

**BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION**

ADVISORY OPINION #A-05-02

SUBJECT: WHETHER A WSSC EMPLOYEE WHO JOINS A UNION IS IN VIOLATION OF THE CODE OF ETHICS PROVISION THAT PROHIBITS USE OF THEIR PUBLIC EMPLOYMENT FOR PRIVATE GAIN

On or about March 4, 2005, a WSSC employee (hereinafter “the Requestor”) submitted this request for an Advisory Opinion to the WSSC Board of Ethics (hereinafter “the Board”). The Requestor’s question is whether joining a WSSC Union and thereby paying dues to the Union violates WSSC Code of Ethics provision 1-2(b), which states that employees should “avoid activities which might result in the use and/or the appearance of use of their public employment for private gain...”

The Requestor is an employee who, by virtue of recent legislation, is a member of a unit of employees that is subject to possible unionization. *See* Maryland Annotated Code, Article 29, Section 11.5-102. An election to determine whether the requestor’s position will become unionized will be held sometime in April of 2005.

It is the Board’s opinion that membership in a Union does not violate the Code of Ethics. The Requestor states that if he elects to join the Union and pay the dues, he may receive “private gain” in the form of reduced insurance premiums, additional leave time, and improved working conditions. The Board finds, however, that this is clearly not the type of “private gain” that the Code of Ethics prohibits. Although the phrase “private gain” is not defined in the Code, examples of what constitutes improper activities for “private gain” include Section 3-4 (c), which prohibits employees from utilizing WSSC facilities or work time for personal use, and Section 3-6, which prohibits WSSC employees from soliciting or accepting gifts from companies that do business with WSSC.

The joining of a Union, on the other hand, is a very public activity, and any benefits that the Union is able to secure for its members, above those which are enjoyed by non-unionized WSSC employees, will be enjoyed by all of the Union members. Moreover, the entire unionization process for this particular group of employees has been mandated by the Maryland State Legislature. *See* Maryland Annotated Code, Article 29, Section 11.5-101, *et. seq.*

For all of the above reasons, the Board holds that neither Section 1-2(b), nor any other provision of the WSSC Code of Ethics, prohibits a WSSC employee from joining a Union

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On Motion by Joseph A, Trevino, seconded by Debra Davis, the Board agreed at its meeting held on April 14, 2005 to adopt the foregoing advisory opinion.

_____/s/_____
Sharon M. Constantine
Chair, WSSC Board of Ethics

April 14, 2005

Date