


# Nevada Commission on Ethics Resource Guide



Cooling Off

**What is “cooling off”? NRS 281A.550 & NRS 281A.410(1)(b)**

Nevada’s Ethics Law requires a 1-year “cooling off” period after a public employee departs public service before they can engage in certain behavior or be employed by certain entities.







<p><b>Nevada Public Utilities Commission</b></p> <p>Can not be employed by or appear before the PUC on behalf of:</p> <ul style="list-style-type: none"> <li>• A public utility</li> <li>• A public utility parent organization</li> <li>• A public utility subsidiary</li> </ul>	 <p><b>1 YEAR</b></p>	<p><b>Nevada Gaming Control Board/Commission</b></p> <p>Can not be employed by or appear before the Board or Commission on behalf of:</p> <ul style="list-style-type: none"> <li>• Person who holds a gaming license</li> <li>• Person who is required to register with the Commission</li> </ul>
<p><b>Public Officer or Employee of State Executive Branch</b></p> <p>Can not seek or accept employment from a business or entity whose activities are governed by regulations adopted by the agency if:</p> <ul style="list-style-type: none"> <li>• Principle duties included formation of policy contained in the regulations; OR</li> <li>• During the previous year, performed duties or influenced an audit, decision, investigation which significantly affected the business or industry; OR</li> <li>• As a result of public service, the employee possesses trade secrets of a competitor</li> </ul>	<p><b>Representation and Counseling Prohibited for All Public Officers/Employees</b></p> <p>Can not receive compensation from private person/entity to represent or counsel the private person/entity on:</p> <ul style="list-style-type: none"> <li>• Any case, proceeding, application, contract or determination which was under consideration by the agency during the public officer/employee’s service in the agency</li> <li>• <u>Does not include</u> legislative measures or administrative regulations</li> </ul>	<p><b>Vendor Prohibition for All Public Officers/Employees</b></p> <p>Can not seek or accept employment from a person to whom a contract for supplies, materials, equipment, or services was awarded by the agency if:</p> <ul style="list-style-type: none"> <li>• Award was within the 1 year prior to the termination of employee’s service</li> <li>• The contract exceeded \$25,000</li> <li>• 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</li> </ul>

This guide is for educational purposes and does not constitute legal advice. Public officers or employees should seek an advisory opinion from the Commission or consult their legal counsel for direction related to their individual situation.

**Relief Can be Granted in Some Cases (NRS 281A.550(6) and NRS 281.410(3))**

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

1. The best interests of the public
2. The continued ethical integrity of the State Government or political subdivision; AND
3. The provisions of this chapter

<p><b>Member of the Nevada Public Utilities Commission</b></p> <p>RELIEF CANNOT BE GRANTED</p> 	 <p><b>1 YEAR</b></p>	<p><b>Member of the Nevada Gaming Control Board/Commission</b></p> <p>RELIEF CANNOT BE GRANTED</p> 
<p><b>Public Officer or Employee of State Executive Branch</b></p> <p>RELIEF CAN BE GRANTED</p> 	<p><b>Representation and Counseling Prohibited for MOST Public Officers/Employees</b></p> <p>WITH EXCEPTIONS, RELIEF CANNOT BE GRANTED</p> 	<p><b>Vendor Prohibition for All Public Officers/Employees</b></p> <p>RELIEF CAN BE GRANTED</p> 

**How to request relief from the Commission?**

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.

<b>Which Cooling Off Prohibitions Apply?</b>			
	State Officer/Employee	County Officer/Employee	City Officer/Employee
NRS 281A.550(1)	Only members of PUC	No	No
NRS 281A.550(2)	Only members of NGCB & NGC	No	No
NRS 281A.550(3) "Regulated Industry"*	Yes	No	No
NRS 281A.550(5)** "Vendor"	Yes	Yes	Yes
NRS 281A.410(1)(b) "Representation"***	Yes	Yes	Yes

\*except clerical and certain exceptions in NRS 281A.550(4)

\*\*contracts over \$25,000

\*\*\*except certain part time positions. See NRS 281A.410(2)

<b>Additional Information</b>
<p>Note that <u>while employed</u> by a public agency, public officers and employees are prohibited from:</p> <ul style="list-style-type: none"> <li>• 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))</li> <li>• Using their position in government to secure unwarranted privileges, preferences, or advantages for themselves (NRS 281A.400(2))</li> <li>• Seeking other employment or contracts using an official position (NRS 281A.400(10))</li> </ul>
<p><b>Recent Helpful Cooling Off Advisory Opinions:</b></p> <p><a href="#">In re Public Officer, Comm'n Op No. 22-085A (2022)</a></p> <p><a href="#">In re Public Employee, Comm'n Op No. 22-056A (2022)</a></p> <p><a href="#">In re Sweetland, Comm'n Op No. 20-069A (2020)</a></p> <p><a href="#">In re Durski, Comm'n Op No. 18-118A (2018)</a></p> <p><b>Full Opinions Database:</b></p> <p><a href="#">Opinions Database &amp; Recent Opinions</a></p>