



Draft 10/18/11

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Secretary of Transportation

[enter when signed]

Date

Ethics in Public Service

I. Introduction

A. Purpose

This Secretary's Executive Order states that ethics in public service is the personal responsibility of each Washington State Department of Transportation (WSDOT) employee, and is governed by Revised Code of Washington (RCW) 42.52 *Ethics in public service*, hereafter called the Ethics Law. Employees must collectively maintain the highest standards of honesty, integrity, impartiality, and conduct in the performance of official duties. By doing so, we ensure that the department continues to uphold the highest level of public confidence.

B. Supersession

This Secretary's Executive Order supersedes and replaces the prior version with the same title dated August 1, 2002. All references to the superseded E 1004.00 now reference E 1004.01.

C. What Has Changed

- Changed organization name from Audit Office to Internal Audit Office.
- Item I.D. Identified the rule and regulation governing use of state resources. Defined limited personal use regulations. Noted an agency's ability to develop policies and procedures for unique circumstances.
- Item II. Included department policies as a provision for employees to follow. Revised the result that failure to do so to, "...may result in corrective and/or disciplinary action." Identified that training and manager/supervisor responsibilities are detailed in the *Human Resource Desk Manual M 3009*.
- Item III. Added information regarding solicitation of co-workers and employees.
- Item III.A. Changed the responsible organization for the Combined Fund Drive from Department of Personnel to Washington State.

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- Item III.C.1.b. Clarified that charitable activities for individual fund raising are not to interfere with, “The performance of official state business.”
- Item III.C.1.e. Added emphasis to the statement, “...*is not allowed.*”
- Item III.C.1.f. Added types of office facilities that can be used for individual fund raising.
- Item III.C.2. Added Solicitations to Assist Staff in Need. This section outlines the approval needed for solicitation activities for staff in need and the limitations of the use of state resources.
- Item III.D. Added WSDOT Memorial Foundation. This section outlines the limits to which an employee can use state resources for the WSDOT Memorial Foundation.
- Item III.E. Clarified the purpose of connecting a personally-owned electronic device to a state-owned computer to access Outlook. Added reference and link to Secretary’s Executive Order E 1021.00 *Employee Use of Electronic Communication Systems.*
- Item III.F. Removed, “Use of state resources to promote Toastmasters International is not permitted.” De minimis use of state resources is permitted under Item.F.4.
- Item III.G. Added Wellness Program.
- Item IV. Added information regarding potential penalties or corrective/disciplinary actions that may be taken for violations of department policies and/or the state Ethics Law.
- Item V. Added References.
- Item VI. Added For More Information.
- Item VII. Added Executive Review and Update Requirements.

D. Background

The 1994 Legislature passed into law Engrossed Substitute Senate Bill (ESSB) 6111. This bill established ethical standards for all state officers and employees within the executive, legislative, and judicial branches of government. The standards were codified in a single chapter of the Ethics Law which took effect January 1, 1995.

RCW 42.52.160 *Use of persons, money, or property for private gain*, prohibits use of state resources for the private benefit or gain of a state officer, state employee, or another. Washington Administrative Code (WAC) 292-110-010 *Use of state resources* provides for occasional but limited use of state resources if there is little or no cost to the state, it does not interfere with the performance of official duties, and it does not compromise the security or integrity of state property, information, or software.

The Ethics Law provides for agency development of policies and procedures that address agency-unique circumstances.

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II. Secretary's Executive Order

Employees are directed to follow the provisions of the Ethics Law, the rulings of the Executive Ethics Board, and department policies. Failure to do so may result in corrective and/or disciplinary action.

As detailed in the *Human Resources Desk Manual* M 3009, the following resources are available to ensure all employees are aware of their responsibilities to comply with the Ethics Law.

A. Training

An ethical standards self-study course is distributed to new employees, both permanent and non-permanent, on their first day of employment. Each employee is required, as a condition of employment, to satisfactorily complete the course in the prescribed manner.

B. Managers and Supervisors Responsibilities

Managers and supervisors are responsible for discussing the requirements of the Ethics Law with employees at least annually. Managers and supervisors must let employees know how to get more information and answer specific questions about the Ethics Law.

III. Information to Carry Out This Secretary's Executive Order

The Executive Ethics Board issues formal Advisory Opinions to answer questions about the Ethics Law. The Executive Ethics Board has given individual agencies the flexibility to make rules in specific areas. In addition, certain RCWs and WACs give individual agencies this flexibility.

The department has established the following rules so that employees can ethically participate in these activities.

Several of the rules described below address solicitations for charitable activities. In all instances, managers and supervisors should avoid direct personal solicitations of employees who work under their supervision. Employees should also avoid direct personal solicitations of co-workers and opt for voluntary participation in charitable activities.

A. Combined Fund Drive Activities

Basis of Authority: Executive Ethics Board Advisory Opinion 00-09 *Use of State Resources/Combined Fund Drive.*

Assigned employees may participate in activities to carry out Washington State's Combined Fund Drive within the following limits:

1. Supervisor review and approval is required in advance.
2. Resources used may not exceed basic supplies and equipment, such as computers and copy machines.

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B. Other Organization-Wide Charitable Activities

Basis of Authority: WAC 292-110-010 *Use of state resources* and Executive Ethics Board Advisory Opinion 96-11 *State Employees – De Minimis Use of State Resources – Charity.*

Organization-wide charitable activities must be approved by an executive with the same limits as in III.A. above.

C. Individual Employee Fund Raising

Basis of Authority: WAC 292-110-010 *Use of state resources.*

1. Charitable Organizations

An employee may solicit funds for a charitable organization while at work within the following limits:

- a. The employee must use regular breaks, lunch hour, or annual leave for the activity.
- b. The activity cannot interfere with the performance of official state business.
- c. This section does not include approval for transactions by private businesses.
- d. Examples of approved activities include, but are not limited to, the intermittent or seasonal sale of candy bars, cookies, flowers, fruit, wrapping paper, or entertainment discount books by schools and sports groups, community services groups, and youth organizations.
- e. Use of basic supplies and equipment, such as computers and copy machines, ***is not allowed.***
- f. The only office facilities that may be used are employee-use bulletin boards and table surfaces in break rooms, coffee rooms, or other common areas.

2. Solicitations to Assist Staff in Need

Occasionally, WSDOT employees suffer an unforeseen illness or family tragedy. With the approval of an executive, an employee may solicit WSDOT employees within a region or headquarters to donate money, food, clothing, or personal time to assist a co-worker within the following limits:

- a. Send an email to region or headquarters employees, or include an announcement on the region or headquarters Intranet site to solicit donations.
- b. The employee must use regular breaks, lunch hour, or annual leave for the activity.
- c. The activity cannot interfere with the performance of official state business.
- d. Use of a WSDOT conference room or facility does not occur on state time.

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D. WSDOT Memorial Foundation

Basis of Authority: WAC 292-110-010 Use of state resources

The WSDOT Memorial Foundation is a non-profit charitable organization that provides financial assistance to WSDOT employees who become disabled in the line of duty, to surviving spouses and children of fallen workers and employees who die in the line of duty, and for the families of employees impacted by catastrophic injury or illness.

The department believes the promotion of the WSDOT Memorial Foundation can enhance the organization's effectiveness. It is an employee's personal choice whether or not to participate in donating or fundraising activities.

1. With the approval of an executive, employees may participate in charitable activities for the WSDOT Memorial Foundation under the authority of and within the same limits in III.A. or III.B. above. An employee with approval may solicit funds for the WSDOT Memorial Foundation while at work within the following limits:
 - a. Occasional email or Intranet article to employees providing information about the WSDOT Memorial Foundation and how to donate.
 - b. Occasional email or Intranet article to notify WSDOT employees of vacancies on the WSDOT Memorial Foundation Board and how to become a board member.
 - c. Web page on the WSDOT Intranet to provide information and a description of the WSDOT Memorial Foundation.
 - d. Inclusion of WSDOT Memorial Foundation information in the new employee orientation packet and in the retiree packet provided to a retiring employee. This includes the copies of WSDOT Memorial Foundation information and payroll deduction form.
 - e. Use of a computer and printer to print out a payroll deduction form, and use of inter-office mail to send the form to the timekeeper or the payroll office, to enroll in or withdraw from the WSDOT Memorial Foundation.
 - f. Use of email or phone to contact the timekeeper or the payroll office with questions regarding the administration of the deduction.
2. *De minimis* use of state resources (time, phone, e-mail, computer, and printer) may be used for WSDOT Memorial Foundation Board activities to coordinate Board member actions relating to an employee incident, to present awards of financial assistance to recipients, and to assist in meeting scheduling and preparation for Board members.

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3. An employee **may not** use state resources, beyond the *de minimis* use noted above, (time, laptop/computer equipment, email, telephone, facilities/conference rooms, Intranet, office supplies, email listing) for the following:
 - a. WSDOT Memorial Foundation Board business. This includes, but is not limited to, meeting location, preparation of the agenda, creation of posters or signs, meeting minutes, maintaining member list or donations given, or accounting for board finances.
 - b. Travel to or from, or attendance, at a WSDOT Memorial Foundation Board Meeting.
 - c. Solicit donations from private organizations and businesses.

E. Connecting State/Private Electronic Devices

Basis of Authority: Executive Ethics Board Advisory Opinion 96-04 *De Minimis Use of State Resources.*

1. Connecting to state owned computers is allowed on a limited basis:
 - a. An employee may connect a personally-owned electronic device (including, but not limited to, Palm Pilots, Personal Data Assistants, etc.) to a state-owned computer for the purpose of accessing their Outlook account to coordinate or synchronize family schedules, appointments, contacts, to-do lists, notes, and email. Information related to a private business or political events must be deleted from WSDOT-provided computers, databases, and servers.
 - b. Employees must also comply with policies designed to protect the safety and security of the state's interests. Workstation support staff can provide some minor assistance to employees in the setup of the connection, but cannot troubleshoot or analyze problems related to operation of non-state-owned equipment.

Please refer to Secretary's Executive Order E 1021.00 *Employee Use of Electronic Communication Systems.*

2. Connecting to WSDOT network **is not allowed:**

No personal devices may be directly connected to the WSDOT physical or wireless network.

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F. Toastmasters International Meetings

Basis of Authority: WAC 292-110-010 *Use of state resources* and Executive Ethics Board Advisory Opinion 96-04 *De Minimis Use of State Resources*.

The department believes that participation in Toastmasters International can enhance both an employee's and the organization's effectiveness. However, it is an employee's personal choice whether or not to participate in Toastmasters International meetings. Therefore, de minimis use of state resources for participation in Toastmasters International is allowed within the following limits:

1. No travel time or per diem is allowed for attending Toastmasters International meetings.
2. Use of a state-owned conference room for Toastmasters International meetings is permitted during the standard lunch hour of noon until 1:00 p.m., as long as the conference room is not needed for state business.
3. For those employees with a 30 minute lunch break, an agreement with their management must be set up in advance to use approved leave or schedule adjustments for the additional 30 minutes needed to attend the Toastmasters International meeting.
4. De minimis use of state-owned resources is limited to exchanging information related to Toastmasters International meetings, such as meeting announcements and agendas.

G. Wellness Program

Under Secretary's Executive Order E 1036.00 *Wellness Program Activities at Work*, employees are encouraged to participate in activities that improve their health and well being both on and off the job. It authorizes limited personal use of state resources for approved Wellness Program activities.

IV. Penalties

Employees violating this policy and/or the state Ethics Law may be subject to corrective and/or disciplinary action under RCW 41.06 *State civil service law*, as well as penalties that can be imposed by the Executive Ethics Board under WAC 292-120 *Executive ethics board – penalty rules*.

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V. References

- RCW 41.06 *State civil service law*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=41.06>
- RCW 42.52 *Ethics in public service*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.52>
- RCW 42.52.160 *Use of persons, money, or property for private gain*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.52.160>
- WAC 292-110-010 *Use of state resources*
<http://apps.leg.wa.gov/wac/default.aspx?cite=292-110-010>
- WAC 292-120 *Executive ethics board – penalty rules*
<http://apps.leg.wa.gov/wac/default.aspx?cite=292-120>
- State Executive Ethics Board
www.ethics.wa.gov/
- State Executive Ethics Board Advisory Opinions
<http://www.ethics.wa.gov/advisories/advisories.htm>
- Secretary’s Executive Order E 1021.00 *Employee Use of Electronic Communication Systems*
wwwi.wsdot.wa.gov/publications/policies/fulltext/1021.pdf
- Secretary’s Executive Order E 1036.00 *Wellness Program Activities at Work*
wwwi.wsdot.wa.gov/publications/policies/fulltext/1036.pdf
- *Human Resources Desk Manual M 3009*
wwwi.wsdot.wa.gov/publications/manuals/m3009.htm
- WSDOT Employee Ethics Intranet Resource website
wwwi.wsdot.wa.gov/employee/ethics/

VI. Contact For More Information

For questions or concerns about this Secretary’s Executive Order, please contact the Internal Audit Office at 360-705-7003, email auditoffice@wsdot.wa.gov, or visit the WSDOT Employee Ethics Intranet Resource website at wwwi.wsdot.wa.gov/employee/ethics/.

VII. Executive Review and Update Requirements

When changes are necessary to update this document, please inform the Assistant Secretary of Strategic Planning and Finance Operations.

The Assistant Secretary of Strategic Planning and Finance Operations periodically reviews and proposes updates to the Secretary of Transportation for approval.

Americans with Disabilities Act (ADA) Information

Materials can be provided in alternative formats by calling the ADA Compliance Manager at 360-705-7097. Persons who are deaf or hard of hearing may contact that number via the Washington Relay Service at 7-1-1.

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