

Date

Ms. Deanna Harris

Re: Ethics Board Docket No. 2020-852

Dear Ms. Harris:

The Louisiana Board of Ethics, at its December 4, 2020 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics would prohibit you from being employed by the Livingston Parish School Board as a pre-employment training specialist after you terminate your employment with Louisiana Rehabilitation Services.

FACTS PROVIDED

You are currently employed as a district supervisor with Louisiana Rehabilitation Services (LRS). LRS and Livingston Parish School Board have a contract to provide pre-employment transition services (Pre-ETS) to students in the parish. You are one of four district supervisors within the Baton Rouge Regional Office that provides services in ten parishes, one of which is Livingston Parish. The school board advertised a position for a pre-employment transition specialist, for which you were interviewed by both LRS and the school board. The school board offered you the position. You state that you never provided Pre-ETS to students as a district supervisor or in your prior position with LRS as a rehabilitation counselor.

ISSUES

May you may be employed as a Pre-ETS specialist with the Livingston Parish School Board, when the school board has a contract with your prior employer, the Louisiana Rehabilitation Services.

LAW

La. R.S. 42:1121 provides, in pertinent part, the following post-employment restrictions:

A.(1) No former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency.

* * *

B.(1) General rule for other public employees. No former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former

public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

Applicable definitions from La. R.S. 42:1102:

(3) "Agency head" means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

(8) "Person" means an individual or legal entity other than a governmental entity, or an agency thereof.

CONCLUSION

The Board concluded, an instructed me to inform you, that the Code of Governmental Ethics does not prohibit you from being employed with the Livingston Parish School Board as a Pre-ETS specialist. Based on the information you provided, it does not appear that you were an "agency head" as a district supervisor. Therefore, since you did not provide Pre-ETS services while you were employed with LRS, you are not prohibited from being employed by the school board as a Pre-ETS specialist.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board

This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.