

Chapter 1: Agency Administration

Contact:	Ethics Advisor	Effective:	March 28, 2024
Reference:	Chapter 42.52 RCW Executive Ethics Board HCA Ethics	Supersedes:	HCA Administrative Policy 1-16, <i>Ethics: Conflicts of Interest, Post-State Employment, and Obtaining Ethics Advice</i> (October 6, 2022)
Forms Used:	Ethics in Public Service Act Acknowledgement (HCA 40-205)	Applies to:	All employees
		Approved by:	<u>/s/ Jody Costello</u> Administrative Services Director

Ethics: Conflicts of Interest, Post-State Employment, and Obtaining Ethics Advice

PURPOSE

To establish standards and guidelines for ethical employee conduct. This policy supplements, but does not substitute for, the Ethics in Public Service Act (chapter 42.52 RCW).

DEFINITIONS

Beneficial Interest	The right to enjoy profit, benefit, or advantage from a contract.
Compensation	Anything of economic value paid, loaned, granted, or transferred in consideration of personal services.
Conflict of Interest	A situation in which an employee is in a position to derive personal benefit, financial or otherwise, direct or indirect, from actions or decisions made in the course of the performance of official duties, or when an employee's private or personal interest impairs their independent and impartial judgement in the exercise of official duties.
Person	Any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.
Transaction Involving the State	A proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state

officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

- Is, or will be, the subject of state action; or
- Is one to which the state is or will be a party; or
- Is one in which the state has a direct and substantial proprietary interest.

"Transaction involving the state" does not include the following:

- Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or
- A claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit.

POLICY REQUIREMENTS

1. Every employee is responsible for understanding and complying with the ethics law and HCA policies that establish what is/is not acceptable ethical behavior. All employees must read this policy and sign the *Ethics in Public Service Act Acknowledgement* form (HCA 40-205).
 - a. By signing the form, employees acknowledge that they have read this policy and the form.
 - b. Employees must provide the signed form to Human Resources.
 - c. Employees should address questions about the *Ethics in Public Service Act Acknowledgement* form to their supervisors.
2. Failure to comply with this policy may result in disciplinary action up to and including discharge from employment.
3. Conflicts of Interest
 - a. Employees must conduct their official duties only to advance the public interest. This obligation requires that all employees protect the integrity of the decision-making process by recognizing and avoiding conflicts between their public duties and private interests.
 - b. An employee must not:
 - i. Take official action to assist a personal friend or relative in HCA business transactions or provide confidential information to them.
 - 1) The employee must refer the transaction or inquiry to their supervisor.
 - 2) This does not preclude an employee assisting a personal friend or relative outside their official duties, or assisting another employee with personnel proceedings or employee organization, provided no compensation of any kind is received for the action. (For example: An employee may assist their child in completing an application, but the employee may not process and approve the application.)

- ii. Make adjustments or other changes to their own account or file. The employee must refer these transactions to a supervisor or the appropriate staff.
- iii. Engage in any employment, business, professional activity, or other private activity or relationship that is in conflict with the employee's impartial, objective conduct of official duties.
- iv. Personally or financially benefit from any contract, sale, lease, purchase, or grant that was made by or is under the supervision or control of the employee.
- v. Participate in a transaction involving the state in their official capacity with a person of which the employee is an officer, agent, employee, or member, or in which the employee owns a beneficial interest.
- vi. Use the employee's position for the personal gain or advantage of the employee or others.
- vii. Use the employee's position to obtain special privileges or exemptions for the employee; the employee's spouse, child, or parents; or other persons.
- viii. Outside of official duties, assist another person in a transaction involving the state if either of the following is true:
 - 1) The employee participated in the transaction as a state employee, or
 - 2) The transaction was under the employee's official responsibility within the past two years.
- ix. Accept employment or engage in any business or professional activity that might require or induce the employee to improperly disclose confidential information.
- x. Use or disclose confidential information for the employee's or another's personal benefit or gain.
- xi. Disclose confidential information to any person not authorized to receive the information.
- xii. Conceal records required to be released.

4. Post-State Employment

- a. To avoid a conflict of interest, an employee who participates in state actions that could affect the interests of an outside organization must disclose to a supervisor that they are considering post-state employment with such an outside organization, and not participate in state actions that could affect that outside organization. (Considering prospective employment begins when an employee has accepted an interview for a position outside state government, or when the employee receives an offer of employment if they did not participate in an interview. It ends when the employee is no longer considering the prospective employment or when the prospective employer informs the employee that the employee is no longer under consideration.)
- b. Upon terminating state employment an employee is subject to the ethics law's post-state employment restrictions. See RCW 42.52.080 and 42.52.090.

5. Obtaining Ethics Advice

An employee confronting a situation to which the employee believes the ethics law might apply may resolve the issue by:

- a. Seeking self-help from HCA's ethics intranet site.
- b. Discussing the issue with their supervisor.
- c. Asking HCA's ethics advisor for advice.
- d. Contacting the Executive Ethics Board.