

Ethics in Public Service Act

RCW 42.52.040



Assisting in Transactions

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RCW 42.52.040, Assisting in transactions, states:

(1) Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

(a) In which the state officer or state employee has at any time participated; or

(b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

(2) No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (1) or (3) of this section.

(3) A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so by subsection (1) of this section.

(4) This chapter does not prevent a state officer or state employee from assisting, in a transaction involving the state:

(a) The state officer's or state employee's parent, spouse, or child, or a child thereof for whom the officer or employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the state officer or state employee did not participate in the transaction; or

(b) Another state employee involved in disciplinary or other personnel administration proceedings.

These provisions limit your ability to assist others-- directly or indirectly, whether for compensation or not-- in a transaction involving the state, if you at any time participated in that transaction or the transaction has been under your official responsibility within a period of two years preceding the assistance.

To better understand this law, look at conflict of interest as a continuum that starts with your daily job responsibilities.

- This law requires that you have no outside interests in the outcome of decisions you make regarding your job responsibilities.
- Once you have made a decision or supervised the team that made the decision, you cannot give advice or switch sides and assist the outside interest.

Scenarios

1. Emma works in your agency's human resources office. Her official duties include assisting people who want to file harassment complaints against the agency. Emma helps Egbert file a sexual harassment complaint. Emma subsequently goes to work for a different agency. After Emma's departure, Egbert contacts her and asks for assistance in preparing an appeal to an adverse decision. Must she decline?
2. Prior to accepting your current position, you investigated complaints for another state agency. One day a complainant contacts you to ask for help in appealing an unfavorable decision on a complaint filed with your former agency. Can you assist in the appeal?