

**BOARD OF ETHICS  
WASHINGTON SUBURBAN SANITARY COMMISSION**

**ADVISORY OPINION #A-05-01**

**SUBJECT: WHETHER A WSSC EMPLOYEE MAY ACCEPT AN OFFER OF PAYMENT OF OVERTIME FROM AN OUTSIDE ENTITY FOR EXPEDITING A PROJECT THROUGH THE WSSC RELOCATION PLAN APPROVAL PROCESS**

On or about March 2, 2005, a WSSC employee (hereinafter “the Requestor”) submitted this request for an Advisory Opinion to the WSSC Board of Ethics. The Requestor’s question as to whether a WSSC employee may accept payments for overtime from an outside, private entity to expedite a project through WSSC’s relocation plan approval process.

The Requestor met with representatives from a private engineering firm in February of 2005 regarding design plans to relocate an existing sewer line due to its plans to redevelop a parcel of land. The firm wanted to begin construction quickly and therefore inquired as to whether there was anything that it could do to expedite WSSC’s review of their project, which ordinarily would take 3-4 months. When the Requestor asked what the firm had in mind, the representative of the engineering firm stated that it could pay overtime directly to WSSC employees in order to expedite their project.

The Board has reviewed the relevant provisions of the WSSC Code of Ethics (the Code) and finds that a WSSC employee may not accept overtime payments from a private entity in exchange for expediting a project submitted by that entity through the WSSC relocation plan approval process. Specifically the Board finds that acceptance of such payments could hinder the employee’s duty of impartiality, as generally set forth in Section 1-2 of the Code:

The Commissioners and employees of the WSSC are responsible to all of the ratepayers of the Sanitary District and not to any favored segment or group. The business of the WSSC must be conducted in such an impartial manner that all persons understand that a WSSC Commissioner or employee cannot be improperly influenced. WSSC Commissioners and employees must avoid all situations where bias or the opportunity for personal gain could influence their decisions. Commissioners and employees must also avoid circumstances which suggest that favoritism or personal gain is a motivating factor in the performance of their official duties.

Acceptance of such payments, in the Board’s view, amounts to “personal gain” which could improperly influence a WSSC employee to approve a project that does not meet WSSC standards.

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In addition, the Board finds that an employee's acceptance of overtime payments in this situation would create an "outside employment" situation in violation of Section 3-2 (b)(2) of the Code. Receiving overtime payments from the engineering firm would in essence constitute "working" for the firm. As such, being paid by the firm to carry out the business of WSSC could indeed "impair the impartiality and independence of judgment of the employee." *See* Code of Ethics, Section 3-2(b)(2).

For all of the above reasons, the Board holds that Sections 1-2 and 3-2(b)(2) of the WSSC Code of Ethics prohibit a WSSC employee from accepting overtime payments from a private entity for working to expedite the business of the private entity through a necessary WSSC review process.

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

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Date