

MEX



January 21, 1988

[REDACTED]

City of Chicago  
Eugene Sawyer, Acting Mayor

Board of Ethics  
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Executive Director

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Chair

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Suite 1320  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660

CONFIDENTIAL

Case Number 87107.A

Dear [REDACTED]

The Board of Ethics has reviewed your request for an advisory opinion to determine whether the Ethics Ordinance would allow you to contract with a former supervisor. As we understand the situation, your consulting unit in the Department of [REDACTED] is engaged in designing and implementing [REDACTED] standards [REDACTED], a project which you are scheduled to complete by December 1988. Your unit is currently without a full staff and you would like to hire a former unit supervisor on a contract basis in order to complete the [REDACTED] project by the target date. You state that the former employee left her City job during April of 1987, and that as a unit supervisor, she helped to design the [REDACTED] project. Under the contract you propose, she would be responsible for carrying out various aspects of this project such as the actual writing of [REDACTED] standards [REDACTED].

The Board is sympathetic to your desire to complete the [REDACTED] project in a timely fashion. Nevertheless, in this case, we must advise against contracting with a former department employee in order to achieve this goal. Under the circumstances you describe, such a contract would violate Section 26.2-10(b) of the Chicago Governmental Ethics Ordinance (Chapter 26.2 of the City Municipal Code of Chicago). This section states that:

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



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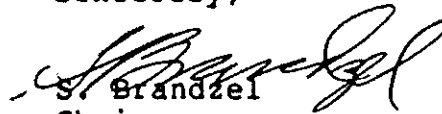
the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

Under this section, it would be impermissible for your former unit supervisor to accept a contract to work on the [REDACTED] project since (1) she was personally and substantially involved in the subject matter of this project as a City employee (she helped to design it); and (2) she would be engaging in this work within one year subsequent to the termination of her City employment.

Please note that this post-employment restriction is applicable for a period of one year after the termination of employment. Therefore, this former employee could enter into a contract with the Department of Personnel after one year has elapsed from the date that she left City service.

We very much appreciate your inquiry. If you have any further questions concerning this matter please do not hesitate to contact us at 744-9660.

Sincerely,

  
S. Brandzel  
Chairman

JH/jh/ [REDACTED]