

# Continuing Ethics Education Series

City of Chicago  
Richard M. Daley, Mayor



Dorothy J. Eng, Executive Director   Darryl L. DePriest, Chair

A City of Chicago Board of Ethics Publication

**NEW!!!!** 1st ISSUE (SEPTEMBER 2002)

## Executive Director's Column

This month the City of Chicago Board of Ethics is pleased to introduce a **NEW!!!** bimonthly publication to provide City officials and employees with continuing ethics education and ongoing training on the rules of ethical conduct under the Governmental Ethics and Campaign Financing Ordinances. Each issue will provide coverage of a particular ethics rule or topic. The topic for this issue is post employment. The publication will also provide ethics updates and reminders in between ethics training courses.

Other ethics training initiatives currently being implemented by the Board include an online ethics orientation for all City employees, and persons with or seeking City contracts.

I trust that these efforts will help strengthen our ethics training program and ensure continuing public confidence in the integrity of our City workforce.

Dorothy J. Eng

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## Ethics Rules On **POST EMPLOYMENT**



Are you leaving City service? Will you be taking on new employment or pursuing a business of your own? Then you should be aware of the City's post-employment restrictions under the Ethics Ordinance. The Ethics Ordinance does not prohibit persons leaving City service from working for any particular new employer. But it does restrict those matters on which they may work for a new employer. Two of the key restrictions are:

- ? For one year after termination of City employment or term of office, former employees and officials shall not assist or represent any person in a business transaction involving the City if they participated personally and substantially in the subject matter of the transaction during their City service.
- ? Former employees and officials are barred permanently from assisting or representing any person as to a contract involving the City or any of its agencies if they exercised contract management authority with respect to that contract during City employment.

## Advisory Opinions Involving the **Post-Employment** Restrictions

Advisory opinions are issued by the Board of Ethics to determine whether certain conduct or activities are permissible under the City's ethics laws. The summaries of opinions presented below are examples of post-employment issues that have been addressed by the Board. Anyone who would like a copy of any of these opinions should contact the Board at (312) 744-9660. Please note that only persons involved in the specific cases or in situations that are not materially different from them can rely on Board opinions.

Advisory Opinion	Issue(s)	Board Determination
99044.A	<p><b>1. Does the Ethics Ordinance limit for whom a former City employee may work?</b></p> <p><b>2. Who is subject to the post-employment restrictions? The former City employee? The new employer? Both?</b></p>	<p>In Case No. 99044.A, the Board addressed the situation of a former City employee who accepted a position as an attorney at a local law firm. In its decision the Board noted that: 1) the Ethics Ordinance did not limit for whom the former employee could work, but rather limited what he could do for the new employer; and 2) although the former employee, himself was subject to both the one-year and permanent prohibitions, the new employer was not. Therefore, the law firm could assist or represent persons whom the former employee was prohibited from assisting or representing, so long as the former employee did not assist the firm or its members on those matters.</p>
96031.A	<p><b>Is a former employee who works for a non-profit that is related to a "sister agency" exempt from the post-employment restrictions?</b></p>	<p>In Case No. 96031.A, a former City employee asked whether he was exempt from the post-employment provisions of the Ethics Ordinance because he was working for a non-profit organization that was related to the CHA, and that shared certain mutual goals with the CHA and the City.</p> <p>The Board determined that the former employee was not exempt. In reaching its decision, the Board considered whether persons other than the City had the benefit of the former employee's knowledge and to whom he owed loyalty. The Board concluded that his new employer, an organization that was not related to the City, had the benefit of his knowledge, and that he owed his loyalty to it, not the City.</p>
00018.A	<p><b>Examples of Personal and Substantial Involvement and Contract Management Authority.</b></p>	<p>In Case No. 00018.A, a City employee asked what restrictions the Ethics Ordinance imposed on his possible post-City employment with a private corporation that did business with his department. In his City job, his responsibilities included overseeing the evaluation, installation and maintenance of 28,000 electronic devices used by the City. He also was involved in the preparation of specifications for five City contracts involving the devices. The company for which he wished to work sold 23 of the devices to the City, and he was responsible, in his City job, for supervising the execution of that contract with the company.</p> <p>The Board determined that the City employee had been personally and substantially involved in the evaluation, installation and maintenance of the devices, and, therefore, was prohibited for one year after leaving City service from assisting or representing his new employer, or any other person, in any business transaction with the City that involved these devices. The Board also determined that the City employee had exercised contract management authority over the five contracts, and, therefore, was prohibited from assisting or representing the company, or any other person, on the five contracts in any business transaction involving the City.</p>

## Test Your Knowledge



### ... of the Rules on **Post Employment**

Answer the following questions with either a **YES** (the activity is permitted) or a **NO** (it is not permitted), then check your answers.

**Yes**   **No**

- ?   ?   1.   You are leaving City service because you have been offered a full-time position to work for a company that has contracts with the City. Are you prohibited from accepting the job offer?

**Answer:** The law does not prohibit former employees from accepting employment with a City contractor. Rather, it restricts what former employees can do for their new employer in matters involving the City. Therefore, the answer to Question #1 is NO, you are not prohibited from accepting the job offer.

- ?   ?   2.   You managed City contracts while you were a City employee. Can you work on those same contracts for your new employer?

**Answer:** Former employees are prohibited from assisting or representing any person in a business transaction involving the City if they exercised contract management authority with respect to that contract during their City employment. Managing contracts is exercising contract management authority. Therefore, the answer to Question #2 is NO, you cannot work on those same contracts.

- ?   ?   3.   Are former City employees prohibited from assisting their new employer in any and all matters that involved their former City departments for one year after leaving City employment?

**Answer:** City employees are prohibited for one year from assisting or representing any person, like a new employer, in a business transaction involving the City, *if the employee participated personally and substantially in the subject matter of the transaction* during their City employment. Whether the employee participated personally and substantially in the subject matter of any transaction is determined on a case-by-case basis. Therefore, the answer to Question #3 is NO.

#### **PLEASE NOTE**

The opinions and answers as stated in this publication are for general information only and are NOT intended to provide specific advice or recommendation for any specific individual. For specific advice, contact the Board office at (312) 744-9660.

## Upcoming Ethics Training Classes

Ethics training classes are held at the Board's offices on the first and third Wednesday of every month. Although these classes are designed for persons required to attend ethics training, they are open to all City employees and officials. If you wish to attend a Board class, please contact us.

Please note that each alderman, member of an alderman's personal staff, City Council Committee staff member and each senior executive level employee must attend ethics training within 120 days of hire and every four years thereafter.

**Regularly Scheduled Ethics Training Class**  
**Dates**

**September 4 and 18, October 2 and 16**  
**9 AM - 740 North Sedgwick, Suite 500**

If you have any questions or need additional information, you can contact us at:

**City of Chicago Board of Ethics**  
**740 North Sedgwick, Suite 500**  
**Chicago, IL 60610**  
**Tel. No. (312) 744-9660**  
**TTY No. (312) 744-5996**  
**FAX No. (312) 744-2793**

**[www.cityofchicago.org/Ethics](http://www.cityofchicago.org/Ethics)**