



Sources of Guidance Regarding Employment after Leaving State Service

EMPLOYMENT AFTER STATE SERVICE

Source: [Conflict of Interest Act 2.2-3104](#)

§ 2.2-3104. Prohibited conduct for certain officers and employees of state government. For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § [2.2-3103](#), Prohibited Conduct.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a pay band 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

To the extent this prohibition applies to the Governor's Secretaries, "agency" means all agencies assigned to the Secretary by law or by executive order of the Governor.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § [2.2-3121](#) or [2.2-3126](#), for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

DISCLOSURE OF SUBSEQUENT EMPLOYMENT

(Employees having official responsibilities for procurement transactions.)

Source: [§ 2.2-4370. Disclosure of Subsequent Employment](#), Virginia Public Procurement Act

No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the public body unless the employee or former employee provides written notification to the public body, or a public official if designated by the public body, or both, prior to commencement of employment by that bidder, offeror or contractor.

"Procurement transactions" means all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Public employee" means any person employed by a public body, including elected officials or appointed members of governing bodies.

Questions should be directed to the employing agency, or former agency.

WORKING AFTER RETIREMENT

Thinking of working after you retire from state service?

Source: [Virginia Retirement System](#)

Review the [Virginia Retirement System's "Working After Retirement Resource Site"](#) and call them toll-free at 1-888-827-3847 to determine the effect on your current and future retirement benefits.

WAGE EMPLOYMENT CONSIDERATIONS

Employees who have separated or retired from salaried state service may be interested in returning to state service in a part-time wage/hourly capacity. It is important to understand the break in service requirements related to the Commonwealth's compliance with the Affordable Care Act's definition of "ongoing employment" that apply to all former salaried employees.

Former salaried employees, including retirees, who are considering wage employment in an agency other than their former agency must complete a break in service of at least 30 calendar days immediately preceding the rehire date into a wage position.

Former salaried employees, including retirees, who are considering wage employment in their former agency must complete a break in service of at least 13 weeks immediately preceding the rehire date, or 26 weeks for institutions of higher education.