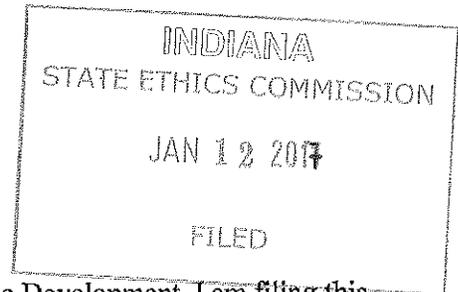




INDIANA  
**WORKFORCE**  
DEVELOPMENT  
AND ITS **WorkOne** CENTERS



**IC 4-2-6-11**

**Post-employment waiver**

As the Appointing Authority of the Indiana Department of Workforce Development, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Ian Gunn in his post-employment with KSM Consulting.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*

IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.

IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.

IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

Ian Gunn's position at the Department is Business Analyst (Classification Program Specialist 2) and responsibilities include eliciting and documenting detailed business, functional, and technical requirements for ongoing enhancements to DWD's Unemployment Insurance Benefits System, Uplink. The project to provide these enhancements to Uplink is referred to as the Unemployment Insurance Modernization (UIM) project. Ian reports to the Director of UIM and IT Planning, KSM Consulting, the prospective employer, is DWD's contractor which provides project management support for the UIM project. In other words, DWD and KSM Consulting work together on the UIM



project. Gunn has neither engaged in the negotiation or administration of any contract with KSM Consulting nor been in a position to make discretionary decisions affecting any negotiation or administration of any contract. Based on these facts, we do not believe a waiver to IC 4-2-6-11(b)(2) is required.

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

*The employee's prior duties had no bearing on policies, rules, or contracts as it relates to the Indiana Department of Workforce Development.*

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

*The employee will enter in to a role of business analyst for the prospective employer. Job duties will include mainly creating high-level and detailed requirements packages for software development projects.*

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

*The prospective employment will involve contact with the employee's former agency. It is possible the agency will make some IT related decisions based on the prospective employer's recommendations. The employee's work product may contribute to the formulation of those recommendations. The desire, given the employee's familiarity with the UIM project, is to allow the employee to continue working on the UIM project. He would simply be working for the Contractor instead of the State of Indiana.*

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

*The prospective employment is beneficial to both the state and the public. The prospective employee is a valuable member of an ongoing project team for the agency. This individual is seeking to advance his career by moving to a professional environment that could offer a greater range of project opportunities and skill development. By allowing the prospective candidate to seek employment with KSM Consulting and continue on with the project we have not only satiated the employee's need for career advancement but retained his valuable knowledge, skills, and abilities. This better serves the state and the public interest than the*

*alternative of replacing this employee, regressing the effectiveness of the role while a new, likely less-qualified, candidate is located. The Department will negotiate with KSM Consulting an hourly rate specifically for this position that will not be detrimental to the economics of this project.*

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

*See Response to Question #4.*

C. Signatures

1. Appointing authority/state officer of agency

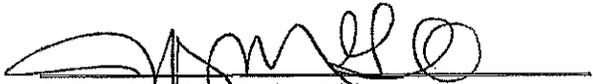
By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

  
\_\_\_\_\_  
Steven J. Braun, Commissioner  
Indiana Department of Workforce Development

11-29-16  
DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

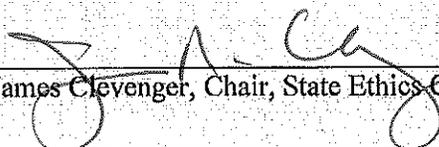
  
\_\_\_\_\_  
Jeffrey M. Gill, Ethics Officer  
Indiana Department of Workforce Development

11.29.16  
DATE

- D. Approval by State Ethics Commission

**FOR OFFICE USE ONLY**

Approved by State Ethics Commission

  
James Clevenger, Chair, State Ethics Commission

Date

1/12/17

Mail to:

Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202

OR

Email scanned copy to: [info@ig.in.gov](mailto:info@ig.in.gov)

*Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.*