

# City of Chicago Board of Ethics

“The Revolving Door”/Post-Employment  
Restrictions



740 North Sedgwick, Suite 500  
Chicago, IL 60654  
[www.cityofchicago.org/Ethics](http://www.cityofchicago.org/Ethics)  
312.744.9660



If you are a departing City of Chicago official or employee, congratulations.

Please be aware that the City's Governmental Ethics Ordinance may affect what you can work on for the next year, or maybe two, or maybe longer.

City law does *not* prohibit you from working from any particular employer or client, though, even for a company that has business dealings with your City agency or department.

# “Revolving door” laws

Every government ethics law has post-employment or “revolving door” restrictions, designed to prevent former government officials and employees 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 PowerPoint explains how they work.

# Prohibitions

**THERE ARE SIX (6) PROHIBITIONS.**

**THEY BEGIN AFTER YOU LEAVE YOUR CITY  
EMPLOYMENT OR SERVICE, NOT WHEN YOU MOVE  
FROM ONE CITY POSITION TO ANOTHER.**



# Lobbying ban

→ Department heads and non-clerical employees of the Mayor's Office may not, for two (2) years after leaving City service, lobby† any City department, agency, board, commission, employee or official.

→ City Council members may not lobby† any City department, agency, board, commission, employee or official for one (1) year after they leave office.

→ 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 their City service, lobby† the City department, agency, board, or commission in which they served, or any City employee or official in a department, agency, board, or commission in which they served. *Note: this provision does not apply to City Council employees.*



# What is “lobbying?”

† “Lobbying” 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, especially with respect to representing non-profit organizations. Please contact the Board of Ethics for more information.

# Lobbying: the “Ethics Pledge”

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

# The One-Year “Subject Matter” Ban

For one (1) year after **any** City employee or official leaves City service or employment, they may not assist (even “behind the scenes”), represent, or lobby for any person, such as a new employer or client, on any matter or transaction that involves the City, if, while in City service, they were personally and substantially involved in the “subject matter” of that matter or transaction.

This is true regardless whether the post-City employer or client is a for-profit corporation or non-profit entity, or whether the former City employee or official would be paid for their work, or would volunteer their services.

**What is the “subject matter” of a transaction that a new employer or client has asked a former City employee or official to work on?** That is a fact-dependent, sometimes complex question. It may mean a particular City program, or a portion of the Municipal Code (like the Zoning or Building Code), or work at a City facility, like O’Hare International Airport, or work in a specific geographic area in the City, or the way one’s City department handles certain matters.

We strongly urge City employees or officials exploring job offers with persons or firms that deal with City government to contact the Board of Ethics to discuss this restriction.



# The “Permanent” Ban on City Contracts

If a former City employee or official exercised “contract management authority” with respect to a City contract, they 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 entire life or term 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.

# The “Permanent” Ban on Legal or Administrative Proceedings

A former City employee or official cannot assist or represent any person other than the City (such as a new employer or new client) in any judicial or quasi-judicial proceeding involving the City if they were counsel of record or personally and substantially involved in that proceeding during City their service.

This ban lasts throughout the proceeding.

# Confidential or Non-public Information

A former City employee or official may not *ever* disclose confidential or non-public information acquired in the course of City service, except as required by law.



# Negotiating Future Employment

Last, **current** City officials or employees may not negotiate possible future employment with any person (except another government entity) with any matter pending before them.

Note: this means that, should you wish to discuss future employment with a person firm that has matters pending before you in your City job, you **must** ensure you fully recuse yourself from all such work before the employment negotiation process begins, and, if you accept employment or a consulting job with such a person, you must so recuse until your City service ends.

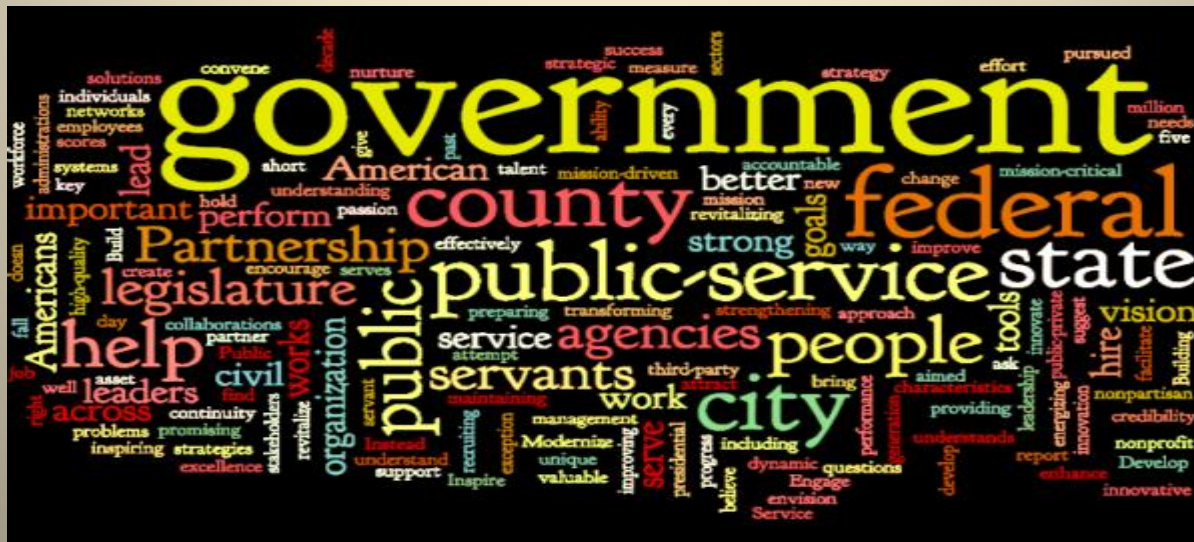




# Government-to-Government Exception

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.

[Note: The Board has held that the university of Illinois system is a government agency for purposes of this exception.]





## **“Matter-based,” NOT “Employer” Based**

**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 may be certain projects or matters on which the former City employees or officials may not work.**

# “Ethical Screens”

These restrictions are personal to the former employee or official.

A post-City employer or client is not prohibited from having City transactions or contracts on which the former employee or official *personally* is prohibited from working. However, there must be a proper, impermeable “ethical screen” established so that the *the former City official or employee does not* assist, represent or lobby for the new employer or client on those matters.



# “Trade-Skill” Exception

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.



# Penalties

There are **severe** penalties for violating these post-employment 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, and the amount of any ill-gotten gains, *per offense*. Violations are made public by the Board of Ethics.

→ 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).

# QUESTIONS?

Please contact the Board of Ethics at

**312-744-9660**

or by email at

[steve.berlin@cityofchicago.org](mailto:steve.berlin@cityofchicago.org)

for **confidential** guidance or advice.

(Note: this PowerPoint is not intended to be and is not a substitute for confidential advice from the Board of Ethics.)

**There is no such thing as a silly question, especially on post-employment matters.**



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twitter: @ChicagoEthicsBd

**BRANDON JOHNSON, MAYOR**

**WILLIAM F. CONLON, CHAIR**

**STEVEN I. BERLIN, EXECUTIVE DIRECTOR**