

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

WAIVER REQUEST W-12-01

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

By request dated July 10, 2012, a WSSC employee (Requestor) has asked the Board of Ethics to issue an advisory opinion as to whether the WSSC Code of Ethics (Code) prohibits the employee, an Acting Customer Care Zone Group Leader and Supervisory Project Engineer, from working as a civil engineer for a local residential builder on a new home construction project within the Washington Suburban Sanitary District. After review of the request, the Board of Ethics decided to review Requestor's matter as a Request for Waiver.

As an Acting Customer Care Zone Leader, Requestor plans, directs, manages and investigates the water and wastewater systems' maintenance and meter services activities in a specifically defined geographical area or zone of the sanitary district. As a Supervisory Project Engineer, Requestor oversees and manages complex projects and contracts such as emergency contracts, outsourcing contracts, transmission projects, water and sewer pipe rehabilitation or other major facilities projects within the specified Customer Care Team and performs highly responsible engineering work in the field and office.

Prior to working at WSSC, Requestor had a civil engineering and surveying company. In 2006, Requestor's company prepared engineering plans for a specific single family lot in Bowie, Maryland. Requestor was recently contacted by a local residential developer who purchased the same Bowie lot, and the Developer has now asked the Requestor to revise and finalize the plans for the construction of the new home. The plans that were prepared included: boundary and topographical survey map; environmental features map and forest stand delineation; stormwater management plan; storm drain technical plan; 100 year floodplain study and pre/post development flood plain delineation; site plan; landscape plan; grading plan; sediment and erosion control plan and water and sewer plan. It appears that the plans that fall under WSSC's jurisdiction are the water and sewer plans, of which Requestor has informed developer that he cannot participate.

Section 3-2(a) of the Code generally restricts an employee from engaging in outside employment if it is of such a nature which does or may create a conflict of interest or the appearance of a conflict of interest. Furthermore, Section 3-2(b)(1) specifically prohibits an employee from being employed by or having a financial interest in any business that "is regulated by WSSC," unless the Board grants a waiver of that provision. Since the developer, who seeks Requestor's services, is regulated by WSSC because WSSC must approve the water and sewer plans for the home, the Board considers the matter a Request for Waiver.

The standards that the Board must follow for consideration of a waiver request are set forth in Section 2-3(a)-(b). Section 2-3(a) enforces the standard that the best interest of WSSC should always outweigh any potential conflict of interest. Section 2-3(b) pertains specifically to requests for waivers related to secondary employment and allows the Board to grant a waiver if it finds that “the proposed employment is not likely to create an actual conflict of interest.”

Under the circumstances presented here, the Board grants the waiver. Assuming that Requestor’s work will not conflict with his normal work hours at WSSC, the Board finds that Requestor’s proposed secondary employment as a civil engineer and surveyor for a local Bowie, MD real estate developer on the specific single family home project is not likely to create an actual conflict of interest or an appearance of a conflict of interest. So long as the Requestor does not participate, directly or indirectly, in any WSSC-affiliated parts to the project, including but not limited to, the completion of the water and sewer plans, the Requestor can accept the outside employment with the WSSC regulated entity.

The Board emphasizes that the decision to grant the request for waiver only applies to the sole single family home project in Bowie, MD. Should circumstances change, additional concerns arise or Requestor desires to work on another project, Requestor must seek further guidance from the Board.

On motion by Steve Hausman, seconded by George Pruden, II, the Board agreed at its meeting held on August 9, 2012 to adopt the foregoing Waiver.



Robert Moore, Chair *HEM*

9-5-12

Date