

Chapter 1: Agency Administration

Contact: HCA Internal Auditor

Effective: December 5, 2001

Issued: December 5, 2001

Reference: RCW 42.52.010, 42.52.030, 42.52.040, and 42.52.070

Supersedes:

Forms Used: N/A

Approved by: Ida Zodrow

Administrator

Assisting in Transactions

PURPOSE

To explain when state ethics laws would prohibit employees assisting in a transaction with the agency during the course of ordinary duties.

DEFINITIONS:

Assist

To act, or offer or agree to act, to help, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, advice, or assistance to the person, and with intent to assist the person.

State Action

Any action on the part of the agency, including but not limited to:

- 1. A decision, determination, finding, ruling, or order; or
2. A grant, payment, award, license, contract, transaction, sanction, approval or denial; or
3. Failure to act with respect to a decision, determination, finding, ruling, or order.

Transaction

Any proceeding, application, contract, claim, case, request for ruling or determination, or other similar matter that the employee has reason to believe:

- 1. Is, or will be, the subject of state action; or
2. Is one to which the state is or will be a party; or
3. Is one in which the state has a direct and substantial proprietary interest.

"Transaction" does not include:

- 1. Preparation, consideration, or enactment of legislation, including appropriation of money in a budget, or the performance of legislative duties by an officer or employee; or
2. A claim, case, lawsuit, or similar matter if the employee did not participate in the underlying transaction that is the basis for the claim, case, or lawsuit.

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Date: 5/11/01

POLICY

State employees are obligated to use their official powers and duties, only to advance the public interest. This obligation requires that all employees protect the integrity of the decision-making process by recognizing and avoiding conflicts between their public duties and private interests and activities.

1. An employee should avoid any action, whether or not specifically prohibited, which might result in or create the appearance of:

- a) Using public office for private gain;
- b) Giving improper preferential treatment to any person; or
- c) Making public decisions outside the scope of official duties.

2. Employees may not take official action to assist their personal friend, spouse, minor child, or relative in HCA business transactions nor provide information to them based on the confidential information available to employees.

In these circumstances, employees should refer the transaction or inquiry to their supervisor. This does not preclude an employee assisting a parent, spouse, or child outside their official duties, or assisting another employee with personnel proceedings or employee organization, provided no compensation of any kind is received for the action. (For example: An employee may assist his/her child in completing an application, but may not process and approve the application.)

3. Employees enrolled in an HCA program may not make adjustments or other changes to their own account or file.

These transactions should be referred to their supervisor or the appropriate staff.

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