# Ethics in Public Service Act

## RCW 42.52.140 and RCW 42.52.150

# Gifts

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RCW 42.52.140, Gifts, states:

No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

## What does this mean?

In general, under RCW 42.52.150, state employees cannot accept gifts with an aggregate value in excess of $100 from a single source in a calendar year. The value of the gift given to an employee's family or guest will be attributed to the employee for the purpose of determining whether the limit has been exceeded. Clarifications or exemptions include:

- Items not considered gifts.
- Gifts you may accept without regard to the $100 limit.
- "Section 6" Employee gift limitations.

**Items that are not considered gifts:**

- Items from family members where it is clear that the gift was not made as part of any effort to gain or maintain influence in the agency of which the recipient is an employee.
- Items related to the outside business of the recipient which are customary and not related to the recipient's performance of official duties.
- Items exchanged among employees, or a social event hosted by a state employee for co-workers.
- Items a state employee is authorized by law to accept.
- Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt.
- Campaign contributions reported under 42.17 RCW.
- 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 or academic/ scientific achievement.
- Payments by an entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in an official capacity.

- Payments of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association or charitable institution. *

**Gifts you may accept without regard to the $100 limit, if you are not a "Section 6" employee:**

- Unsolicited flowers, plants and floral arrangements.
- Unsolicited advertising or promotional items of nominal value.
- Unsolicited tokens or awards of appreciation—plaques, trophies, desk items.
- Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or acquisition of the item by the agency.
- Informational material, publications, or subscriptions related to official duties.
- Food and beverages at hosted receptions where attendance is related to official duties.
- 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.
- Unsolicited gifts from dignitaries in another state or a foreign country intended to be personal in nature.
- Food and beverages on infrequent occasions in the ordinary course of state business.

## When are you considered a "Section 6" employee?

If your duties include regulating certain members of an industry, the Section 6 gift restrictions apply to gifts from those industries. If your duties include decisions about contracting or purchasing, the Section 6 gift restrictions apply to gifts from any current or potential future contractor or vendor.

**"Section 6" Employee gift limitations (the only gifts you can accept):**

- Items from family members where it is clear that the gift was not made as part of any effort to gain or maintain influence in the agency of which the recipient is an employee.
- Items related to the outside business of the recipient which are customary and not related to the recipient's performance of official duties.
- Items exchanged among employees, or a social event hosted by a state employee for co-workers.

- Items a state employee is authorized by law to accept.
- Items returned by the recipient to the donor within 30 days of receipt or donated to a charitable organization within 30 days of receipt.
- Campaign contributions reported under 42.17 RCW.
- 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 or academic/ scientific achievement.
- Unsolicited advertising or promotional items of nominal value.
- Unsolicited tokens or awards of appreciation—plaques, trophies, desk items.
- Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or acquisition of the item by the agency.
- Informational material, publications, or subscriptions related to official duties.
- Food and beverages at hosted receptions where attendance is related to official duties.
- 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.

**Note:** "Section 6" employees cannot accept any food or drink—not even a doughnut—by a person whom you regulate or who wishes to do business with you, i.e. any current or potential future contractor or vendor, in the ordinary course of state business. For example, if a vendor/contractor brings you food, you may put it in a public area with a sign "free food." Now you have given that gift or reward away, it is available to the public at large (taxpayers) and you avoided a potential state ethics violation.

# Scenarios

1. Joe works for your agency in the purchasing department. An agent seeking an association with your agency takes Joe out for an expensive dinner and gives him two tickets to the symphony. The whole package is worth over $200. Is this an ethical violation?

2. Vera works as a gardener at a state university. Her job involves maintaining flowerbeds. The Petals Corporation supplies the university with gardening supplies but Vera's job does not involve these contractual matters. Every three months Petals gives the college's gardeners, including Vera, a new pair of gardening gloves, valued at $20. During the calendar year, Vera accepts four pairs of gloves for a total value of $80. Ethical violation?