



BOARD OF ETHICS
CITY OF CHICAGO

WAIVER REQUESTS FROM THE CITY'S POST-EMPLOYMENT RESTRICTIONS

At its October 25, 2017 meeting, the Board considered two (2) requests to waive the post-employment provisions of the City's Governmental Ethics Ordinance. The Board has the authority to grant waivers from the Ordinance's post-employment and certain other restrictions, pursuant to §2-156-402 of the Ordinance and Board Rule 9.*

The Board denied the first request and granted the second, by votes of 4-0 (Zaid Abdul-Aleem, Nancy C. Andrade and Mary T. Carr, absent). These were the second and third waiver requests presented to the Board since it was granted waiver authority in late 2012. In 2013, the Board received a request to waive the post-employment restrictions, but denied it. This is the first and only waiver granted by the Board.

In accordance with §2-156-402(b) of the Governmental Ethics Ordinance, we present the following summary of the granted waiver.

The request asked that that Brenna Berman, the City's former Chief Information Officer, be permitted to work on the Underground Infrastructure Mapping Initiative. This Initiative will utilize new technology to create accurate 3D maps of the underground assets and utilities throughout the City. The Initiative is a pilot project of City Digital, an urban innovation arm of UI Labs. City Digital is an independent non-profit organization. In the Spring of 2017, Mayor Emanuel asked Ms. Berman to become the Executive Director of City Digital.

The Board reasoned that: (i) Ms. Berman's participation in the initiative is analogous to the "government to government" exception to the Ordinance's post-employment prohibitions, whereby former City employees are not prohibited from working for other governmental agencies, recognizing that the former City employee's new job is still inherently in the service of the public; (ii) City Digital is a non-profit organization that is functionally dependent on the City and its interests are aligned with the City's; (iii) she will not profit monetarily from the waiver; and (iv) the expertise and experience she would bring to this project are unique, and the City and its citizens will thus significantly benefit if she is allowed to participate in this project.

* This section of the Ordinance took effect on November 1, 2012. Rule 9, entitled **Waivers**, states:

(1) Pursuant to §2-156-402 of the Ordinance, the Board may grant any current or former City employee or official waiver from compliance with respect to the following provisions of the Ordinance: (i) §2-156-142(a) (gifts) to the extent the waivers apply to material or travel expense for meetings; (ii) §§2-156-100 and 2-156-105 (post-employment restrictions); (iii) §2-156-110 (financial interest in City business); and (iv) §2-156-111(d) (the reverse revolving door restrictions) as to matters related to a city official's or employee's immediate former employer or client.

(2) In order for the Board to grant a waiver, a current or former city employee or official must request it in writing. The request must include: (i) the name of the requestor; (ii) the requestor's agency and where the requestor works; (iii) the requestor's title; (iv) the requestor's responsibilities; (v) a detailed description of the situation; and (vi) permission for the Board or its staff to communicate with third parties as necessary and appropriate for the Board to determine whether to the grant or deny the waiver.

(3) The Board may grant a waiver with conditions, restrictions or limitations, including that the waiver may be withdrawn or modified upon contingencies set forth in the waiver grant from the Board.

(4) The waiver itself, if granted, shall be made public in a manner prescribed by the Board. However, the request and any information or documents related to the request or the Board's determination shall not be made public and shall be and remain subject to the Ordinance's and Board's rules on confidentiality.

(5) If the waiver request discloses a past or existing violation of the Ordinance that is not minor, the Board shall share that information with the appropriate investigating authority pursuant to Rule 3-11.

(6) Upon receiving the waiver request, obtaining all necessary additional information, and considering the request, the Executive Director shall recommend that the Board grant or deny a complete or limited written waiver to the city employee or official. The Executive Director shall retain a copy of the grant or denial in the Board's files; report on the matter to the Board pursuant to the Open Meetings Act; and make the waiver public in a manner prescribed by the Board.