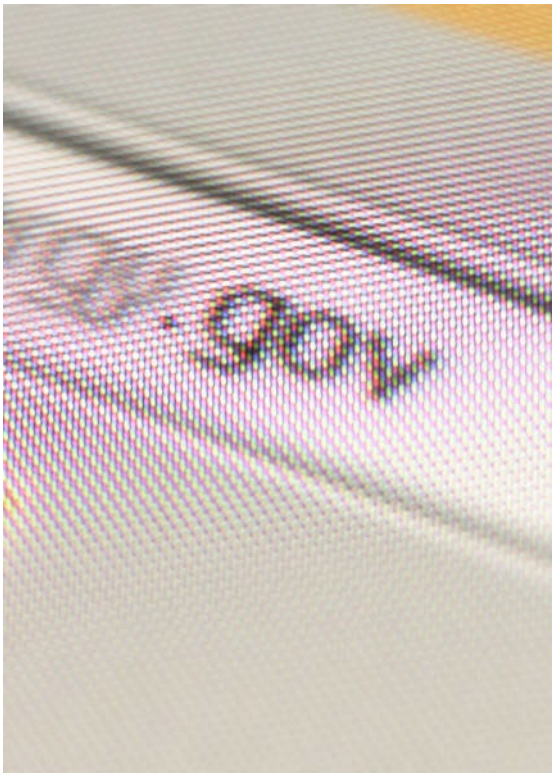
Ethics in Public Service Act

RCW 42.52.160



Use of Persons, Money or Property for Private Gain

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RCW 42.52.160, Use of persons, money or property for private gain, states:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

What does this mean?

State employees have a duty to conserve public resources and funds against misuse and abuse. Basically, the idea is that we are using taxpayers' money and we must be respectful of that fact and you cannot use state resources for private benefit or gain unless within an allowable exception within the ethics law or under WAC 292-110-010. Supervisors and anyone who manages others must be especially aware of this principle because they are in a position to affect the flow of resources as well as model appropriate behavior.

Before you feel guilty about sending the occasional personal e-mail or using the phone to check on your family, know that the ethics board has adopted rules providing exceptions to this section for occasional or de minimis use if the activity does not result in interference with the proper performance of official duties.

What is "de minimis" use of state resources?

A de minimis (minimal) use is an infrequent or occasional use that results in little or no actual cost to the state. An occasional brief local phone call to make a medical appointment or check on a loved one is an example of allowable de minimis use of state resources. The cost of a brief local phone call is small and not likely to interfere with your job. The Executive Ethics Board has adopted guidelines for the exceptions to the "no personal use" rule. These exceptions are narrow and don't apply to all state resources. The Board allows limited unofficial (not job related) use if:

- There is little or not cost to the state;
- There is no interference with the performance of official duties;

- The use is brief in **duration** and **frequency**;
- The use does not compromise the security or integrity of state 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.

In other words, you can make that occasional local telephone call or write an infrequent personal e-mail. You can even briefly use the Internet for personal use—as long as it is for nothing illegal or unprofessional. As a guide, ask yourself the following questions. If any are a "yes," don't use the state resource for personal matters:

- Will my use of state resources result in added costs or any other disadvantage to the state?
- Am I using this resource in order to avoid personal expense?
- Will my use of state resources compromise the security or integrity of state information systems or software?

Scenarios

1. A state employee operates an outside web consulting business. Everyday she makes or receives five to ten personal business calls on her state office telephone. All of the calls are local calls. Violation?

2. It's Friday afternoon and Kathy needs to find out the best way to get to a party after work. She is going directly from work to the party so doesn't have time to go home before the event. She accesses Map Quest, an internet directions and map site, using her college computer. Violation?

3. Marco has relocated to Seattle from another state. He works at a Community College as an exempt employee. During his lunch he uses his work phone to make long distance calls to his family and talks for 30 minutes. Violation?