



ARA 3.11.05 POST-EMPLOYMENT RESTRICTION POLICY

A. Purpose and Authority

Under Oregon law ([ORS 244.040\(3\)](#)), Auditor's Office employees are prohibited from soliciting or receiving, either directly or indirectly, any pledge or promise of future employment based on any understanding that the employee's vote, official action, or judgment would be influenced by the pledge or promise.

The City Auditor has determined that a post-employment restriction policy is needed to avoid even the appearance of influence by the possibility of future employment with the City agencies whose actions are investigated or adjudicated by the Auditor's Office. The purpose of this policy is to further safeguard the actual and perceived independence and impartiality of the Auditor's Office.

The City Auditor has further determined that the failure to promptly adopt this policy would result in prejudice to the public interest. Charter Section 2-506 authorizes the City Auditor to establish human resources policies and rules for the Office of the Auditor and to adopt interim rules without prior notice upon finding that failure to act promptly will result in prejudice to the public interest.

B. Policy

1. It is the policy of the Auditor's Office that:
 - a. The Ombudsman or Deputy Ombudsman shall not accept employment with or compensation from any of the City agencies that the Ombudsman's Office is empowered to investigate for a period of one year after serving as the Ombudsman or Deputy Ombudsman.
 - b. The IPR Director, IPR Deputy Director, or IPR Investigations Manager shall not accept employment with the Portland Police Bureau or as a City Attorney advising the Portland Police Bureau for a period of one year after serving as the IPR Director, IPR Deputy Director, or IPR Investigations Manager.
 - c. The Audit Services Director shall not, for a period of one year after serving as the Audit Services Director, accept employment with any of the City agencies that are

on the annual audit schedule or that have been audited by the Audit Services Division during the prior year.

- d. The Chief Hearings Officer or Hearings Officer shall not, for a period of one year after serving as the Chief Hearings Officer or Hearings Officer, accept employment with a City agency that has been a party to a case heard by the Hearings Office during the prior year or as a City Attorney advising any such City agencies.
2. For purposes of this rule:
 - a. "Covered position" means the Ombudsman, Deputy Ombudsman, IPR Director, IPR Deputy Director, IPR Investigations Manager, Audit Services Director, Chief Hearings Officer, or Hearings Officer.
 - b. "Year" means a twelve-month period counted from the last day of work in a covered position.
 3. Management Services shall notify any person hired for a covered position, in their written employment offer, that the Auditor's Office's post-employment restriction policy is a term of employment.
 - a. The written employment offer shall be provided to the employee at least two weeks before the first day of employee's employment. The employee may waive the two-week notice period, in writing, if it interferes with a preferred start date.
 - b. Auditor's Office employees serving in a covered position as of the date of the adoption of this rule are not bound by the post-employment restriction policy.
 4. The City Auditor shall have the discretion to waive post-employment restrictions, on a case-by-case basis, if the City Auditor determines that the actual or perceived independence and impartiality of the employee and the Auditor's Office are not impacted by the waiver.

Auditor's Office Administrative Rule Information and History

Questions about this administrative rule may be directed to the [Auditors' Office's Management Services division](#).

Adopted by the City Auditor on June 26, 2019 as an interim rule effective for a period of not more than 180 days.

Adopted by the City Auditor on October 1, 2019, following a notice and comment period of at least 30 days.