



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

December 10, 2018

Waiver 18-11-015

Pursuant to § 19A-13(b) of the Public Ethics Law, for one year after the effective date of termination from County employment, a former public employee must not enter into any employment understanding or arrangement with any person or business if the public employee significantly participated during the previous three years in regulating the person or business, or in any procurement or other contractual activity concerning a contract with the person or business, unless the Ethics Commission grants a waiver of the restriction.

Uma S. Ahluwalia has been employed as the Director, Montgomery County Department of Health and Human Services (DHHS) since being appointed by County Executive Isiah Leggett in February 2007. Ms. Ahluwalia left County service on December 1, 2018.

Ms. Ahluwalia may have a possibility of a consulting arrangement with the American Public Human Services Association (APHSA), a national membership association for public sector human service agencies and with Casey Family Programs (CFP).

DHHS pays APHSA dues, participates in APHSA conferences and webinars, serves on APHSA taskforces, and receives the APHSA newsletter. Ms. Ahluwalia has herself been in various uncompensated, policy leadership positions with APHSA as part of her official position with the County. DHHS has been a dues paying member of APHSA since before Ms. Ahluwalia's appointment in 2007.

CFP expends resources to provide technical assistance to support the County's child welfare practice. DHHS has a signed agreement with CFP which enables the DHHS to access CFP's technical assistance and support, with the DHHS providing an annual report on its activities.

In her capacity as Director of DHHS, Ms. Ahluwalia has worked with both of the organizations and has supported DHHS's work with them.

Section 19A-8(c) states that the Ethics Commission may grant a waiver of 19A-13(b) if the Commission concludes that failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees or if the proposed employment is not likely to

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100 MARYLAND AVENUE, ROOM 204, ROCKVILLE, MARYLAND 20850
OFFICE: 240.777.6670 FAX: 240.777.6672

create an actual conflict of interest. The County's ability to hire and/or retain qualified public employees including political appointees would be greatly reduced if public sector employment at a senior level precludes the ability to work in one's professional field of specialization with all private entities dealt with during the course of County employment. The Commission recognizes that these circumstances must be weighed against the purposes for which the statutory prohibition is created, which relate to both appearances of and real conflicts of interest of government employees whose official actions involve private entities that are potential employers when an employee leaves County service.

Given the nature of the organizations for which the waiver is sought, the nature of the relationships the organizations have with DHHS, and the involvement of Ms. Ahulwalia with these organizations as described in her request for a waiver, the Ethics Commission grants a waiver to Ms. Ahulwalia of the prohibition of 19A-13(b) with respect to possible consulting opportunities that she has with APHSA and with CFP after leaving County service. The waiver is conditioned on Ms. Ahulwalia's not being involved in services or work with Montgomery County for these entities for one year from the date of her departure from County service.

In reaching this decision, the Commission has relied upon the facts presented by Ms. Ahluwalia.

For the Commission:



Steven Rosen, Chair