

A PLAIN ENGLISH GUIDE TO CHICAGO'S "REVOLVING DOOR" RESTRICTIONS

Most government ethics laws have post-employment or "revolving door" restrictions, designed to prevent former government personnel from improperly profiting from their government connections or "inside" knowledge. After you leave your City employment or service (whether voluntarily, involuntarily, or by retirement), there may be certain activities, matters or projects with or before the City on which you cannot work. These prohibitions may last for 1 or 2 years, or longer. The restrictions are in the City's Governmental Ethics Ordinance. This brief guide explains them.



PROHIBITIONS. THERE ARE 7 KEY PROHIBITIONS. MOST BEGIN AFTER YOU LEAVE YOUR CITY EMPLOYMENT OR SERVICE, NOT WHEN YOU MOVE FROM ONE CITY OR GOVERNMENTAL POSITION TO ANOTHER.

1. Department heads and non-clerical employees of the Mayor's Office may not, for two years after leaving City service, lobby† any City department, employee or official. Aldermen may not lobby† any City department, employee or official for one year after they leave office.

2. Other former Shakman-exempt City employees from the Executive Branch, and Mayoral appointees to City boards or commissions, may not, for two years after leaving City service, lobby† the City department, agency or commission in or on which they served, or any City employee or official in the department, agency or commission in or on which they served. Note: this provision does not apply to City Council employees.

†"Lobby" means acting on behalf of another person, like an employer or client, to influence City actions or decisions, such as contracts, tax increment financing matters, real estate development, zoning permit, official endorsement or recommendation, or an Ordinance change or other City Council matter. Certain activities are not considered lobbying, however. Certain exceptions apply, especially to individuals who lobby on behalf of non-profit organizations. Please contact the Board of Ethics for more information. **Note:** these lobbying bans do not extend to lobbying the City's "sister agencies," like the Chicago Public Schools, Chicago Transit Authority, Park District, etc., as these are government agencies separate and distinct from the City of Chicago.

ETHICS PLEDGE. Department heads, non-clerical Mayoral employees, and appointees, and other Executive Branch Shakman-exempt employees must sign an ethics pledge acknowledging they will abide by these lobbying restrictions.

3. For one year after City employees or officials leave City service or employment, they may not assist (even "behind the scenes"), represent or lobby for any person, like a new employer or client, on a business transaction that involves the City if, while in City service, they were personally and substantially involved in the "subject matter" of that transaction. What is the "subject matter" of a transaction that a new employer or client has asked someone to work on? That is usually a fact-dependent, complex question. City employees or officials exploring job offers with persons or firms that deal with City government should contact the Board of Ethics to discuss this restriction.

4. Former City employees or officials who exercised "contract management authority" with respect to a City contract may not assist any person (like a new employer or new client) on that contract. This restriction is "permanent" — in other words, it lasts for the life of that contract. "Contract management authority" means being personally involved in or having direct supervisory responsibility for the formation or performance of a City contract. It includes preparing contract specifications, evaluating bids or proposals, negotiating contract terms, supervising contract performance, or approving payment vouchers.

5. Former City employees or officials cannot assist or represent any person other than the City (like a new employer or new client) in judicial or quasi-judicial proceedings involving the City if they were counsel of record or personally and substantially involved in those proceedings during City service. This bar lasts throughout the proceeding.

⊘ **6.** Former City employees or officials may **never** disclose confidential or non-public information acquired in the course of their City service, except as authorized by law.

⊘ **7.** **Current** City officials or employees **may not negotiate possible future employment** with any person (except another government entity) with a matter pending before them.

NOTES:

First, there is a **GOVERNMENT TO GOVERNMENT EXCEPTION**: these restrictions do not apply to former City officials or employees who become employed by and act on behalf of another government agency.

Second, these restrictions **do NOT prohibit former City employees or officials from accepting employment with any specific person, organization or firm** after leaving City employment. Rather, the restrictions are matter-based: there will be certain projects or matters on which former City employees or officials may not work.

Third, the restrictions are **personal to the former employee or official** and apply only to them. A post-City employer or client is not prohibited from having City transactions or contracts on which former employees or officials *personally* are prohibited from working. However, there must be a proper “ethical screen” established so that **the former City officials or employees do not** assist, represent or lobby for their new employer or client on those matters.

Fourth, the Board recognizes a **“trade-skill exception”**: the Ordinance’s goals are **not** furthered by prohibiting former City employees from performing trade skills they’ve developed and acquired, where no specialized knowledge of City-specific standards or regulations is involved. The Board has applied this to electricians, machinists and opticians, for example. But whether any proposed post-City work falls into this exception is a determination that must be made by the Board of Ethics based on the specific facts.

Fifth, the Board may waive these restrictions in specific cases, in the public interest. All waiver requests must be in writing, and any waivers granted are made public.



PENALTIES.

There are severe penalties for violating these provisions. Any contract negotiated, entered into or performed in violation of restrictions can be voided by the City. Violators can be fined up to \$20,000 per offense. Permits, licenses, rulings, determinations or other official City actions sought, obtained or begun in violation of the Ordinance are invalid. The City may pursue all legal or equitable remedies against a violator in court (including suing for the violator to give up or “disgorge” all monies earned as a result of a violation). All violations and penalties are made public.



Questions? This Plain-English guide is intended to help you develop a basic understanding of Chicago’s revolving door restrictions. For authoritative confidential advisory opinions in particular situations, please consult with us.

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