

**BOARD OF ETHICS
WASHINGTON SUBURBAN SANITARY COMMISSION**

WAIVER REQUEST # W-24-01

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

By request dated December 6, 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 an employee of WSSC who currently is employed in Customer Service & Community Relations as a Senior Customer Service Advisor. Requestor's position is responsible for responding to customer inquiries regarding water and sewer accounts, addressing basic to moderately complex transactions including discrepancies with regard to name and addresses; scheduling turn-ons; and processing payments for WSSC.

The Requestor is seeking a waiver to own and operate D&G Caribbean Grill+Bar. As a restaurant located in Prince George's County, it is a regulated by WSSC under the Fats, Oils, and Grease (FOG) program.

Chapter 1.70.180(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." Chapter 1.70.180(b)(1) specifically prohibits an employee from holding employment with or owning 3% or more of an interest in a business that is regulated by WSSC, 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 Code Chapter 1.70.070(a) and (b). Additionally, Code Chapter 1.70.070(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 ownership and work at the restaurant is not likely to create an actual conflict of interest or an "appearance of conflict of interest" with his full-time position at WSSC as described above.

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Additionally, the mere fact that the restaurant is a WSSC customer does not present a conflict. However, the Requestor is restricted from handling the customer account for this business under Code Chapter 1.70.170. Accordingly, the Requestor's supervisors will need to put a recusal plan in place if the restaurant needs to contact WSSC's Customer Service department.

The Board emphasizes that the decision to grant the request for waiver is specifically based on the current facts as presented. If the facts change, Requestor is advised to submit an updated Outside Employment Pre-Approval Form and to seek additional guidance from the Board if needed.

On motion by Steven Hausman, seconded by Jeffrey Hysen, three members of the Board agreed at its meeting held on January 10, 2024, to grant the Request for a Waiver.

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George E Pruden, II
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George E. Pruden, II, Chair