

**BOARD OF ETHICS  
WASHINGTON SUBURBAN SANITARY COMMISSION**

**ADVISORY OPINION #A-05-04**

**SUBJECT: WHETHER WSSC CODE OF ETHICS §3-3 PROHIBITS A RETIRED WSSC EMPLOYEE FROM ACCEPTING A JOB WITH THE PRINCE GEORGE'S COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION**

On or about July 12, 2005, a recently retired WSSC employee (hereinafter "the Requestor") submitted this request for an Advisory Opinion to the WSSC Board of Ethics. The Requestor's question is whether § 3-3 of the WSSC Code of Ethics prohibits him from accepting employment with the Prince George's County Department of Public Works.

The Requestor retired from WSSC effective June 1, 2005 and is currently working at WSSC as a temporary employee. The Requestor has an opportunity to work for the Prince George's County Department of Public Works and Transportation doing construction management in their road and bridge program. This position will require him to communicate and coordinate with WSSC on matters concerning the relocation of existing WSSC water and sewer mains.

Section 3-3(a) of the Code of Ethics prohibits former WSSC employees from assisting or representing a party in a WSSC matter if the former employee "participated significantly in the matter as an employee." Section 3-3(b) prohibits a former WSSC employee from assisting or representing a party in a business transaction with WSSC within 12 months of their separation from WSSC.

The Board finds that Code of Ethics § 3-3 does not prohibit the Requestor from accepting the position with Prince George's County after his temporary employment at WSSC is completed. By working for a municipal Department of Public Works located within the Washington Suburban Sanitary District, the Requestor will not be "representing" or "assisting" a party that has a specific matter before WSSC. Thus, there is no violation of Section 3-3(a). Moreover, there is no violation of Section 3-3(b) because the contact and coordination that the Requestor will have with WSSC in his new position cannot be considered a "business transaction." Clearly, the prohibitions set forth in § 3-3 contemplate situations where the departing WSSC employee could provide a private business or individual with specialized knowledge gained during his or her tenure at WSSC and therefore give that party an unfair advantage over similarly situated individuals or entities.

For all of the above reasons, the Board holds that § 3-3 of the WSSC Code of Ethics does not prohibit the Requestor from accepting employment with the Prince George's County Department of Public Works, once his temporary employment at WSSC has completed.

