

ADVISORY OPINION

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REFERENCES: RCW 42.52.010, RCW 42.52.150

SUMMARY OF CHANGES: Updated statutory references.

Cash Awards for Scientific Achievement

QUESTIONS

1. Can a state employee accept a cash prize in recognition for engineering achievement under the academic and scientific achievement exemption under RCW 42.52.010(9)(j)?
2. Can a state employee accept payment of travel expenses for himself or herself and a spouse to receive the award?
3. Can a state employee accept a plaque as recognition for outstanding achievement to a highway development program?

ANSWERS

1. Yes, cash prizes awarded for outstanding engineering achievement fall under the exemption in RCW 42.52.010(9)(j) for academic and scientific achievement.
2. Yes, provided the state employee is not in a section 4 relationship, he or she may accept payment of travel expenses for himself, herself, and a spouse under RCW 42.52.010(9)(d) from a nongovernmental entity.
3. Yes, state employees may accept plaques in recognition for achievement under RCW 42.52.150(2)(c) and (4)(b).

ANALYSIS

This opinion concerns receipt of the L. I. Hewes Award. The L. I. Hewes Award was created in 1951 by *Western Construction* magazine, a journal devoted to engineering and construction in the western states to honor Dr. Laurence Isley Hewes, whose contributions to

the field of engineering provided impetus to highway development in the western United States.

Each year the Washington State Department of Transportation nominates an employee to compete for the award, which must be presented to an individual actively engaged in highway development within the Western Association of State Highway and Transportation Officials (WASHTO). WASHTO is sole sponsor of the award. The award consists of a \$1,000 cash prize and a plaque. In addition, it includes travel reimbursement for the recipient and up to \$750 for his or her spouse to attend the annual meeting where the award is presented.

The first question is whether a state employee may receive a \$1,000 cash award that comes with the L. I. Hewes Award. In Advisory Opinion 99-05 the Board concluded that cash awards are items of economic value for which no consideration is given, and are therefore "gifts" within the meaning of RCW 42.52.150(1), with the exception of cash awards given in recognition of academic or scientific achievement which are excluded from the definition of "gift" under RCW 42.52.010(9)(j). "Engineering" is defined as "The application of mathematical and scientific principles to practical ends, as the design, construction, and operation of economical and efficient structures, equipment, and systems." Webster's II New Riverside University Dictionary 433 (1994).

The second question asks whether a state employee who is a recipient of the L. I. Hewes Award, and his or her spouse, may accept payment of travel expenses to attend the annual meeting at which the award is given. RCW 42.52.010(9)(d) exempts such payments from the definition of "gift":

Payments by a governmental or nongovernmental entity of reasonable travel expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, 'reasonable expenses' are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event.

However, this exemption does not apply to state employees who are covered under RCW 42.52.150(4). In this case, the Board assumes that a state employee who may receive the award is not in a section 4 relationship with WASHTO. Therefore, the state employee and his or her spouse could accept payment of their travel expenses from WASHTO.

The final question relates to whether a state employee may receive a plaque that accompanies the award. RCW 42.52.150(2)(c) and (4)(b) allow state employees to receive:

Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item[.]

In this case, the purpose of the plaque is to memorialize appreciation for achievements that are recognized by receipt of the L. I. Hewes Award. The plaque falls within an allowable exception under RCW 42.52.150.

Because engineering accomplishments fall within the area of scientific achievement, the Board concludes that receipt of a cash award attached to the L. I. Hewes Award would fall within the exemption under RCW 42.52.010(9)(j), and a state employee could accept this award without violating RCW 42.52.