

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

REQUEST FOR ADVISORY OPINION # A-08-07

SUBJECT: CODE OF ETHICS § 3-2 RESTRICTIONS ON OTHER EMPLOYMENT AND FINANCIAL INTERESTS

By request dated August 12, 2008, a WSSC employee (hereinafter "Requestor") has asked the Board of Ethics for an advisory opinion¹ as to whether the employee may seek part-time employment as a real estate agent.

Requestor works as a Unit Coordinator in the Fleet Services Group. Requestor's job duties include supervising and overseeing the preventative maintenance and repair of several hundred WSSC vehicles. Requestor wishes to seek part-time employment as a real estate agent in Prince George's County. Section 3-2(a) of the Code of Ethics generally restricts an employee from engaging in outside employment "if the hours of such employment conflict with the employee's normal work shift at WSSC or where the outside employment is of such a nature which does or may create a conflict of interest or the appearance of a conflict of interest."

Requestor intends to engage in part-time work that does not conflict with his normal work hours at WSSC. Therefore, the only issue to be determined is whether Requestor's work as part-time realtor would create either a conflict of interest or the appearance of a conflict of interest with the employee's work at WSSC. Considering that Requestor's job duties as a Fleet Services Unit Coordinator do not involve the acquisition or development of real property within the Washington Suburban Sanitary District, the Board does not believe that Requestor's proposed work as a realtor in Prince George's County creates a conflict of interest or the appearance of a conflict of interest.² The Board does caution Requestor, however, that issues could arise during the part-time employment that implicate the Code of Ethics. For example, issues regarding water and sewer service at a particular property could come up during the buying or selling process. In that situation, Requestor would be prohibited by Section 3-4 of the Code from utilizing his position at WSSC to try and resolve the WSSC issue for the client.

¹ Requestor initially requested that the Board grant a "waiver" to allow the part time employment, however, since the Code of Ethics does not prohibit the part-time employment or otherwise mandate that a the grant of a waiver is necessary, Requestor's inquiry is best handled via an Advisory Opinion.

² The Board recognizes that prior to the adoption of the current Code of Ethics in 2003, the WSSC ethics policy as stated in the Personnel Policy and Benefits Manual suggested that working as a real estate agent in the Washington Suburban Sanitary District would be a conflict of interest for any WSSC employee, regardless for the employee's job duties. As of November 1, 2003, the effective date of the current Code of Ethics, this prior section was superseded. See Section 2 of Resolution 2003-1669, p. 28.

The Board emphasizes that the advice given herein is based on the Requestor's specific WSSC job duties, as well as the nature of the part-time employment that Requestor seeks. Should these circumstances change, Requestor is advised to seek additional guidance from the Board.

On Motion by Robert Moore, seconded by William Walton, the Board agreed at its meeting held on October 9, 2008 to adopt the foregoing advisory opinion.

William Walton
William Walton

OCT 9, 2008
Date