

**BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION**

ADVISORY OPINION # A-05-03

SUBJECT: WHETHER A WSSC EMPLOYEE MAY ACCEPT PART-TIME EMPLOYMENT FROM A FORMER EMPLOYER THAT HAS DONE BUSINESS WITH WSSC

On or about March 25, 2005, a WSSC employee (hereinafter “the Requestor”) submitted this Request for a Waiver to the WSSC Board of Ethics. The Requestor is employed at WSSC as an Electrical Mechanical Technician. The Requestor’s assigned duties require the Requestor to be available to work in the WSSC Control Center twenty-four hours a day, seven days a week.

The Requestor has requested a waiver in order to work part-time as a Service Representative for his former employer, a pump and equipment company. The pump and equipment company is a factory representative and distributor for pumps and related equipment. The pump and equipment company did business with WSSC in 2004. The Requestor’s part-time job would require the Requestor to provide service and training to various municipalities, other than WSSC, on an “as needed basis” in addition to working if any unforeseen emergency exceeds the capacity of the pump and equipment company’s staff.

The Board has reviewed the relevant provisions of the WSSC Code of Ethics (the Code) and finds that the proposed part-time employment violates Section 3-2 of the Code, Restrictions on Other Employment and Financial Interests. “ An employee must not engage 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.” Section 3-2(a) of the Code. Respondent’s job duties at WSSC require Respondent to be available to work in the WSSC Control Center 24 hours a day, seven days a week. Therefore, Respondent’s job hours at WSSC prohibit Respondent from working part-time for the pump and equipment company.

In addition, “an employee must not be employed by ... any business” that “negotiates or has entered into a contract with WSSC.” Section 3-2 (b)(1)(B). Section 2-3 (b)(3) of the Code permits the Board to waive the prohibition of Section 3-2(b) of the Code if the Board additionally finds that “the proposed employment is not likely to create an actual conflict of interest.” An actual conflict of interest is created if the Respondent works for WSSC while simultaneously employed part-time by the pump and equipment company which has done business with WSSC.

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After consideration of all information received as of this date, the Board holds that Sections 3-2(a), 3-2(b)(1) (B) and 2-3(b)(3) of the WSSC Code of Ethics prohibit the WSSC employee from working part-time for the Respondent's former employer, a pump and equipment company while employed by WSSC.

On Motion by Joseph A. Trevino, seconded by Debra Davis, the Board agreed at its meeting held on May 12, 2005 to disapprove the Request for Waiver and adopt the foregoing advisory opinion.

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

May 12, 2005

Date