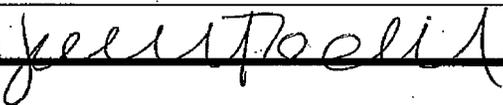


Department of Health Policy

Title:	Ethics	Number:	07.015
Procedure:	See associated procedure		
References:	<u>RCW 42.52, RCW 42.56, RCW 42.17A, Chapter 292-110 WAC, Executive Ethics Board Advisory Opinions and Frequently Asked Questions, DOH Policy 07.021, 07.024, 02.011, 07.056, 11.009, 17.005, 17.006, 07.015</u>		
Applies to:	All DOH employees		
Contact:	DOH Ethics Advisor		
Effective Date:	January 1, 2017	Review Date:	January 1, 2022
Supersedes:	DOH Policy 07.015 dated July 1, 2005; DOH Policy 07.057 dated July 1, 2009; DOH Policy 07.058 dated August 1, 2009; DOH Policy 07.059 dated August 1, 2009		
Approved:	 Chief of Staff, Department of Health		

Policy Statement:

The Department of Health believes a culture of ethics, integrity, and transparency strengthens our relationships with our customers, contractors, partners, communities, and with each other. Our goal is to establish and maintain such a culture for our employees, our customers, our partners and anyone else with whom we have a relationship. To that end, it is the department's expectation that staff will maintain high professional ethical standards at all times, in keeping with the department's role and responsibility to the people in Washington State; and comply with laws, regulations, and department policy.

For represented employees the collective bargaining agreements (CBA) supersede specific provisions of agency policies with which it conflicts. However, CBA does not supersede the provisions in the Ethics in Public Service Act, RCW 42.52.

Framework:

1. General

- a. All DOH employees, volunteers, interns, apprentices, and fellows (see policy 07.021 Volunteers, Interns, Apprentices, & Fellows) are expected to know, understand, and comply with applicable ethics laws, regulations, and DOH policies, and to make choices that exemplify an adherence to high ethical standards.
- b. All employees are required to receive ethics training upon entering DOH service and not less than once every three years of continuous service thereafter.
- c. Except as required in the lawful performance of official state job duties, employees may not use their position to secure special privileges or exemptions for themselves or others.
- d. The department will designate an Ethics Advisor, whose role is to assist DOH employees in understanding their obligations under the Ethics in Public Service Act.

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- e. Employees are encouraged to address and resolve potential ethics issues at the lowest level possible, however any employee can report known or suspected violations to any of the following:
- Supervisor or above
 - Human Resources
 - Ethics Advisor/Internal Audit
 - Executive Ethics Board

No employee shall interfere with or retaliate against any employee raising an ethics concern or question.

Complaints can be filed directly with the Executive Ethics Board at www.ethics.wa.gov. The Board has no jurisdiction over non-state employees or over agencies. Certain protections are provided to employees filing a complaint with the Board, see [RCW 42.52.410](#).

Employees wishing to file a complaint of improper governmental activity under the state Whistleblower Act should refer to policy [07.024 Whistleblower \(Reporting State Employee Misconduct\)](#).

Information on issues related to state ethics, including Interpretations and clarifying examples of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) is available at www.ethics.wa.gov.

2. Conflicts of interest:

A conflict of interest is any activity that may conflict with the proper discharge of an employee's official duties. A personal interest in the outcome of a decision made as a state employee could represent a conflict situation. The interest could be outside activity, relationship, business, etc. that would or could impact the employee's ability to make decisions on behalf of the state. DOH employees may not have financial or other personal interests, or engage in business or professional activities, that conflict with the performance of their official duties.

No tangible outcome is needed for there to be a conflict of interest. Therefore, employees should avoid situations that may or would invite a conflict of interest or give the appearance of a conflict with their employment, or which undermines the public's confidence in the department's role. Employees are responsible for disclosing any potential conflicts of interest.

The appointing authority or designee will determine if an outside activity represents a conflict of interest and/or an undermining of confidence in the department's role.

Following are types of conflicts that should be avoided and/or disclosed:

- a. Incompatible activities - These may include but are not limited to activities such as:
- Outside employment (including self-employment),
 - Volunteering,
 - Serving on boards or commissions,
 - Holding or running for political office, and
 - Lobbying when those activities conflict with job duties.

See also policy [07.064 Outside Activities](#).

- b. Financial interests

Having a beneficial interest – directly or indirectly - in a contract, sale, lease, purchase, or grant that the employee is involved in or can influence (e.g., supervise, authorize, etc.). Also includes accepting, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

c. **Assisting in transactions**

An employee helping another person – directly or indirectly – in a transaction with the state in which the employee participated as a state employee. This does not include activities performed as part of the employee's official work duties or that are incidental to those work duties.

For employees involved in research activities, see policy 02.011 Promoting Objectivity in Research.

3. Use of state resources

General requirements and restrictions

State and DOH resources, including funds; data and information; facilities; equipment; supplies; communication tools such as phone, Internet, and cable; and staff time, positions, and titles are provided for the purpose of performing job duties and conducting the business of the state. Employees, customers, contractors, and partners are not to use these resources for private benefit, or the private benefit of any person or organization. This does not apply to use that is necessary for the conduct of official state duties or state employment, or which is otherwise allowed by statute or rule.

Exceptions

a. Brief and infrequent use ("de minimis")

The department recognizes that situations may occur where it is in the interests of the department and the state to allow an employee to make brief, personal use of department resources. Because of this, DOH does allow for the "de minimis" use of state resources as defined in WAC 292-110-010. This requires the use be brief, infrequent, of little or no cost, not interfere with work duties, and comply with all DOH security and other policies. Note that any personal use for conducting an outside business, whether for-profit or not; in furtherance of private employment; or for private financial gain for oneself or others is prohibited.

b. Charitable/fundraising activities

Charitable and fundraising activities conducted using state resources must be for a public purpose or benefit. The determination of what activity constitutes a public purpose or benefit must be through legislative mandate or as determined by the Secretary, Chief of Staff, or designees.

DOH allows the limited use of resources to support, promote, or solicit for the following charitable activities:

i. Combined Fund Drive (CFD) Annual Fund Drive

The Combined Fund Drive is authorized in statute and therefore has been sanctioned by the legislature as having a public benefit. Limited state resources, as determined by the Secretary, Chief of Staff, or designees, may be used for annual fund drive activities within the following limitations:

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- o Agency Campaign Leader and Local Coordinators may use state resources, including time, to the extent necessary and authorized by their supervisor to perform their official CFD duties.
- o CFD volunteers may use their time to assist on CFD projects as authorized by their supervisor.
- o All other DOH employees may participate in CFD-sponsored activities as long as that participation is brief and infrequent or as otherwise allowed by law.

Combined Fund Drive-related activities outside of the annual fund drive must comply with the process for other charitable/fundraising activities as described below.

- ii. Other – The Secretary, Chief of Staff, or designees may authorize the use of resources for other charitable fundraising activities on a case by case basis. The activity should have direct and significant impact to DOH employees, families, communities, the Combined Fund Drive, or the state (e.g., natural or man-made disaster relief), and must:
 - o Be pre-approved in writing, and
 - o Be through or for the benefit of a bona fide charitable organization registered with the Secretary of State or the Combined Fund Drive.

Commercial fundraising organizations may not be engaged and DOH staff may not solicit persons or businesses outside of the department. **See procedure**

c. Wellness

Employees may use state resources to participate in agency-authorized wellness activities as approved by the Secretary, Chief of Staff, or designee. Use of resources, including time, that exceeds "de minimis" may be used when specifically authorized in accordance with policy 07.056 Wellness@Health Program Activities and Services.

d. Volunteer activities

DOH employees who serve as unpaid, volunteer workers or board members for organizations whose functions are supportive of the mission statement of DOH, shall be permitted to make brief and infrequent (de minimis) use of state resources in support of that work as identified in this section. Authorization for such use may only be made by submitting a written request for approval to the Secretary, Chief of Staff, or designee in advance of the use. **See procedure**

e. Professional associations

DOH supports participation in professional associations that enhance the job-related skills and knowledge of DOH employees. Limited use of state resources to participate in a leadership or administrative role in such organizations must be part of the employee's position description, professional development plan, or otherwise pre-approved in writing by the appointing authority or designee. This does not apply to attending training or educational sessions put on by such organizations, which should be treated as any other training opportunity.

f. Employee events and celebrations

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Limited state resources may be used to recognize significant employee life events, including birthdays, wedding or baby showers, or similar celebrations, subject to the following:

- i. Individual events are subject to division-level approval. Approval is to be by the Assistant Secretary (Chief of Staff in the case of Central Administration) or designee. Designees must be Office Director or above. If a division allows this use, it must have guidelines and procedures documenting expectations available to its staff.
 - ii. Facilities and equipment – DOH facilities, including meeting rooms, common areas, break or lunch rooms, etc.; and audio visual equipment, may be used unless there is a business need for the facility or equipment. All building and information security standards must be adhered to. Equipment may not be removed from DOH facilities.
 - iii. Time – staff may use time on a brief and infrequent basis to organize or attend an approved activity, subject to approval by their supervisor.
 - iv. Consumable supplies – supplies such as paper, pens, etc. may be used on a limited basis as long as there is minimal cost to the department.
 - v. DOH or state funds will not be used to support these events.
- g. Service and performance recognition
State resources may be used for employee service and performance recognition – including retirement from state service - subject to the limitations in department procedure 11.009 Employee Recognition Awards.

Political activities

No DOH employee can use or authorize the use of public resources, directly or indirectly, for a political campaign unless specifically authorized as part of the employee's official job duties. This includes campaigns for elective office as well as ballot propositions, regardless of whether the use is in support of, or in opposition to, the campaign. Employees who witness public resources being used for a political campaign in violation of the law are required to report it. Not doing so may also be considered a violation.

Employees may not engage in political activities and may not solicit or accept contributions for a political purpose during working hours or on state owned or leased property. Employees may provide information or respond to questions or inquiries from representatives, elected officials, or persons running for political office if responding or giving such information is part of the employee's official duties and responsibilities.

See RCW 42.52.180 and RCW 42.17A.555.

Additional restrictions may apply to federally funded staff. See policy 07.064 Outside Activities.

Revocation

Authorization for the use of resources may be revoked. Notification of the revocation must be in writing. See procedure.

4. Gifts

- a. General – Employees are restricted from accepting gifts, honoraria, or prizes except as provided in state law and department policy. Employees should refuse a gift if it is likely

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to result in any question about the ethics of accepting the gift or result in the perception of a conflict of interest.

- i. Employees may not accept, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the employee, or be considered part of a reward for the employee's action or inaction.
 - ii. State law exempts certain items from the definition of gift. See RCW 42.52.150 (9).
 - iii. In addition to the items deemed to not be gifts, items and amounts that are presumed to not influence an employee's judgment, and that therefore may be accepted, are identified in RCW 42.52.150 (2).
 - iv. Employees involved in regulatory, contracting and/or procurement activities may be subject to stricter limitations under the law. See b – Section 4 employees.
- b. Section 4 employees - Section 4 of RCW 42.52.150 recognizes that stricter limitations need to be placed on employees with influence over regulatory, contracting and procurement activities to avoid the appearance of a conflict with those doing – or wishing to do – business with the state.
- i. Supervisors will tell employees when their position or activities are covered by section 4 and discuss how that impacts their decision making.
 - ii. Employees covered under Section 4 of RCW 42.52.150 are responsible for being familiar with that section as needed to ensure compliance with the law.
 - iii. Employees do not have to have direct interaction with a regulated person/business or contractor for Section 4 to apply. Any employee in a position to make decisions regarding the person or entity giving the gift would be subject to the stricter limitations.
- c. Internal – state law specifically allows the voluntary exchange of gifts between department employees at a work-related social event, and DOH supports this. The department also supports a work environment where all employees feel they will receive fair and equal treatment. To this end, the following restrictions are placed on gifts between supervisors and subordinates at work:
- i. Supervisors will decline any gift from a subordinate if it is reasonably likely to result in questions about the ethics of accepting the gift or result in the perception that it could influence decisions about individual subordinates.
 - ii. Supervisors will refrain from giving gifts to subordinates if it could reasonably result in the perception of favoritism towards individual subordinates.

This does not prevent supervisors from accepting gifts from groups of subordinates, or from giving gifts to subordinates when those gifts are normal and customary and do not indicate favoritism of one or more employees over others.

d. Honoraria

DOH employees have expertise in many areas and are often asked to speak, write articles, participate in presentations, or otherwise share that expertise with persons and groups outside of DOH. When such activities are performed in connection with an

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employee's official role or duties, or the employee's time is compensated by DOH, the following apply:

- i. Honorarium may be accepted if it is a non-monetary token item of nominal value. Examples include mugs, T-shirts, plaques, pens and certificates of appreciation.
- ii. Cash or equivalents may not be accepted.
- iii. Honorariums may not be accepted from persons or organizations:
 - i. regulated by DOH,
 - ii. in a contractual relationship, including grants, with DOH, or wishing to enter into such a relationship with DOH,
 - iii. reasonably expected to seek or oppose enactment or adoption of legislation, rules, actions, or policies of DOH.

This does not apply to activities not conducted in conjunction with an employee's official duties or role, and not otherwise compensated by DOH. See policy 07.064 regarding outside activities

e. Door prizes, giveaways, raffle prizes

- i. Door prizes – a door prize is not considered a gift if there was a fee to attend the event where the prize is awarded. However, if the department paid for the employee's attendance at the event or is otherwise compensating the employee for attendance, then the prize belongs to the department. DOH may (1) determine that the door prize would benefit the agency and keep the prize; (2) determine that the door prize would not benefit the agency, and ask that the door prize be returned to the donor or (3) donate the door prize to a charity. Such determinations will be made by the Secretary, Chief of Staff, or designee. Note that prizes containing alcohol, tobacco and related paraphernalia (including vaping or e-cigarette products), or marijuana and related paraphernalia will not be accepted by the department and must be declined.

Employees may retain a door prize if all three of these conditions apply: 1) the employee personally paid for admittance to the event 2) the employee did not use state time to attend the event AND 3) the department did not pay for any travel, lodging, or per diem expenses.

- ii. Giveaways – giveaways should be treated as gifts, and the same general policies would apply. Items of a nominal value received by all activity/event attendees, the cost of which may reasonably be considered to be included in the activity/event fee, are not considered gifts.
- iii. Raffle prizes – For purposes of this policy, "raffle" is used to mean a drawing where entry requires the purchase of one or more chances. If the ability to purchase chances is available to all and the chance(s) is/are purchased by the employee, the employee may keep any prize won. Otherwise, the activity should be treated as a door prize.

5. Confidential information

Information that is confidential is legally protected from public or otherwise improper disclosure. In addition to the requirements of policies 17.005 Responsibilities for Confidential Information and 17.006 Release of Confidential Data/Information, employees are required to comply with state ethics laws regarding confidential information. These include the following prohibitions:

- Employees may not accept employment or otherwise engage in activities that might reasonably expect them to make unauthorized disclosure of confidential information obtained through their state employment.
- Employees may not make disclosure of confidential information obtained through their state employment for personal benefit or the benefit of others, unless expressly authorized as part of their official state duties.
- Employees may not intentionally conceal a record if the employee knew the record was required to be released under chapter 42.56 RCW, was under a personal obligation to release the record, and failed to do so.

Each employee is responsible for knowing, understanding, and complying with laws, regulations, and policies regarding the confidential information within their control.

6. Post-state employment:

Employees may not allow the potential for future employment to influence the decisions they make as a state employee. To prevent an employee from using their state position to inappropriately secure future employment, certain prohibitions on post-state employment are in place. Generally, employees involved in the negotiation or administration of a contract or grant are prohibited from accepting employment or compensation from the contractor or grantee for one year after leaving state service if that employment would involve the contract or grant.

The law specifies other conditions and prohibitions on post-state employment, and employees considering leaving state service for other employment are expected to know, understand, and abide by these restrictions. These restrictions do not apply when leaving DOH service for another Washington State agency. See RCW 42.52.080.

In addition, former DOH employees may not assist any person, whether or not for compensation, in any transaction involving the state if they previously participated in that transaction while a state employee.

Penalties:

Employees violating this policy and/or associated procedures are subject to corrective or disciplinary action, up to and including dismissal, as guided by the appropriate rules or collective bargaining agreements, as well as penalties imposed by the Executive Ethics Board under chapter 292-120 WAC.

Review and Approval:

The DOH Ethics Advisor will be responsible for coordinating any updates or rescinding of this policy or its associated procedure(s) with the Labor Relations Manager in the Office of Human Resources. The Secretary, Department of Health, has full authority to review and approve this policy and associated procedures. The Secretary also has the authority to delegate this responsibility.

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Procedure(s) for Policy 07.015 Ethics – Use of State Resources

Key Function	Activity	Person(s) Involved
Identification of charitable/ fundraising or volunteer activity (activity, product or event)	Activity Identified by employee or employee(s)	Employees
Approval or denial by division deputy; office director or chief (for central admin offices)	Approval or denial at division level	Division deputy, office director or chief for central administration offices
Approval or denial by Secretary, Deputy Secretary	Activities approved at the division level are submitted for authorization by the Secretary or Chief of Staff	Secretary, Chief of Staff.
Revocation of approval and authority	At their discretion, the Secretary, Chief of Staff, or the division deputy/office director or chief may elect to revoke the approval and authorization to use department resources for the activity. The requesting employee(s) will be notified in writing.	Secretary, Chief of Staff, division deputy/office director or chief, requesting employee(s)

Link(s) to resources:

Request to use department resources form

PROCESS: Review and approval or denial of identified activity		
Steps	Activity or Event(s)	Person(s) Involved
1	Employee completes Request to Use Department Resources form	Employees
2	Form is forwarded to division deputy (office director or chief for central admin offices)	Division deputies, office director or chief for central administration offices
3	Deputy/office director or chief reviews to determine if the activity aligns with division guidance and policy. If so, the deputy (office director or chief for central administration offices) may approve the activity and submit it to the Secretary or Chief of Staff for authorization. If the activity is not approved at the division level, the deputy/office director or chief will annotate this and return the request to the employee.	Division deputy/ office director or Chief for central administration offices
4	The Secretary or Chief of Staff reviews the request. A determination on whether or not to authorize use of department resources for the activity is made:	Secretary, Chief of Staff

	<ul style="list-style-type: none"> • Approved as submitted • Approved with conditions or edits • Denied <p>Once a determination is made, a copy of the form is provided to the deputy/office director or chief, and the employee.</p>	
5	Divisions are to monitor compliance with the authorized use of department resources in accordance with their own procedures.	Division deputies/office directors or chiefs

PROCESS: Revocation of authorization		
Steps	Activity or Event(s)	Person(s) Involved
1	Secretary, Chief of Staff, or the division deputy/office director or chief determines that the use of department resources in support of the activity will no longer be approved or authorized.	Secretary, Chief of Staff, or the division deputy/office director or chief
2	Notice is provided to the requesting employee(s) of the revocation of approval/authorization, including a date by which the use of department resources will cease. The notification will be in writing.	Secretary, Chief of Staff, or the division deputy/office director or chief
3	The employee will cease all use of department resources in support of the activity by the date indicated.	Requesting employee(s)



Request to Use Department Resources

Proposed Use:		
Charitable/Fundraising <input type="checkbox"/>	DOH-related Volunteer Activities <input type="checkbox"/>	
Charity/Beneficiary Name:	Organization Name:	
Begin Date:	End Date:	
Last Name:	First Name:	Work Phone:
Division:	Office:	Job Title:
Briefly describe the activity and how it meets the criteria identified in policy 07.015:		
Identify department resources requested, including employee time, use of email, supplies, IT resources, etc:		
_____ Employee Signature		_____ Date
The division deputy assistant secretary (office director or chief in the case of central admin offices) affirms that the activity request that would require the use of department resources meets following criteria:		
<u>Charitable/fundraising activities:</u>		
<ul style="list-style-type: none"> • The activity has a direct and significant impact to DOH employees, families, communities, the Combined Fund Drive, or the state • The beneficiary is a bona fide charitable organization registered with the Secretary of State and/or the Combined Fund Drive • No for-profit or commercial fund-raising organization will be engaged or involved with DOH activities • There will be no solicitation of private persons, organizations, or businesses. 		
<u>Volunteer activities:</u>		
<ul style="list-style-type: none"> • The activity/organization is supportive of DOH's mission • There is a benefit to the department by having staff representation in this activity • Staff's participation would not constitute a conflict of interest 		
I recommend this activity for approval:		
_____ Signature - division deputy		_____ Date
Comments:		

I approve this request as presented I approve this request with conditions I deny this request

Secretary/Deputy Secretary Signature

Date

Approval with Conditions:

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Request to Use Department Resources

Reason for denial:

NOTE: Any materials created/posted/handed out in conjunction with an approved activity should include a statement that the activity has been approved in accordance with DOH policy 07.015.

The Secretary, Chief of Staff, Division Assistant Secretaries, or Deputy Assistant Secretaries may revoke this approval at any time. The employee will be notified of such revocation in writing.

Distribution:

Original – Office of the Secretary

Copy – Division deputy, employee

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Date: 11-18-16

DOH Form