

FACT SHEET ON FUTURE EMPLOYMENT

The City's Ethics Ordinance contains provisions that restrict the activities of current city officials who are seeking future employment with private parties that may have business before the City. This fact sheet is designed to offer general guidance regarding these laws. It should not, however, be considered a substitute for the actual language contained in the Ethics Ordinance.

- ❖ City officials are prohibited from participating in or influencing decisions that involve the interests of any person or entity with which they are seeking or negotiating future employment.
- ❖ For example, a city official who is working on policies relating to outsourcing cannot continue to work on that project if he or she is seeking employment with a company that is interested in obtaining a City outsourcing contract.
- ❖ For purposes of this prohibition, a "city official" includes:
 - ✓ all elected officials and their staff;
 - ✓ all unclassified employees who file a Form 700;
 - ✓ all City board and commission members who file a Form 700;
 - ✓ all City consultants who file a Form 700; and,
 - ✓ all staff at City agencies (SDCERS, SDCCC, and the Housing Commission) who file a Form 700.
- ❖ This prohibition does not prevent individuals from seeking outside employment while they are still city officials. Instead, it requires city officials to refrain from participating in municipal decisions when their prospects of future employment impair their ability to give undivided allegiance to the City.
- ❖ Note that this prohibition will apply even if a city official hasn't actually begun negotiating terms of employment. A city official who is simply seeking employment with a prospective employer may not continue to work on a matter involving the interests of that employer.
- ❖ In addition to restricting the activities of the city official, the prohibition also affects the prospective employer. It is unlawful for a person or entity with a matter pending before the City to offer future employment to a city official who is working on that matter.
- ❖ For example, XYZ Corporation is seeking a development permit from the City. This entity may not offer employment to any of the city officials who are involved in processing that permit, nor may it suggest to such officials that an offer of employment could be forthcoming.
- ❖ Note that these prohibitions expire when the city official is no longer working on a matter of interest to the prospective employer. If a business entity wants to hire a city official, it may offer employment to that official after the official is no longer working on any matter in which the business entity has an interest.
- ❖ These prohibitions do not apply when the prospective future employer is a public agency.
- ❖ Although classified employees are not subject to these provisions of the City's Ethics Ordinance, all "public officials," a term that includes classified employees who file a Form 700, are subject to similar restrictions under state law.

If you have any questions, please contact the ethics commission at (619) 533-3476.