

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

ADVISORY OPINION # A-18-02

SUBJECT: POST-EMPLOYMENT RESTRICTIONS

By request dated July 24, 2018, a Washington Suburban Sanitary Commission (“WSSC”) retiree (“Requestor”) asked the Board for a determination¹ as to whether he may work on WSSC projects as an employee with a contractor.

Requestor formerly worked as a Division Manager within the Engineering and Construction (“E&C”) department and was instrumental in developing the standards for pipeline design on behalf of the Commission. His current employer has active agreements with a different division within the E&C to provide pipeline design services. Requestor states that his current employer would like him to provide quality control technical review services on WSSC projects emanating from this WSSC division.

Section 3-3(a) of the Code of Ethics (“Code”) prohibits a former employee from “assisting or representing a party...for compensation if the former employee participated significantly in the matter as an employee.”

The Board does not consider the Requestor’s work on the pipeline design standards as precluding him from advising a company on how to interpret and apply those standards. Accordingly, the issue to be determined is whether the retiree’s work with the contractor

¹ Requestor initially requested that the Board grant a “waiver” (# W-18-04) to allow the employment. Based on the facts presented in the request and explained further in the opinion, we determine that Requestor’s inquiry is best addressed via an Advisory Opinion.

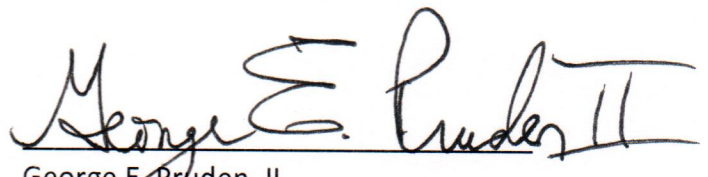
would make him an “agent or representative” of a company in a WSSC business transaction within 12 months of separation from the Commission, which would violate § 3-3(b) of the Code.

Requestor asserts that he will not be listed as staff on any active WSSC tasks for the 12 months following his last day at the Commission. He states that his role on WSSC projects will be to perform quality control reviews within the company. Accordingly, his work will be to internally advise his employer on matters the company is already contracted to provide to WSSC. Requestor will not be on site at WSSC or be included on a task proposal until after the 12 month restriction expires.

Under the circumstances presented here, the Board advises that the Requestor’s work with his current employer as proposed in his application does not appear to violate the Code.

Should the facts and circumstances change, Requestor should seek further guidance from the Board.

On motion by Mr. Moore, seconded by Dr. Hausman, the Board agreed at its meeting held on October 11, 2018, to adopt the foregoing advisory opinion by a vote of 3-0.



George E. Pruden, II
Chair

10/11/18

Date