

# Ethics Guide to Leaving Public Service

This guide is designed to assist public officials who are leaving public service maintain compliance with the Ethics Law. The restrictions discussed in this guide apply no matter the how public service comes to an end (retirement, resignation, or termination).

## Restrictions on Seeking Employment Prior to Leaving Public Service

Even before you depart public service, you want to avoid engaging in conduct that is contrary to the requirements of the Ethics Law. These include the following provisions the prevent you from using your current public position to secure post-public service benefits.

- Seeking or accepting employment or economic opportunities which would tend improperly to influence a reasonable person in the position to depart from the faithful or impartial discharge of their duties (NRS 281A.400(1)).
- Using their position in government to secure unwarranted privileges, preferences, or advantages for themselves (NRS 281A.400(2)).
- Seeking other employment or contracts for themselves using their official position (NRS 281A.400(10)).

## "Cooling Off" After Departure from Public Services

Nevada's Ethics Law requires a 1-year "cooling off" period after a public employee departs public service before they can get paid for certain tasks or be employed by certain entities. Relief from the strict application of the requirements may be available, upon request, if the Commission determines you meet certain conditions.



RELIEF CAN BE GRANTED



RELIEF CAN NOT BE GRANTED



1. **Vendor Prohibition for All Public Officers/Employee** cannot seek or accept employment from a person to whom a contract for supplies, materials, equipment, or services was awarded by the agency if:

- Award was within the 1 year prior to the termination of employee's service,
- The contract exceeded \$25,000, AND
- The position held by the individual at the time the contract was awarded allowed the public officer or employee to affect or influence the awarding of the contract.



2. **Public Officer or Employee of State Executive Branch** cannot seek or accept employment from a business or entity whose activities are governed by regulations adopted by the agency if:

- Principle duties included formation of policy contained in the regulations; OR
- During the previous year, performed duties or influenced an audit, decision, investigation which significantly affected the business or industry; OR
- As a result of public service, the employee possesses trade secrets of a competitor.

*This guide is for educational purposes and does not constitute legal advice. If you need legal interpretation for a specific issue, please consult your agency's legal team or seek an advisory opinion from the Commission.*





3. **Representation and Counseling Prohibited** All Public Officers/Employees cannot receive compensation from private person/entity to represent or counsel the private person/entity on:

- Any case, proceeding, application, contract or determination which was under consideration by the agency during the public officer/employee’s service in the agency.
- This prohibition does NOT include legislative measures or administrative regulations.



4. **Nevada Public Utilities Commission** cannot be employed by or appear before the PUC on behalf of a public utility, a public utility parent organization, or a public utility subsidiary.



5. **Nevada Gaming Control Board/Commission** cannot be employed by or appear before the Board or Commission on behalf of a person who holds a gaming license or a person who is required to register with the Commission.

*Statutes for Reference: NRS 281A.550 & NRS 281A.410(1)(b)*

### How to Request Relief and Commission Considerations

Complete the [Request for an Advisory Opinion](#). Include in the facts that you are “requesting relief from the strict application of the cooling off provisions.” The Commission has 45 days from receipt of complete facts to issue an Advisory Opinion.

If a Public Officer or Employee files a request for an Advisory Opinion, they may ask for relief from the strict application of the cooling off requirements if relief is not contrary to any of the following:

1. The best interests of the public,
2. The continued ethical integrity of the State Government or political subdivision ,  
OR
3. The provisions of NRS 281A.

If you submit an Advisor Opinion request for relief, make sure to include facts about your situation that will assist the Commission in evaluating these three factors.

*Statute for Reference (NRS 281A.550(6))*

### Cooling Off Advisory Opinions from our public Opinions Database:

- [In re Public Officer, Comm'n Op. No. 23-83A \(2023\)](#)
- [In re Public Officer, Comm'n Op No. 22-085A \(2022\)](#)
- [In re Public Employee, Comm'n Op No. 22-056A \(2022\)](#)

### Additional Resources

- Cooling Off section of the [Ethics Manual](#)
- [Cooling off YouTube Video](#) – 8 minutes
- [Request relief through an Advisory Opinion](#)

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