

MEMORANDUM TO: ALL SENIOR EMPLOYEES (i.e. SES/SLS AND ABOVE)

FROM: Karen Cyr /~~RA~~/
General Counsel

SUBJECT: NEW POST-EMPLOYMENT PAY LEVEL FOR SENIOR EMPLOYEES

This is to inform you of changes to the threshold for identification of senior employees subject to the one-year post-employment restriction which have occurred as a result of the 2009 pay adjustments. The post-employment law prohibits certain former NRC senior employees from representing anyone before the NRC with intent to influence agency action, other than the United States, for one year after terminating service (18 U.S.C. 207(c)). This one-year restriction applies to any former Federal employee whose basic rate of pay at termination is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule.

Based on the new 2009 pay schedule, the one-year post-employment restriction now applies to employees who earn more than \$153,105 in "basic pay" when they terminate Federal service. "Basic pay" does not include locality pay or bonuses.

Most members of the Senior Executive Service (SES) would effectively be subject to the one-year bar upon termination of service because SES members no longer receive locality pay. This means that their entire salary is considered "basic pay," except for bonuses.

However, senior employees who are in the Senior Level Service (SLS) or full-time ASLBP judges still receive locality pay. They should exclude locality pay in determining whether they are subject to the one-year bar. SLS employees should also exclude any bonus pay.

Please contact John Szabo in the Office of the General Counsel (john.szabo@nrc.gov) if you have any questions about this change or any of the other post-employment restrictions.