
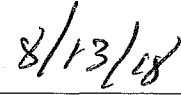




Department of Commerce

TITLE:	COMPLYING WITH STATE ETHICS LAW	
NUMBER:	POL 04-00-00	
CONTACT INFORMATION:	Agency Ethics Officer, (360) 725-4090	
AUTHORIZING SOURCES:	RCW 42.52 Ethics in public service RCW 42.52.010 Definitions RCW 42.52.020 Activities incompatible with public duties RCW 42.52.030 Financial interest in transactions RCW 43.52.130 Honoraria RCW 42.52.140 and 43.52.150 Gifts and limitations RCW 42.52.160 Use of persons, money, or property (state resources) for private gain RCW 42.52.180 Use of public resources for political campaigns RCW 42.52.190 Investments RCW 42.52.560 Communication from an employee organization or charitable organization WAC 292-110-010 Use of state resources	
EFFECTIVE DATE:	October 1, 2008	
REVISED DATE:	July 13, 2018	
SUNSET REVIEW DATE:	January 1, 2021	
APPROVAL:	 <hr/> <i>Brian Bonlender, Director</i>	 <hr/> <i>Date</i>

APPROVED
Executive Ethics Board

Date: 7-13-18

SCOPE

This policy applies to all Commerce employees, volunteers, and employees that work at Commerce through an interagency agreement.

The ethics law applies to you as an individual. Ethics law does not apply to Commerce as an entity. If you are found to have violated the law, you are held personally responsible and could be subject to a monetary fine. Commerce (or the State) cannot represent you if an ethics complaint is filed against you with the Executive Ethics Board.

POLICY

A. Employees will comply with state ethic laws

USE OF STATE RESOURCES:

B. Employees will not use state resources for personal benefit or gain

This policy applies to the use of any state resources, including staff, office space, telephones, copiers, fax machines, computers, office supplies, vehicles, and other Commerce equipment. The exceptions to this policy are intended to be narrow and must be in compliance with WAC 292-110-010 and the Ethics in Public Service Act.

C. Employees may use state resources for official state duties

D. Employees are restricted from the use of state resources for personal use

Employees may use state resources on a de minimis basis. The use must not undermine public trust and confidence. The de minimis use of state resources must meet the following conditions:

- 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 the employee's or volunteer'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
- The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group

E. Employees must not use state resources where prohibited

The following personal/private uses of state resources are prohibited:

APPROVED
Executive Ethics Board

Date: 7-13-18 2 Page

- Any use for the purpose of conducting an outside business, private employment, or other activities conducted for financial gain
- Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to a private business or political party, or supporting, promoting the interests of, or soliciting for a nonprofit organization unless provided for by law or authorized by Commerce pursuant to policy
- 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
- Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head
- Any use that is otherwise prohibited by federal or state law, or office policy; or
- Illegal activity; or
- 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. Employees may use state resources for charitable solicitations

Employees may use state resources to conduct activities related to the Combined Fund Drive (CFD).

Employees may conduct other charitable solicitations not related to CFD. The Director will determine which charities supports Commerce’s mission and guidelines around allowable use of state resources to support such activities. Director will notify employees in writing annually. Employees must conduct these activities on their own time, such as breaks and lunch.

Managers and supervisors shall not solicit charitable contributions from employees with whom they have influence.

GIFTS AND HONORARIA:

G. Employees are restricted from accepting gifts or honoraria to avoid the appearance of undue influence, except as provided by law

Employees may not seek or receive anything of economic value as a gift (1) if it could be reasonably expected that the gift would influence the recipient's official action or judgment, or (2) if the gift could be considered a reward for the recipient's action or inaction.

H. Employees participating in contract activities may not seek or receive any gift

Employees participating in regulatory and contracting activities, also known as Section 4 employees, are subject to stricter limitations under the law. “Participating” includes any substantial involvement in regulation or contracting decisions and includes not only making

APPROVED
Executive Ethics Board

Date: 7-13-18

or approving decisions, but also providing recommendations, advice, investigation, or similar activities.

I. Employees may not receive any gifts with a value of greater than \$50

With the exception of items the statute identifies as gifts “presumed not to influence” and meals, employees shall not accept any single gift having a value greater than \$50 or multiple gifts with an aggregate value of more than \$50 from a single source in a calendar year. Such gifts must satisfy all other applicable restrictions of the statute.

The acceptance of gifts must not:

- Undermine public trust in state government
- Reflect negatively on state government
- Compromise the integrity of the state’s regulatory or purchasing processes
- Influence the vote, act, or judgment of a state officer or employee
- Be an award for activity or inactivity on the part of a state officer or employee; or
- Exceed the value limits placed on gifts

J. Employees may receive honoraria as a token item of appreciation

Employees engaging in speaking, writing an article, or similar activities related to the employee’s official role may accept an honorarium as a token item of appreciation. The honorarium must be non-monetary and the item must not be of value to affect the employee’s decision to engage in the activity.

Employees must not accept honoraria either in circumstances where the law prohibits such receipt, or if the person offering the honoraria (a) is or reasonably can be expected to seek a contract or grant from Commerce, or (b) is reasonably likely to seek or oppose administrative rules, actions, or policy changes by Commerce.

K. Employees may accept food or beverage on infrequent occasions

Employees are authorized to accept food or beverage on infrequent occasions in the ordinary course of meals where attendance by the employee is related to the performance of official duties. Employees who participate in regulatory or contracting activities are restricted from accepting meals from persons regulated by Commerce and persons seeking business with Commerce.

Employees may accept courtesy beverages such as coffee, tea, or other nominal refreshments served at the offices of external customers which are available to anyone in the office. In the event the employee participates in contractual matters in which an external customer seeks to provide goods or services to the state, the employee shall decline or pay for such refreshments.

L. Employees may accept reimbursement of expenses when conducting certain activities

APPROVED

Executive Ethics Board

Date: 7-13-18

Employee may accept reimbursement of expenses when asked to engage in speaking, writing an article, or similar activities related to the employee's official role. Where payment or reimbursement of expenses is made by an outside entity, however, no claim for state payment or reimbursement of such expenses may be made by the employee. Additionally, for employees participating in the regulatory or contracting decisions or matters, even reasonable expenses may not be accepted.

POLITICAL ACTIVITIES:

M. Employees are restricted from using state resources to conduct political activities

Employees are restricted from using state resources for political activity, including the use of public money, equipment, materials and supplies, and the use of one's position as a public employee to coerce political contributions. No campaigning or fundraising is allowed at any time in Commerce offices, nor shall any funds, equipment, supplies, materials or any other facilities of the office be used, directly or indirectly, for the purpose of assisting a campaign. Political contributions are solely within the discretion of the contributor and no employee shall use their position to coerce or induce political contributions from other staff.

N. Employees may participate in political activities if it does not conflict with their job duties

Employees participating in a campaign, whether as a candidate, a campaign worker or otherwise, and whether for partisan or non-partisan office or in support of or opposition to a ballot proposition, must avoid the appearance of purporting to represent Commerce or a Commerce position. Employees are prohibited from using their title or affiliation with Commerce in conjunction with letters, advertisements, personal appearances, or other campaign related activities.

Employees may not hold an elective office when the holding of such office is incompatible with or substantially interferes with, the discharge of the employee's official state duties, as determined by Commerce.

Employees wanting to be involved in a campaign as a candidate for any elective office, except precinct committee person or convention delegate, or who wishes to be an officer of a political campaign, is required to request approval for outside employment by filling out the Outside Employment Disclosure Form, and the employee shall discuss workload, potential conflicts of interest, conflicts with job duties, and related office issues with both their Managing Director and the Appointing Authority.

The Appointing Authority may request the employee to submit a plan, if needed (time off from work, potential conflict with employee's job duties, etc.), and make a recommendation to the Deputy Director. The Deputy Director or Director shall review the plan and approve, modify, or disapprove the plan as appropriate.

APPROVED
Executive Ethics Board

Date: 7-13-18

An employee whose position is funded in whole or in part by a federal program should also contact the Human Resources Managing Director to determine whether the federal Hatch Act campaign restrictions are applicable, and, if so, whether and to what extent that Act affects the employee's ability to be involved in the contemplated activity.

DEFINITIONS

Appointing Authority is defined as an individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees (WAC 357-01-025).

Charitable Organization means any licensed group that asks for or collects contributions from the general public, if the group says the contribution is going to be used for a charitable activity.

Commerce or the Department means the Washington State Department of Commerce.

De minimis means infrequent or occasional use that results in little or no actual cost to the state.

Deputy Director means the Agency Deputy Director for the Department of Commerce.

Director means the Agency Director for the Department of Commerce.

Employee means a person who is on Commerce's payroll.

Facility means a physical space leased on behalf of Commerce to meet the space requirements of one or more programs.

Gifts means anything of economic value not given in exchange for something. "Gift" does not include:

- (a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;
- (b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- (c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;
- (d) Payments by a governmental or nongovernmental entity of reasonable 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;
- (e) Items a state officer or state employee is authorized by law to accept;

- (f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. 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;
- (g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
- (h) Campaign contributions reported under chapter 42.17A RCW;
- (i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- (j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

Honoraria includes money or any item of value offered to a state officer or employee for a speech, appearance, article, or something similar, because of the state officer's or employee's job.

Investments means any mutual fund, deposit account, certificate of deposit, or money market fund held by a bank, broker, or other financial institution; a publicly traded security valued at ten thousand dollars or less when purchased; or an interest in real estate unless it is with a party in whom the agency holds an investment.

Outside employment means performing ongoing work or services in exchange for anything of economic value received from self-employment or any company, corporation, state agency, or other employment outside of Commerce. Outside employment includes self-employment but does not include receiving income from rental properties or the sale of family or personal household goods.

Person means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

Regulatory Agency means any state board, commission, department, or officer, except those in the legislative or judicial branches, that legally conducts adjudicative proceedings; issues permits or licenses, or controls or affects interests of identified persons.

Section 4 Employee means a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters, as provided in RCW 42.52.150(4).

APPROVED
Executive Ethics Board

Date: 7-13-18

State Employee means person employed by a state agency.

State Resources means all resources owned, leased, or in the employ of the state, including but not limited to the facilities, state employees, computers, equipment, cell phones/blackberries, vehicles, and consumable items. They also include state information, i.e. databases, lists, spreadsheets, and other documents.

Volunteer means activities performed during the employee's time off work for which no monetary or material gain is expected or received. Activities may include, but are not limited to, participating as a board member or consultant to boards in community affairs, committees, councils, or other similar groups.

RELATED RESOURCES

Director's Memo re: Charitable Activities
Washington State Executive Ethics Board

APPROVED
Executive Ethics Board

Date: 7-13-18