td>
<td>Employee would no longer be considered a student and would be subject to both the two-year and lifetime bars.</td>
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<td>Enrollment in the NYS Public Employee and Retiree Long Term Care Insurance Plan (NYPERL)</td>
<td>Employee would no longer be considered a student and would be subject to both the two-year and lifetime bars.</td>
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