

LEGISLATIVE DIGEST

[Amendment to post-employment restrictions]

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

Existing Law

Current law limits the employment activities of officers or employees after they leave City service in the following ways:

1. For one year after leaving City service, officers and employees may not seek to influence their former department or other government unit on behalf of anyone other than themselves or the City. Current law does not prohibit such communications by City employees or officers who have moved from one City department or unit to another department or unit and are communicating with their former department. (A broader one-year restriction applies to the Mayor, members of the Board of Supervisors and their senior staffs.)
2. For one year after leaving City service, City officers and employees may not accept employment with anyone who entered a contract with the City within the twelve months prior to the officer or employee's departure from the City, if the officer or employee participated personally and substantially in the award of the contract.
3. All City officers and employees are permanently barred from switching sides on a particular matter in which they were personally and substantially involved while in City service.
4. For one year after the leaving City service, no former Mayor or member of the Board of Supervisors may accept full-time, compensated employment with the City.

Individuals subject to these rules may request waivers under some circumstances.

Amendments to Current Law

The proposed legislation would amend Campaign and Governmental Conduct Code section 3.234 to revise the first two restrictions described above:

1. The proposed legislation would prohibit for one year any City employees or officers who move from one City department or unit to another department or unit from communicating with a member of their former department or unit on behalf of another person (other than the City) with the intent to influence a governmental decision. The proposal would permit an officer or employee who moves within the City to communicate with his or her former department on behalf of the new department or on his or her own behalf, but would prohibit that officer or employee from communicating with the former department on behalf of anyone else with the intent to influence a governmental decision.

The proposed legislation also would exempt attorneys engaged in the practice of law from the one-year prohibition on communications. Under the proposed legislation, an attorney engaged in the practice of law would be permitted to contact his or her former department or unit during the first year after leaving the department or unit.

2. The proposed legislation also would provide that a City officer or employee who personally and substantially participates in the award of a contract may not be employed by any party to the contract for one year – regardless of when the employee or officer leaves City service. Current law creates two relevant twelve-month periods: an officer or employee must look *backward* to determine whether he or she participated in the award of a contract in the twelve months prior to leaving City service, and also must look *forward* twelve months because the ban applies for one year after the termination of City service. The proposed amendment would prohibit employment within twelve months of the contract date, regardless of when the employee or officer leaves City service.

The proposed legislation also would clarify that the restriction applies to both former employees or officers and current employees or officers who are on leave or otherwise able to accept outside employment.

Background Information

The proposed legislation amends Chapter 2 of Article III of the Campaign and Governmental Conduct Code. This Chapter, which was originally adopted by the voters, may be amended by the Board of Supervisors only if: (a) The amendment furthers the purposes of the Chapter; (b) The Ethics Commission approves the proposed amendment by at least a four-fifths vote; (c) The proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote. See Campaign & Governmental Conduct Code § 3.204.