Frequently Asked Questions about the Job Hunting Rules

1. What is the key job hunting rule? It can be summarized as follows: An employee shall not participate personally and substantially in a particular government matter that, to his knowledge, has a direct and predictable effect on the financial interests of a prospective employer with whom he is seeking employment. [5 CFR 2635.604(a)] "Particular government matter" would include a government contract, task order, delivery order, source selection, sale of government asset, claim against the government, etc.

2. Am I required to do a disqualification letter? If you're not participating in any matters that affect a company's financial interests (and you expect that this will continue to be the case for long enough to have some employment discussions), then you are not required to do a disqualification letter (since you have no duties involving the company to become disqualified from). However, you may choose to do a disqualification letter anyway so that your supervisor will know that he or she should not assign you any duties involving that company while you're seeking employment from the company.

If you are participating in one or more matters that affect the company's financial interests, then you may not seek employment from the company. If you want to seek employment from the company, you must first become disqualified from all duties involving the company. The disqualification must be in writing. [DoD 5500.7-R, Joint Ethics Regulation, para. 2-204c] This is done by asking your supervisor to sign a disqualification letter. Of course, your supervisor is not required to disqualify you from duties involving a company, since your continued involvement in a matter could be very important to the government. However, supervisors generally try to be accommodating when employees for looking for post-government employment.

3. What can I do if a company contacts me about the possibility of employment? If you are participating in a particular government matter that affects a company's financial interests (and you are therefore prohibited from seeking employment with the company), what happens if an employee of the company asks you if you would like to discuss possible employment with the company? Using the language of the ethics regulation, here are the three possible responses you can give (and the legal consequences of each).

The first possibility is that you can "reject" the communication from the company. [5 CFR 2635.603(b)(1)(iii)] One example of a "rejection" would be: "No, thank you. I'm not interested." Another example would be: "I am not permitted to address that."

The second possibility is that you can "make a response other than rejection" to the communication from the company. [5 CFR 2635.603(b)(1)(iii)] Examples include:

-- "Let's talk about it over lunch"
-- "I can start on Monday."
-- "Show me the money!"

If you give "a response other than rejection," this means that you are considered to be "seeking