



San Francisco Ethics Commission

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Date: December 8, 2025

To: Members of the Ethics Commission

From: Michael Canning, Policy & Legislative Affairs Manager
Trishia Lim, Policy Research Specialist

Re: AGENDA ITEM 9 – Presentation, Discussion, and Possible Action on Regulation
Amendments Regarding the Required Timelines for Considering Post-Employment and
Compensated Advocacy Waivers

Summary and Action Requested

This memo provides an overview of the required timelines associated with post-employment and compensated advocacy waiver requests and proposes regulation amendments that would extend the period between when a waiver request is received and when it must be considered by the Commission.

Staff recommend the Commission review, discuss, and approved the [proposed regulation amendments](#) as drafted in [Attachment 1](#).

Background

In 2003, [Proposition E](#) established rules for what current and former City employees and officers can do after they leave City service and consolidated related provisions into the San Francisco Campaign and Governmental Conduct Code (C&GCC). These rules further the purposes of the C&GCC, which per [Section 3.200](#) seeks to ensure “that public officers and employees [are] independent, impartial, and responsible to the people and that public office and employment [is] not...used for personal gain.” Under [Section 3.234](#) and [its supporting regulations](#), these post-employment and post-service restrictions include:

1. A prohibition on being employed by parties that contract with the City,
2. A one-year restriction on communicating with the former City official’s former department with the intent to influence a government decision, and
3. A permanent restriction on representing any other person before any court or government agency in connection with particular matters in which the former City official was personally and substantially involved.

Waiver Authority of the Ethics Commission

Per [Section 3.234\(c\)](#), the Ethics Commission may grant waivers for the restrictions on communication and representation if the Commission determines the waiver would not create the potential for undue

influence or unfair advantage. The Commission may also waive the employment restriction if the Commission determines that imposing the restriction would cause extreme hardship for the City officer or employee. The Commission has the authority to consider any factors it deems relevant when determining if a waiver is appropriate, including how the Commission's decision would impact the waiver requestor, the City, or other stakeholders. To date, the Commission has approved 24 post-employment restriction waivers since 2004.

The Waiver Process

[Regulation 3.234-4](#) sets forth the procedures for submitting and evaluating waiver requests. The following timeline illustrates the standard process and associated Staff responsibilities for handling a waiver request:

1. **Initial advice inquiry.** The current or former City employee or officer contacts the Ethics Commission's Engagement & Compliance Division to seek advice regarding the City's post-employment rules. The Policy Division is consulted upon receipt to help determine if the question could potentially lead to a waiver request, as the Policy Division is responsible for managing the waiver request process.
2. **Provision of advice.** Staff evaluate how the post-employment restrictions apply to the situation. There are two potential outcomes:
 - a. *A waiver is not needed.* If the advice given concludes that a waiver is not necessary, written advice is provided confirming a waiver is not necessary, and the process is concluded.
 - b. *A waiver is needed.* Staff provide written advice explaining the applicable rules, that a waiver would be required, and the step-by-step process the individual should follow if they choose to submit a waiver request.
3. **Waiver request received.** Staff determine if the request is complete, if it is not additional information may be requested to make it a complete request. Once a complete request is received, Staff confirm receipt of the request and explain to the requestor the next steps. This includes confirmation of when the waiver request will be heard by the Commission. *If a completed request is received at least two calendar weeks in advance of a Commission meeting, the Commission must then consider the waiver request at its next meeting.*
4. **Staff review of waiver request and analysis.** As a part of the initial review, Staff often request to meet with the requestor to clarify facts. This phase involves a multi-step internal process that requires significant time to gather supplemental information about the requestor's current role, potential future position, their prospective employer, potential new role, and the timeline of the proposed employment transition. Coordinating these meetings and follow-ups can delay the review timeline, particularly when key facts are unclear or when meeting availability is limited. Policy staff may also need to consult with other divisions of the Ethics Commission or with the City Attorney's Office as part of this process.
5. **Commission materials preparation.** The waiver request is agendaized for the next regular Ethics Commission meeting if it is received at least two calendar weeks in advance, per [Regulation](#)

[3.234-4\(a\)\(3\)](#). However, to comply with the Brown Act¹, all agenda materials must be finalized and publicly posted at least 72 hours before the meeting. In practice, this means Staff must complete and finalize materials by the Friday before the meeting, so that materials can be posted on the following Monday.

6. **Commission meeting.** During the meeting, Staff summarize their recommendations on why the waiver would not create undue influence or unfair advantage, or would prevent extreme hardship, based on the factors outlined in Regulations [3.234-4\(a\)\(4\)](#) and [\(5\)](#). This is then followed by the requestor's presentation and potential comments from a representative of the relevant public agency. The Commission may ask clarifying questions, deliberate, receive public comment, and then vote to approve or deny the waiver.
7. **Post-meeting action.** Staff subsequently issue a written determination reflecting the Commission's decision.

The current requirement that the Commission must consider waiver requests at its next meeting, if the request is submitted within two calendar weeks of the meeting, means that in practice Staff may have as little as a week to complete much of the process outlined above. For example, if a request was received exactly two weeks before the Commission's next scheduled meeting, Staff would have just a single week to review the request, engage with the requestor, gather facts, analyze the request, consult with other divisions and potentially with the City Attorney's Office, determine a recommendation, and prepare the necessary meeting materials.

Proposed Regulation Amendments Extending the Waiver Consideration Timeline

The current timeline requirements do not guarantee Staff has sufficient time to fully consider waiver requests and prepare thorough recommendations to the Commission. Staff therefore recommend extending the waiver consideration timeline to support a more complete and consistent review process.

Under these proposed amendments in [Attachment 1](#), instead of being required to consider waiver requests at its next meeting, the Commission would have the flexibility to consider waiver requests at either of its next two regularly scheduled meetings. This change would ensure Staff always have at least three weeks to prepare meeting materials, while waivers would always be considered within two months of being requested.

For example, if a request were received *the day before* a Commission meeting, the request would need to be considered at following month's meeting, giving Staff approximately three weeks to prepare the materials before the posting deadline, which is the minimum of time that would be guaranteed. If a request was received *the day after* a Commission meeting, Staff would have flexibility in determining if

¹ Cal. Gov. Code § 54954.2

the waiver be considered at the next meeting or the following meeting, providing a maximum of seven weeks to prepare materials for latter option. However, using this maximum amount of time would rarely, if ever, be necessary.

In practice, under the proposed regulation changes, Staff would always seek to have waiver requests considered at the Commission's next meeting. The proposed changes would just allow for much needed flexibility. The changes would improve the waiver process by ensuring Staff have sufficient time to consistently prepare thoroughly considered recommendations for the Commission, while also balancing the need for requests to be considered in a timely manner.

Similar Amendment Regarding Compensated Advocacy Waivers

The same two-week timeline requirement for considering post-employment waivers also applies to waivers for the City's compensated advocacy ban under C&GCC Section 3.224. This provision, established by the same ballot measure as the post-employment restrictions, prohibits City officers from receiving compensation to communicate with the City on behalf of any other person with the intent to influence a government decision. The C&GCC allows the Commission to waive this prohibition for officers who, by law, must be appointed to represent any profession, trade, business, union or association. [Regulation 3.224-2](#) outlines the process for submitting and evaluating compensated advocacy waiver requests, which generally follows the same procedures as those for post-employment waivers. The Commission has approved 12 compensated advocacy waivers since 2004.

Staff recommend amending the waiver consideration timeline for compensated advocacy requests so that it is consistent with the proposed timeline for post-employment waivers. The proposed amendments regarding compensated advocacy waivers are also provided in [Attachment 1](#).

Recommended Next Steps

The draft regulations from [Attachment 1](#) have been noticed to the public more than 10 days prior to the Commission's regular meeting, as required by [Charter Section 4.104](#). The Department of Human Resources has also been consulted and confirmed that this change is not subject to meet and confer with City bargaining units.

Staff recommend the Commission vote to approve the proposed regulations as drafted.

Attachments:

Attachment 1: [Draft Regulation Amendments Regarding San Francisco Campaign & Governmental Conduct Code Sections 3.224 and 3.234 - Noticed Publicly on 12/1/2025](#)

ATTACHMENT 1



ETHICS COMMISSION REGULATION AMENDMENTS EXTENDING WAIVER CONSIDERATION TIMELINES

Approved by Ethics Commission: **TBD**

Draft Regulation Amendments Regarding San Francisco Campaign & Governmental Conduct Code Sections 3.224 and 3.234

Regulation 3.224-2. Compensated Advocacy – Waivers for Members of Boards and Commissions Who by Law must be Appointed to Represent Certain Professions, Trades, Businesses, Unions or Associations

- (a) Waivers. The Ethics Commission may waive the prohibition in section 3.224(a) for any member of a board or commission who by law must be appointed to represent a profession, trade, business, union or association. Such waivers may be granted upon the request of the member; the request of the member's appointing authority; or on the Commission's own initiative.
- (b) Process for Granting Waivers. All waivers granted pursuant to subsection 3.224(c) must be made at a public meeting. Requests for waivers made by a City officer or by the officer's appointing authority must be in writing and state the reasons why the waiver should be granted. The Ethics Commission shall consider, at either of its next two regularly scheduled meetings, any waiver request that meets the criteria of this regulation ~~provided that such request is received at least two calendar weeks in advance of the meeting~~. In making a determination to grant a waiver under this subsection the Commission may consider: the ability of the City to recruit qualified individuals to fill the position in question if the waiver is not granted; the ability of the member to engage in their ~~his or her~~ particular vocation if the waiver is not granted; and any other factors the Commission deems relevant.
- (c) Notice. The Commission shall maintain a list of waivers granted under subsection 3.224(c) and post the list on the Commission's web page.

Regulation 3.234-4. Waivers

- (a) Requests for Waivers from Post-Employment Restrictions.
 - (1) Requests for waivers from permanent and one-year bans. Any current or former City officer or employee may submit a request to the Commission for a waiver from the permanent bans on working or advising on particular matters imposed by subsection 3.234(a)(1) or the one-year ban on communicating with former colleagues imposed



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- by subsections 3.234(a)(2). Such requests must be in writing and include information describing the former position held by the officer or employee; the particular matter for which the waiver is sought; the individual's prior involvement in the matter, if any; and reasons why granting a waiver would not create the potential for undue influence or unfair advantage. The individual must also certify that they ~~have he or she has~~ provided a copy of the waiver request to the City officer or employee responsible for the day-to-day management of their ~~his or her~~ former department, board, commission, office, or unit of government.
- (2) Requests for waivers of ban on compensation from City contractors. Any current or former City officer or employee may submit a request to the Commission for a waiver from the ban on receiving compensation from certain City contractors imposed by subsection 3.234(a)(3). Such a request must be in writing and include information describing the name and business activity of the potential new employer of the officer or employee; the contracts that the officer or employee personally and substantially participated in awarding to their ~~his or her~~ potential new employer during the 12 months prior to the officer's or employee's acceptance of employment or receipt of or entitlement to compensation; the exact nature of the officer or employee's participation in awarding those contracts; and reasons why imposing the restriction in subsection 3.234(a)(3) would cause extreme hardship for the City officer or employee. The City officer or employee must also certify that they ~~have he or she has~~ provided a copy of the waiver request to the City officer or employee responsible for the day-to-day management of the department, board, commission, office, or unit of government for which the officer or employee served at the time they ~~he or she~~ participated in awarding the contract.
- (3) Consideration of waiver requests. The Ethics Commission shall consider, at either of its next two regularly scheduled meetings, any request that meets the criteria set forth in subsections (a)(1) or (a)(2) of this Regulation, ~~provided that such request is received at least two calendar weeks in advance of the meeting. The Commission shall not consider at its next meeting any waiver request that does not comply with this deadline.~~ The individual who has requested the waiver, or their ~~his or her~~ representative, and a designated representative from the department, board, commission, office or unit of government of the individual, may make a presentation to the Commission supporting or opposing the waiver request. The Commission may



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set reasonable time limits on such presentations in accordance with the Sunshine Ordinance and the Brown Act.

(4) Approval of waiver requests from permanent and one-year bans. The Commission shall not approve any request for a waiver from the permanent or one-year bans made under subsection 3.234(c)(1) unless the Commission makes a finding that granting such a waiver would not create the potential for undue influence or unfair advantage. In making this determination, the Commission may consider: the nature and scope of the communications the individual will have with ~~their~~^{his or her} former department, board, commission, office, or unit of government; the subject matter of such communications; the former position held by the officer or employee; the type of inside knowledge that the individual may possess; and any other factors the Commission deems relevant.

(5) Approval of waiver requests from ban on compensation from City contractors. The Commission shall not approve any request for a waiver from the ban on receiving compensation from certain City contractors made under subsection 3.234(c)(3) unless the Commission makes a finding that imposing the restriction in subsection 3.234(a)(3) would cause extreme hardship for the individual. In making this determination, the Commission may consider: the vocation of the individual; the range of employers for whom the individual could work; the steps the individual has taken to find new employment; and any other factors the Commission deems relevant.

(b) Waivers for Former Members of Boards and Commissions Who by Law must be Appointed to Represent Certain Professions, Trades, Businesses, Unions or Associations.

(1) Waivers from the permanent and one-year bans. The Ethics Commission may waive the permanent bans on working or advising on particular matters and the one-year ban on communicating with former colleagues imposed by subsections 3.234(a)(1) and 3.234(a)(2) for any member of a board or commission who by law must be appointed to represent a profession, trade, business, union or association. Such waivers may be granted upon the Commission's own initiative; at the request of the appointing authority of a member of a board or commission who by law must be appointed to represent a profession, trade, business, union or association; or at the request of an individual who was appointed or is being considered for appointment to a board or commission to represent a profession, trade, business, union or association.



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(2) Process for Granting Waivers. All waivers granted pursuant to subsection 3.234(c)(2) must be made at a public meeting. Requests for waivers made by an appointing authority or a member of a board or commission must be in writing and state the reasons why the waiver should be granted. The Ethics Commission shall consider, at either of its next two regularly scheduled meetings, any waiver request that meets the criteria of this regulation ~~provided that such request is received at least two calendar weeks in advance of the meeting~~. In making a determination to grant a waiver under this subsection the Commission may consider: the ability of the City to recruit qualified individuals to fill the position in question if the restrictions are not waived; the ability of the commissioner or board member to engage in their~~his or her~~ particular vocation if the restrictions are not waived; and any other factors the Commission deems relevant.

(c) Notice. The Commission shall maintain a list of waivers granted under subsection 3.234(c) and post the list on the Commission's web page.