

# LEAVING CITY SERVICE (POST-EMPLOYMENT RESTRICTIONS)



## SEEKING A JOB

As a City employee, you may often deal with companies in the private sector. If you are thinking about leaving City service, you may want to contact some of the firms you deal with to talk about the possibility of going to work for them. But **stop!** This kind of networking is prohibited. Similarly, a private firm with which you have some official business dealings may let you know about a job opening in that firm for someone with your City experience. Exploring these possibilities, a common practice in the private sector, could present a conflict of interest for a City employee. To any outside observer, trying to get a job with a company that you're dealing with in your City capacity can raise serious questions about your integrity.

Before you talk to a company, say, XYZ Development Corp., about a possible job, you must make sure that you do not currently have any business dealings with XYZ in your City job.

**Example:** If you are reviewing a permit application that XYZ has submitted to your agency, you may not discuss a job with XYZ **until** either (1) your work on the permit application is completed, or (2) your supervisor has, at your request, assigned your duties concerning XYZ to someone else in your unit.

## AFTER YOU LEAVE

Once you leave City service and take a job at XYZ Development Corp., you still have to comply with three restrictions in the Conflicts of Interest Law:

- (1) You may **never** work for XYZ on any specific matter on which **you personally worked** on in a **substantial way** as a City employee. This restriction is called the **lifetime bar**. Generally it is interpreted narrowly, but you should contact the Conflicts of Interest Board or your agency counsel to see if your involvement in a specific matter was personal and substantial.

- (2) For one year after you leave City service, you may not contact anyone in your former City agency on behalf of XYZ. This is called the **one-year ban**. This includes meetings, telephone calls, and letters. But you may work on a job that involves your former City agency so long as you do not work on any assignment you had as a City employee and you do not contact your former agency within one year after you leave City service. The one-year period begins to run on the date on which you stop working for the City. **However, if you are “on leave” from your City position, you are still a City employee and subject to the restrictions of the Conflicts of Interest Law.**
- (3) You may never disclose or use for private advantage any confidential City information learned through your City job. (Again, confidential information is information that is not available to the public.) Check with your agency counsel, or with the Conflicts of Interest Board, if you have a question about the confidentiality of certain information.

If you want to do any of the above--that is, contact your former agency for your private employer within one year, or work on the same matter that you were personally and substantially involved with, etc.--you'd need obtain the **approval** of your (former) **agency head** and a **waiver** from the Conflicts of Interest Board. You should know that the Board does not often grant post-employment waivers. Call the Board for specific information and advice related to your post-employment situation.

## **MOVING TO ANOTHER GOVERNMENT POSITION**

The above restrictions apply to you if you go into business for yourself, or move to any kind of private employment. However, the post-employment restrictions do not apply if you go to work for another government agency, whether federal, state, or local.

Because everyone's City employment history is different, you should ask your agency's general counsel or the Conflicts of Interest Board for help in answering your questions about whether a particular job offer in the private sector would create any problems under the post-employment rules. Getting this advice is especially important since it is possible, under some circumstances, that you may not be able to effectively work for a certain company without violating post-employment restrictions. If for example, a small private company only had business with your former agency and only had contracts that you were substantially involved with while at your agency, there might not be anything there for you to do, except work on matters you worked on for the City, which would be a violation. That's a pretty extreme example,

but you'd want to be clear about what matters you can't work on, as former public servants have been fined thousands of dollars for violating these restrictions, and your new employer probably won't appreciate the bad press associated with such a violation, or the fact that any contract negotiated in violation of the Chapter 68 can be voided by the City.