

## MEETING ETHICAL STANDARDS

**Subject Matter Lead:** Human Resources Director

**Effective Date:** June 20, 2023

**Accompanying Procedures:** N/A

**Accompanying Forms:** N/A

**Cancels:** POL-HR-212, dated 3/18/2019

**Sunset Review Date:** June 2027

**Approved By:**



*Derek I. Sandison*

**References:** Chapter [42.52 RCW](#) Ethics in Public Service  
[RCW 9A.80.010](#) Official Misconduct  
Chapter [292-120 WAC](#) Executive Ethics Board – Penalty Rules  
Chapter [434-750 WAC](#) Combined Fund Drive  
Executive Ethics Board [Advisory Opinion 98-10](#)  
[POL-HR-214](#) Engaging in Outside Employment While Employed by WSDA  
[POL-HR-207](#) Participating in Political Activities  
[POL-AM-126](#) Fundraising for Charitable Purposes  
[POL-AM-115](#) Disclosing Agency Records to the Public

This policy implements state ethics laws and informs employees about their ethical responsibilities. Ethical conduct is based on the following core principles:

- **Objectivity** – Employees must place the public’s interest before any private interest or outside obligation.
- **Integrity** – In performing their official duties, employees should not take actions or make decisions that result in financial or other benefits for themselves or their family or friends. In addition, employees should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in performing official duties.
- **Stewardship** – Employees have a duty to conserve public resources and funds against misuse and abuse.
- **Transparency** – Employees should be open about their actions and decisions, while also protecting confidential information.

The Human Resources director is the agency’s designated ethics advisor under [RCW 42.52.365](#).

Failure to follow this policy may result in corrective or disciplinary action up to and including dismissal as well as penalties imposed by the Executive Ethics Board under chapter [292-120 WAC](#) Penalty Rules.

## 1. Employees must act consistently with state ethics laws and rules and agency policies.

- For represented employees, collective bargaining agreements (CBA) supersede specific provisions of agency policies if they conflict.
- CBAs do not supersede the provisions in chapter [42.52 RCW](#) *Ethics in Public Service*.
- Employees are required to take ethics training upon hire and once every three years thereafter.

## 2. Employees are prohibited from having a conflict of interest—financial or otherwise—that interferes with the proper performance of their official duties.

- Employees should avoid situations that could invite a conflict of interest, give the appearance of a conflict, or undermine the public's confidence in the agency.
- An employee must not have a direct or indirect personal beneficial interest in a state contract, transaction, or grant that the employee is involved in or could influence.
  - This includes accepting, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, transaction, or grant.
- An employee must not help 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 that are incidental to those work duties.
  - Scenario: After working on a search committee to find a new location for an agency facility, Jo moved to a new position unrelated to the committee's work. A vendor asks Jo for help preparing a proposal to submit to the search committee. It would be a policy violation and unethical for Jo to assist the vendor.
- Employees must disclose any potential conflicts of interest to their supervisor, manager, or Human Resources.
  - Activities that could present a conflict of interest include:
    - Outside employment (see [POL-HR-214](#) *Engaging in Outside Employment While Employed by WSDA*).
    - Volunteering.
    - Serving on boards or commissions.
    - Holding or running for political office (see [POL-HR-207](#) *Participating in Political Activities*).
    - Lobbying, when it conflicts with job duties.
- The appointing authority, in consultation with the Human Resources director or designee, determines whether an employee's outside interest presents a conflict or undermines public confidence in the agency's role.

### 3. Employees are responsible for proper stewardship of state resources

- State resources include funds, facilities, equipment, supplies, electronic devices, data, and employees' time. These resources are to be used for conducting the state's business and not for private benefit.
- Using state resources for any of the following is prohibited, without exception:
  - Conducting outside business, whether for-profit or nonprofit.
  - Furthering private employment.
  - Private financial gain of oneself or others.
  - Campaigning or other political activities (see [POL-HR-207](#) *Participating in Political Activities*).
    - Employees who witness public resources being used for a political campaign are required to [report](#) it. Not doing so may be considered an ethics violation.
  - Lobbying that is unrelated to official duties.
  - Any other activities prohibited by law or policy.
- Other personal use of state resources is allowed if "de minimis," meaning:
  - The use is infrequent and brief.
  - The state incurs little or no cost.
  - The use does not compromise the security of state property.
  - The use does not interfere with the employee's official duties.
- State resources may be used for the Combined Fund Drive as authorized in [chapter 434-750 WAC](#).
- Use of state resources for other charitable activities must comply with [POL-AM-126](#), *Fundraising for Charitable Purposes*.
- Employees may use state resources to participate in WSDA- or PEBB-sponsored wellness activities, as approved by the director or designee.
- Appointing authorities may authorize limited use of facilities, equipment, and employee time to promote organizational effectiveness, for example:
  - Employee recognition, retirement, or birthday celebrations.
  - Vaccination clinics, blood drives, or other health events.
  - Educational and team building activities.

### 4. Employees may only accept gifts and honoraria in specific circumstances.

- Employees may not accept, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from someone if it could be reasonably expected that the gift, gratuity, or favor would influence the employee's action or judgment or be considered part of a reward for the employee's action or inaction.

- Employees may not accept gifts, others than those listed in RCW 42.52.150(2) and (5) with a total value greater than \$50 from any source in a calendar year. This rule applies even if there is no expectation or perception that the gift could influence the employee.
  - Items listed in [RCW 42.52.150\(2\)](#) are presumed not to influence actions and may be accepted unless the specific circumstances raise ethical concerns. These items include:
    - Unsolicited flowers, plants, and floral arrangements.
    - Unsolicited advertising or promotional items of nominal value, such as pens and note pads.
    - Unsolicited tokens of appreciation, such as a plaque or trophy.
    - Informational material related to the recipient's performance of official duties.
    - Food and beverages at events where attendance is related to the recipient's official duties or sponsored by civic, charitable, governmental, or community organizations.
- [RCW 42.52.010\(9\)](#) exempts certain items from the definition of "gift," including:
  - Items from family members or friends that are not meant to influence state business.
  - Items customary in the outside business of the recipient but unrelated to their state duties.
  - Items voluntarily exchanged between employees at work-related social events.
    - Supervisors should not give gifts to subordinates or accept gifts from subordinates if the gifts may cause a perception of favoritism.
  - Discounts available to all members of an employee group, occupation, or similar broad-based group.
  - Awards, prizes, scholarships, or other recognition of academic or scientific achievement.
- Items and reimbursements given to the agency generally, and not to any specific employee, are not considered gifts under this policy.
- Under [RCW 42.52.150\(4\)](#), stricter limitations are placed on employees who participate in regulatory, contracting, and procurement activities.
  - When participating in a regulatory activity, employees must decline gifts from the person or entity being regulated through that activity, unless the gift is of nominal value under RCW 42.52.150(4).
  - When participating in contracting or procurement activities, employees must decline gifts from persons or entities providing or seeking to provide goods and services to the agency as part of that activity, unless the gift is of nominal value under RCW 42.52.150(4).
  - There are many actions employees can take as part of their official roles that would be considered participating in an activity, including approving or disapproving actions, making recommendations, offering advice, and/or investigating.

- WSDA employees are sometimes asked to speak, present, or otherwise share expertise with persons and groups outside of WSDA. If an honorarium is offered to a WSDA employee, the following rules apply:
  - Non-monetary token items of nominal value may be accepted. Examples include plaques, mugs, T-shirts, and certificates of appreciation.
  - Cash or other items of value may not be accepted unless specifically approved by the agency director or designee.
  - Employees must never accept honoraria when the person or entity offering the honorarium:
    - Is seeking or is reasonably expected to seek a contractual relationship with or grant from WSDA and the employee is in a position to participate in the terms or award of the contract or grant.
    - Is regulated by WSDA and the employee is in a position to participate in that regulation.
    - Is seeking or reasonably expected to seek or oppose enactment or adoption of legislation, rules, or policies of WSDA and the employee is in a position to participate in the enactment or adoption.
  - This rule does not apply to activities not conducted in conjunction with an employee's official duties or role, and not otherwise compensated by WSDA. See POL-HR-214 *Outside Employment*.
- Employees may attend events in which door prizes, giveaways, and raffle prizes may be distributed. The following rules apply:
  - **Door prizes** – A door prize is not considered a gift if there was a fee to attend the event where the prize is awarded.
    - 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. Employees will notify their supervisor or appointing authority if the department has won a prize, and the director, deputy director, or designee will decide what to do. WSDA may:
      - Determine that the door prize would benefit the agency and keep the prize.
      - Determine that the door prize would not benefit the agency and ask the employee to return it.
      - Donate the door prize to a charity.
    - Prizes containing alcohol, tobacco and related paraphernalia, or cannabis and related paraphernalia must be declined.
    - Employees may retain a door prize only if all three of these conditions apply:
      - The employee personally paid for admittance to the event.
      - The employee did not use state time to attend the event.
      - The department did not pay for any travel, lodging, or per diem expenses.
  - **Giveaways** – Giveaways at events are treated as gifts.

- Exception: Items of nominal value given to all attendees, the cost of which may reasonably be considered to be included in the activity/event fee, are not considered gifts.

**Raffle prizes** – For the purposes of this policy, “raffle” means a drawing where entry requires the purchase of one or more chances. If the ability to purchase chances is available to everyone at the event and the employee purchases chance(s) at their own cost, the employee may keep any prize won. Otherwise, the prize should be treated as a door prize.

## 5. Employees must protect confidential information

- [POL AM-111](#) *Protecting Privacy and Confidentiality in Public Records* describes which types of information must be kept confidential.
- Employees may not disclose confidential information obtained through their state employment for personal benefit or the benefit of others, unless expressly authorized as part of their official duties.
- Employees may not accept employment or engage in other activities where they might be reasonably expected to make unauthorized disclosure of confidential information obtained through their state employment.
- Employees may not intentionally conceal records required to be released under chapter [42.56](#) RCW (see [POL-AM-115](#) *Disclosing Agency Records to the Public*).

## 6. Employees should report actual and potential ethics violations

- Employees may discuss ethical concerns with their supervisor, manager, or Human Resources.
- Known or suspected violations may be reported to a supervisor, manager, Human Resources, or the Executive Ethics Board (<http://www.ethics.wa.gov>).
- No employee will interfere with an ethics investigation or retaliate against someone who raises an ethics concern.

## 7. Ethical obligations continue after state employment ends

- The law specifies conditions and prohibitions on post-state employment. Employees leaving state service for other employment are expected to know and abide by these restrictions. See [RCW 42.52.080](#).
  - These restrictions do not apply to employees who leave WSDA to work for a different Washington state agency.

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## DEFINITIONS

**Appointing authority** means the individual lawfully authorized to appoint, transfer, lay off, reduce, dismiss, suspend, or demote employees.

**Beneficial interest** means a profit, benefit, or other advantage gained from a contract, transaction, or grant.

**Conflict of interest** means 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.

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