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## 3-34 Restrictions on Employment Discussions with Current Government Employees and Responsibilities of Former Government Employees

**FSC EFFECTIVE DATE:** MARCH 18, 2016

**FSC SUPERSEDES DATE:** NONE

**FACILITY:**

**FACILITY SUPERSEDES DATE:**

**FACILITY EFFECTIVE DATE:**

### **POLICY:**

The Procurement Integrity Act (PIA), 41 U.S.C. §§ 2101-07 and the criminal conflict of interest statute, 18 U.S.C. § 208, regulate the behavior of both federal officials and contractors regarding employment discussions. Many states and local governments have similar laws and regulations that aim to preserve the integrity of the procurement process and broader government decision-making by ensuring that employees do not create an appearance of a conflict of interest by negotiating or discussing future employment opportunities with companies that could be affected by matters currently before those officials.

CoreCivic is committed to following all state and federal laws and regulations regarding recruiting and hiring current and former government employees, including certain military personnel.

### **AUTHORITY:**

CoreCivic Company Policy

### **DEFINITIONS:**

Code of Conduct – The CoreCivic companywide Code of Ethics and Business Conduct adopted pursuant to CoreCivic Policy 3-3, Code of Conduct, as amended from time to time.

Employment – Any form of employment or business relationship involving the provision of personal services by the government employee, whether to be undertaken at the same time as or subsequent to government employment. For purposes of this policy, it includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner or trustee.

Federal Procurement/Program Employee – Any federal government employee who:

- A. Serves or served as the procuring contracting officer, source selection authority, member of the source selection evaluation board, or chief of a cost/price or technical evaluation team for a contract awarded to CoreCivic.
- B. Serves or served as the program manager, deputy program manager, administrative contracting officer, contract monitor or similar position for a CoreCivic contract.
- C. Personally made a decision to award a contract, modification, or task order to CoreCivic; establish overhead or other rates; approve a contract payment; or pay or settle a claim.

Prospective Employer – Any person or company with whom the government employee is seeking employment. Where contacts that constitute seeking employment are made by or with an agent or other intermediary, the term prospective employer includes the person or company who uses the agent or intermediary if the agent identifies the prospective employer to the government employee.

Seeking Employment – A government employee has begun seeking employment if he or she has directly or indirectly:

- A. Engaged in negotiations for employment with any person. For these purposes, negotiations means discussion or communication with another person, or that person's agent or intermediary, regarding possible employment with that person. Negotiation is not limited to discussions of specific terms and conditions of employment in a specific position;

- B. Made an unsolicited communication to any person, or that person's agent or intermediary, regarding possible employment with that person. However, the employee has not begun seeking employment if that communication was:
  - 1. For the sole purpose of requesting a job application; or
  - 2. For the purpose of submitting a resume or other employment proposal to a person affected by the performance or nonperformance of the government employee's duties only as part of an industry or other discrete class. The government employee will be considered to have begun seeking employment upon receipt of any response indicating an interest in employment discussions; or
- C. Made a response other than rejection to an unsolicited communication from any person, or that person's agent or intermediary, regarding possible employment with that person.

Senior Federal Employee – A military flag officer, member of the Senior Executive Service, holder of a position on the Executive Schedule, or political appointee.

## **PROCEDURES INDEX:**

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- B. FORMER GOVERNMENT EMPLOYEES**
- C. REPORTING CONCERNS**
- D. TRAINING AND COMMUNICATIONS**

## **PROCEDURES:**

### **A. EMPLOYMENT DISCUSSIONS WITH CURRENT GOVERNMENT EMPLOYEES**

#### A1. Employment Discussions

- A1a. Before engaging in any employment discussions with a federal or state government employee, CoreCivic must establish that the employee has recused him/herself from being personally and substantially involved in any procurements for which CoreCivic is or could be an offeror. A government employee must disqualify him/herself from all matters that would have a financial impact on the employee, the employee's family or an entity with which the employee is negotiating employment or seeking employment.
- A1b. To ensure that a current government employee has taken recusal action or otherwise has taken the necessary steps to commence employment discussions with CoreCivic, the Human Resources Department will adopt procedures to identify any current government employee applicants. In addition, the government employee must provide written documentation that he/she has recused him/herself or has otherwise obtained approval to engage in employment discussions with CoreCivic from his/her agency.
- A1c. CoreCivic employees must first consult with the CoreCivic Corporate Ethics and Compliance Office before initiating employment discussions with a current or former Federal Procurement/Program Employee, Senior Federal Employee, or any other federal, state or local official with procurement, contract monitoring/oversight, or senior executive responsibilities.

#### A2. Unsolicited Employment Discussions

- A2a. If you are approached by a current or former federal, state or local government employee regarding potential employment with CoreCivic, consult with the CoreCivic Corporate Ethics and Compliance Office before expressing any interest in a potential employment arrangement.
- A2b. To end the seeking employment period, the employee or prospective employer must reject the possibility of employment and all discussions of possible employment must have terminated.

### **B. FORMER GOVERNMENT EMPLOYEES**

#### B1. General

Former government employees who are hired by CoreCivic also may be subject to restrictions on the work they can perform on behalf of CoreCivic. The PIA and other laws may prohibit former government employees from appearing before their former agency or performing certain work with which they were involved while in government service.

#### B2. Ethics Opinion

- B2a. To ensure compliance with applicable restrictions, all Federal Procurement/Program Employee, Senior Federal Employees, and other federal employees with contract monitoring/oversight responsibilities are required to obtain an ethics opinion from the relevant Designated Agency Ethics Official (DAEO), which details any restrictions (or lack thereof) on the individual's post-government job performance with CoreCivic, before the individual is hired by CoreCivic. All offers of employment will be expressly contingent on (1) the individual furnishing any ethics opinion(s) required by this policy, and (2) such opinion(s) not containing restrictions on the individual's contemplated position at the company. Where such restrictions are present, the contemplated position must be modified to avoid restricted activities for their duration or the hiring process must be terminated and any offer of employment rescinded.
- B2b. CoreCivic employees who are considering hiring a current or former Federal Procurement/Program Employee, Senior Federal Employee, or any other federal, state or local official with procurement, contract monitoring/oversight, or senior executive responsibilities must consult the CoreCivic Corporate Ethics and Compliance Office regarding any post-employment restrictions prior to hiring the government employee. The CoreCivic Office of General Counsel can ensure that the individual obtains an appropriate ethics opinion and establish restrictions within the individual's management organization that are consistent with any statutory or regulatory restrictions on the individual's involvement with government activities or agencies.
- B2c. Once the former government employee becomes a CoreCivic employee, it is the responsibility of that individual and his or her management chain to ensure compliance with the restrictions in the ethics opinion.

#### **C. REPORTING CONCERNS**

Any employee or individual who becomes aware of potentially improper employment discussions with a federal, state or local government employee should contact his or her supervisor or department head, the CoreCivic Office of General Counsel, CoreCivic Corporate Ethics and Compliance Office, or the CoreCivic Ethics Line ((1-866-757-4448) or [www.ccaethicspoint.com](http://www.ccaethicspoint.com)) for assistance and guidance.

#### **D. TRAINING AND COMMUNICATIONS**

- D1. All new full-time and part-time professional and support employees will receive training on this policy in accordance with CoreCivic Policy 4-1, Staff Development and Training.
- D2. This policy will be available to all employees through normal means of policy communication (i.e. policy manuals, company intranet).

#### **REVIEW:**

This policy will be reviewed by the General Counsel and the Executive Vice President, Human Resources, on an annual basis or more frequently as needed.

#### **APPLICABILITY:**

All CoreCivic Employees

#### **APPENDICES:**

None

#### **ATTACHMENTS:**

None

#### **REFERENCES:**

CoreCivic Policy 3-3

CoreCivic Policy 4-1

The Procurement Integrity Act (PIA), 41 U.S.C. §§ 2101-07

The Criminal Conflict of Interest Statute, 18 U.S.C. § 208