

BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION

REQUEST FOR ADVISORY OPINION # A-09-03

SUBJECT: CODE OF ETHICS § 3-4(d): EMPLOYMENT OF RELATIVES

By request dated June 8, 2009, a WSSC Group Leader (Requestor) has asked the Board of Ethics (Board) for an advisory opinion regarding § 3-4(d) of the Code of Ethics (Code) which provides:

- (d) (1) An employee must not appoint, hire, or advocate the advancement of a relative to a position that is under the jurisdiction or control of the employee.
- (2) A relative of an employee must not be employed in a position if the employee would exercise jurisdiction or control over the position.

Requestor has a vacancy in Requestor's Group for a supervisory position. One of the applicants for the position is a relative of another employee who works in the Group. Based upon this relationship and § 3-4 of the Code, the WSSC Human Resources Office determined that the applicant was ineligible to interview for the position.

The Board has reviewed § 3-4(d). This section does not disqualify a person from eligibility for a position at WSSC for which they qualify. Specifically § 3-4(d)(2) only prohibits the **employment** of a person who would exercise control over a position held by the person's relative. Circumstances could change in the period between the interview and recommendation for the job (if that occurs) that could render this entire issue moot.

Based on the above, the Board finds that a person should not be disqualified from eligibility for a position at WSSC for the sole reason that the person's relative is employed in a position over which the person may exercise control.

On motion by Steven J. Hausman, seconded by Robert Moore, the Board agreed at its meeting held on July 9, 2009 to adopt the foregoing advisory opinion.



Steven J. Hausman

7/9/09

Date