

Chapter 1: Agency Administration

Contact: Audit Manager Effective: December 5, 2001
Human Resources Manager Issued: December 5, 2001

References: RCW 42.52.010; RCW 42.52.070; RCW 42.52.110; RCW 42.52.140; RCW 42.52.150
http://search.leg.wa.gov/wslrcw/RCW%20%2042%20%20TITLE/RCW%20%2042%20.%2052%20%20CHAPTER/RCW%20%2042%20.%2052%20%20chapter.htm

Executive Ethics Board Advisory Opinion
96-01, 96-02, 96-05, 96-06, 96-12, 97-02, 98-01, 98-06, 99-04, 99-05, 00-05, 00-06
http://www.wa.gov/ethics/index_adv_opinions.html

Forms Used: N/A

Approved by: Ida Zodrow
Administrator

Accepting Gifts

PURPOSE

To provide guidelines for Health Care Authority (HCA) employees by detailing acceptable and non-acceptable gifts and by defining which groups of employees are affected by different regulations.

DEFINITIONS

Section 4 Employee An employee who is subject to more stringent limitations on gifts due to his or her official duties.

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Executive Ethics Board

Date: 6/8/01

"Section 4" employees are persons who participate in state actions or proceedings personally and substantially as a state employee, through the approval, disapproval, decision, recommendation, rendering of advice, investigation, etc.

For Example: HCA staff involved in the negotiation or approval of contracts would be considered "Section 4" employees as it relates to their relationship with potential or actual contractors.

Note: See policy statement # 4. for restrictions on items not considered gifts for ordinary employees, but which may not be accepted by "Section 4" employees.

Family The spouse, dependent children, and other dependent relatives, if living in the household.

Gift

Anything of economic value for which no consideration is given.

Gifts do not include:

1. Items a state employee is authorized by law to accept.
2. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution.
3. "Reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event.
4. Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt.
5. Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

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Single Source

One person, whether acting directly or through an agent or other intermediary.

Single Gift

Any event, item, or group of items used in conjunction with each other, or any trip, including transportation, lodging, and attendant costs, not excluded from the definition of gift.

POLICY

- 1. No HCA employee may accept any gift, entertainment or special privilege that could be reasonably expected to influence his or her action or judgment.**
- 2. An employee may NOT use his or her position to secure special privileges or exemptions for himself or herself, or other persons.**
- 3. No state officer or state employee may accept gifts, other than those specified below, with a total value of over fifty dollars from a single source in a calendar year, or a single gift from multiple sources with a value over fifty dollars.**

This does not apply to the items in the "Gift does not include" (see Definition section).

- a) The value of gifts given to an employee's family member or guest shall be attributed to the employee for the purpose of determining whether the fifty dollar limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.
- b) The following items are presumed not to influence (based on the circumstances surrounding the giving and acceptance of the item), and may be accepted without regard to the fifty dollar limit:
 - 1) Unsolicited flowers, plants, and floral arrangements;
 - 2) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
 - 3) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

- 4) Unsolicited items received by a state employee for the purpose of evaluation or review, if the employee has no personal beneficial interest in the eventual use or acquisition of the item by the employee's agency;
- 5) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- 6) Food and beverages consumed at hosted receptions where attendance is related to the state employee's official duties;
- 7) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; or
- 8) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

4. An employee who meets Section 4 criteria (found in the Definitions section of this policy) may accept only the following items from a person regulated or contracted by the HCA, or from a person who seeks to provide goods or services to the agency:

- a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- c) Unsolicited items received by an employee for the purpose of evaluation or review, if the employee has no personal beneficial interest in the eventual use or acquisition of the item by the HCA;
- d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- e) Food and beverages consumed at hosted receptions where attendance is related to the employee's official duties;
- f) Admission to, and the cost of, food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
- g) All items listed under "Gift does not include" (see Definition section) **except** the following, which may **not** be accepted:
 - 1) Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
 - 2) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution;
 - 3) Flowers, plants, and floral arrangements.

5. An HCA employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of business where attendance by the employee is related to the performance of official duties.

6. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW.

APPROVED
Executive Ethics Board

Date: 6/8/01