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POST-EMPLOYMENT AND REVOLVING DOOR—OHIO'S ETHICS LAW

Introduction

Public officials and employees who are leaving public service or moving from one public position to another are subject to the post-employment provisions in the [Ethics Law and related statutes](#). This worksheet was created to assist public officials and employees to make a smooth transition to new jobs.

Seeking New Employment-102.03(D) and (E)

It is not uncommon for public officials and employees, when moving from their public sector positions, to consider employment with agencies, organizations, or companies with [relationships](#) to their former public agencies. The law generally prohibits you from [seeking employment](#) from any person, agency, organization, or company that has [these relationships](#) with your public agency:

- ▶ Doing or seeking to do business with it;
- ▶ Regulated by it; or
- ▶ Interested in matters before it.

These restrictions apply whether you are responding to job advertisements, sending resumes, telephoning or e-mailing, or taking any other action to inquire about jobs. They apply whether you are seeking employment from a public, private, or nonprofit entity.

However, you may be able to seek employment from these persons if you are able to and do [withdraw completely](#) from **any** matter involving the party from whom you are seeking. In order to [effectively withdraw](#), you must inform your supervisor and the agency attorney of your job seeking activity. If it is possible, the

supervisor can either handle matters affecting your potential employer or reassign those matters to an employee who does not report to you.

The higher you are in the chain of command in your public role, the more difficult withdrawal becomes. A department director, for example, may be unable to effectively withdraw from matters affecting vendors and regulated parties.

Ask yourself

- Who is my potential future employer?
- Is the employer related to my current public employer in the ways described above?
- Can I withdraw from matters affecting it?
- Have I discussed the matter with my supervisor and the agency lawyer?
- Have they approved my withdrawal and reassigned matters affecting my potential future employer?

Remember, withdrawal must be complete. You can't even discuss with your fellow public employees matters affecting a source from which you are seeking employment or have accepted employment.

Profiting from Contracts—2921.42(A)(3)

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.

Ask yourself

- Did I authorize, or participate in authorizing, any contracts, grants, or other financial support for my potential future employer?
- Did I sit on any boards or committees that authorized financial support to it ([even if I did not participate in their decision](#))?
- Was the money awarded after a competitive bid?
- If I accept employment or consulting, will I [profit from the unbid award](#) in these or any other ways:
 - The employer is dependent on the financial support?
 - My job position with the employer depends on the financial support?
 - The financial support will be used to compensate me or support my salary?

“Revolving Door”—102.03(A)(1)

Before you leave your public role, and 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.)

- ▶ [Representation](#) includes any formal or informal appearance before, or any written or oral communication with, any public agency.
- ▶ Personal participation includes decision, approval, disapproval, recommendation, the rendering of advice, investigation, and any other substantial exercise of administrative discretion. If you [supervised](#) other public servants, you have personally participated in any matters on which you supervised them.
- ▶ A “[matter](#)” includes any case, proceeding, application, determination, question, or issue. A [matter can include](#) concrete items, like an application or a problem, and more abstract items, such as a policy decision. A matter is the [underlying issue or question](#), even if it does not involve the same parties.

The law prohibits you from representing anyone on matters in which you personally participated before any public agency—your former employer **and any other** public agency. A “[public agency](#)” includes, but is not limited to, any state entity, the General Assembly, any county or municipality.

You are not prohibited from:

- ▶ [Assisting](#) your former public agency;
- ▶ [Discussing](#) or sharing non-confidential information with your new colleagues; or
- ▶ Engaging in [ministerial activities](#) on matters in which you personally participated.

Ask yourself

- Am I within the time period of this restriction (during public employment and one year thereafter)?
- Will I be asked to provide written or oral communication with, or appear before, **any** public agency?
- Will the representation involve a matter that was before my former public agency?
- Did I personally participate in the matter?

Confidentiality—102.03(B)

You are prohibited from using or disclosing [confidential information](#) acquired in the course of your public duties. There is *no time limit* for this restriction. If you need guidance on whether information is confidential, consult with the legal advisor for your former public agency.

Other Items

- If you are required to file a [financial disclosure statement](#) (FDS):
- You are required to file for each year of service. If you leave your job in 2010, you must file a 2010 FDS in 2011. If you leave your job in 2011, you must file the 2010 FDS in 2011 **and** a 2011 FDS in 2012.
- You also have to file a statement with the [Joint Legislative Ethics Committee](#) upon separation

from the state. Contact [JLEC](#) for more information—614-728-5100.

- If you are a lawyer, the [Rules of Professional Conduct](#) also contain post-employment restrictions. Contact the [Board of Professional Conduct](#) for more information—614-387-9370.
- [Click here for more job-seeking information.](#)
- [Click here for more Revolving Door information.](#)
- **Contact the Ohio Ethics Commission:**
 - ▶ 614-466-7090
 - ▶ www.ethics.ohio.gov

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