

THE VOICE OF ETHICS

A Publication of the Ohio Ethics Commission

2018 Quarter 3

Job-Seeking and Revolving Door 101: What You Need to Know



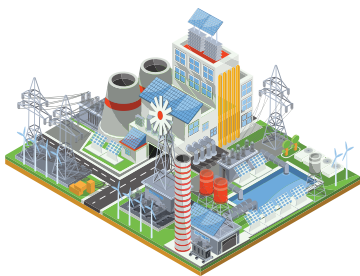
Summertime! Baseball, grilling out, vacations, fun at the local pool! It doesn't get much better than that, does it? Even as we all still plan our Labor Day cookouts, many people in public service are already pondering what the new year will bring. Are you leaving public service? Retiring? Transitioning to a new agency? If so, this newsletter is for you!

In this edition of "The Voice of Ethics," we will examine parts of the Ethics Law that you'll want to be aware of if you are thinking of a career change in the coming weeks or months.

Job Seeking

When a public official or employee is searching for a new job or outside employment, there are restrictions to understand, regardless of whether the new job would be with a private corporation, a non-profit organization, or another public agency.

The Ohio Ethics Law prohibits anyone in public service from using his or her public position to obtain a job from any person that is:



Regulated by his or her public agency



Doing/seeking to do business with his or her public agency



Interested in matters before his or her public agency

Withdrawal

There is an exception from the job-seeking prohibition if the employee or official can and does withdraw completely from any matter involving the party from whom he or she is seeking or has accepted employment.

Before a public official or employee solicits future employment from a prohibited source, he or she must withdraw from consideration of matters before his or her public agency that affect its interests. If the public official or employee accepts employment with the prohibited source, he or she must continue to withdraw from matters that affect the prohibited source until he or she leaves the public agency.

If the official is normally required to participate in a matter affecting the party, the public agency must approve the withdrawal. An official or employee cannot effectively withdraw from a matter by simply refusing to perform his or her job duties. It must be clear that the withdrawal will not impede his or her ability to perform those job duties.

To effectively withdraw from a matter, the official or employee must inform his or her supervisor of the proposed withdrawal. The supervisor must then either personally handle the matter or reassign the matter to another official or employee. If the matter is reassigned, the person to whom it is reassigned must report to someone who is a superior to, or on the same level as, the official who has withdrawn. The official or employee cannot withdraw from a matter by delegating it to a subordinate employee.



Profiting from a Public Contract

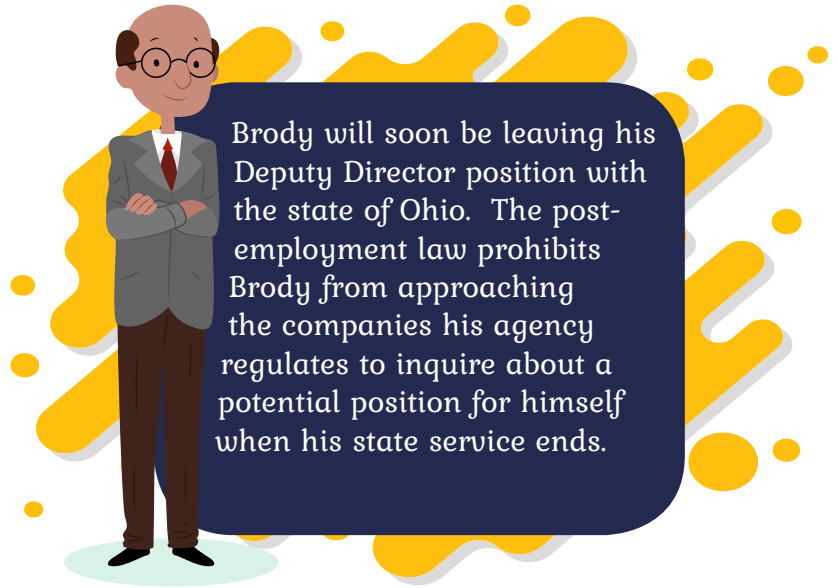
A public contract exists any time a public agency or public entity buys or acquires goods or services, regardless of the amount or whether there is a written contract.

The Ethics Law prohibits a public official or employee from profiting from a public contract that was authorized by that public servant or by a board or committee on which he or she serves. This public contract prohibition applies to all public officials and employees during their public service and for one year afterward. Further, the restriction applies even if the official or employee did not personally authorize the public contract, but the public board or committee on which he or she serves did. This is true even if the public official abstained from the vote or decision-making process.



Post-Employment Purpose

The Post-Employment statute – also commonly referred to as the Revolving Door – prevents public officials and employees from misusing their influence in a current job, with a former employer, or with any former employees they had supervised. It helps to ensure that the public is fairly represented in all interactions with the public and private sectors.



Brody will soon be leaving his Deputy Director position with the state of Ohio. The post-employment law prohibits Brody from approaching the companies his agency regulates to inquire about a potential position for himself when his state service ends.

Representation

The post-employment law prohibits a public official or employee from “representing” any person on a matter in which the official or employee personally participated.

This can mean representing any:

Individual	Partnership	Other entity
Corporation	Public entity	

There are two things that define “representation.”

Any form of communication; written or oral, formal or informal. This could include a meeting, a phone call, an email, letter, or even a hallway conversation.

The communication is received, at least in part, by someone in public service, whether it is someone from your former public agency or any other public entity.

If you are communicating, in any way, on behalf of someone else, to any public employee or public office, that’s representation. Whether it was final decision-making, offering advice on a project or even supervising those assigned to a project, personal participation means that that person exercised substantial discretion in a matter.



Penny, a former state employee, meets with a city employee, in which she discusses her client with whom she worked as a state employee.



Blaine, a former county employee, discusses his new employer’s concerns with a former county colleague in a telephone call.



Zoe, a former city official, sends an email to the city explaining her client’s position.

Exceptions

There are five exceptions to the Revolving Door Law:

- A non-elected state official or employee who accepts employment at a different state agency is not prohibited from representing the new agency;
- A non-elected official or employee of a political subdivision who accepts employment at a different department or agency of the same political subdivision is not prohibited from representing the new office;
- A former official is not prohibited from representing a client on a matter in which he did not participate;
- A former official is not prohibited from assisting or aiding his former public agency; and
- A former official is not prohibited from doing ministerial activities, such as preparing tax returns and filing applications for permits or licenses.



Timeframe

For most public officials and employees, the post-employment restriction applies during public service and for one year afterward. For certain categories of people, however, there is a two – year post-employment restriction:

- Those who exercised legal discretion in solid and hazardous waste matters;
- Former commissioners and attorney examiners of the Public Utilities Commission who would be prohibited from representing utilities before state agencies; and
- Former commission members or staff of the Ohio Casino Control Commission.

Financial Disclosure

If the public official or employee was required to file a financial disclosure statement during his or her public service, he or she will be required to file a statement in the year after the public service concluded, reflecting financial information for that final year. For example, if a financial disclosure filer leaves a public job or position in 2019, he or she must file the 2019 form in 2020.

Finally, state officials or employees who were financial disclosure filers must file a post-employment disclosure statement with the Joint Legislative Ethics Committee upon separation from the state. Contact [JLEC](#) for more information at (614) 728-5100.

The Revolving Door Law does not go into effect until I leave my public job.

FALSE. The Revolving Door Law applies **both** while a public official or employee is in his or her public position and after he or she leaves public employment.

The Revolving Door Law applies to appearances before public agencies, writing letters, sending texts or emails, or making telephone calls.

TRUE. The Revolving Door Law prohibits a public official or employee from representing any party, on any matter in which the official or employee participated, before any public agency. "Representation" is defined to include formal and informal appearances before a public agency, and any written or oral communication with a public agency.

The Revolving Door Law applies when I leave public sector employment for private sector employment and if I go from one public job to another.

TRUE. The Revolving Door Law applies whenever a person leaves a public employer for another job, whether the new job is a public or private sector job.

The Revolving Door Law applies only for one or two years, depending what my former public job was.

TRUE. The Revolving Door time limit varies, depending on the public duties performed by the former employee. Some employees and officials are subject to a two-year time limit on representation, but most have a one-year time limit.

Test Your Knowledge! True or False?



The Revolving Door Law only applies to matters pending before my former public employer.

FALSE. The Revolving Door Law applies to matters in which the public official or employee participated whether the matter is pending before his or her former public agency, or another public agency.

The Revolving Door Law only applies to high-level decision makers, and not to me.

FALSE. The Revolving Door Law applies to all public officials and employees, at every level of government, regardless of their job duties or compensation.

The Revolving Door Law applies to any representation regardless of whether I get paid.

TRUE. The Revolving Door Law prohibits representation, regardless of whether the former public official or employee is compensated for the representation.

The Revolving Door Law prohibits me from signing some documents, but not from preparing them for someone else's signature.

FALSE. A former public official is prohibited from "representing" a party before a public agency on matters in which he or she participated. Representing includes written communication, whether the former public servant signs the communication himself or prepares it for someone else's signature.

I can seek future employment with any party I choose, so long as I do it on my own time.

FALSE. A public official or employee is prohibited from seeking future employment from any party who is doing or seeking to do business with his or her public employer, regulated by his or her employer, or interested in matters pending before his or her public employer. This is true even when the official seeks future employment on his or her own time. However, a public official or employee may seek future employment from one of these parties if he or she is able to withdraw from public matters that involve the party from whom he or she is seeking employment.

The Ohio Ethics Law and Post-Employment



The Ohio Ethics Law assures the public that unethical practices are prohibited, both during and after government service.

The Ohio Ethics Law and related statutes prohibit public employees and officials from:

- Profiting from a public contract
- Representing on matters with personal participation
- Disclosing or using confidential information

Seeking New Employment

The law generally prohibits seeking employment from any person, agency, organization, or company that is doing or seeking to do business with, regulated by, or interested in matters before your agency.

Representing (“Revolving Door”)

For one year after leaving your public position you are prohibited from representing any person (including a company, nonprofit organization, or public agency) on any matter in which you personally participated. (Some officials have a two-year bar.)

Profiting from Contracts

You cannot accept employment or consulting work on, or otherwise profit from, an unbid contract, grant, loan, or other financial support from your agency if you authorized the contract and you will profit from the contract.

Confidentiality

You may not use or disclose confidential information acquired in the course of your public duties. This restriction is in effect both during and after your public service.

To learn more visit the Ohio Ethics Commission at www.ethics.ohio.gov

Promoting Government Ethics in Ohio since 1974

Need additional help?

The Ohio Ethics Commission has numerous resources on its website to provide additional information regarding the information discussed in this newsletter:

[Post-Employment E-Course](#)

[Job-Seeking E-Course](#)

[Job-Seeking Information Sheet](#)

[Board Members Seeking Employment with Board Information Sheet](#)

[Post-Employment Information Sheet](#)

[Post-Employment Worksheet](#)

[Advisory Opinion 96-004](#)

[Advisory Opinion 2012-03](#)

[Advisory Opinion 2011-03](#)

[Advisory Opinion 89-009](#)

[Advisory Opinion 89-003](#)

Join us for a Review of the Post-Employment Law!

October 31, 2018 10:00 AM - 11:30 AM

BWC Auditorium, William Green Building
30 West Spring Street
Columbus, Ohio

Need more information and an opportunity to ask questions? At this free and voluntary session, you'll learn about restrictions regarding job-seeking, public contracts, confidentiality, and the Revolving Door Law. Join us; registration not required! (Not approved for CLE/CEU).



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2018 Targeting Fraud – Safeguarding Integrity Conference

November 1st - 2nd, 2018
Columbus, Ohio

In observance of National Fraud Awareness Week Franklin University, the National White Collar Crime Center, the Ohio Ethics Commission, the Ohio Inspector General, and the Ohio Investigators Association have collaborated together once again to present the 7th Annual two-day training conference: Targeting Fraud – Safeguarding Integrity. This conference will examine the investigative process of uncovering fraud and explore a wide spectrum of subjects, including:



**Public Contract
Fraud in Afghanistan
Reconstruction**



**Open Source
Investigations and
Internet Profiling**



**Combatting Illicit
Cigarette Trafficking**

[CLICK HERE](#) to register for the conference

Cost: Early registration - \$100
After October 1st - \$125

This conference has been approved for **14.4 hours of Continuing Professional Education (CPE) credit** from the Accountancy Board of Ohio and **12 hours of General Continuing Legal Education (CLE) credit** from the Supreme Court of Ohio.

Attention Southwest Ohio!

Ethics Training Available - Convenient and Free!

The Ohio Ethics Commission is offering two opportunities for training on the Ohio Ethics Law this autumn in Hamilton County!

September 21st, 2018

All state, county, city, township, village, and public school/college/university officials and employees are welcome to attend this session to learn more about the Ohio Ethics Law. You will learn about conflicts of interest, public contract and nepotism prohibitions, post-employment restrictions, and assistance available from the Ohio Ethics Commission!

- State government officials and employees: these training sessions meet the requirement per Governor Kasich's Executive Order that state financial disclosure filers attend an in-depth Ethics Law training.
- Public practice attorneys: This course has been approved for 1.5 hours of general CLE instruction.

[CLICK HERE](#) for details and registration information!

September 14th, 2018

For the public practice attorneys among us, you can earn 2.5 free hours of attorney conduct hours at our CLE at the University of Cincinnati Law School! Attorneys who work for the state, county, city, township, village, and public schools/colleges/universities are welcome!

[CLICK HERE](#) for details and registration information!