

MEH

August 7, 1989

[REDACTED]

CONFIDENTIAL Case No. 89122.Q

[REDACTED]

Thank you for inquiring about the application of the Governmental Ethics Ordinance to your present situation as a former City of Chicago employee considering employment or consulting opportunities with City contractors. Because the information you provided in your letter dated [REDACTED] is very general, it is not possible for the Board of Ethics to render an advisory opinion based on that letter. However, we can give you the guidelines by which the Board determines whether employment after termination as a City employee is permissible under the Ethics Ordinance. Depending upon the facts of your situation and the types of employment you are considering, you may or may not be affected by the provisions of the Ethics Ordinance. If you are not sure as to their application to your job prospects you should request an advisory opinion from the Board of Ethics. This request should be in writing and include detailed information about your former responsibilities with the City as well as your anticipated responsibilities with your prospective employer.

Section 26.2-10(b) of the Governmental Ethics Ordinance 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.



City of Chicago
Richard M. Daley, Mayor

Board of Ethics

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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.

According to these sections, a former City employee is subject to two restrictions on his employment after leaving City service: a one-year prohibition and a permanent prohibition.

- I. **The One-Year Prohibition:** a former City employee is prohibited for one year after leaving City service from assisting or representing any person in any business transaction involving the City if:
 - A. **The transaction involves a subject matter or area of City business in which the person participated as a City employee; and**
 - B. **The person's participation in this subject matter or area was personal and substantial.**

- II. **The Permanent Prohibition:** a former City employee is prohibited permanently from assisting or representing someone in a business transaction involving the City if:
 - A. **The transaction is a contract; and**
 - B. **The person exercised "contract management authority" as defined above, with respect to this particular contract while acting as a City employee.**

In addition to these post-employment restrictions the Governmental Ethics Ordinance contains a general prohibition on the use or disclosure of confidential information. This prohibition extends to former as well as current City employees and officials, and therefore is relevant to your considerations. Section 26.2-7 states:

No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For the purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

[REDACTED]

We appreciate your inquiry and hope that this letter addresses some of your concerns. Again, if you would like an advisory opinion regarding specific employment prospects, please send a written request including detailed information about your former responsibilities with the City and your anticipated responsibilities with your prospective employer. If you have further questions regarding the post-employment provisions of the Governmental Ethics Ordinance, please feel free to call the Board at 744-9660.

Sincerely,

Brent Sockness

Brent Sockness
Research Analyst

BWS/bws/89122.Q

encl: Post-employment Guidelines