

BOARD OF ETHICS  
WASHINGTON SUBURBAN SANITARY COMMISSION

**WAIVER REQUEST # W-23-02**

SUBJECT: CODE OF ETHICS CHAPTER 1.70.180  
RESTRICTIONS ON OTHER EMPLOYMENT AND FINANCIAL INTERESTS

By request dated February 22, 2023, and supplemented on April 5, 2023, an employee of the Washington Suburban Sanitary Commission (WSSC) has requested that the Board of Ethics grant a waiver of Chapter 1.70.180(b)(1) of the Code of Ethics (Code), which prohibits a WSSC employee from having a financial interest in a company that is regulated by WSSC.

The Requestor is a longtime employee of WSSC who currently is employed as collection analyst in the Utility Services department. The Requestor's position involves managing claims submitted by customers for sewer back-up into buildings for WSSC. Requestor processes claims which determine whether WSSC is responsible for backup and works with building owners through to resolution.

The Requestor's spouse has ownership in a plumbing company which holds a WSSC Master Plumber and Gasfitter's License. The Code imputes the financial interest of an employee's spouse to the employee. Accordingly, the Requestor requires a waiver to continue working for WSSC while the spouse owns the plumbing company. Additionally, the license gives the spouse the ability to refer a sewer backup into a building directly to WSSC if, in the spouse's opinion, the backup originated in WSSC's portion of the sewer line.

The standards that the Board must follow for granting a request for waiver are set forth in Code Chapter 1.70.070(a):

(a) After receiving a written request, and to the extent allowed under these regulations, the Board may grant a waiver of the prohibitions of this Code if it finds that:

- (1) The best interests of the WSSC or the public would be served by granting the waiver;
- (2) The importance to the WSSC of a Commissioner or employee or class of employees performing official duties outweighs the actual or potential harm of any conflict of interest; and
- (3) Granting the waiver will not give a Commissioner or employee or class of employees an unfair economic advantage over other Commissioners or employees or members of the public.

In 2016, the Requestor entered into a recusal arrangement with their direct supervisor to prevent the Requestor from being assigned to, or participating in any way with, claims involving the spouse's plumbing company. Having considered the relevant

REQUEST FOR WAIVER #W-22-01  
CODE CHAPTER 1.70.180  
PAGE 2

Code provisions, as well as the specific circumstances involved, the Board grants the request for waiver provided that the processes contained in the 2016 recusal memorandum remain in place.

The Board emphasizes that the decision to grant the request for waiver is specifically based on the current facts as presented. The Requestor must contact the Ethics Office if there are any changes to her work duties or supervisor so it can be determined if a new recusal memorandum is needed.

On motion by Steven Hausman, seconded by Jeffrey Hysen, the Board agreed at its meeting held on April 13, 2022, to grant the Request for a Waiver.

DocuSigned by:  
  
E6509B4EA9FD454...  
George E. Pruden, II, Chair

May 18, 2023 | 3:04 PM PDT

Date