

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

WAIVER REQUEST # W-09-01

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

By request dated May 18, 2009, an employee of the Washington Suburban Sanitary Commission (WSSC) has requested that the Board of Ethics grant a waiver of § 3-2 (b) of the Code of Ethics (Code), which prohibits a WSSC employee from also being employed by a company that has a contract with WSSC.

The Requestor is a long time employee of WSSC and has been working in the Corporate Asset Management Office (CAMO) since August of 2008. Requestor's position in CAMO involves implementation of the Enterprise Resource Planning (ERP) application at WSSC. Requestor's specific role is to ensure a successful transition from WSSC's outdated legacy applications to Oracle eBusiness Suite and Oracle Utilities Work & Asset Management. Requestor is working with key staff from the Logistics, Acquisition, and SLMBE offices to ensure that this transition meets the operational and reporting needs of the offices involved.

The Requestor became a certified instructor for the National Institute for Governmental Purchasing (NIGP) in August of 2008. The NIGP is a national, membership-based, non-profit corporation that provides support to professionals in the purchasing profession. According to the Requestor, WSSC is either seeking a contract or has secured a contract with NIGP to train WSSC employees on government procurement practices.

Section 3-2(a) of the Code 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." Section 3-2(b)(1) specifically prohibits an employee from also holding employment with a WSSC contractor, unless the Board grants a waiver of that provision.

The standards that the Board must follow for considering a request for waiver are set forth in the Code at §§ 2-3 (a) and (b). 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."

Having considered the relevant Code provisions, as well as the specific circumstances involved, the Board grants the request for waiver. The Board specifically finds that Requestor's employment as an instructor with NIGP is not likely to create an

actual conflict of interest or an "appearance of conflict of interest" with her full time position at WSSC as described above. In Requestor's current position with CAMO, Requestor has no role in selecting, reviewing, or administering WSSC's contract with NIGP or the process by which NIGP was selected. In addition, Requestor specifically stated on the waiver form that Requestor will not accept any assignments to teach at WSSC.

As to Requestor's statement regarding accepting no teaching jobs at WSSC, the Board advises Requestor to submit a formal recusal letter stating Requestor's position with NIGP and that Requestor has agreed to refuse any NIGP teaching jobs at WSSC. The distribution list for the recusal letter shall include Requestor's supervisor, the Director of Acquisition, the Director of the WSSC Training Office, and the Board of Ethics.

The Board emphasizes that the decision to grant the request for waiver is specifically based on Requestor's current position at WSSC in CAMO. Should Requestor's position change at WSSC, Requestor is advised to seek additional guidance from the Board.

On Motion by Steven J. Hausman, seconded by Robert Moore, the Board agreed at its meeting held on July 9, 2009 to grant the Request for Waiver



Steven J. Hausman

7/9/09

Date