

## Purpose

To establish procedures for the recruitment and/or employment of current and former Government employees. To ensure that all ES employees are aware of and comply with Corporate Procedures concerning employment of current and former Government employees.

## Principles

ES complies with the *Procurement Integrity Act* (41 U.S.C 423) and other regulations associated with Government procurements and related conflict of interest laws and regulations; 18 U.S.C. 207, *Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches*, and 18 U.S.C. 208, *Acts Affecting a Personal Financial Interest* (collectively referred to as the "Conflict of Interest Regulations"). In addition, ES complies with Corporate Procedures **CO H105, Employment of Current or Former Officials, Officers, and Employees of the U.S. Government, CO H105A, Outline of Conflict of Interest Laws – Employment of Current or Former Federal Officers**, and **CO H106, Employment of Persons with Criminal Convictions**.

"Conflict of Interest Regulations" places restrictions, limitations, and prohibitions on a broad range of activity associated with federal agency procurement such as:

- Employment discussions and employment of current and former government employees, both civilian and military.
- One-year prohibition on compensation from a contractor to a former government official involved with a Federal agency procurement.

The provisions of the "Conflict of Interest Regulations" apply in some instances only to competitive procurements while in other instances they apply to all procurements. Violations of the "Conflict of Interest Regulations" by ES or its employees, agents, representatives, consultants, and lobbyists can result in civil and/or criminal fines and/or penalties, imprisonment, and administrative actions such as canceling a solicitation, rescission of a contract, or initiation of suspension or debarment proceedings. Employees may also be subject to discipline by ES including dismissal for violations of the "Conflict of Interest Regulations".

## Process

### Law Department Guidance

Since federal laws and regulations change periodically, it is essential that management and Human Resources personnel receive legal guidance prior to conducting employment discussions or hiring current or former Government employees. The Law Department shall be responsible for providing such legal assistance to management. To assist the Law Department in its analysis, management is responsible for obtaining the following documents:

- A current resume.
- An executed copy of Corporate **Form C-411, Employment of Former Military of the U.S.**
- An executed copy of Corporate Form **C-225, Employment Application Addendum**, or **C-550, Employment Application Addendum**, whichever form is applicable.

- A “Comfort Letter,” a written opinion from the applicant’s legal or ethics officer concerning his/her analysis of whether any post-Government restrictions apply. In some instances, this letter is required by law and regulation.

## **Permanent Restrictions/Management and Employee Responsibilities**

Currently, there is one revolving-door statute with a permanent prohibition on all former Government employees and several others with one- and two-year restrictions on certain former procurement officials and Department of Defense employees. Legal assistance concerning the one- and two-year restrictions should be obtained prior to hiring a former Government employee as discussed above. It is the responsibility of the newly hired former Government employee and his/her direct line management to ensure that the employee does not perform a job function at the company that is precluded by law or regulation during the one- and two-year period following termination of Government employment. Concerning the permanent prohibitions, it is the responsibility of the former Government employee to bring to the attention of their direct line management any matter that they believe may subject them to the permanent restrictions. It is management’s responsibility to seek legal advice on any matter raised by the former Government employee as well as to ensure that the employee is not placed in a position that would violate the statute.

## **Responsibilities**

All ES employees, agents, representatives, consultants and lobbyists and its wholly owned subsidiary organizations involved in the employment process with current or former Government employees Must immediately report all violations or possible violations of the “Conflict of Interest Regulations” to the Sector Vice President & Assistant General Counsel & Sector Counsel and/or the Director Ethics and Business Conduct either directly or through the site Business Conduct Officer. Sector Vice President & Assistant General Counsel & Sector Counsel and/or the Director Ethics and Business Conduct Must immediately report all violations or possible violations of the “Conflict of Interest Regulations” to the President of ES. President of ES Ensures the compliance of the relevant regulations, company policies and procedures associated with Government procurements, including the “Conflict of Interest Regulations”. In addition, the President is responsible for the immediate reporting of all violations or possible violations of the “Conflict of Interest Regulations” to the Corporate Vice President and General Counsel, Corporate Vice President Contracts and Pricing and the Corporate Vice President and Chief Human Resources, Communication and Administrative Office or their designees.

## **References**

### ***Command Media***

CO H105, *Employment of Current or Former Officials, Officers, and Employees of the U.S. Government*  
CO H105A, *Outline of Conflict of Interest Laws - Employment of Current of Former Federal Officers*  
CO H106, *Employment of Persons with Criminal Convictions*

### ***Forms***

C-411, *Employment of Former Military of the U.S.*  
C-225, *Employment Application Addendum* (Use if All Government Service Ended Before January 1, 1997)  
C-550, *Employment Application Addendum* (Use if Government Service Ended On or After January 1, 1997)

### ***Other***

18 U.S.C. Section 207, *Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches*

18 U.S.C. Section 208, *Acts Affecting a Personal Financial Interest*

41 U.S.C 423, *Procurement Integrity Act*