



CITY OF CHICAGO

BOARD OF ETHICS

March 15, 2022

CONFIDENTIAL

ADVISORY OPINION

Case No. 22006.A / Prohibited Conduct / "Reverse Revolving Door"

Facts.

On March 3, 2022 an individual who currently works for one of Chicago's "Sister Agencies" asked whether and how the Governmental Ethics Ordinance's ("Ethics Ordinance" or "Ordinance") "reverse revolving door" provisions would apply to them were they to accept employment with a City department.

Legal background and Analysis.

The Board of Ethics has never considered whether the following Ordinance provision (the "reverse revolving door" provision), §2-156-111(d), applies when an individual working for one governmental agency (in this case, a Sister Agency) accepts employment with a City of Chicago department or agency. This provision *does* prohibit individuals coming from the private sector into City government from working on matters involving their immediate pre-City client or employer for their first two years of City service, (with an exception that applies if they have effectively "cashed out" with respect to their immediate pre-City employer or client, and are owed no money):

2-156-111. Prohibited conduct.

(d) (1) No city employee or official shall make or participate in the making of any governmental decision for a period of two years from the date of employment or becoming a city official, in a matter that benefits his or her immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist prior to commencing his or her city employment or prior to becoming a city official, unless such employee or official has completely severed any ties with that former employer or client that would confer, or have the potential to confer, a monetary benefit on the employee or official. For purposes of this subsection, publicly traded securities or income therefrom, and vested benefits in a retirement plan, shall not be considered a monetary benefit.

(2) No City employee or official shall personally participate in any capacity in a matter on behalf of the City if the official or employee participated personally and substantially in that matter for his or her immediate former business or immediate former employer or

immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist, prior to commencing his or her City employment or prior to becoming a City official.

Note that the Ordinance's revolving door/post-employment provisions, codified in in §§2-156-100 and -105, *explicitly do not* apply to departing City employees who take a position with another governmental agency. That exemption was added to the Ordinance in November 2012, as was this "reverse revolving door prohibition," both as a result of changes recommended by the Chicago Ethics Reform Task Force. In Part I of that Task Force's Report, dated April 30, 2012, there was also a recommendation that the Ethics Ordinance be amended to "address conflicts of interest that could arise with employees or officials who come from the private sector to City government." The recommendation is attached. This recommendation resulted in the addition of §2-156-111(d) to the Ordinance. We note that there is no mention in the recommendation of a concern over conflicts of interest involving City employees or officials who come to the City directly from employment with other government agencies, and, as noted above, the post-employment restrictions explicitly do not apply to City employees or officials who leave City service to take positions with other government agencies.¹

Determination.

In light of common sense and sound public policy, the Board determines that the reverse revolving door prohibitions in -111(d) do not apply to individuals who become City employees or officials and enter City service directly from other government agencies as these circumstances raise no conflicts of interest.

Reliance.

Our determination is based upon the application of the Ethics Ordinance to the facts summarized in this opinion. This opinion may be relied upon by any person involved in the specific transaction or activity with respect to which this opinion is rendered. Please contact the Board with any questions.



William F. Conlon
Board Chair

¹ The Board notes, as well, that all City employees owe a fiduciary duty (§-020) to the City and must act in the City's best interests at all times in fulfilling their work-related duties and responsibilities, regardless of their immediate former employer.