

ADVISORY OPINION

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REVIEWED: May 11, 2018

NEXT REVIEW: May 2023

REFERENCES: RCW 42.52.160, WAC 292-110-010

SUMMARY OF CHANGES: Updated analysis to reflect current use of state resources rule.

Wearing Uniforms at Charitable Events

QUESTION

Can Washington State Patrol (WSP) personnel participate in Special Olympics functions while in uniform without violating the Ethics in Public Service Act, RCW 42.52, or its rules?

ANSWER

Yes. WAC 292-110-010(2)(b) gives an agency head or designee the ability to authorize a limited use of state resources as long as that use is specifically authorized in an agency policy.. The head of the WSP has authorized WSP personnel to wear the uniform during designated off-duty functions under WSP policy 16.00.030. This designation by the agency head falls under the exception delineated in WAC 292-110-010(2)(b)(i), thus allowing WSP personnel to wear their uniforms to participate in Special Olympics functions.

ANALYSIS

WSP personnel take an active role in participating in Special Olympics activities while off-duty. Off-duty personnel participating in these activities would like to wear their uniform to show the public their support.

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.

This section allowed the Board to promulgate rules to provide exceptions to this prohibition that allow de minimis use of a state resource if certain conditions are met. The Board adopted WAC 292-110 for this purpose. WAC 292-110-010(2)(b)(i) states that “An agency head or designee may authorize limited use of agency staff time and resources for the following uses as long as that use is specifically authorized in an agency policy” and allows for such use for “[s]upporting, promoting, or soliciting for charitable activities.”

WAC 292-110-010 allows the use of state resources for activities that support charitable activities as designated by the agency head. In this case, the agency head has specifically allowed uniformed personnel to wear the WSP uniform during specified off-duty functions under WSP policy 16.00.030. This designation by the agency head falls under an exception delineated in WAC 292-110-010(2)(b), therefore, WSP personnel may wear their uniforms when participating in Special Olympics functions without violating the Ethics Act.

This opinion is based on the general facts as stated above. The Board does not investigate the facts. Please be aware that modification of the facts, or knowledge of more specific facts or circumstances, might cause the Board to reach a different conclusion. In addition, Board advisory opinions are narrowly drawn to interpret the Ethics in Public Service Act. They do not address whether the proposed action is prudent, good public policy or effective management practice.