

Bill No. 36-02
Concerning: Ethics - Employment
Restrictions
Revised: 3-13-03 Draft No. 4
Introduced: October 29, 2002
Enacted: April 1, 2003
Executive: April 11, 2003
Effective: July 11, 2003
Sunset Date: None
Ch. 5, Laws of Mont. Co. 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Ethics Commission

AN ACT to:

- (1) broaden certain restrictions on post-government employment by County employees;
and
- (2) generally amend the law governing future employment of County employees.

By amending

Montgomery County Code
Chapter 19A, Ethics
Section 19A-13

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 19A-13 is amended as follows:

19A-13. Employment of former public employees.

(a) A former public employee must not ~~[[accept employment]]~~ work on or otherwise assist any party, other than a County agency, in a case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee.

(b) For one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding or arrangement (express, implied, or tacit) with any person or business ~~[[that contracts with a County agency]]~~ if the public employee significantly participated during the previous 3 years:

(1) ~~[significantly participated]~~ in regulating the person or business; or

(2) ~~[had official responsibility]~~ in any procurement or other contractual activity concerning a contract with the person or business (except a non-discretionary contract with a regulated public utility).

(c) Significant participation means ~~[direct administrative or operating authority to approve, disapprove, or otherwise decide government action with respect to a specific matter, whether the authority is intermediate or final, exercisable alone or with others, and exercised personally or through subordinates]~~ making a decision, approval, disapproval, recommendation, rendering of advice, investigation, or similar action taken as an officer or employee. ~~[It]~~ Significant participation ordinarily does not include program or legislative oversight, or budget preparation, review, or adoption.

Sec. 2. Applicability.

28 Section 19A-13, as amended by Section 1 of this Act, applies to any [[specific
29 matter or action in which a former]] public employee [[significantly participates as a
30 public employee]] who leaves public employment after this Act takes effect.

31 [[Section 19A-13, as it existed before it was amended by Section 1 of this Act,
32 applies to any other specific matter or action in which a former public employee
33 significantly participated as a public employee before this Act took effect.]]

34 *Approved:*

35

Michael L. Subin, President, County Council

Date

36 *Approved:*

37

Douglas M. Duncan, County Executive

Date

38 *This is a correct copy of Council action.*

39

Mary A. Edgar, CMC, Clerk of the Council

Date