

Chapter 1: Agency Administration

Contact:	Ethics Advisor	Effective:	March 28, 2024
Reference:	Chapter 42.52 RCW , Ethics in Public Service Act Chapter 41.60.150 RCW , Recognition awards Chapter 41.60.160 RCW , Persons ineligible for awards Chapter 42.17A.635 RCW , Legislative Activities of State Agencies, Other Units of Government, Elective Officials, Employees WAC 292-110-010 , Use of State Resources WAC 357-37-070 , What factors should employers consider in developing employee recognition programs? HCA Administrative Policy 3-19, Training, Developing, and Educating Employees HCA Administrative Policy 6-03, Using Information Technology Assets Executive Ethics Board Building Use Guidelines HCA Ethics Analysis: Use of State Resources	Supersedes:	HCA Administrative Policy 1-17, <i>Ethics: Use of State Resources; Fundraising</i> (February 21, 2023)
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: Use of State Resources; Employee Recognition

PURPOSE

All state officers and employees have a duty to ensure the proper stewardship of state resources. The purpose of this policy is to establish standards and guidelines for the ethical use

of state resources. This policy supplements, but does not substitute for, the Ethics in Public Service Act (chapter 42.52 RCW).

DEFINITIONS

Combined Fund Drive (CFD)	An official state program designed to effectively raise funds for charities while minimizing disruption of the state workplace.
<i>De Minimis</i>	<p>A personal use of state resources is <i>de minimis</i> if it:</p> <ul style="list-style-type: none"> • Results in little or no cost to the state, • Is brief and infrequent, • Does not interfere with the performance of any state employee's official duties, • Does not compromise the security or integrity of state property, information, information systems, or software, • Is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain, and • Is not for supporting, promoting the interests of, or soliciting for an outside organization or group.
Limited Use	<p>An agency-approved use of state resources that:</p> <ul style="list-style-type: none"> • Results in little or no cost to the state, • Occurs infrequently, • Is brief or restricted to the minimum amount and duration of state resources needed to adequately perform the task/activity, • Does not interfere with the performance of any state employee's official duties, • Does not compromise the security or integrity of state property, information, information systems, or software, • Is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain, and • Conforms to the requirements and prohibitions of this policy.
Official Duties	Those duties within the Health Care Authority (HCA) employee's specific scope of employment as defined by the employee's position description, supervisor, appointing authority, or by statute or the state Constitution. Employees in doubt as to what is and is not within their official duties should consult their supervisor.
Official Duty Station	The city, town, or other location where the employee's office is located, or the city, town, or location where the employee's work is performed on a permanent basis. An employee's official station is to be designated by the agency. It is to be determined by the needs of the agency and not assigned because it is the home or preferred living area of the employee.

Official State Purpose	<p>Official duties, activities reasonably related to the conduct of official state duties, activities related to state employment, and activities allowed by statute. Examples of official state purposes include:</p> <ul style="list-style-type: none"> • Agency-approved training and career development (see HCA Administrative Policy 3-19, <i>Training, Developing, and Educating Employees</i>), • Membership or participation in professional associations that enhance the employee's job-related skills and for which the use of state resources has been approved in writing by the employee's supervisor, • State or agency-sponsored health, safety, or diversity fairs, • Management of or access to state-provided or state-sponsored benefits, including health, deferred compensation, insurance, retirement, and the employee assistance program, • Searching and applying for state jobs, including taking an examination or participating in an interview.
Organizational Effectiveness	<p>Activities that enhance or augment the agency's ability to perform its mission by supporting a collegial work environment.</p>
State Resources	<p>All resources under a state employee's control including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Email addresses and email accounts • Telephones and telephone numbers • Computers • Vehicles • Equipment and supplies • Publications of the agency • Official state time (also referred to as "state paid time" or "working hours") • State facilities • State information such as databases, employee lists, and clientele lists of persons served by the agency • Use of state employees of the agency during working hours.

POLICY REQUIREMENTS

1. Every HCA employee is responsible for understanding and complying with the Ethics in Public Service Act, regulations, 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. HCA employees' use of state resources to carry out their official duties and official state purposes is not restricted by the Ethics in Public Service Act.
4. Personal Use of State Resources

HCA employees may make personal use of state resources so long as:

- a. The use does not involve a strictly prohibited purpose under Section 7 of this policy, **and**
- b. The use is *de minimis*.

5. Limited Use of State Resources: Agency Activities Not Requiring Advanced Approval

HCA employees are pre-approved to make *limited use* of state resources for the following activities:

- a. Washington Wellness-sponsored health activities and HCA-sponsored health activities such as vaccinations, diabetes screenings, cholesterol screenings, or recording participation in wellness programs.
- b. Activities supporting agency organizational effectiveness **so long as** the activities do not involve endorsement or promotion of a commercial organization or activity, such as advertising or selling products. Organizational effectiveness activities include, but are not limited to:
 - i. Team-building events,
 - ii. Emails and HCA intranet postings about diversity events and diversity trainings sponsored by outside organizations that are not part of an employee's official state duties, so long as the events/trainings are not fundraisers, and
 - iii. Celebrations for significant life events, such as retirements, wedding/baby showers, birthdays, or other similar celebrations.
 - 1) To provide for a holiday gathering or similar event, HCA employees may make in-kind contributions (food, beverages, decorations, etc.) or collect money amongst themselves for the immediate purchase of supplies for an upcoming event.
 - 2) See HCA's *Building Use Guidelines* for limits on use of conference room space.

6. Limited Use of State Resources: Activities Requiring Advanced Approval

- a. Supporting, promoting, or soliciting for charitable activities
 - i. Employees may use state resources to engage in charitable activities or raise funds for a charitable purpose **only if**:
 - 1) The use of state resources complies with the *limited use* standard;

- 2) The use is approved by the employee's supervisor, appointing authority, and HCA's Ethics Advisor;
- 3) The use does not involve a strictly prohibited purpose under Section 7 of this policy; **and**
- 4) The use does not include any of the following activities:
 - a) Using state resources, including state paid time, to solicit donations for the employee or for a person or organization in which the employee has a personal/private interest.
 - b) Distributing fliers or discount coupons directly to HCA employees.
 - c) Distributing sales brochures or order forms directly to HCA employees.
 - d) Collecting order forms in the workplace or on state paid time.
 - e) Distributing products in the workplace or on state paid time.
 - f) Using state resources, including state paid time, to make direct personal solicitations from/to employees.
 - g) Making direct personal solicitations of employees who work under their supervision.
 - h) Using their official state position or state resources, including state paid time, to solicit donations from local businesses.
 - i) Soliciting donations from HCA vendors or persons/entities the employee engages in regulatory or contractual activities with, even if done on personal time without mentioning HCA.

ii. Approval request

- 1) HCA employees must request permission in writing from both their supervisor and appointing authority to use state resources to support, promote, or solicit for a charitable activity.
- 2) If both the employee's supervisor and appointing authority approve, the employee must then seek approval from the Ethics Advisor and specify the limited use of state resources the employee intends to make.
- 3) If approved by the Ethics Advisor, the use of state resources must comply with this policy and follow any other restrictions specified by the employee's supervisor, appointing authority, and Ethics Advisor.

iii. The Combined Fund Drive (CFD) is an exception to the above rules. Because the CFD is official state business, HCA employees assigned to conduct the CFD as a part of their official duties may use state time and resources pursuant to direction from their supervisors and appointing authorities.

- 1) HCA employees not officially assigned to coordinate the CFD may make *de minimis* use of state resources to support the CFD.
- 2) HCA employees should avoid direct involvement in commercial activities even if the proceeds may benefit the CFD.

b. Employee Recognition Awards

- i. Employee recognition awards are used to recognize employees for outstanding achievements, longevity, or outstanding public service. Employee recognition awards must be designed to recognize verifiable accomplishments.
- ii. Recognition awards can be awarded to an individual employee or a group (“class”) of employees. Awards may not be made to the HCA Director.
- iii. Employee recognition awards must be explicitly approved by the division’s appointing authority.
- iv. Official HCA employee recognition activities are funded by the HCA budget. The amount spent on a recognition award cannot exceed \$200, regardless of whether the award is for an individual employee or a class of employees. For example:
 - 1) A group of 5 employees within an HCA division draft and submit a federal grant application and HCA is awarded the grant. The appointing authority of the division wishes to award the entire group for its collective achievement by giving the employees a plaque with all their names on it. The employees could be awarded the plaque so long as it costs no more than \$200.
 - 2) An HCA employee works with a Medicaid client to resolve a complex benefits issue, and the employee’s supervisor wants to give the employee a gift card in recognition of their outstanding public service. The employee could be awarded the gift card so long as it costs no more than \$200.
- v. Employees may not engage in fundraising to support employee recognition activities. Employees may, and are encouraged to, use no-cost methods to provide additional recognition to their colleagues.

7. Strictly Prohibited Purposes

- a. HCA employees may not make any use of state resources, including state time, to carry out a strictly prohibited purpose. Any use, no matter how limited, violates the Ethics in Public Service Act.
- b. Strictly prohibited purposes include:
 - i. Conducting an outside business, private employment, or other activities conducted for private financial gain.
 - ii. Supporting, promoting, or soliciting for an outside organization, group, or person, unless permitted under Section 3 or Section 6(a) of this policy.
 - iii. Maintaining a collective fund on an ongoing basis from which employees make payments for charitable donations or any other purpose, whether kept in bank accounts, lockboxes, or otherwise.
 - iv. Assisting a political candidate's campaign, or supporting or opposing a ballot measure.
 - 1) HCA employees may not use any state resources to support or oppose a candidate’s campaign or support or oppose a ballot measure.

- 2) HCA employees may not use their HCA job title or make explicit use of their status as an HCA employee when engaging in political or campaign activities.
 - 3) If an employee attends a political or campaign event, even virtually, they must:
 - a) Refrain from using their HCA job title, or
 - b) Provide a disclaimer that they are attending the event in their personal capacity and are not speaking or attending on behalf of HCA.
 - 4) If an employee uses their personal (non-HCA) email address(es) or personal social media account(s) to engage in political or campaign activities, they must do one of the following:
 - a) Delete their employment information and job title from their profile/signature line,
 - b) Hide their employment information and job title so it is only visible to the employee, or
 - c) Provide a disclaimer that they are engaging in the political/campaign activity in their personal capacity and not on behalf of HCA.
 - 5) If an employee chooses to attend a campaign or political event that takes place during their normal work hours, they must submit a leave request and have that approved by their supervisor prior to the event. Employees do not need to submit a leave request to volunteer or attend a political or campaign event after hours, during their defined lunch hour, on a furlough day, or on weekends/state holiday.
 - 6) If a supervisor or manager is aware of a subordinate's improper use of state resources for political or campaign purposes, they must act to stop it.
- v. Lobbying the state legislature or a state agency, unless authorized under RCW 42.17A.635.
 - vi. Violating a federal or state law or rule, or a state agency policy.
 - vii. Removing a state resource from state facilities or other official duty station for any use other than an official state purpose.
 - viii. Gambling (whether legal or illegal).
 - ix. Creating, accessing, posting, sending, or printing sexually explicit or pornographic material.
 - x. Using state resources to make requests for disclosure of public records for personal use.
 - xi. Any use that violates HCA Administrative Policy 6-03, *Using Information Technology Assets*.