

# Wisconsin Ethics Commission

## *For State Public Officials*

### Official's Seeking Private Employment

#### SEEKING PRIVATE EMPLOYMENT WITH A LOBBYIST OR A LOBBYING PRINCIPAL.<sup>1</sup>

A lobbyist or a lobbying principal, may not furnish, directly or indirectly, anything of pecuniary value to an elected state official, legislative employee, or agency official; and the official or employee may neither solicit nor accept anything of pecuniary value from a lobbyist or a lobbying principal. Employment is something of pecuniary value. [WIS. STAT. § 13.625\(1\)](#), [\(2\)](#), and [\(3\)](#), [80 Op. Att'y Gen. 205 \(1992\)](#); *See e.g.*, [2006 Wis Eth Bd 07](#), [1993 Wis Eth Bd 04](#), [1992 Wis Eth Bd 26](#).

An elected state official, legislative employee, or agency official should not initiate discussions about prospective employment with a lobbyist or lobbying principal while the official holds a state government position. [WIS. STAT. § 13.625\(3\)](#). However, an elected state official, legislative employee, or agency official may respond to published advertisements for employment that are available to the general public. [WIS. STAT. § 13.625\(2\)](#).

An elected state official, legislative employee, or agency official may discuss the possibility of employment and circumstances of future employment but should not receive or accept a promise of future employment or enter into an agreement for future employment. [WIS. STAT. § 13.625\(3\)](#); *See e.g.*, [1998 Wis Eth Bd 11](#).

#### SEEKING PRIVATE EMPLOYMENT FROM ANY PERSON.

Wisconsin's Code of Ethics<sup>2</sup> specifically recognizes that a state public official may need to engage in employment other than their official duties and does not prohibit a state public official from accepting outside employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this state. [WIS. STAT. § 19.45\(1\)](#).

A state public official should not use their public position or office to obtain financial gain or anything of substantial value for their private benefit and a state official should not accept 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. [WIS. STAT. § 19.45\(2\)](#) and [\(3\)](#). "Anything of value" includes a "promise of future employment." [WIS. STAT. § 19.42\(1\)](#).

A state public official should not use their title, prestige of office, or resources of their office to obtain private employment. This does not preclude a state public official from using their general political

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<sup>1</sup> The prohibitions provided for in the lobbying law apply to the following:

- agency officials, whose official responsibilities include participating in any administrative action other than in a solely clerical, secretarial, or ministerial capacity;
- elective state officials; and
- legislative employees, including members and officers of the legislature and employees of a legislative service agency.

WIS. STAT. §§ [13.62\(3\)](#), [\(6\)](#), and [\(8m\)](#).

<sup>2</sup> The Code of Ethics applies to individuals holding state public office. WIS. STAT. § [19.42\(13\)](#) and [\(14\)](#).

skills and experience when seeking private employment. When accepting an offer for private employment a state public official should be able to clearly demonstrate that the offer did not arise due to holding public office. [WIS. STAT. § 19.45\(2\)](#); *See e.g.*, [2004 Wis Eth Bd 06](#).

A state official should not accept an offer of or promise of employment if it could reasonably be expected to influence their official actions or judgment. [WIS. STAT. § 19.45\(3\)](#).

A state official should not participate in any official matter in which a potential future employer has an interest until the official either ends the discussions about employment or leaves state government. [WIS. STAT. § 19.46\(1\)\(b\)](#).