

ETHICS CONSIDERATIONS WHEN SEPARATING FROM CITY SERVICE

Whenever a City employee leaves the workforce, even if that's due to a reduction in force, the Ethics Code's post-employment restrictions apply. Here's a breakdown of those rules:

- ▶ After you've gone, you can never divulge or use confidential information that you gained through your employment at the City of Seattle. *(If you are unsure what information can be disclosed to the public, check with your department's Public Disclosure Officer.)*
- ▶ **For 1 year**, you cannot participate in the competitive selection process for a City contract if while you were with the City you helped design the contract, the scope of work, or the process to be used in the selection of the contractor.
- ▶ Also **for 1 year** after you leave, you cannot communicate with anyone at your old department on behalf of someone involved in a **matter** with the City.
- ▶ Finally, **for 2 years** after you leave City employment, you cannot **assist** anyone on a **matter** in which you **participated** while with the City.

See Seattle Municipal Code (SMC 4.16.075)

Some of the terminology is defined in the Ethics Code, in SMC 4.16.030:

"**ASSIST**" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, association, corporation, or other legal entity.

"**MATTER**" means an application, submission, request for a ruling or other determination, permit, contract, claim, proceeding, case, decision, rulemaking, legislation, or other similar action. It includes the preparation, consideration, discussion or enactment of administrative rules or legislation, but it does not include advice or recommendations regarding broad policies and goals.

"**PARTICIPATE**" means to consider, investigate, advise, recommend, approve, disapprove, decide, or take other similar action. It's important to remember that you don't have to make the final decision to potentially violate the Code. Even making a recommendation counts as participating.

Note that the definition of "matter" is a narrow one, focused on specific actions instead of on projects. For example, the Alaskan Way Viaduct is not a "matter." If you've only participated in City decisions about relocating utilities, for example, you could assist a new employer with other facets of the Alaskan Way Viaduct project in which you had not participated.

Here is what you *can* do from day one:

- You can go to work for the Federal, State, County or another City government, and can communicate with your old department and work on matters in which you participated **unless** that government's interest is adverse to the City of Seattle's interest.
- You can contract *directly* with the City and work on matters in which you participated and communicate with your former department.
- You can be hired by the City as a consultant or a temporary worker, and work on any matter and communicate with any department in that capacity.
- You can *assist a new employer on City matters in which you did not participate* as long as you do not communicate with your old City department within the first year. You *can* deal with employees of other City departments.
- You can assist a City contractor that you dealt with while an employee on matters involving other clients.

Keep in mind that **while you are with the City**, you've got obligations under the Ethics Code to stay away from City matters involving companies with whom you are seeking employment. If you're simply networking, these rules don't apply, but once you've submitted an application to a company, or told someone at a company that you'd like to be considered for employment, you'll need to avoid dealing officially with that prospective employer.

Don't hesitate to call the SEEC with any questions about how these rules apply to your specific situation. We know this is a stressful time for many in the City's workforce, and we're eager to help you understand the law.



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