



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

POST-EMPLOYMENT RESTRICTIONS **FOR STATE LEGISLATORS AND EMPLOYEES**

INTRODUCTION: State legislators and employees who leave state service are subject to the post-employment restrictions of the State Ethics Code, chapter 84, Hawaii Revised Statutes (“HRS”). These restrictions establish a “cooling off period” during which former legislators and employees are prohibited from representing private interests before their former agencies. The post-employment law, sometimes referred to as a “revolving door” law, is intended to prevent former legislators and employees from using influence derived from, and relationships developed during, their state employment to unfairly benefit themselves or others.

STATE LEGISLATORS AND EMPLOYEES WHO MUST COMPLY WITH THE POST-EMPLOYMENT RESTRICTIONS: The post-employment restrictions apply to legislators and employees who have been employed by the State for more than 180 days. These restrictions also apply to state board and commission members, who are considered “employees” under the State Ethics Code.

The following summary is intended to assist legislators and employees in better understanding the post-employment restrictions that will apply to them after they leave state service. **This summary is not intended to be a comprehensive discussion of the post-employment law.** It is strongly recommended that you contact the Hawaii State Ethics Commission (“Commission”) for advice if you have questions about the application of the post-employment restrictions to a specific situation.

SUMMARY OF POST-EMPLOYMENT RESTRICTIONS

- (1) **Do not disclose or use confidential information acquired in the course of your official duties for personal gain or anyone's benefit. HRS §84-18(a)**
- (2) **Do not, within twelve months after terminating your state employment, *represent* any person or business for pay on matters in which you *participated* as a legislator or employee. HRS §§84-18(b) and (c)**

To “represent” a person or business means to engage in direct communication on behalf of any person or business with a legislator, a legislative employee, a state agency, or the employees of a state agency.

Matters in which you “participated” as a legislator or employee include matters with which you had significant contact or involvement. For advice about how the post-employment law applies to specific matters in which you participated as a legislator or employee, contact the Commission for advice.

- (3) **Do not, within twelve months after terminating your state employment, represent any person or business for pay on matters involving *official action* by the Legislature (if you are a former legislator) or the state agency or subdivision that you served (if you are a former employee). HRS §§84-18(b) and (c)**

“Official action” means a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

Example A for Legislators: When your employment as a state senator ends, you are prohibited for twelve months from lobbying the Legislature (both the State Senate and the State House of Representatives) for pay on behalf of any person or business.

Example B for Employees: When your state employment ends, you are prohibited for twelve months from representing a private vendor in sales transactions with your former state agency. If you worked only for a particular division within an agency, the post-employment law may have a more limited application to your activities but you should seek advice from the Commission about your situation.

- (4) **A state agency may contract with you, within the twelve-month period following the termination of your state employment, to act on a matter on behalf of the State. HRS §84-18(d)**

The post-employment law does not prohibit a state agency, including the Legislature, from contracting with you to act on a matter on behalf of the State, and does not prohibit you from appearing before any agency in relation to such employment.

- (5) For two years after you leave state employment, the law prohibits your former state agency from entering into a contract with any person or business who is represented or assisted personally in the matter by you if, during your state employment, you participated in the matter with which the contract is directly concerned. HRS §84-15(b)

CONTACT THE HAWAII STATE ETHICS COMMISSION FOR POST-EMPLOYMENT ADVICE: The application of the post-employment restrictions often depends on the specific facts of a situation. If you have questions about the post-employment law or whether certain post-employment activities are prohibited by the State Ethics Code, contact the Commission for advice at (808) 587-0460 or ethics@hawaiiethics.org.

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