

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

REQUEST FOR ADVISORY OPINION # A-09-05

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

By request dated November 18, 2009, 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 an Administrative Assistant II with the Materials and Services Group. The Materials and Services Group provides materials to support the maintenance, repair and operation of WSSC's facilities and infrastructure systems. As part of this effort, the Materials and Services Group manages more than 50 supply contracts and maintains more than 40,000 items at the WSSC warehouses. Requestor's job duties include typing and editing correspondence and reports, maintaining files and attendance reports, and assisting in the preparation of the annual budget.

Requestor wishes to seek part-time employment as a real estate agent. 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 seek part-time work that does not conflict with her 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.

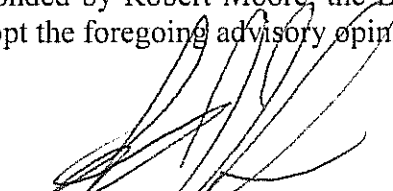
For the reasons set forth in Advisory Opinion A-08-07, which involved a similar request, the Board advises that the Code does not prohibit Requestor from seeking part time employment as a realtor. Requestor's job duties as an Administrative Assistant II for the Materials and Services Group do not involve the acquisition or development of real property within the Washington Suburban Sanitary District. The Board therefore perceives no conflict of interest or appearance of a conflict of interest. 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

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 waiver is necessary, Requestor's inquiry is best handled via an Advisory Opinion.

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.

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 George Pruden II, seconded by Robert Moore, the Board agreed at its meeting held on January 14, 2010 to adopt the foregoing advisory opinion.



Steven J. Hausman
Chair *pro tem*

1/14/2010

Date