



CITY OF CHICAGO



BOARD OF ETHICS

CONFIDENTIAL

November 14, 2022

The Honorable [Elected Official]
[Address]
Chicago, IL 606__

Re: Case No. 22033.Q / Employment Action on behalf of relatives or domestic partners

Dear _____:

On [date], you inquired whether you would be subject to any restrictions if your [relative], who is currently employed by [company name] in [City], returns to Chicago and becomes employed by a [type of business] that could potentially do work in [your Ward] and elsewhere in the City.

Your inquiry falls squarely under §2-156-130 of the Governmental Ethics Ordinance ("the Ordinance"), amendments to which became effective on October 1, 2022. It states, in relevant part:

2-156-130. Employment Action on behalf of relatives or domestic partners.

...

(b) No official or employee shall exercise contract management authority, or participate in the making of any City administrative or legislative action or decision, where any relative or the domestic partner of the official or employee is employed by or has contracts with the person with such contract or who is seeking such administrative or legislative action.

(c) No official or employee shall use or permit the use of their position to assist any relative, or his domestic partner in securing employment or contracts with persons over whom the employee or official exercises contract management authority or with respect to whom the employee or official would make or participate in the making of any City administrative or legislative action or decision. The employment of or contracting with a relative or domestic partner of such a City official or employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a city contract shall be evidence that said employment or contract was obtained in violation of this chapter.

(d) No person shall, with intent to violate this section, hire or retain any relative or domestic partner of a City employee or official who exercises contract management authority with respect to the person's City contracts or who participate in administrative or legislative actions or decisions involving the person.

While nothing in the Ordinance prohibits your [relative] from becoming employed by a [type of business] in Chicago, you would be required to recuse yourself from participating in or making "any City administrative or legislative action or decision" involving your [relative's] future employer.

Specifically, should any [matter] involving your [relative's] employer arise, whether in your own Ward or anywhere in the City, you would be required to file a written disclosure with the Board and then: (i) not participate in any discussions on that matter with your colleagues or other City officials or employees, in any City Council Committee or full Council meeting; (ii) not take any official action or participate in discussions about that matter with any other City employees or officials (including not only those in City Council, but also those in the Mayor's Office, Department of Planning & Development, Housing, etc.); (iii) not chair or participate in the portion of any Council Committee or full Council meeting when that matter is considered or voted upon; and (iv) recuse from any discussion or votes on the matter before the full Council or Committee. This means that, if your [relative's] employer has any matters pending in your Ward, you must fully recuse yourself from all discussions and/or City actions on that matter, and delegate any work on it to your staff or a City Council colleague (if a City Council member's recommendation is required).¹

Our conclusions and advice are based solely on the application of the Governmental Ethics Ordinance to the facts summarized in this letter. If these facts are incorrect or incomplete – or if they change in the future – please notify our office immediately, as any change may alter our conclusions or advice. Please note, as well, that this opinion may be relied upon by any person involved in the specific transaction or activity with respect to which this advice is rendered.

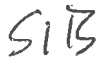
Our office appreciates the opportunity to advise you, and your conscientiousness in seeking our advice. If you have further questions about this or any other matter, please contact us.

Sincerely,



Lisa Eilers, Deputy Director

Approved:



Steven I. Berlin, Executive Director

¹ Note also that §2-156-130(c) provides that, if your [relative] takes a position with a [potential employer] that has had any City matters pending in which you have been involved in the six (6) months prior to his employment with that [potential employer], that is "evidence" of a violation. Thus, in order for you to avoid any possible violation of this provision, we advise you to refrain from discussing your [relative's] potential employment with any [type of business] or other person who has had matters pending in your Ward on which you have worked.