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December 20, 1990

City of Chicago  
Richard M. Daley, Mayor

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**CONFIDENTIAL**

[REDACTED]

Re: 90087.0, [REDACTED]  
Post-employment

Dear [REDACTED]

Thank you for your telephone call regarding the department's dealings with a former employee. You stated that this former employee worked (in a particular position with computers [REDACTED]), holding the title of [REDACTED]. He left City employment in the middle of [REDACTED]. During his City employment, he had no involvement with contracts or with the supervision of contracts. His expertise was working with computers.

It is our understanding that there is now a position for an independent contractor working on computers. The position begins in [REDACTED]. Your department would like to hire this former employee, if the Ethics Ordinance will permit.

The section of the Ethics Ordinance applicable to this question states:

No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised



contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

Therefore, there is a one year prohibition which covers areas in which the former employee was personally and substantially involved, and a permanent prohibition which governs areas in which the former employee had contract management authority.

§2-156-010(b). Section 26.2-1(g) defines "contract management authority:"

"Contract management authority" means personal involvement in or direct supervisory responsibility for the formulation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

Because the former employee will be taking this position thirteen months after he left City employment, the one year prohibition if applicable has lapsed. Since he had nothing to do with the supervision of the actual forming, preparing, evaluating, or negotiating of contracts, he is not subject to the permanent prohibition.

Therefore, based upon the facts as you present them, nothing in the Ethics Ordinance prohibits this former employee from taking this position with your department.

If you have any questions, or if the facts are not as presented in this letter, please contact us. Thank you for bringing this matter to our attention.

Very truly yours,



Marilyn E. Hanzal  
Legal Counsel

MEH:tl

90087.L1