

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

ADVISORY OPINION # A-08-08

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

By request dated August 25, 2008, a WSSC employee (the Requestor) has asked that the Board of Ethics issue an advisory opinion as to whether the WSSC Code of Ethics prohibits the employee, who is a licensed Master Plumber/Gasfitter in the State of Maryland, from performing plumbing/gasfitting work outside of WSSC's jurisdiction.

The requestor is employed at WSSC as a plumbing inspector. Requestor's job duties include inspecting and approving plumbing and gasfitting work done in the Washington Suburban Sanitary District (WSSD) for plumbers and gasfitters who are registered with WSSC. Requestor would like to activate his plumbing/gasfitting license and do part-time plumbing and gasfitting work outside of the WSSD. Upon information and belief, Requestor intends to work for a company that primarily works in Frederick and Carroll Counties.

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." Assuming that requestor intends to seek part-time work that does not conflict with his normal work hours at WSSC, the only issue to be determined is whether Requestor's work as part-time plumbing inspector performing work outside of the WSSD would create either a conflict of interest or the appearance of a conflict of interest with the employee's work at WSSC.

The Board does not believe that Requestor's work as a part-time plumber/gasfitter performing work outside of the WSSD creates a conflict of interest. Although there is no conflict, *per se*, the Board strongly advises Requestor to avoid situations that could create the appearance of a conflict of interest. For example, Requestor should not wear any clothing bearing the WSSC name or logo while performing part-time plumbing and gasfitting work outside of the WSSD.

In addition, Requestor should keep the Chief Plumbing Inspector informed regarding the company for which Requestor works and shall apprise the Chief Plumbing Inspector of any jobs that the company has within the WSSD. It is a conflict of interest for Requestor to work for his part-time employer on any job within the WSSD. It is also a conflict of interest for Requestor, in his duties as a WSSC Plumbing Inspector to inspect and/or approve work done by his part-time employer. *See* Code of Ethics § 3-1(a)(3).

Based on the above, the Board advises that Requestor is not prohibited from performing part-time plumbing/gasfitting work outside of the WSSD. Should any situation arise during the part-time work regarding WSSC, however, the Board encourages Requestor to seek additional guidance from this Board.

On Motion by Steve Hausman, seconded by Robert Moore, the Board agreed at its meeting held on November 13, 2008 to adopt the foregoing advisory opinion.

William Walton
William Walton, Chair

NOV 13, 2008
Date