

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

ADVISORY OPINION # A-08-06

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

By request dated June 19, 2008, a WSSC employee (the Requestor) has requested that the Board of Ethics issue an advisory opinion as to whether the WSSC Code of Ethics prohibits the employee, who also owns a home based business, from performing non-WSSC related work in the home based business for clients who may also do business with WSSC.

The requestor holds a professional position in the Acquisition Office at WSSC. Requestor handles a wide range of contracting duties related to the procurement of WSSC equipment, supplies and services. Requestor's position requires frequent contact with WSSC vendors and other contractors.

Requestor also owns a home based administrative support services business. The business provides administrative services to small businesses and individuals. Services provided by the business include website management, word processing, database management and desktop publishing. The business does not currently have any clients who also have contracts with WSSC.

Under the circumstances presented here, the Board advises that the Code prohibits Requestor from performing non-WSSC work for clients in the home based business that also do business with WSSC. Specifically, Section 3-2(a) of the Code restricts an employee from engaging in outside employment "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." Considering that Requestor holds a position in the Acquisition Office that requires significant contact with vendors regarding WSSC contracting matters, allowing Requestor to perform non-WSSC related work for clients in the home based business who also hold contracts with WSSC creates the appearance of a conflict of interest. Specifically, it would raise questions of how Requestor came to gain the WSSC contractor as a client, and whether Requestor gave special treatment to the client in connection with the WSSC contracting matter. We emphasize that Section 1-2 of the Code states that the standards set forth in the Code are intended to require WSSC employees to "avoid activities which might result in the use and/or the appearance of use of their public employment for private gain or for providing favored treatment to any person, group, or organization..."

In accordance with the above, we advise that the Code prevents Requestor from working for any individual or company in the home based business who has a contract with WSSC of \$5000 or greater, or who submits a bid or proposal to WSSC for a contract

with WSSC in excess of \$5000, regardless of whether the contract is later awarded to the individual or company. (See Code definition of "Doing Business with WSSC"). In addition, Requestor may not hire a subcontractor to perform work for the clients who also do business with WSSC.

On Motion by Steve Hausman, seconded by Robert Moore, the Board agreed at its meeting held on September 11, 2008 to adopt the foregoing advisory opinion.

William Walton
William Walton, Chair

Sept 11, 2008
Date