

AGO POLICY

II.29

USE OF STATE RESOURCES

Contact: All Managers

Cross References: *RCW 42.52; WAC 292-110-010; Political Activities Policy; Electronic Mail Use Policy; Internet Services Use Policy; Mobile Device Policy; Software on AGO Computers Policy*

Approved: October 29, 2013

I. POLICY STATEMENT:

A. Overview

State resources shall be used consistent with state law and, except as permitted by this policy, only in support of Attorney General's Office goals, objectives and operation. The personal use of state resources for private benefit or gain is prohibited by the Attorney General's Office, the Ethics in Public Service Act, *RCW 42.52 et. seq.*, and *WAC 292-110-010* (Use of State Resources Rule), with limited exceptions. This policy applies to the use of any state resources, including staff, office space, telephones, copiers, fax machines, computers, office supplies, vehicles and other Attorney General's Office equipment. The exceptions in this policy are intended to be narrow and must be in compliance with *WAC 292-110-010* and the Ethics in Public Service Act. Attached is a *Q and A from the Executive Ethics Board* giving examples of permissible and impermissible activities.

B. Permitted Use

Any use of state resources reasonably related to the conduct of official state duties does not violate *RCW 42.52.160* or AGO Policy. Additionally, the use of state resources that is reasonably related to an official state purpose, but not to an employee's or volunteer's official duty, is allowable only if it is authorized in writing by a deputy, division chief or equivalent designee. An example is conducting the agency's combined fund drive. The written authorization shall contain guidelines for the permitted use.

C. Permitted Limited Personal Use

1. In accordance with *WAC 292-110-010*, state employees or volunteers may make very limited personal use of state resources that supports organizational effectiveness and does not undermine public trust and confidence as determined by management. AGO employees and volunteers may make occasional and limited use of state resources only if the following conditions apply:
 - There is little or no cost to the State;
 - Any use is brief;
 - Any use occurs infrequently;

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- The use does not interfere with the performance of the employee's or volunteer's official duties; and
- The use does not compromise the security or integrity of state information or software.

Charitable activities that otherwise meet these conditions and fall within any applicable criteria in part E below are permissible.

2. Use in conformance with this policy does not need prior approval unless otherwise indicated herein. Staff with questions regarding a particular use should contact a supervisor for clarification.
3. AGO employees or volunteers may use AGO computers and other equipment to access the Internet provided the use conforms to *WAC 292-110-010* and this policy. Use of the Internet shall also not be for a prohibited purpose under the Internet Services Use Policy. **Employees or volunteers should have no expectation of privacy in the use of these resources and should understand that the AGO reserves the right to monitor, and does monitor, Internet usage in appropriate circumstances.**

D. Prohibited Uses

The following personal private uses of state resources are prohibited:

- Any use for the purpose of conducting an outside business, private employment, or other activities conducted for financial gain;
- Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to a private business or political party, or supporting, promoting the interests of, or soliciting for a nonprofit organization unless provided for by law or authorized by the Attorney General's Office pursuant to policy;
- Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition;
- Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head;
- Any use that is otherwise prohibited by federal or state law, or office policy; or
- Illegal activity; or
- Any private use of any state property that has been removed from state facilities or other official duty station, even if there is no cost to the state.

E. Permitted Types of Charitable Solicitations

The Attorney General's Office encourages AGO staff to participate in charitable endeavors and authorizes some limited use of state resources for that purpose. Such participation can contribute to the overall morale and organizational effectiveness of the Office. However, the Office also recognizes that there should be controls on the manner and frequency of charitable solicitations

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of AGO staff, as too many charitable solicitations can be disruptive to the normal work of the office and some staff may be sensitive to too many pressures to contribute.

Due to the impact on the workplace of numerous solicitations, the State initiated the Combined Fund Drive (CFD) a number of years ago. The CFD was designed in part to channel charitable solicitations into one effort to avoid numerous solicitations of state employees for charitable purposes by a number of worthy organizations throughout the year. However, there has been a tradition of charitable giving in the AGO that goes beyond the CFD. Some of these charitable events not only benefit the recipients of the charity, but also promote agency effectiveness by providing social and other opportunities for AGO staff. Accordingly, the Office endorses the below listed types of events and authorizes limited use of state facilities or resources for them. Planning and soliciting for these events and activities may be conducted during the work day so long as the planning and soliciting meets the criteria in section I.C above.

1. *Legal Services for the Needy.* Staff may solicit volunteers for pro bono legal work to be done consistent with the *AGO Policy on Pro Bono Activities*.
2. *Events or Activity for the Needy.* Divisions, other work groups, or groups of divisions sharing office locations may, with approval of the relevant division chief or building manager, undertake events or activities to benefit the needy. These events can include food drives, "giving trees," bake sales, silent auctions, solicitations in conjunction with office social events, or lunches at which some modest donation of food or money is encouraged. In accordance with the guidance of the Executive Ethics Board, these must be conducted outside of office hours or at lunch or break times.
3. *Volunteer Work Parties.* With the approval of the division chief, or equivalent, divisions or other work groups may volunteer, or solicit volunteers, to provide labor or other services for a charitable purpose outside the regular work day. Examples could include restoring fish or wildlife habitat, cleaning areas adjacent to highways, assisting with a Habitat for Humanity project, or participating in a blood drive. (However, blood drives may also be organized and take place during the work day.) In limited circumstances, with the approval of the division chief, or equivalent, volunteer work parties may be undertaken during the work day, such as part of a team building exercise during a division retreat, or when the focus of the work party is closely related to the work of the division and would therefore have educational value that would benefit the state.
4. *Traditional Recurring Events Involving Large Segments of the Office.* There are a few events that, for historic or other reasons, have become traditional in the AGO and in which staff may participate without further approval. These include the Breast Cancer Awareness/Lee Denim Day, Food Frenzy and the "Well Fed, Well Read" drive among state offices in the Olympia area.
5. *Solicitations to Assist Staff in Need.* Occasionally, AGO staff suffer an unforeseen illness or family tragedy. With approval of the division chief, or equivalent, members of a workgroup may solicit other members within that workgroup to donate money, food, clothing, or personal time to assist a co-worker. With the approval of the Chief of Staff, such solicitations may extend office-wide.

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6. *Periodic Other Events.* On rare occasions, the Chief of Staff may approve other office-wide fundraising for special purposes. Any staff member wishing to coordinate such an event should submit a request for approval and justification to the Chief of Staff who will, prior to approval, consult with the Operations Committee. Examples in the past have included: a solicitation for the American Red Cross to benefit Japanese Tsunami relief, and a special event to benefit Northwest Harvest. It is possible that there may be no more than one or two such special events per year.

Individual staff members may also wish to solicit contributions from co-workers, or sell co-workers something, to benefit local charitable purposes of a non-profit organization. Examples may include sales of Girl Scout cookies, candy bars to support the purchase of school equipment, or tickets to a school or community play, or pledges for an event such as the Crop Walk or a charitable "Bowl-a-Thon". Office resources, such as computer equipment, may not be used for these purposes. The only office facilities that may be used are bulletin boards or table surfaces in break rooms, coffee rooms, or other common areas.

Managers and supervisors should never personally solicit employees who work under their supervision or over whom they have influence. Aside from the above approval requirement under this section, staff engaged in charitable solicitation should similarly avoid conveying any perception that the solicitation is supported or endorsed by supervisors or management. Staff should remember that those from whom they may seek contributions of time or money may not be able to give or may choose to give to other charities.

II. RESPONSIBILITIES:

All employees and volunteers must be familiar with the parameters of this policy and related policies, and must use state resources accordingly.

All supervisors have authority to provide approval for limited personal use pursuant to Section I.C and must ensure that employees and volunteers are aware of this policy and ensure compliance to the extent possible.

Division Chiefs or equivalents, Deputy Attorneys General, or the Chief of Staff must approve use of state resources related to official state purposes, but which are not related to a requesting employee's or volunteer's own official duties, as well as those charitable solicitations regularly approved under Section I.E above.



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ADVISORY OPINION 02-02 A
Use of State Resources Questions and Answers
(As revised on April 13, 2007)

These questions and answers are intended to provide examples of how the Board would interpret and apply RCW 42.52.160, RCW 42.52.180 and WAC 292-110-010 to common occurrences in the state workplace. The Board encourages state agencies to adopt policies applying these principles to their unique circumstances. In some instances state agencies have adopted policies that are more restrictive than the Board's rules. In addition to reviewing the Board's rules, state officers and employees should consult applicable agency policies.

A. Use of State Resources

Question 1: Are there general guidelines for the use of state resources?

Answer: Yes. All state officers and employees have a duty to ensure the proper stewardship of state resources, including funds, facilities, tools, property, employees and their time. Accordingly, the Ethics in Public Service Act states that resources under your official control may not be used for the private benefit or gain of a state officer, state employee, or another person. (See and RCW 42.52.160(1))

Question 2: What types of state resources are covered under the ethics law?

Answer: The guidelines on use of state resources apply to all resources **under an employee's control** including, but not limited to, facilities of an agency, state employees, computers, equipment, vehicles, and consumable resources. State resources also include state information, e.g., databases, employee lists. (See RCW 42.52.160(1) and RCW 42.52.180(1))

Question 3: What exactly is a "private benefit or gain"?

Answer: A private benefit or gain can range from avoiding a cost or expense by the use to using resources to support your outside business or paying a discounted government rate for a personal phone call. There are some uses that do not appear to have a cost but may result in private benefit or gain. For example, it may not cost a significant amount of money to use a state computer to access the Internet. Nevertheless, by making a personal use of a resource available to you only because you are a state employee, you are receiving a private benefit or gain.

Question 4: I've heard that de minimis use is allowed. What is a *de minimis* use anyway?

Answer: A *de minimis* use is an infrequent or occasional use that results in little or no actual cost to the state. An occasional brief local phone call to make a medical or dental appointment is an allowable *de minimis* use of state resources. The cost of a brief phone call is negligible and is not likely to interfere with your job. The following examples address "*de minimis*" use: (See WAC 292-110-010(3))

Example A: An employee makes a telephone call or sends an e-mail message to his/her children to make sure that they have arrived home safely from school. This is not an ethical violation. So long as the call or e-mail is brief in duration, there is little or no cost to the state, i.e., your SCAN code is not used, and sending a brief message does not interfere with the performance of official duties.

Example B: An employee uses his/her agency computer to send electronic mail to another employee wishing them a happy birthday. This is not an ethical violation. The personal message is brief and does not interfere with the performance of official duties.

Example C: Every spring a group of employees meets during lunch to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is little or no cost to the state, the meeting does not interfere with the performance of official duties, and off site recreational activities such as softball teams can improve organizational effectiveness.

Question 5: What does “promoting organizational effectiveness” really mean?

Answer: Organizational effectiveness relates to an agency’s mission and encompasses activities that enhance or augment the agency’s ability to perform its mission. The Board recognizes that state agencies may allow employees to participate in activities that are not official state duties but promote organizational effectiveness by supporting a collegial work environment. The Board believes that so long as the employees who participate in the activity limit their use of state resources, then these activities would not undermine public confidence in state government. In addition, the Ethics Act normally prohibits the use of state resources to support outside organizations or groups, including charities, unless the support is part of the agency’s official duties. The Board’s rule allows agency heads to nevertheless approve a de minimis use of state resources for activity that promotes organizational effectiveness even if that activity may incidentally support a private organization. Agency heads are cautioned, however, that activity allowed under this rule may not involve a state agency’s endorsement or promotion of a commercial activity such as advertising or selling products. The following examples address “promoting organizational effectiveness.” (See WAC 292-110-010(3) and (6))

Example A: An agency determines that an agency wide retirement lunch will enhance organizational effectiveness. The retirement lunch will last a half hour longer than the normal one hour lunch break. An employee uses his or her office computer to compose a flyer about the lunch, send a few reminder e-mails, and collect for a retirement present. This is not an ethical violation. The use supports organizational effectiveness and was approved by the agency. Since most of the activity takes place outside of normal working hours, it will not interfere with the performance of each employee's official duties. In addition, the employee's use of the office computer and printer will result in little or no cost to the state.

Example B: An agency decides that attending a specific sporting event or going to a local amusement park as a group will promote organizational effectiveness. In order to organize the event the agency uses a very limited amount of state paid time and agency resources to send one email notifying employees of the event and to post flyers and discount coupons in a break room so that employees who attend can take advantage of the discounts available. The flyers and coupons promote a commercial organization, such as a local amusement park, or promote a specific event, such as a state employee appreciation day at a sporting event. This is not an ethical violation. Attending the sporting event or going to an amusement park may improve employee morale, which supports organizational effectiveness. The agency approved this very limited use of resources and the activity falls within the de minimis use guidelines.

Example C: An agency decides that attending a specific sporting event or going to a local amusement park as a group will promote organizational effectiveness. The agency uses state paid time and agency resources to distribute multiple flyers or multiple discount coupons to all agency employees. The flyers and coupons promote a commercial organization, such as a local amusement park, or promote a specific event, such as a state employee appreciation day at a sporting event. This is an ethical violation. While attending the sporting event or going to the amusement park may improve employee morale, the use of state resources exceeds the de minimis use guidelines. When there is

no statutory authority for the use of state resources to support a private commercial product or organization, the extensive use of state resources for that activity undermines public confidence in state government.

Question 6: Are there any uses of state resources that are prohibited?

Answer: Yes. The allowance for de minimis use does not apply to the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; lobbying that is unrelated to official duties; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities. The following examples address prohibited uses. (See WAC 292-110-010(6))

Example A: An employee operates an outside business. She makes an outside business call on her state telephone. The call is local. This is an ethical violation. The employee is conducting a private business on state time using state resources, which is prohibited under WAC 292-110-010(6).

Example B: An employee puts a state telephone number or work address on business cards or letterhead for his/her outside business. Several customers contact the employee at the office number to conduct the outside business. This is an ethical violation. Although the use of the telephone may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

Example C: After working hours, an employee uses the office computer and printer to prepare client billings for a private business using his/her own paper. This is an ethical violation. Although use of the office computer and printer may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

Example D: One night an employee takes an agency owned video player home to watch videos of his/her family vacation. This is an ethical violation. Although there is little or no cost to the state, an employee may not make private use of state equipment removed from state facilities or other official duty station.

Example E: An employee is assigned to do temporary work in another city away from his/her usual duty station. To perform official duties the employee takes an agency laptop computer. While away, the employee uses the computer to do tax work for a private client. This is an ethical violation. Although use of the laptop may result in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.

Question 7: Can I play games on my computer during lunch and break times?

Answer: Generally No. When employees download games or load interactive games onto state owned computers, the game play often involves several state employees or can undermine the security of state information and databases. In addition, the computer at your workstation remains a state resource regardless of whether you are working or on a break. Nevertheless, subject to your agency's prior approval a brief and occasional personal use, during lunch or break times, of a game that was preloaded by the manufacturer on your state computer would be allowed under the de minimis rule. (See WAC 292-110-010(3))

Question 8: If I use a state resource, can't I just reimburse my agency for the use?

Answer: No. Reimbursing for a personal use may result in a personal benefit and may impose significant administrative burdens on the state. For example, the price of a SCAN call is less than you would pay using your local telephone company. Reimbursing also creates the misperception that personal use is ok as long as we pay for it. Personal use should be the exception not the rule. (See WAC 292-110-010(7))

Question 9: Does Advisory Opinion 03-03, covering the use of frequent flyer miles, also apply to other types of travel incentive programs?

Answer: Yes, this advisory opinion also applies to motel/hotel point rewards, rental car rewards, and any other travel benefit of a similar nature.

Question 10: Can an employee use, for personal reasons, software purchased by the agency if the software is required to be installed on the employee's home computer so that he/she may work at home?

Answer: Yes. While it is preferable that the employee pay for the software license, he or she may use the agency-purchased software for personal reasons so long as the use is de minimis (that is, short in duration, infrequent and of little or no cost to the state.) An employee may not use the software for outside business reasons or to assist either a campaign for public office or a ballot issue.

Question 11: Can a state employee use the electricity from a power outlet at a state owned or leased facility to charge a personal electric vehicle that is used to commute to work?

Answer: The Ethics in Public Service Act would not be violated if an employee were to use state resources to plug in a personal vehicle, so long as the agency included and approved such usage in its policy consistent with RCW 43.01.230 and the purposes of RCW 70.94.521.

B. E-Mail and Internet Use

Question 1: Can I send a personal e-mail message without violating the ethics law?

Answer: Yes. The general ethics standard is that any use of a state resource other than for official state business purposes needs to be brief in duration and frequency to ensure there is little or no cost to the state and the use does not interfere with the performance of official duties. Extensive personal use of state provided e-mail is not permitted. (See WAC 292-110-010(4))

Question 2: Are my e-mail or voice messages private?

Answer: No, if you use state equipment do not expect a right to privacy for any of your e-mail or voicemail communications. E-mail and voicemail communications may be considered public records and could be subject to disclosure. Aside from disclosure, employees should consider that e-mail communications are subject to alteration and may be forwarded to unintended recipients. Avoid these potential problems by treating e-mail communications as another form of business correspondence. (See WAC 292-110-010(5))

Question 3: Are there any restrictions on e-mail communications?

Answer: Yes. E-mail messages cannot be for any of the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities, such as harassment. In addition, broadly distributing or chain-mailing an e-mail that is not related to official business is prohibited because it disrupts other state employees and obligates them to make a personal use of state resources. (See WAC 292-110-010(6))

Question 4: What are the guidelines on Internet use?

Answer: Just like the guidelines for e-mail discussed above, any personal use of state provided Internet access must be both brief and infrequent. Extensive personal use of state provided Internet access is not permitted. In addition, your agency must have adopted a policy that specifically permits personal use of the Internet. (See WAC 292-110-010(4)) The following

examples address uses of the Internet:

Example A: Several times a month an employee quickly uses the Internet to check his or her children's school website to confirm if the school will end early that day. The transaction takes about five minutes. This is not an ethical violation. The use is brief and infrequent, there is little or no cost to the state, and the use does not interfere with the performance of official duties.

Example B: An employee routinely uses the Internet to manage her personal investment portfolio and communicate information to her broker. This is an ethical violation. Using state resources to monitor private stock investments or make stock trades are private activities that can result in a private financial benefit or gain. Allowing even an occasional or limited use of state facilities to facilitate a private financial gain undermines public confidence in state government.

Example C: An employee spends thirty to forty minutes looking at various web sites related to a personal interest. This is an ethical violation. The use is not brief and can interfere with the performance of state duties.

Example D: An employee visits several humor and joke sites. While at a site, he/she downloads a joke file and e-mails it to several co-workers. This is an ethical violation. By e-mailing a file to co-workers the employee disrupts other state employees and obligates them to make a personal use of state resources. In addition, downloading files and distributing them to co-workers can introduce a computer virus, which can compromise state databases.

Question 5: What do I do if I access the wrong Internet site?

Answer: Don't panic! The best thing to do is to back out of the site and remember what it was that got you there and don't go back. Everyone makes this kind of mistake. It is also advisable to contact your supervisor or information systems staff to notify them of your mistake.

Question 6: Can I use my agency's computer and/or access the Internet for training or educational purposes, either personal or work related?

Answer: Yes, an agency may authorize the use of an agency's computer and/or access to the Internet for training or education that is related to official duties, including career and educational development identified and approved by the agency, pursuant to RCW 41.06.410, and is documented by the agency as such. This training or education may be done on state time as approved by the agency, while other use of computers and/or access to the Internet for personal training or educational purposes is limited to an agency's de minimis use policy. Tuition-reimbursement training or education in itself does not authorize other than de minimis use where it is not related to official job duties.

C. Use of State or Resources to Support Charities

Question 1: Can I use state resources to support charities?

Answer: The limited use of state resources to support charities may be allowed if an agency head or his/her designee approves the activity as one that promotes organizational effectiveness. Approval may be in the form of a specific policy that establishes guidelines for limited use of state resources. (See WAC 292-110-010(3))

Question 2: Can you give me examples of limited uses that might be ok?

Answer: Yes. Sending an e-mail to notify employees of a blood drive would be a limited and acceptable use of state resources. Another example might be a bake sale to support an Adopt-A-

Family Program. Here, the baking would be performed at home and after working hours. The baked goods are then displayed for purchase during break times and the lunch hour. When gifts are purchased for the family, the purchases are made after working hours.

Question 3: Is there anything employees shouldn't do while conducting charity work on state time?

Answer: Any use of state resources that results in an expenditure of funds should be avoided. Consider this scenario: a group of employees spend 6 working hours of staff time a week for over a four-week period to plan a charitable fund-raiser, and use the computer, fax, and copier to produce fund-raising materials. This is an expenditure of state funds that would not be considered a de minimis or limited use of state resources. In addition, state resources may not be used for the benefit of any other person, whether or not operated for profit, unless the use is within the course of official duties. The following example addresses another area of concern. (See WAC 292-110-010(3))

Example: An employee is active in a local PTA organization that holds fund-raising events to send children to the nation's capital. Although a parental payment of expenses for the trip is expected, the more raised through individual contributions, the less the parent must pay. The employee uses agency e-mail to solicit contributions to the fund-raiser from a broad distribution list of co-workers. The e-mail asks each recipient to pass along the e-mail to other state employees. This is an ethical violation. The employee is using state resources to promote an outside organization and a private interest. By sending the e-mail to other state employees and asking state employees to pass the solicitation along, the employee is asking other state employees to improperly use state resources in a manner that interferes with the performance of official duties.

Question 4: What about the Combined Fund Drive?

Answer: The Combined Fund Drive is somewhat different than other independent charitable organizations because it has been established by the state legislature. Therefore, it is part of the official duties of those employees who are assigned by the agency to conduct the Drive. Fund Drive coordinators should confine the time and effort spent conducting the drive to agency guidelines. (See WAC 292-110-010(2) and EEB Advisory Opinion 00-09)

Question 5: What about the employees who are not officially assigned to conduct the Combined Fund Drive?

Answer: As noted above with charitable groups, the use of state resources to support the Combined Fund Drive charities should be reasonable, involve little or no cost the agency, and should not disrupt the conduct of official business in state offices. (See WAC 292-110-010(3) and EEB Advisory Opinion 96-11)

Question 6: How about agency participation in commercial activity that benefits the Combined Fund Drive?

Answer: State agencies should avoid direct involvement in commercial activity even if the proceeds may benefit the Combined Fund Drive. Examples of improper direct involvement include distributing commercial product sales brochures and order forms to agency employees, collecting product order forms in the workplace or on state paid time, and distributing products in the workplace or on state paid time. Activities permitted under the de minimis rule, such as those described in the answer to Question 15, should not involve commercial activities. (See WAC 292-110-010(6))

D. Solicitations by State Employees on Behalf of Charitable Organizations

The solicitation of goods and services from private companies is addressed under several provisions of the Ethics in Public Service Act. In addition to interpreting and applying the use of state resources provisions, this section of questions and answers is intended to provide examples of how the Board

would interpret and apply RCW 42.52.070, 42.52.140, and 42.52.150 to common occurrences in the state workplace.

Question 1: Can agency employees solicit donations for charitable events from outside businesses?

Answer: The state's ethics law contains a very strong presumption against solicitation by any state officer or state employee for any purpose, including charitable events. Solicitation by state employees can create the appearance that a donation might result in favorable treatment from the state, whereas a failure to donate might result in unfavorable treatment. A state officer or state employee whose official duties include regulation or the contracting for goods and services needs to be especially careful about solicitation. Accordingly, State officers and employees may not use their official state positions to solicit goods and services from private organizations and businesses. The following examples address solicitation on behalf of charitable organizations. (See RCW 42.52.070, RCW 42.52.140 and RCW 42.52.150(4))

Example A: The head of a state agency purchasing office sends a letter requesting gifts or donations for use at a CFD kick off luncheon to several vendors who provide goods and services to the agency. This is an ethical violation. While the purchasing supervisor will not personally benefit from the gifts, the CFD charities and the gift recipients would benefit from them. In addition, it would be reasonably expected that vendors who respond favorably to the solicitation did so with the intent to influence the vote, action, or judgment of the purchasing supervisor. (See RCW 42.52.070 and RCW 42.52.140)

Example B: The head of a state agency sends a letter to local businesses, including several vendors who provide goods and services to the agency, requesting gifts or donations for a use that will benefit agency employees and a private charity. This is an ethical violation. While the agency head will not personally benefit from the gifts, the private charity would benefit from them. In addition, it would be reasonably expected that vendors who respond favorably to the solicitation did so with the intent to influence the vote, action, or judgment of the agency head. This expectation in the vendors would be true even if the agency head did not routinely participate in such decisions. (See RCW 42.52.070 and RCW 42.52.140)

Example C: On their lunch break a group of agency employees who work for an agency that regulates or administers benefits for private business, but who are not personally involved in regulating or administering benefits for their agency, solicit holiday gifts on behalf of a family sponsored by Adopt-a-Family. When soliciting the gifts they voluntarily inform the businesses that they are employed by their state agency but are soliciting on behalf of the sponsored family or Adopt-a-Family. This is an ethical violation. By stating that they are employed by an agency that regulates or administers benefits for the private businesses they are using their state positions to influence the private businesses and support the private charity. (See RCW 42.52.070)

Example D: On their lunch break or after work a group of agency employees who are involved in regulating or contracting on behalf of their agency solicit holiday gifts on behalf of a family sponsored by Adopt-a-Family. They do not solicit from agency vendors or other individuals with whom they conduct state business. When soliciting the gifts they tell the businesses that they are soliciting on behalf of the sponsored family or Adopt-a-Family. This is not an ethical violation. By soliciting on behalf of the private charity and not a state agency they are not using their state positions to influence the private businesses. In addition, the employees are not using state paid time or resources for the solicitation.

Example E: After work or on the weekend a group of state employees solicit holiday gifts on behalf of a family sponsored by Adopt-a-Family or their local private school. They solicit door to door in their neighborhood and do not solicit from agency vendors or other individuals with whom they conduct state business. When soliciting the gifts they indicate that they are soliciting on behalf of the private school, the sponsored family, or Adopt-a-Family. This is not an ethical violation. The employees are not using their state positions to influence the private businesses and are not using state resources to support