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Revolving Door Law

The provisions of the Ohio Ethics Law called “Post-Employment” commonly referred to as the “Revolving Door Law” include prohibitions governing job seeking and post-employment actions.

This important provision prevents public officials or employees from misusing their influence in a current job, with a former employer, or with any former employees they had supervised. It helps to ensure that the public is fairly represented in all interactions with the public and private sectors. This fact sheet will explore the issues that come up when public officials and employees may move on to other jobs and positions.

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Post-Employment Prohibitions

What should I know before I even apply for new jobs?

The Ethics Law restricts certain activities when someone in public service is [job-hunting](#). For example, the Ethics Law prohibits a public official or employee from:

- Job-seeking on public time
- Using public equipment, such as a computer or public cell phone, or other public resources to research and apply for new jobs
- Using an official title, authority, or influence to secure a job interview

What does the law prohibit?

R.C. 102.03(D) and (E) prohibit public officials or employees from soliciting or using a public position to get a job from any person or entity that is regulated by, doing business or seeking to do business with, or interested in matters before the public agency they [serve](#).

A person is “seeking employment” if he or she is responding to a specific job advertisement, sending resumes, making calls, sending e-mails, or taking any other action to ask about the availability of a job.

So, can I apply for jobs with organizations connected with my public agency?

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 them from [seeking employment](#) from any person, agency, organization, or company that has [these relationships](#) with their public agencies:

- Doing or seeking to do business with it
- Regulated by it, or
- Interested in matters before [it](#).

Again, these restrictions apply to all job-seeking activities, including responding to job advertisements, sending resumes, telephoning, or e-mailing, or taking any other action to inquire about jobs. They apply when seeking employment from a public, private, or nonprofit entity.

Does recusal help?

Yes, there is an exception from this prohibition if the official can and does withdraw completely from any matter involving the party from whom he or she is seeking or has accepted [employment](#).

However, if the official is normally required to participate in a matter affecting the party, the public agency must approve his or her [withdrawal](#). An official cannot effectively withdraw from a matter by simply refusing to perform his or her job duties. It must be clear that the withdrawal will not impede the official's ability to perform his or her job duties.

What does effective "withdrawal" look like?

To effectively withdraw from a matter, the official or employee must inform his or her supervisor of the withdrawal. The supervisor must then either personally handle the matter or reassign the matter to another official or employee. If the matter is reassigned, the person to whom it is reassigned must report to someone who is a superior to, or on the same level as, the official who has [withdrawn](#). The official cannot withdraw from a matter by delegating it to a subordinate employee.

The higher the public official or employee is in the public "chain of command," the more difficult withdrawal becomes. A department director, for example, may be unable to effectively withdraw from matters affecting vendors and regulated parties.

Example

During his job search, an official whose job involves making recommendations about equipment purchases is prohibited from making recommendations about a private firm from whom he is seeking a [job](#). Once the official has accepted a job offer from a private company or another public agency, he is prohibited from participating in matters affecting his new employer during his remaining public [employment](#).

Job-seeking Questions to Ask!

- 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: even discussions with fellow public employees about matters affecting a source from which you are seeking employment or have accepted employment.

i ***Need more information?***

- [Advisory Opinion 86-006](#) (former public employee representing new employer)
- [Advisory Opinion 87-008](#) (use of public position to secure employment)
- [Advisory Opinion 91-009](#) (representation restrictions)
- [Advisory Opinion 92-005](#) (use of public position to secure employment)
- [Advisory Opinion 96-004](#) (conflicts related to private outside employment)
- [Advisory Opinion 97-004](#) (public contracts & family member interest)

Board Member Seeking Job with Board

The Ethics Law was designed to protect the public from the self-interests that government officials and employees may have in using their public positions for personal benefit. As a result, the law prohibits public servants from benefiting from the public contracts they approved or created.

How does this apply to board members applying for jobs with their own boards?

The law prohibits public officials and employees from “authorizing” a public job/public contract for [themselves](#). Even if a board member is a good fit for a certain position, if he or she was involved in the creation of the position, the board member may not apply for or receive the job.

What does it mean to “authorize” the public job/contract?

While R.C. 2921.42(A)(1) prohibits public officials from officially securing public contracts for themselves through formal actions like voting, it also prohibits them from using a public position in any manner - formally or informally - to secure the contract.

Can board members apply for a job with the board if they did not help create the position?

No. The Ethics Law prohibits an official who serves as a [board or commission member](#) from soliciting “anything of value” if the thing of value could have a substantial and improper influence upon him or her with respect to public duties.

“Anything of value” is defined to include money, which would include payment for employment, and [any promise of future employment](#). Therefore, board members can neither solicit employment from the agency they serve nor vote, discuss, deliberate, lobby, or take any other action to secure employment with the board while they are members. Even if a board member withdrew from any action related to the public job, he or she would be prohibited from working in the new position for at least one year.

What about former board members?

The law does not prohibit [former board members](#) from competing for an employment position with the public agency they formerly served in an open and fair employment process if they do not use the public position, while on the board, to secure the job.

Profiting from Public Contracts

The Ohio Ethics Law prohibits public officials from profiting from a public contract they authorized or was authorized by a board or committee on which they served at the time the contract was [approved](#). This prohibition stands unless the public contract is issued by competitive bidding to the lowest and best bidder. The restriction applies even if the official did not participate in the board action.

How does this relate to job-seeking or post-employment?

R.C. 2921.42(A)(3) prohibits an official from profiting from a public contract authorized by him or her or by a board he or she served at the time of authorization, unless the contract is competitively bid and awarded to the lowest and best bidder. "Public contract" includes employment, and because employment contracts are not competitively bid, board members cannot accept any benefit, including compensation, from an employment contract they or their board authorized. This is true even if the board member does not participate in the authorization of the contract.

What about employment from third parties with which the board interacts?

An official who has approved an unbid contract to a company cannot accept employment from the company if he or she will profit from the contract.

An official who becomes an employee of a company will profit from the employer's contract if:

- the establishment or operation of the company is dependent upon the contract
- the creation or continuation of the official's position with the company is dependent upon the contract
- the contract funds would be used by the company to compensate the official or as a basis for his salary or
- he or she will otherwise profit from the [contract](#).

What if the board is creating a new position?

If a public agency is creating a new employment position, R.C. 102.03(D) prohibits any member of the board from participating in that matter if he or she intends to apply for the job. If a board member wishes to apply for a job that the board is considering creating, he or she should resign from the board as soon as possible before any official action regarding the position is taken. The board member is also prohibited from lobbying other board members about the [position](#).

Is there any way for board members to apply for a job with their own boards?

If the public agency has an open employment position, the members of the governing board of the agency are prohibited from applying for the job. A board member is also prohibited from using his or her authority to persuade other board members, or employees of the public agency, to hire him or her.

If a board member wants to apply for an open job with the board, he or she must resign from the board before he or she applies for or takes any other action to secure the job or benefits related to holding the job. The board member must resign before he or she discusses the employment opportunity with any board members or board employees.

The board member is prohibited from seeking the job while he or she is a board member, and then resigning to accept the [employment](#).

Example

A state board is hiring a new executive director. Board members are prohibited from applying for and even discussing the employment opportunity with the current Director and with other board members.

If a board member wishes to apply for the position of executive director, he or she would be prohibited from acting to increase the salary or benefits for the position or modifying the duties or authority of the position. If the board member wants to apply for the position, he or she must resign from the board before applying. To apply, it must be clear that he or she did not use the position as a board member, in any way, to solicit or secure the job.

Questions to Ask!

- 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?

Post-Employment Restrictions

R.C. 102.03(A) prohibits a public official from “representing” any person on any “matter” in which the official has “personally participated.”

This restriction applies to the official during and for one year after public service. The restriction applies regardless of whether the official is paid to represent the person.

What is “representation”?

A former official is “representing” a person when the official makes any kind of formal or informal appearance before or has any kind of written or oral communication with any public agency, on behalf of [that person](#). The former official is prohibited from representing anyone before his or her former public agency, and before any other public agency.

Example

- An informal appearance before a public agency (a former official has a meeting with an employee of a city, in which he discusses his client)
- Oral communication with a public agency (a former official discusses her new employer’s concerns with a county employee in a telephone call or a conversation in a [hallway](#))
- Written communication with a public agency, even if the official does not sign the communication (a former official sends an e-mail to a village explaining his client’s position or prepares a letter to the village and the letter is signed by the [client](#))

What is “personal participation?”

An official has “personally participated” in a matter if he or she has engaged in the substantial exercise of administrative discretion regarding the matter such as:

- Decision
- Approval
- Disapproval
- Recommendation
- The rendering of advice
- [Investigation](#)

Example

If an official reviews a report and makes a recommendation about the report to his or her supervisor, the official has personally participated in the matter that is the subject of the report, even if his or her participation was not the final action on the report. An official has also personally participated in a matter if he or she has supervised other public officials and employees on the [matter](#).

What is a “matter”?

A “matter” includes any case, proceeding, application, determination, issue, or [question](#). A matter can include concrete items, like an application or a problem. It can also include more abstract items, like a dispute or a policy decision. A matter is the underlying issue or question, regardless of whether it involves the same parties. Matter does not mean the same thing as [subject matter](#).

Example

- A former city building inspector, who is now employed by a developer, is prohibited from calling a city employee to ask when an inspection he started while he was a city employee will be completed.
- An employee of the EPA is prohibited from sending an e-mail, on behalf of an environmental group for which she volunteers, to the environmental court inquiring about the status of a case involving an inspection she completed.
- A former village council member, who is now employed by a law firm, is prohibited from speaking at a state board meeting, on behalf of his client, when the board is reviewing a policy decision made by the village council while he was a council member.

Are there any exceptions to this prohibition?

Yes, there are five exceptions to the Revolving Door Law:

- A non-elected state official or employee who accepts employment at a different state agency is not prohibited from representing the new [agency](#)
- A non-elected official or employee of a political subdivision who accepts employment at a different department or agency of the same political subdivision is not prohibited from representing the new [office](#)
- A former official is not prohibited from representing a client on a matter in which he or she did not [participate](#)
- A former official is not prohibited from assisting or aiding his or her former public [agency](#)
- A former official is not prohibited from doing ministerial activities, such as preparing tax returns and filing applications for permits or [licenses](#)

Are the restrictions identical for everyone?

Almost all former public employees and officials fall under the one-year restriction. There are four special revolving door restrictions:

- Legislators and legislative employees have specific [restrictions](#). For more information, contact the Legislative Inspector General.
- Former commissioners and attorney examiners of the Public Utilities Commission have a two-year [restriction](#). It prohibits former commissioners and attorney examiners from representing utilities before state agencies.
- Any official who exercised discretion regarding solid or hazardous waste matters under R.C. Chapters 343. and 3734 also have a two-year [restriction](#).
- Current or former Ohio Casino Control Commission members or employees are prohibited, for two years, from representing a client, being employed, or compensated by a person regulated by the commission or acting in a representative capacity for any person.

What actions with or regarding my former agency are allowed?

The Revolving Door law does not limit all interactions and conversations with your former agency or your new employers. Some actions that are permissible under the law include:

- [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.

Revolving Door Questions to Ask!

- 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?

 *Need more information?*

- [Advisory Opinion 80-008](#) (representing client on matter with personal participation)
- [Advisory Opinion 82-002](#) (representing new employer)
- [Advisory Opinion 84-005](#) (representing new employer on new matter before former agency)
- [Advisory Opinion 86-001](#) (representing client before former employer)
- [Advisory Opinion 86-006](#) (representing new employer)
- [Advisory Opinion 87-001](#) (accepting employment with company under contract with former agency)
- [Advisory Opinion 87-004](#) (accepting employment with company receiving public grant)
- [Advisory Opinion 89-009](#) (contracting with former public entity)
- [Advisory Opinion 91-003](#) (post-employment & solid/hazardous waste discretion)
- [Advisory Opinion 92-005](#) (former assistant law director retained by port authority)
- [Advisory Opinion 2011-03](#) (overview of the post-employment restrictions)
- [Advisory Opinion 2012-03](#) (new revolving door exceptions)
- [Advisory Opinion 2012-04](#) (revolving door law exception)

Confidentiality

For some people, public service may involve access to information that is [confidential](#). R.C. 102.03(B) prohibits a current or former official from using or disclosing confidential information acquired by the official in the course of his or her duties.

How does this relate to post-employment?

Former public officials and employees often find work in the field or industry regulated by or doing business with their former public agencies. It is possible in their new role, the former public officials and employees may be asked about confidential information they acquired during public service.

What is prohibited?

Former public officials and employees are prohibited from disclosing confidential information unless they are appropriately authorized to do [so](#). If they need guidance about whether information is confidential, or whether they have been appropriately authorized to disclose information, they should speak to the legal advisor for their former agency.

What is the time limit for this restriction?

None. This restriction applies throughout public service and does not have a time limit [afterwards](#). If the information is legally confidential, a former public official or employee cannot disclose it.

Other Considerations

In addition to understanding and complying with the Ohio Ethics Law, public officials and employees are advised to be cognizant of several other considerations as identified below.

What if the public official or employee is an attorney?

If the official is an attorney, the official should contact the Board of Commissioners on Grievances and Discipline for the Ohio Supreme Court for guidance about Professional Conduct Rule 1.11 and 1.12 and other post-employment provisions in the Rules of Professional Conduct.

What if the public official or employee is serves the state government?

A state official should contact the Governor's Office to determine whether any executive order imposes limits on his or her post-employment activities.

What if the public official or employee is financial disclosure filer?

If the official was required to file a financial disclosure statement during his or her public service, he or she will be required to file a statement in the year after his or her service concluded, reflecting financial information for his or her final year.

What if the public official or employee is leaving a public position?

Any public official who is moving from one public position to another public position or to the private sector should ask his or her supervisor or legal counsel for the public agency he or she serves whether the agency has any additional policies or rules regarding post-employment. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, an agency may have a policy or rule that is more restrictive than the Ethics Law.)

Financial disclosure filers with the state of Ohio must file a statement with the Joint Legislative Ethics Committee upon separation from the state. Contact JLEC for more information - (614) 728-5100.

Revolving Door Worksheet

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.

What should a public official or employee who is seeking new employment know?

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, calling 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 employment. 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.

What does it mean to “profit from a public contract?” ([R.C. 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?

What is the “Revolving Door?” ([R.C. 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?

I had access to confidential information in my job. What should I know? ([R.C. 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.

Are there other considerations to understand?

- 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 2023, you must file a 2023 FDS in 2024. If you leave your job in 2024, you must file the 2023 FDS in 2024 **and** a 2024 FDS in 2025.
 - 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 at (614) 387-9370.