



Pollution Liability Insurance Agency Policy

<i>Ethical Conduct</i>	
General Topic: Ethics	Policy Number: 2A.00
Contact: Deputy Director (PLIA Ethics Advisor)	Effective Date: April 20, 2022
References: Chapter 42.52 RCW ; Washington State Executive Ethics Board ; Chapter 292-110 WAC .	
This policy supersedes prior agency policies: <ul style="list-style-type: none">2.00 Acceptance of Gifts and Business Meals2.01 Acceptance of Honoraria2.03 Outside Employment2.05 Prohibiting Private Use of State Resources2.08 Political Activity	
Approval: _____ Russell E. Olsen, Executive Director	

I. Purpose

The Washington State Pollution Liability Insurance Agency (PLIA) commits to and promotes a work environment and culture of ethics, integrity, and transparency towards our customers, partners, the citizens of Washington state, and each other.

This policy provides direction to staff in making ethical choices, acting in a manner that demonstrates high ethical standards and complying with the provisions of Ethics in Public Service, Chapter 42.52 RCW which applies to all state employees and officers.

II. Scope

This policy applies to all PLIA executive officers, managers, and employees including volunteers and interns, collectively referred to as agency staff. This policy will be reviewed every three (3) years to ensure that it remains relevant and appropriate. If required by changes to state law or rule, this policy will be updated.

III. Definitions

Agency: refers to the Washington State Pollution Liability Insurance Agency (PLIA).

Compensation: anything of economic value that is or to be paid, loaned, granted, or transferred, or personal services to any person.

Conflict of interest: any instance when an employee's actions, decisions, recommendations, or activities outside the agency influence, potentially influence, or have the appearance to a reasonable person of influencing, the employee's official duties or decisions.

Ethics Board: refers to the Washington State Executive Ethics Board.

Gift: anything of value for which the employee did not pay for or earn. There are some exclusions which include: item(s) from a family member or friend with no design to gain or maintain agency influence; items related to the recipient's outside business and not recipient's official duties; items exchanged among staff or through a social event sponsored by the agency; and payments for reasonable expenses, such as travel expenses directly related to work made in an official capacity. See [RCW 42.52.010\(9\)](#) for a complete list of exemptions.

Honoraria or Honorarium: a money or a thing of economic value offered to any state employee for a speech, appearance, article or similar item or activity in connection with the employee's official role.

Official Duty: means those duties within the specific scope of the agency staff's or employee's employment.

Outside employment: any work outside of PLIA where the employee is financially compensated. This may include: private or self-employment; private business ownership by the employee or a family member in the same home with financial support for each other; or consulting or advising for an employer under a contract with PLIA or is a PLIA customer.

Thing of Economic Value: is the same as its ordinary meaning and includes: loan, property interest in a contract, employment, or compensated arrangement; and option or promise or undertaking for the present or future delivery or procurement.

IV. Ethics Policy

All PLIA staff are expected to maintain high professional and ethical standards at all times. Staff are responsible for knowing and adhering to Chapter 42.52 RCW Ethics in Public Service, Chapter 292-110 WAC, and all applicable agency policies and procedures. Specifically, staff are to comply with the following policies in this document which may have stricter limitations than the Ethics in Public Service law.

Additional information on issues related to state ethics, including interpretations and clarifying examples of the Ethics Act, can be found on the Ethics Board website: www.ethics.wa.gov.

Ethics Advisor

The Deputy Director is designated as PLIA's Ethics Advisor who coordinates and manages the agency's ethics program. The Ethics Advisor is the PLIA's liaison to the Ethics Board and may:

- Assess the application of conflict of interest laws and regulations to the information reported and counsel those employees with regard to resolving actual or potential appearances of conflicts of interests;
- Counsel and provide guidance to staff concerning ethics standards and programs;
- Counsel departing and former employees on post-employment conflict of interest standards;
- Assist managers and supervisors in understanding and implementing agency ethics programs and policies;
- Develop and administer a system for periodic evaluation of the agency's ethics program; and
- Initiate an internal investigation of a reported violation.

Reporting a violation

PLIA staff must avoid actions that create even the appearance of using their position for personal gain or private advantage for themselves or another person. Staff should notify their supervisors or managers and the Ethics Advisor of any actual or potential violations of this policy. Anyone may file an anonymous ethics complaint against a state employee or officer through the Ethics Board website or by mail at the following address:

Executive Ethics Board
P.O. Box 40149
Olympia, WA 98504-0149

The Ethics Advisor will act and investigate a reported ethics violation. For complicated investigations, PLIA's Ethics Advisor may refer to the Ethics Board or state Human Resources. Staff are required to fully cooperate in any investigation of an ethics law or agency policy violation.

Violations

Violations of the State Ethics Act and this policy may lead to corrective or disciplinary action, up to and including termination. PLIA will take reasonable steps to achieve compliance with applicable laws and rules by monitoring and auditing systems designed to detect unethical conduct. The agency may develop and publicize a reporting system for employees and other agency agents to report ethical violations. After a violation has been reported, the agency will take all reasonable steps to respond to the violation and to prevent further similar offenses. The Ethics Board has the authority and responsibility for investigating alleged violations of the state's ethics law and may take administrative action against a PLIA employee, including imposing a civil penalty for violations.

1. Use of state resources

Staff must properly use state resources, such as funds, facilities, tools, property, and their time. Proper use includes:

- Conducting official job duties/activities as allowed by law.
- Participating in supervisor-approved training and career development.
- Participating in professional associations that enhance job skills when a supervisor-approved in writing.
- Participating in state or agency sponsored health, safety, and diversity events or activities.
- Searching and apply for state jobs, taking examinations or participating in job interviews.
- Participating in any Director-approved activities that support the agency's ability to continuously improve performance.

Staff must never use state resources for (a) outside business, private employment or private benefit or gain, (b) political campaigns, and (c) any activity prohibited by federal or state law or agency policy.

Staff may make de minimis use of state resources for personal reasons, but this is limited to infrequent, brief duration use that costs little to nothing to the state/agency and does not interfere or disrupt agency business or staff time, or compromise agency security and systems.

There is no right to privacy when staff use state resources. Technologies such as e-mail, fax, the internet, and voicemail create a record and cannot be considered private. Such records may be subject to disclosure under the Public Records Act or may be disclosed for audit or state operational or management purposes.

See [RCW 42.52.160\(3\)](#) and [WAC 292-110-010\(3\)](#).

2. Use of state resources for political activity prohibited

Campaign activity during working hours is strictly prohibited. Campaigns can include elective office and ballot propositions. Staff cannot engage in the following activities:

- Using PLIA or other state building/facilities for campaign purposes.
- Soliciting campaign funds on state property.
- Coercing, or attempting to coerce other staff or state employee to give, lend, or contribute anything of value to a political campaign.
- Wearing or displaying political campaign buttons or paraphernalia on person during work or in work area.

Staff may respond to and provide information to inquiries from representatives, elected officials, or persons running for political office if doing so is part of the staff's specific duties and responsibilities. See [RCW 42.52.180](#) and [RCW 42.17A.555](#).

3. Conflicts of interest

Special privileges

Staff may not use their position to secure special privileges or exemptions for themselves, their spouse, child, parents, or other persons.

Outside employment and volunteer activities

Outside employment or volunteer activities shall not conflict with any official PLIA duties and shall be consistent with the state ethics laws. PLIA staff will not knowingly seek outside employment that could conflict with their official duties. Employees should not seek outside employment in which demands detract from the employee's ability to perform their official agency duties satisfactorily.

Employees with outside employment or volunteer activities may not use their agency position to create the opportunity for private gain by using state resources. The only exception is if the volunteer activity is sponsored by the state or a state agency. Furthermore, employees may not accept outside employment or engage in any non-agency activity that might reasonably expect the employee to reveal confidential Any employee with outside employment will report this to their supervisor or manager for approval if the outside employment presents a perceived, potential or actual conflict of interest to the agency. The Ethics Advisor will make the final determination as to whether a conflict of interest exists.

Former employees must adhere to [RCW 42.52.080](#) regarding restrictions and limitations to employment after working at PLIA.

4. Honoraria

Staff may not receive honoraria when the person offering the honoraria:

- Is seeking or reasonably expects to seek a contractual relationship or grant from PLIA, and the agency staff or employee is in a position to affect the terms or award of a contract or grant;
- Is regulated by the agency and the agency staff is in a position to participate in that regulation; or
- Is seeking or opposing enactment of legislation or adoption of administrative rules or actions, or policy changes by PLIA, and the agency staff is participating in the enactment or adoption.

See [RCW 42.52.130](#).

5. Gifts

Staff may **not** receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from any person if:

- The gift could be reasonably interpreted to influence or create the appearance of influencing the employee's performance or non-performance of official duties;
- The gift's intent is to reward the employee for official action or inaction; or
- The gift's aggregate value is more than \$50.00 from a single source in a calendar year.

State law allows some limitations on gifts accepted by state employees. The following items are presumed **not** to influence an employee and may be accepted.

- Unsolicited:
 - flowers, plants, and flower arrangements;
 - advertising or promotional items of nominal value, such as pens and note pads;
 - tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item; or
 - items received by staff for the purpose of evaluation or review if the employee has no personal beneficial interest in the eventual use or acquisition of the item by the agency.
- Informational material, publications, or subscriptions related to the recipient's performance of official duties.
- Food or beverage consumed at hosted receptions where attendance is related to the employee's official duties.

However, any 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 may receive, accept, take, or seek, directly or indirectly, **only** the following items:

- Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

- Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- Those items excluded from the definition of gift in RCW 42.52.010 except:
 - 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;
 - Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
 - Flowers, plants, and floral arrangements.

See [RCW 42.52.140](#) and [.150](#).

6. **Confidential information**

Staff are required to maintain confidential information and not use or disclose confidential information for personal gain or for gain or use by anyone not entitled to receive the information. Likewise, staff may not engage in any business or professional activity that might require or induce staff to make an unauthorized disclosure of confidential information acquired over the course of the staff's official position. See [RCW 42.52.050](#).
