

January 28, 1999

CONFIDENTIAL

[Jane Roe]
[Commissioner][Department of A]
Chicago, IL 60602

**Re: Case No. 99005.Q
Post Employment**

Dear Commissioner [Roe]:

On January 11, you asked whether [John Smith] a former employee of your department, would be permitted under the City's Governmental Ethics Ordinance from assisting [Company C], a contractor of your department, in bringing certain mainframe programs into Year 2000 ("Y2k") compliance. Based on the facts you stated, summarized in this letter, staff's opinion is that Mr. [Smith] is not prohibited by the Ordinance's post-employment provisions from assisting [Company C] in this work.

You explained that, as part of [Company C's] contract, it must "remediate code" for certain departmental programs that are written in [DEF], a programming language that was once widely used but is now "dead." After an extensive search, in which your department assisted, only one individual who had the knowledge and availability to effect this work was located: [John Smith]. Mr. [Smith] was employed by your department as a computer programmer from 19XX until he left City service to work for [P] on July 1, 19XX. You stated, and Mr. [Smith] confirmed, that as a City employee he was not involved in remediating code for programs written in [DEF], or in any other aspect of the City's Y2k efforts, including the selection of [Company C] for this project--although, of course, during his City employment he wrote programs in [DEF] and has extensive knowledge of your department's operations.

Section 2-156-100 (b) of the Ordinance prohibits a former City employee, such as Mr. [Smith], for one year following termination of City employment, from assisting or representing any person in a business transaction involving the City (such as [Company C]), if he or she was personally and substantially involved in the subject matter of that transaction during City employment. Based on these facts, staff's opinion is that, during his City employment, Mr. [Smith] was not personally and substantially involved in the subject matter of the business transaction in which he would be assisting [Company C], namely, the remediation of code for the Y2k problem. Thus, the Ordinance does not prohibit him from

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being hired by [Company C] to assist it in this work. Please note that staff's opinion is limited to Mr. [Smith's] participation in the [Company C] transaction described. If there are other projects in which [Company C] or the department may wish Mr. [Smith's] assistance, please contact us for further advice, as the Ordinance may apply differently to them.

Staff's opinion is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts stated are incorrect or incomplete, please notify us immediately, as any change may alter our opinion.

We appreciate your inquiry and concern to abide by the standards of the Governmental Ethics Ordinance. Please do not hesitate to contact us if we can be of further assistance.

Very truly yours,
[signature]

Steven I. Berlin
Deputy Director

Approved by:
[signature]

Dorothy J. Eng
Executive Director

cc: [John Smith]

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