

ETHICS REMINDERS

*Planning on hiring a student intern in your State office?
Are you a student intern in a State agency?
Be aware of the post-employment restrictions!*

When State employees leave State service, they are subject to the post-employment restrictions in the Public Officers Law, including the two-year and lifetime bars. Depending on the circumstances, these restrictions may apply to student interns who were hired by the State while they attended school.

The post-employment restrictions can have serious consequences for one's post-internship career after graduation, potentially limiting projects on which they may work and impairing career opportunities with the agency at which the student interned. It is important, therefore, for students to be aware of these restrictions and their implications before starting their State employment. To ensure students have the information they need:

- Ethics Officers and/or human resources departments may consider providing this Ethics Reminder to interns during the interview process, as well as in their on-boarding materials.
- If you are a student and have any questions about this topic, contact your agency's Ethics Officer or JCOPE's Attorney of the Day.

However, there is an exception for interns if they were primarily a student and their State service was secondary to their educational activity. This determination depends upon various factors, including but not limited to, whether, during the period of their State service, the student:

- was enrolled full-time in an accredited course of study or on a seasonal recess from study;
- worked half-time or less per week during the school year;
- was limited to a maximum of four months of full-time State service during the summer vacation period and other semester breaks;
- received any State employee benefits, such as health insurance and paid leave;
- satisfied the minimum course credit requirement of his/her educational program, or used earnings from the State service to finance his/her education;
- filled a State position specifically designed to be filled by a student; and,
- functioned in a role that was substantially the same as other State employees.

Violating Public Officers Law § 73, including the post-employment provisions, can result in a maximum fine of \$40,000 and the value of any gift, compensation, or benefit received in connection with such violation, and is punishable as a class A misdemeanor.



Remember:

The Joint Commission on Public Ethics periodically releases Ethics Reminders. Each reminder is a brief and easy to understand synopsis of the laws and rules under the Commission's jurisdiction. Ethics Reminders are issued to assist those subject to the Commission's jurisdiction in understanding and complying with their obligations under the law.