


# Retired

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*adjective. [re'tired]* 

I do what I want when I want. \*

see also: Not my problem anymore

\* As long as the Ethics Commission OK's it.

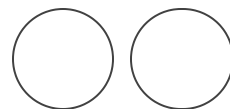
Image reads: Retired adjective. [re'tired] I do what I want when I want. see also: Not my problem anymore. \*As long as the Ethics Commission OK's it.

## Navigating Post-Public Service Employment: A Comparison of Nevada's Ethics Advisory Opinions



Nevada Commission on Ethics

1,205 followers



May 13, 2024

This article delves into two advisory opinions issued by the Nevada Commission on Ethics regarding post-retirement employment of public employees under the state's Ethics Law. Both cases involve retired public employees seeking guidance on the law's cooling-off provisions in relation to their private employment with companies holding contracts with public entities. Through a comparison of these opinions, we aim to shed light on the nuances guiding the Commission's decisions and the factors impacting the granting or denial of relief from the strict application of Ethics Law [NRS 281A.550\(6\)](#).

Understanding the Law

1. Duty to Avoid Conflicts of Interest (NRS 281A.020(1)): Public offices are held for the benefit of the people, and public officers or employees must avoid conflicts between their private interests and the interests of the general public they serve.
2. "Cooling-Off" – Representing or Counseling (NRS 281A.410(1)(b)): Public officers or employees serving in state agencies or political subdivisions are prohibited from representing or counseling for compensation a private person on any issue under consideration by their agency for one year after leaving service. This provision includes cases, proceedings, applications, contracts, or determinations but excludes legislative measures or administrative regulations.
3. "Cooling-Off" – Accepting Employment with Contract Vendor (NRS 281A.550(5)): Former public officers or employees are restricted from soliciting or accepting employment from a person who was awarded a contract by the state or political subdivision if: (a.) The contract's value exceeded \$25,000; (b.) The contract was awarded within the 12-month period before the officer or employee's service ended; (c.) The former officer or employee had a position at the time of the contract award that allowed them to affect or influence the contract's award.
4. Relief from Strict Application of "Cooling-off" Requirements (NRS 281A.550(6)-(9)): Current or former public officers or employees may request an advisory opinion to determine whether relief from the strict application of cooling-off provisions is proper. The Commission may grant relief if it deems it not contrary to the public interest, the ethical integrity of the government, or the provisions of the Ethics Law. However, the advisory opinion does not relieve the individual from the strict application of any provision of NRS 281A.410.

## Advisory Summaries

### First Advisory Opinion: [In re Public Employee, Comm'n Op. No. 18-021A \(2018\)](#)

In 2018, the Commission deliberated on a case involving a retired public employee seeking guidance on post-retirement private employment. The employee retired and secured a position with a private employer holding contracts with public entities. The Commission found the cooling-off provisions applied but granted relief due to factors such as the private service benefiting Nevada citizens and no conflicts with prior public duties. The employee was advised to comply with the one-year prohibition on providing compensated representation or counseling services related to issues considered during their public tenure.

### Second Advisory Opinion: [In re Public Employee, Opinion No. 21-088A \(2022\)](#)

In 2022, another retired public employee requested an opinion on their post-retirement private employment under the Ethics Law. The Commission found the cooling-off provisions applied but did not grant relief, citing the employee's failure to seek guidance before accepting private employment. The employee was also advised to comply with the one-year prohibition on providing compensated representation or counseling services related to public tenure issues.

## Comparison

While both opinions involved retired public employees securing private employment with entities holding public contracts, the Commission's decisions varied. In the 2018 opinion, relief was granted based on factors such as service **benefiting Nevada citizens and no conflicts with prior duties**. In contrast, relief was denied in 2022 due to the employee's **failure to seek guidance before accepting private employment**. These variations underscore the Commission's considerations of individual conduct and adherence to ethical principles.

Whether you plan on quitting, just got fired, or see retirement on your horizon, this analysis underscores the **critical importance of seeking guidance from ethics commissions before transitioning into post-public service employment, to uphold ethical standards**. By examining these opinions, public officers and employees can gain valuable insights into the Commission's decision-making process and the factors influencing the application of the Ethics Law in various post-service employment scenarios. Consulting the Commission for an [Advisory Opinion](#) can provide tailored clarity to your specific situation, empowering you to navigate potential ethical complexities with confidence.