

# Office of the State Public Defender Administrative Policies

Subject: <b>Contractor Six-Month Waiting Period</b>	Policy No.: <b>133</b>
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Section: <b>2-201</b>	Last Review Date: <b>11-20-17</b>
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## 1.0 POLICY

The Office of the State Public Defender (OPD) has established the following procedures for former employees in any division wishing to contract with OPD for professional services in accordance with 2-2-201, MCA. This policy applies to all former employees except for those whose employment was involuntarily terminated due to a reduction in force.

## 2.0 PROCEDURES

**2.1** OPD employees who leave the agency are prohibited from taking new assignments as contractors for six months following voluntary termination.

**2.1.1** On a case-by-case basis, the supervising attorney (Regional Deputy Public Defender, Managing Attorney or Division Administrator) may allow departing employees to continue working on existing cases as contractors using criteria including whether a trial is imminent, client continuity demands, and the difficulty level of the case.

**2.1.2** The departing employee will be required to sign a Memorandum of Understanding as outlined in OPD Policy 130, Contract Services.

**2.1.3** The supervising attorney will document the reasons any case was allowed to leave with the departing staff member and provide a copy of the documentation to the Contract/Quality Control Manager.

**2.1.4** The supervising attorney is required to keep the number of such cases to a minimum.

**2.2** Employees who are involuntarily terminated for cause will not be considered for approval as contract vendors.

**2.3** Former employees may not be employed by an employer who contracts with the state involving matters with which the former employee was directly involved during employment.

**2.4** Following completion of the six-month waiting period, a former employee may follow the procedure for prospective contractors per OPD Policy 130.

## 3.0 CROSS-REFERENCE GUIDE

MCA 2-2-201  
OPD Policy 130, Contract Services

## 4.0 CLOSING

Questions about this policy should be directed to:  
Office of the State Public Defender, Central Services Division  
44 West Park  
Butte, MT 59701  
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