

Wisconsin Ethics Commission

For Elected And Salaried State Public Officials

Official's Seeking Private Employment

In general, an elected or salaried state public official,¹ while still an official², may discuss the possibility of private employment with anyone. However, an official should be mindful of the Ethics Code and lobbying law in seeking or accepting employment from a lobbyist or from an organization that employs a lobbyist or that is regulated by, or does business with, the official's agency.

Initiating Employment Discussions

Although an official may make it generally known that he or she is interested in leaving state government, the official should not initiate discussions about prospective employment with a lobbyist or with an organization that employs a lobbyist or that is regulated by, or does business with, the official's agency. The official may respond to published advertisements for employment and may speak with recruiters that initiate communication with the official.

Offering or Accepting Employment

If a lobbyist or an organization that employs a lobbyist or that is regulated by, or does business with, an official's agency initiates discussions with an official about prospective employment, the official may discuss the possibility of employment, but the prospective employer should not, while the official holds the state government position, promise or agree to employ the official.

Participating In Official Matters during Discussions

If a lobbyist or an organization that employs a lobbyist or that is regulated by, or does business with, an official's agency initiates discussions with an official about prospective employment, the official should not participate in any official matter in which the lobbyist or organization has an interest until the official either ends the discussions about employment or leaves state government.

See also **Limitations on Former Officials' Actions**, Wisconsin Ethics Commission Guideline ETH-1238.

¹ This guide applies to elected state officials and to individuals holding state public offices identified under §20.923, *Wisconsin Statutes*, who have rulemaking responsibilities. WIS. STATS. §§13.62(3) and 19.42(13). Other state officials and employees may be subject to some of these restrictions as well.

² A person ceases to be a state public official when the person relinquishes all responsibilities of state public office, even if the State of Wisconsin remains legally obligated to provide the former official with payments or benefits that the person earned while holding a state public office.

In the case of a lobbyist or an organization that employs a lobbyist, neither may furnish anything of pecuniary value to an elected state official, legislative employee, or agency official; and the official may neither solicit nor accept anything of pecuniary value from them. WIS. STAT §13.625. Employment is something of pecuniary value.

In the case of an organization that is regulated by, or does business with, an official's agency, the Ethics Code prohibits the offer to, or acceptance by, a state official of anything of value that could reasonably be expected to influence the official's judgment or could reasonably be considered as a reward for any official action. §19.45(3), Wisconsin Statutes. "Anything of value" includes a "promise of future employment." WIS. STAT §19.42(1).