

# **New Castle County Ethics Commission**



## **POST EMPLOYMENT RESTRICTIONS**

Code Section 2.03.103(D)

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## THE PROBLEM

Because you did a good job as an official or employee while working for New Castle County you may have gained knowledge, experience and contacts that are valuable to employers in the private sector. However, County law limits the kind of employment you can perform for two years after you leave County employment or terminate official status if the new position involves duties relating to opinions, investigations, or other functions for which you were directly and materially responsible in the course of your old County job.

A "County Official" is a person elected to a County office or appointed to a County office, board, or commission. A "County Employee" is any person who receives compensation as an employee of Council, a County Department or a County row office.



The New Castle  
County Code of Ethics at Section 2.03.103(D)  
says:

*Post-employment restrictions.* No person who has served as a County

employee or County official shall represent or otherwise assist any private enterprise on any matter involving the County for a period of two (2) years after termination of employment or official status with the County, if the person gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of official duties as a County employee or official. Nor shall any former County employee or County official disclose confidential information gained by reason of public position nor shall the person otherwise use such information for personal gain or benefit.

This post employment rule is meant to assure the public that County employees and officials are not using their public offices for personal financial gain since it prevents them from using information, influence, or access developed in public service as an unfair advantage over other persons in the private sector. The rule not only prevents a former County worker from taking a prohibited job with a private entity for two years after leaving County employment but it also prevents the County itself from contracting with a former

employee or his or her new employer during that time if the former employee gave an opinion, conducted an investigation or was otherwise directly and materially responsible for the subject matter of the proposed contract.

## **EXAMPLES**



An employee or official who approves supplier contracts for his or her agency may not go to work for one of those suppliers to work on those contracts with his or her former department for a period of two years.



A Land Use employee who approves building permits for contractors may not go to work for one of those contractors and apply for approval of such permits from Land Use for a period of two years.



An official who is responsible for developing or implementing particular County regulations may not go to work for a private business and represent it regarding those same rules before County government for a period of two years.



An appointed official who serves on a regulatory board may not represent a private party on a matter before that board for a period of two years if he or she was materially involved with that same matter as a board member.



An elected official who votes on an ordinance that affects one or a particular group of private businesses may not accept employment representing one of those

businesses on the subject of the legislation before County government for a period of two years.

## **OTHER IMPORTANT RULES**



When you leave County employment, the County Code (Section 2.03.104(F)) prohibits you from disclosing to anyone or using for personal benefit any confidential information gained by reason of public office or position. This prohibition on using or revealing confidential information lasts as long as the information remains confidential.

## **PENALTIES**



Any person who knowingly or willfully violates these

rules is subject to criminal sanctions.

Any County contract entered into in violation of this rule is voidable by the County Department involved and the department may seek court action to terminate the contract.

## **WAIVERS**

The Ethics Commission may grant a waiver of the post employment prohibition if the Commission determines that the literal application of the law in a particular case is not necessary to achieve its public purpose or if failure to waive the restriction would result in undue hardship for any current or former employee or official or County department.



Waivers are granted only on written applications made in good faith which disclose all material facts and describe the undue nature of the hardship the rule creates. A person or a County department may request a waiver. The waiver decision and the record of all proceedings relating to it become public if the waiver is granted.



NOTES

*This Brochure is for informational purposes only and is not intended to constitute or be relied upon as an Advisory Opinion of the Commission.*



# **New Castle County Ethics Commission**

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