

## Use of State Resources

**General Topic:** Human Resources

**Policy:** #3.30

**Subject:** Use of State Resources

**Issued:** March 13, 2020

(Supersedes policy dated July 11, 2013)

**Applies to:** All Employees

**Contact:** Office of Human Resources

**See Also:** [RCW 42.52](#), RCW 42.52.160; [RCW 42.56](#); [WAC 292-110-010](#); Employee Policies [3.00 Compliance with Ethics Laws and Rules](#); [3.41 Conflict of Interest](#); 3.50 Leave, 5.04 Use of the L&I Tumwater Building Site' and 5.15 Solicitations in State-Owned/Leased Buildings; [7.40 Social Networking](#); Collective Bargaining Agreements; [Ethics Board FAQ](#)

## Purpose and Description

This policy establishes the Department of Labor & Industries' (L&I) position regarding the proper use of state resources by employees, contractors, and other authorized persons.

L&I's multiple ethics-related policies must be adhered to by employees, contractors, and other authorized persons. They include, but are not limited to, those referenced above in the See Also section. This policy explains permissible and prohibited use of state resources for official state purposes and de minimis personal use. State resources include, but are not limited to: funds, facilities, tools, property, staff, agency staff time, offices, telephones, copiers, fax machines, computer resources, office supplies, vehicles, and technology. Employees have no expectation of privacy in regard to their use of state resources.

State resources are available and intended for official state purposes that support the agency's goals, mission, and priorities. Improper use of state resources exposes both L&I and the individual employee to serious risk and liability. These risks include, but are not limited to:

- Loss of public trust in L&I and state government
- Service and performance interference
- Financial loss
- Loss of network or operational integrity
- Illegal activity

- Legal consequence related to sexual harassment, racism, or improper access to or dissemination of information
- Civil penalty

For employees whose positions are covered by a Union, please also refer to the applicable collective bargaining agreements for information on permissive or prohibited uses of state resources for use of meeting space, facilities, supplies and equipment, and methods of communications by or between covered employees and Unions so they can communicate with one another.

## Definitions

**Brief:** Of short duration

**Official state purpose:** Use of state resources to conduct official duties, activities reasonably related to the conduct of official state duties, activities related to state employment, and activities otherwise allowed by [WAC 292-110-010](#).

**De minimis use:** A de minimis use of state resource is a brief and infrequent or occasional use that results in little or no actual cost to the state. Use of state resources is de minimis only if all of the conditions listed within [WAC 292-110-010\(3\)](#) are met. This list of conditions is commonly referred to as the “de minimis use standard” and is found in Section C of this policy.

**Infrequent:** Seldom happening, not occurring often

**Private/personal benefit or gain:** A private benefit or gain can range from avoiding a cost or expense by using state resources to support your outside business or volunteer activity to paying a discounted government rate for a personal phone call. There are some uses that do not appear to have a cost but may result in private benefit or gain. For example, it may not cost a significant amount of money to use a state computer to access the Internet.

Nevertheless, by making personal use of a resource available to you only because you are a state employee, you are receiving a private benefit or gain.

**Occasional:** Occurring or done infrequently and irregularly

**State Resources:** State resources include, but are not limited to: funds, facilities, tools, property, staff, agency staff time, offices, telephones, copiers, fax machines, office supplies, vehicles, computer resources and technology (computer software and hardware, analog or digital recording devices, removable storage devices, external hard drives, servers, email, Wi-Fi/Internet/intranet).

## Policy

### **A. State resources shall be used according to state law and, except as permitted by this policy, in support of L&I's goals, mission, objectives and operation.**

Examples of official state purposes include:

- Training and career development approved by the employing agency under [RCW 41.06.410](#).
- Membership or participation in professional associations that enhance job-related skills of the state officer or employee, so long as use of state resources for this purpose has been authorized in writing.
- State- or agency-sponsored health, safety, or diversity fairs.
- Management of, or access to state-provided or state-sponsored benefits, including health (see examples of health-related activities in section B below), deferred compensation, insurance, retirement, and the employee assistance program.
- Searching and applying for Washington state jobs, including taking an examination or participating in an interview.
- Placement of nongovernmental web page links on an agency web site for official state purposes as long as the use does not violate [RCW 42.52.180 \(Use of resources for political campaigns\)](#).

### **B. The Director may authorize employees to participate in activities that are not official state duties but promote organizational effectiveness by supporting a collegial work environment. Examples of promoting organizational effectiveness include:**

- Supporting, promoting, or soliciting for the Combined Fund Drive.
- Recognizing employees, including birthdays, retirements, wedding/baby showers, or other similar celebrations.
- Health activities, for example, vaccinations, diabetes screenings, cholesterol screenings, blood drives, or participation in an agency or PEBB sponsored wellness program.
- A team building exercise that otherwise meets the parameters of this policy.
- Training or developing of staff with an educational value that would benefit the state.

### **C. Employees may make limited personal use of state resources so long as it does not undermine public trust and confidence, and only if all of the following conditions are met:**

- There is little or no cost to the state;
- Any use is brief;
- Any use occurs infrequently;
- The use does not interfere with the performance of any employee's official duties;

- The use does not compromise the security or integrity of state property, 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.

The following are specific examples of permitted uses:

- Managing your Department of Retirement Systems (DRS) retirement funds and/or Deferred Compensation accounts on a state computer.
- Maintaining professional certification credits online when the certification is a requirement of your position.
- Using your state vehicle, in accordance with [OFM travel rules](#), to obtain a meal while in travel status.
- Use of state vehicle or state resources to attend a meeting for the purpose of conducting Union business related to contract negotiation and administration.

The following are specific examples of permitted uses *so long as the use is de minimis*:

- Using a state phone to make a brief and infrequent local personal call.
- Advertising the sale or rent of personal or commercial property so long as the advisement is placed in an area open to the public, such as a public bulletin board and does not contain L&I-issued contact information.
- Receiving a brief, infrequent, and work appropriate email from a family member.
- Using a state computer or phone to schedule a doctor's appointment.
- Communicating by state email, phone, or messaging system, with your L&I claim manager about your active industrial insurance claim.

**D. Use of guest Wi-Fi on personal devices is permitted under the following conditions:**

- The use does not interfere with the performance of any employee's official duties;
- The use does not compromise the security or integrity of state property, information systems, or software; and
- Guest Wi-Fi Terms and Conditions are followed.

**E. No state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of his or her official duties. The following personal uses of state resources are prohibited by state law and by L&I:**

1. Conducting or supporting, promoting the interests of, or soliciting for an outside business, private employment, nonprofit organization, or other activity conducted for

financial gain, even if all or a portion of the proceeds will be donated to charity, unless provided for by law or authorized by L&I pursuant to policy. This includes:

- a. Making personal purchase(s) for personal benefit or private advantage using state resources.
  - b. Conducting personal banking.
  - c. Accessing or disseminating confidential information for a personal benefit or private advantage.
  - d. Gambling or holding a sports pool.
  - e. Using a state credit card or purchasing card for a personal purchase, with the exception of employees who meet OFM Travel Regulations while in travel status.
  - f. Using state-issued contact information, or certifications, for personal reasons.
  - g. Using a state vehicle for non-business related or personal reasons.
  - h. Using state resources, other than public bulletin boards, to purchase, advertise, sell, display goods, collect payments or deliver orders for:
    - School fundraisers
    - Sports clubs or teams
    - Girl Scout/Boy Scouts
    - Any outside employment activity, including products of/from consultants of companies.
2. Any use that is otherwise prohibited by federal or state law, or office policy, or is an illegal activity. Such as, access or dissemination of information that promotes any unlawful or prohibited activity, including information or material that a reasonable person would deem inappropriate. Examples of unlawful or prohibited activity include, but are not limited to:
- Discrimination
  - Sexual harassment
  - Strongly offensive material
  - Expression of any campaign, political, or religious belief
3. Having personal mail or packages delivered to a state premise.
4. Allowing visitors to use state resources, including access to a secure workplace or area, without prior authorization and permission from the employee's supervisor.
5. Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of, or opposition to, a ballot proposition.
6. Any use for the purpose of participating in or helping in an effort to lobby the State Legislature or a state-agency head.

7. Any private use of any state property that has been removed from state facilities or other official duty station, even if there is no cost to the state.

**F. The agency will address ethics laws and proper use of state resources in all New Employee Orientation and Employee Security Awareness training sessions. In addition, employees will be made aware of the following:**

1. The Washington State Auditor's Office receives whistleblower complaints of employee's misuse of state resources and may also investigate suspected abuse.
2. The Washington State Executive Ethics Board may impose sanctions, including a civil penalty, if the Board finds an employee violated ethics laws.

**G. All employees are responsible to know the parameters of L&I's ethics-related policies, and must use state resources accordingly. Employees are also required to:**

1. Report observations of misuse of state resources to their supervisor, manager, or the Office of Human Resources. Employees reporting such observations will be protected from retaliation in the same manner as whistleblowers.
2. Handle confidential data in accordance with agency standards for data classification and data handling (see [Employee Policy 2.06 Privacy and Confidentiality](#)).

**H. Employees and their supervisors will be held accountable to using state resources appropriately, as explained in this policy.**

**I. Misuse of state resources, including agency staff time, is an abuse of public trust. Failure to abide by policies established for the use of the state resources or participation in any activity deemed inappropriate may result in the loss of access privileges. Violations of this policy will be regarded by the agency as a serious offense, and will be subject to corrective or disciplinary action, up to and including termination.**

**J. The [Washington State Executive Ethics Board](#) has developed [guidelines](#) and an [FAQ](#) to help employees make the right decision about the proper use of state resources, including:**

- Use state resources only in a manner you could discuss openly with your supervisor, other employees or ethics staff.
- Never use state resources in a way that would reflect a negative image of L&I or the state.
- Both email and Internet can be used to communicate in a manner that is permissible under this policy, provided the use can be linked to a workplace benefit.
- If you are unsure, seek clarification or help from your supervisor before using state resources in a personal manner.

- If your use of state resources will not accomplish a business purpose, that use is personal.
- If your personal use will violate one or more elements of the de minimis use standard, don't do it.