



JOINT LEGISLATIVE ETHICS COMMITTEE

128th OHIO GENERAL ASSEMBLY

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Post Employment Disclosure Requirements

Ohio law requires former state elected officers and specified staff members to disclose to the Joint Legislative Ethics Committee, through the Office of the Legislative Inspector General, certain information for a 24-month period after leaving public service or public employment. Please see Ohio Revised Code sections 101.34, 102.01, 102.02, 102.021, 102.031, 102.06 and 102.99.

§102.021 of the Ohio Revised Code applies to every state elected officer or staff member¹ **who filed or was required to file a Financial Disclosure Statement.** §102.021 requires these persons to file an ***Initial Post Employment Disclosure Statement*** not later than the day the former state elected officer or staff member leaves public service or public employment.

Immediately prior to separation from state service, any state elected officer or staff member who filed or was required to file a Financial Disclosure Statement must be provided with an *Initial Post Employment Disclosure Statement* by his or her public agency or appointing authority. The public agency or appointing authority must forward the completed form to the:

**Joint Legislative Ethics Committee,
50 West Broad Street, Suite 1308,
Columbus, Ohio 43215.**

¹ "state elected officer or staff member" means any elected officer of this state, any staff as defined in the Legislative Lobbying Law (R.C. 101.70(J)), or any staff as defined in the Executive Agency Lobbying Law (R.C. 121.60(M)). Boards and Commissions members are neither state elected officers nor staff. Therefore, Boards and Commissions members are not subject to the Post Employment Disclosure Requirements. However, a Boards and Commissions member who also holds state elective office or is also a staff member, may be subject to Post Employment Disclosure Requirements.

What is the purpose of the Initial Post Employment Disclosure Statement?

The *Initial Post Employment Disclosure Statement* alerts the public as to whether the filer will receive any income from any qualifying source. A qualifying source is:

- (a) an executive agency lobbyist or a legislative agent²,
- (b) the employer of an executive agency lobbyist or legislative agent, except an employer that is any state agency or political subdivision of the state³, or
- (c) any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of \$100,000 or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of \$100,000 or more⁴.

Is an institution of higher education considered a state agency or political subdivision of the state, and thus not a qualifying source of income for purposes of the Post Employment Disclosure Statement?

No. State agency is not defined in R.C. §102.021; thus, we must look to R.C. §101.70 of Ohio's lobbying laws⁵. R.C. §101.70 excludes an institution of higher education from classification as a state agency. Consequently, an institution of higher education is not considered a state agency or political subdivision of the state for Post Employment Disclosure purposes.

Does the Initial Post Employment Disclosure Statement replace my duty to file a personal Financial Disclosure Statement for the final calendar year of public service?

No. Post Employment Disclosure is separate and distinct from the requirements of §102.02 to file a Financial Disclosure Statement with the appropriate ethics commission.

² The names of all executive agency lobbyists and legislative agents may be found at www.ohiolobbying.com.

³ The names of employers of executive agency lobbyists and names of employers of legislative agents may be found at www.ohiolobbying.com.

⁴ Please visit the Controlling Board's website (www.ecb.ohio.gov) under 'Search Requests' to determine if an entity received, or bid on, more than \$100,000.000 in state contracts in the preceding two years.

⁵ See also, JLEC Advisory Opinion 97-001.

What if I do not have a qualifying source of income or any income at the time of filing?

If you do not have a qualifying source of income you have no further filing requirements, beyond submitting the *Initial Post Employment Disclosure Statement*, under §102.021; unless within two years of your *departure from state service*, you obtain a *qualifying source of income*. Within ten calendar days of obtaining a qualifying source of income you are required to file an *Amended Initial Post Employment Disclosure Statement* with the Joint Legislative Ethics Committee. You will utilize the *Initial Post Employment Disclosure Statement* and indicate that it is an amended statement. The *Initial Post Employment Disclosure Statement* is available at www.ohiolobbying.com.

I have a qualifying source of income, now what?

For each qualifying source of income, an *Updated Post Employment Disclosure Statement* will be filed three times per calendar year. If you have multiple qualifying sources of income, each source will be disclosed on one filing. This filing will include a statement of expenditures made for any gifts, travel, and meals and beverages, you have made for the benefit of state-level public officials. You do not disclose the amount of income or expenditures made to you, or for your benefit.

How do I obtain an Updated Post Employment Disclosure Statement?

Not less than twenty days before the filing deadline The Office of the Legislative Inspector General will make the *Updated Post Employment Disclosure Statement* available on its website at www.ohiolobbying.com. From the 'Ethics' drop-down menu, please select Post Employment Disclosure. Click the 'Print My PED' option, and enter your last name. A pre-populated statement will display. Please print, fill-out, and submit this statement. You will also receive a post card reminder of the filing deadline.

What are the filing deadlines for the Updated Post Employment Disclosure Statement?

The filing deadlines are May 31, September 30 and January 31⁶.

Are there any fees associated with this filing?

A person filing an *Updated Post Employment Disclosure Statement* must include a \$10 filing fee. There is no filing fee associated with the *Initial Post Employment Disclosure Statement* or when filing an *Amended Initial Post Employment Disclosure Statement*.

⁶ When a filing deadline falls on a Saturday, Sunday or State Holiday the deadline is automatically moved to the next business day.

I have one or more qualifying sources of income, what other requirements do I need to be aware of?

1. Please be advised that Division (C) of §102.031 of the Ohio Revised Code prohibits members of the General Assembly from accepting: more than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages; a gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars; or the payment of any expenses for travel or lodging not directly related to official duties; from any person who is required to file an *Updated Post Employment Disclosure Statement*.
2. As a recipient of income from one or more qualifying sources you are prohibited from receiving any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision (R.C. §102.021(F)).

When does my requirement to file an Updated Post Employment Disclosure Statement end?

The filing responsibility ends:

- when the qualifying source of income ceases to be a source of income; or
- when the source of income is no longer a qualifying source; or
- the two-year Post Employment Disclosure period expires; or
- you register as a legislative agent or executive agency lobbyist on behalf of the qualifying source.

Who do I call if I have additional questions?

If you have any questions concerning your Post Employment Disclosure Requirements, please contact the Joint Legislative Ethics Committee at 614-728-5100.

Former legislators and legislative employees should contact the Joint Legislative Ethics Committee with any questions concerning "Revolving Door" prohibitions or personal financial disclosure.

All others should direct questions concerning "Revolving Door" prohibitions or personal financial disclosure to the Ohio Ethics Commission at 614- 466-7090.