Post-Employment Restrictions

Brief

Title: Post-Employment Restrictions
Publication date: 10/7/2013
Effective date: 8/2/2010

BRIEF

Policy Summary

Berkeley Lab employees are subject to certain restrictions upon leaving employment and when negotiating future employment agreements. Employees may not make, participate in making, or influence a Laboratory decision that directly relates to a prospective employer while negotiating or after reaching an employment arrangement. Additionally, once leaving Laboratory employment, individuals cannot work for another person or agency on proceedings that they participated in while working for Berkeley Lab. Employees holding certain designated jobs – “designated officials” – are subject to additional post-employment restrictions.

Who Should Read This Policy

This policy applies to all employees.

To Read the Full Policy, Go To:

The POLICY tab on this wiki page

Contact Information

Research and Institutional Integrity Office
RIIO@lbl.gov
http://www.lbl.gov/Workplace/RIIO/

Policy

Title: Post-Employment Restrictions
Publication date: 10/7/2013
Effective date: 8/2/2010

POLICY

A. Purpose

This policy describes restrictions for employees concerning activities related to future employment with an organization other than Lawrence Berkeley National Laboratory/The University of California.

B. Persons Affected

This policy applies to all employees, particularly those known as “designated officials” under the University of California (UC) Conflict of Interest Code.

C. Exceptions

Not applicable

D. Policy Statement
1. The California Political Reform Act places several restrictions on activities of employees of Lawrence Berkeley National Laboratory (Berkeley Lab) and UC who are anticipating leaving employment. Some restrictions apply to all employees, while others only apply to employees specifically designated under the UC Conflict of Interest Code. These employees are referred to as “designated officials,” and are further defined in the Laboratory’s Designated Officials policy (document number 05.11.001.000).

2. **Ban on Influencing Prospective Employers.** All employees are prohibited from making, participating in making, or influencing a governmental decision that directly relates to a prospective employer. While merely submitting a resume or application does not trigger the ban, the following contacts will trigger the ban: (1) an interview with an employer or his or her agent; (2) discussing an offer of employment with an employer or his or her agent; (3) accepting an offer of employment.

3. **Permanent Ban.** Designated officials and some other employees are permanently barred from working on the other side of a proceeding in which they had participated while working for UC. The permanent ban applies to every “state administrative official,” which is defined as “every member, officer, employee or consultant who as part of his or her official responsibilities engages in any judicial, quasi-judicial or other proceeding in other than a purely clerical, secretarial or ministerial capacity.” These employees may not receive compensation for representing any other person or organization by appearing before or communicating with UC, nor for aiding, advising, counseling, consulting, or assisting in representing any other person or organization before any state of California administrative agency in a proceeding involving specific parties (for example, a lawsuit, a hearing before an administrative law judge, or a state contract) in which the designated official had previously participated on behalf of UC.

4. **One-Year Ban.** Designated officials are prohibited for one year after leaving UC service from receiving compensation for representing any other person or organization by appearing before or communicating with UC in an attempt to influence UC decisions involving the making of general rules (such as regulations or legislation), or to influence certain proceedings involving a permit, license, contract, or transaction involving the sale or purchase of property or goods.

E. **Roles and Responsibilities**

All employees, especially designated officials, have the responsibility to adhere to the provisions of this policy.

F. **Definitions/Acronyms**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Designated Official</td>
<td>Employees holding positions designated in the UC Conflict of Interest Code</td>
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</table>

G. **Recordkeeping Requirements**

<table>
<thead>
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<th>Role</th>
<th>Responsibility</th>
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<tr>
<td>HR Center</td>
<td>Notifies designated officials of responsibility to file leaving-office statements</td>
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<tr>
<td>Research and Institutional Integrity Office (RIIO)</td>
<td>Coordinates actions required of designated officials</td>
</tr>
<tr>
<td>UC Office of the General Counsel</td>
<td>Maintains leaving-office statements filed by designated officials</td>
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H. **Implementing Documents**

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Audience</th>
<th>Title</th>
<th>Type</th>
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<tbody>
<tr>
<td>05.11.001.001</td>
<td>Designated Officials</td>
<td>Leaving Office Statement</td>
<td>Form</td>
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</table>

I. **Contact Information**

Research and Institutional Integrity Office
RIIO@lbl.gov
http://www.lbl.gov/Workplace/RIIO/

J. **Revision History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Revision</th>
<th>By whom</th>
<th>Revision Description</th>
<th>Section(s) affected</th>
<th>Change Type</th>
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<tr>
<td>10/7/2013</td>
<td>1.1</td>
<td>M. Stoufer</td>
<td>Reviewed 10/3/13, no changes</td>
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<td>5/16/2012</td>
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<tr>
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**Document Information**

**DOCUMENT INFORMATION**

Lawrence Berkeley National Laboratory. The official or current version is located in the online LBNL Requirements and Policies Manual. Printed or exported versions are not official. Users are responsible for working with the latest approved revision.
Title: Post-Employment Restrictions

Document number 05.05.001.000

Revision number 1.1

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Next review date: 10/7/2016

Policy Area: Employment Restrictions

RPM Section (home) Conflict of Interest

RPM Section (cross-reference) Section 10.03

Functional Division Research and Institutional Integrity Office

Prior reference information (optional) RPM Section 10.03

Source Requirements Documents

- University of California Conflict of Interest Code
- California Fair Political Practices Commission (FPPC)
- California Political Reform Act (PRA)

Implementing Documents

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