



TITLE:	Ethics in the Workplace	
NUMBER:	POL 5.1.9.1	
CONTACT INFORMATION:	Ethics Officer, (360) 725-4090	
AUTHORIZING SOURCES:	RCW <u>42.52</u> <ul style="list-style-type: none"> • Definitions (RCW 42.52.010) • Activities Incompatible with Public Duties (RCW 42.52.020) • Financial Interest in Transactions (RCW 42.52.030) • Honoraria (RCW 42.52.130) • Gifts and Limitations (RCW 42.52.140 and 42.52.150) • Use of Persons, Money, or Property (State Resources) for Private Gain (RCW 42.52.160) • Use of Public Resources for Political Campaigns (RCW 42.52.180) • Investments (RCW 42.52.190) • Communication from an Employee Organization or Charitable Organization (RCW 42.52.560) 	
EFFECTIVE DATE:	October 1, 2008	
REVISED DATE:	December 30, 2017	
SUNSET REVIEW DATE:	December 31, 2021	
APPROVAL:	_____	_____
	<i>Kendrick Stewart, Assistant Director, ASD</i>	<i>Date</i>

SCOPE

Our state ethics law is codified in RCW 42.52, and applies to all persons employed by an agency in any branch of state government, except for employees of the superior courts. All Commerce staff are state employees subject to ethics law. State employees are subject to the state ethics law even during non-work hours, except in very limited circumstances.

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Executive Ethics Board

Date: 3-24-17

Commerce staff are responsible for ensuring that their actions on behalf of Commerce comply with all applicable laws, administrative rules, and policies.

The ethics law applies to you as an individual. Ethics law does not apply to Commerce as an entity. If you are found to have violated the law, you are held personally responsible and could be subject to a monetary fine. Commerce (or the State) cannot represent you if an ethics complaint is filed against you with the Executive Ethics Board.

POLICY

A. Use of State Resources

1. Overview

State resources shall be used consistent with state law and, except as permitted by this policy, only in support of Commerce goals, objectives, and operation. The personal use of state resources for private benefit or gain is prohibited by Commerce, the Ethics in Public Service Act (RCW 42.52 et. seq.), and WAC 292-110-010 (Use of State Resources), 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 Commerce equipment. The exceptions to this policy are intended to be narrow and must be in compliance with WAC 292-110-010 and the Ethics in Public Service Act.

2. Permitted Use

Any use of state resources reasonably related to the conduct of official state duties does not violate RCW 42.52.160 or Commerce 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 director, deputy, assistant director, or equivalent designee. An example is conducting the agency's combined fund drive. The written authorization shall contain guidelines for the permitted use.

3. Permitted Limited Personal Use

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. Commerce 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;
- The use does not interfere with the performance of the employee's or volunteer's official duties;

- The use does not compromise the security or integrity of state property, information systems, or software;
- The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and
- The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.

A state officer or employee may use state resources for wellness or combined fund drive activities as long as use conforms within any applicable criteria in Section 5 below.

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.

Commerce employees or volunteers may use Commerce computers and other equipment to access the Internet provided the use conforms to WAC 292-110-010 and this policy. **Employees or volunteers should have no expectation of privacy in the use of these resources and should understand that the Commerce reserves the right to monitor, and does monitor, Internet usage in appropriate circumstances.**

4. 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 Commerce 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.

5. Permitted Types of Charitable Solicitations

Commerce encourages 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 department. However, Commerce also recognizes that there should be controls on the manner and frequency of charitable solicitations of Commerce 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). However, there has been a tradition of charitable giving at Commerce that goes beyond the CFD. 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.

B. Gifts, Business Meals, and Honoraria

1. Overview

Commerce staff are restricted from accepting gifts or honoraria except as provided in the state ethics law and this policy. This will serve to avoid any appearance of undue influence. Commerce staff are expected to be familiar with the provisions of state ethics laws, and to act in a manner consistent with the provisions and the policies of those laws.

2. Gifts

Except as statutorily authorized, Commerce staff may not seek or receive anything of economic value as a gift (1) if it could be reasonably expected that the gift would influence the recipient's official action or judgment, or (2) if the gift could be considered a reward for the recipient's action or inaction. Staff participating in regulatory and contracting activities are subject to stricter limitations under the law. "Participating" includes any substantial involvement in regulation or contracting decisions and includes not only making or approving decisions, but also providing recommendations, advice, investigation, or similar activities.

Items that fall outside the definition of gift such as payment of reasonable travel expenses incurred in connection with a speech, presentation, appearance or trade mission may not be accepted by Commerce employees participating in regulatory or contracting decisions or matters.

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Executive Ethics Board

Date: 3-24-17

3. Business Meals

Staff are authorized to accept food or beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Staff who participate in regulatory or contracting activities are restricted from accepting meals from persons regulated by Commerce and persons seeking business with Commerce.

Courtesy beverages such as coffee, tea, or other nominal refreshments served at the offices of external customers which are available to anyone in the office may generally be accepted. In the event staff participates in contractual matters in which an external customer seeks to provide goods or services to the state, the staff member shall decline or pay for such refreshments.

4. Limitations on Gifts

With the exception of items the statute identifies as gifts "presumed not to influence" and meals, staff shall not accept any single gift having a value greater than \$50 or multiple gifts with an aggregate value of more than \$50 from a single source in a calendar year. Such gifts must satisfy all other applicable restrictions of the statute. The statutory definition of "gifts" excludes certain items and the \$50 limit does not apply to such items. See RCW 42.52.150.

The acceptance of gifts must not:

- Undermine public trust in state government;
 - Reflect negatively on state government;
 - Compromise the integrity of the state's regulatory or purchasing processes;
 - Influence the vote, act, or judgment of a state officer or employee;
 - Be an award for activity or inactivity on the part of a state officer or employee;
- or
- Exceed the value limits placed on gifts.

5. Honoraria

Commerce staff may be asked to speak, write an article, or engage in similar activity relating to the employee's official role with the office. On occasion, an employee engaging in an activity of this nature will be offered or given an honorarium.

An honorarium may be accepted if it is a token item of appreciation (non-monetary) for the activity undertaken, and the item is of a nature or value that could not reasonably be considered to affect the recipient's decision to engage in or decline to engage in the activity for which the honorarium is offered. Examples of token honorarium which may be accepted include mugs, T-shirts, plaques, pens and certificates.

Commerce staff may not accept honoraria either in circumstances where the law prohibits such receipt, or if the person offering the honoraria (a) is or reasonably can be expected to seek a contract or grant from Commerce, or (c) is reasonably likely to seek or oppose administrative rules, actions, or policy changes by Commerce.

APPROVED
Executive Ethics Board

Date: 3.24.17

For the purposes of this section, an honorarium does not include reimbursement to the Commerce or the reasonable expenses incurred for the employee's participation including travel, lodging and subsistence. Where payment or reimbursement of expenses is made by an outside entity, however, no claim for state payment or reimbursement of such expenses may be made by the employee. Additionally, for employees participating in the regulatory or contracting decisions or matters, even reasonable expenses may not be accepted.

In very limited circumstances, Commerce may authorize honoraria to be directed to the state of Washington.

Honoraria for activities that are not in connection with the employee's official role are governed by the Outside Employment disclosure requirements, and should also be analyzed in accordance with this policy on gifts.

C. Political Activities

1. Overview

Commerce staff are subject to state laws and rules that restrict political activities. Commerce has official responsibilities which may conflict with a particular employee's desire to engage in certain political activity.

In recognition of staff desire to participate in political activities, this policy is intended to facilitate lawful participation by considering office and workload issues and to avoid conflicts of interest by those who choose to participate in such activities. Commerce staff will follow the spirit and letter of the various political activity laws and will exercise good judgment and discretion in pursuing any political activities.

State law prohibits the use of public facilities for political activity, including the use of public money, equipment, materials and supplies, and the use of one's position as a public employee to coerce political contributions. To that end, no campaigning or fund raising shall be allowed at any time in Commerce offices, nor shall any funds, equipment, supplies, materials or any other facilities of the office be used, directly or indirectly, for the purpose of assisting a campaign. Political contributions are solely within the discretion of the contributor and no Commerce staff shall use their position to coerce or induce political contributions from other staff.

Participation in political activity is permissible if it complies with this policy and the applicable statutes and rules, and does not conflict with the employee's job duties.

When participating in a campaign, whether as a candidate, a campaign worker or otherwise, and whether for partisan or non-partisan office or in support of or opposition to a ballot proposition, Commerce staff must avoid the appearance of purporting to represent Commerce or a Commerce position. Commerce staff are prohibited from

using their title or affiliation with Commerce in conjunction with letters, advertisements, personal appearances, or other campaign related activities.

Commerce staff may not hold an elective office when the holding of such office is incompatible with or substantially interferes with, the discharge of the employee's official state duties, as determined by Commerce.

2. Limitations on Political Activities

An employee who wishes to be involved in a campaign as a candidate for any elective office, except precinct committee person or convention delegate, or who wishes to be an officer of a political campaign, shall notify his or her supervisor and discuss workload, potential conflicts of interest, conflicts with job duties, and related office issues. The Assistant Director shall review all applicable policies, and discuss workload, potential conflicts of interest, conflicts with job duties, and related issues with the employee.

If participation in the campaign will likely result in time off from work, or will likely interfere or conflict with the employee's job duties, the employee shall submit a written plan to deal with such concerns, including any request to take vacation leave or leave without pay.

If the employee is seeking election to a position which is to be compensated other than by payment of per diem or expenses, the employee is also required to request approval for outside employment in accordance with the Outside Employment disclosure requirements.

An employee whose position is funded in whole or in part by a federal program should also contact the Human Resources Director to determine whether the federal Hatch Act campaign restrictions are applicable, and, if so, whether and to what extent that Act affects the employee's ability to be involved in the contemplated activity.

The Assistant Director shall request the employee to submit a plan, if needed, and make a recommendation to the Deputy Director, or when appropriate, to the Director. The Deputy Director or Director shall review the plan and shall approve, modify or disapprove the plan as appropriate.

DEFINITIONS

The following terms are used in this document:

Charitable Organization: Any licensed group that asks for or collects contributions from the general public, if the group says the contribution is going to be used for a charitable activity.

De Minimis: Limited and infrequent use.

Employee Organization: An employee organization, union, or association that bargains collectively with employers, or opposes collective bargaining or certification of a union.

APPROVED
Executive Ethics Board

Date: 3-24-17

Facilities: Include but are not limited to the use of office space, stationery, postage machines, equipment, state employee work time, vehicles, publications, and lists of people served by the agency.

Gifts: Anything of economic value *not* given in exchange for something.

Honoraria: Include money or any item of value offered to a state officer or employee for a speech, appearance, article, or something similar, because of the state officer's or employee's job.

Investments: Any mutual fund, deposit account, certificate of deposit, or money market fund held by a bank, broker, or other financial institution; a publicly traded security valued at ten thousand dollars or less when purchased; or an interest in real estate unless it is with a party in whom the agency holds an investment.

Outside Employment: All employment outside of your Commerce duties, regardless of hours worked, *except* for volunteer (unpaid) work, unless that volunteer work conflicts with your work at Commerce.

Person: Any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

Regulatory Agency: Any state board, commission, department, or officer, except those in the legislative or judicial branches, that legally conducts adjudicative proceedings; issues permits or licenses, or controls or affects interests of identified persons.

State Employee: A person employed by a state agency.

State Resources: All resources owned, leased, or in the employ of the state, including but not limited to the facilities, state employees, computers, equipment, cell phones/blackberries, vehicles, and consumable items. They also include state information, i.e. databases, lists, spreadsheets, and other documents.