

ESTABLISHING AND MAINTAINING STANDARDS OF ETHICAL CONDUCT

Subject Matter Lead: Human Resources Director **Effective Date:** November 9, 2016

Accompanying Procedures: N/A **Accompanying Forms:** N/A

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Approved By: *Derek I. Sandison, Director*

References: Chapter 42.52 RCW Ethics in Public Service
RCW 9A.80.010 Official Misconduct

This policy establishes standards for all WSDA employees to comply with the State Ethics in Public Service law.

1. EMPLOYEES SERVE THE PUBLIC WITH RESPECT, PROFESSIONALISM, COURTESY AND RESPONSIVENESS

- Service to the public is the primary mission of state government.
- Employees also interact with coworkers with respect, professionalism, courtesy, and responsiveness.

2. EMPLOYEES PROMOTE AN ENVIRONMENT OF PUBLIC TRUST, FREE FROM FRAUD, ABUSE OF AUTHORITY, AND MISUSE OF PUBLIC PROPERTY

- Employees demonstrate the highest standards of personal integrity, fairness, honesty, and compliance with law, rules, regulations and agency policies.
- Employees create a work environment free from all forms of discrimination and sexual/workplace harassment.

3. CERTAIN ACTIONS BY EMPLOYEES ARE PROHIBITED

- The following actions by WSDA employees are specifically prohibited:
 - Engaging in any employment, business, or professional activity that would represent a conflict of interest.
 - Personally or financially benefiting from any contract, sale, lease, purchase or grant made under the employee's supervision or control.
 - Using or creating the appearance of using the employee's position for the personal gain or advantage of the employee or others.

- Outside of official duties, assisting another person in transactions involving the state in which either:
 - The employee participated as a state employee.
 - The assistance was under the official responsibility of the employee within the past two years.
- Accepting employment or engaging in any business or professional activity that requires the employee to disclose confidential information obtained through state employment.
- Using access to WSDA information for personal gain.
- Disclosing confidential information to any person not authorized to receive the information.
- Concealing records required to be released under chapter 42.17A RCW (campaign finances, lobbying and records) and chapter 42.56 RCW (public records).
- Using the employee's position to obtain special privileges or exemptions for the employee, employee's spouse, child, parents, or other persons.
- Asking for, giving, or receiving any compensation, gift, reward, or gratuity in the performance of the employee's official duties, unless otherwise authorized by law.
- Receiving any honorarium.
- Asking for or accepting any gift, gratuity or favor if there is reason to believe this compensation would influence the employee's action or judgment. (See Section (5) for further information.)

4. RECEIVING ANYTHING OF ECONOMIC VALUE UNDER ANY CONTRACT OR GRANT OUTSIDE OF AN EMPLOYEE'S OFFICIAL DUTIES IS PROHIBITED, WITH CERTAIN EXCEPTIONS

- For an exception, each of the following criteria must be met. The contract or grant between the employee and the agency:
 - Is a genuine contract presented in good faith and the work is actually performed.
 - Is not within the course of the employee's official duties or under the employee's supervision.
 - Is not prohibited by laws or rules governing outside employment.
 - Is neither performed for nor compensated by any person from whom an employee would be prohibited from receiving a gift.
 - Is not one created or authorized by the employee in the performance of the employee's official duties.
 - Would not require unauthorized disclosure of confidential information.
- Besides satisfying the requirements above, an employee may have a beneficial interest in a grant or contract only in the following instances:
 - The contract or grant is awarded as a result of an open and competitive bidding process in which more than one bid or grant application is received.
 - The contract or grant is awarded as a result of an open and competitive bidding or selection process in which the employee's bid or proposal was the only bid received, and the employee was advised by the appropriate ethics board prior to execution of the contract or grant that there would be no conflict in the discharge of the employee's duties.

- The process for awarding the contracting or issuing the grant is not open and competitive, but the employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict in the discharge of the employee's duties.

5. ALL WSDA EMPLOYEES MUST COMPLY WITH RESTRICTIONS ON SECTION 4 EMPLOYEES

- A Section 4 employee is an employee whose duties include participation in regulatory matters and/or participation in contractual or purchasing matters.
- Section 4 employees may accept only the following items:
 - Unsolicited advertising or promotional items of a 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.
 - 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.
 - Items from family members where the gift was not made in an effort to gain or maintain influence in the agency.
 - Items related to the outside business of the employee which are not related to the employee's performance of official duties.
 - Items exchanged among employees or a social event hosted by a state employee for co-workers.
 - Items an employee is authorized by law to accept.
 - Campaign contributions reported under chapter 42.17A RCW.
 - Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group.
 - Awards, prizes, scholarships, or other items provided in recognition of academic/scientific achievement.
 - Reasonable travel expenses as part of contracted required trainings or other meetings where the attendance at the events or trainings are contract deliverables, not gifts. Please see example scenarios.
- Section 4 employees may not accept:
 - Payments by a governmental or nongovernmental entity of expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. Gifts that may not be accepted include in-kind payments, such as the purchase of an airline ticket, as well as reimbursements.
 - Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. Gifts that may not be accepted include in-kind payments, such as the purchase of an airline ticket, as well as reimbursements.
 - Flowers, plants, and floral arrangements.

- Gifts, regardless of value, which are not included in RCW 42.52.010(9) or RCW 42.52.150(4).

6. ALL STATE OFFICERS AND EMPLOYEES ENSURE THE PROPER STEWARDSHIP OF STATE RESOURCES

- Resources include funds, facilities, tools, property, employees and their time. Resources also include state information like databases and lists.
- Resources under a state employee's official control may not be used for the private benefit or gain of a state officer, state employee, or another person.
- Guidelines on use of state resources apply to all resources under an employee's control including, but not limited to, facilities of an agency, state employees, computers, equipment, vehicles, and consumable resources.

7. DE MINIMIS USE OF STATE RESOURCES BY EMPLOYEES IS ALLOWED

- A state officer or employee's use of state resources is de minimis only if each of the following conditions are met:
 - There is little or no cost to the state;
 - Any use is brief;
 - Any use occurs infrequently;
 - The use does not interfere with the performance of any state officer's or employee's official duties;
 - The use does not compromise the security or integrity of state property, information systems, or software;
 - The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and
 - The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.

8. CERTAIN USES OF STATE RESOURCES ARE PROHIBITED WITHOUT EXCEPTION

- These include:
 - Conducting an outside business.
 - Campaigning or other political activities.
 - Commercial uses like advertising or selling products.
 - Lobbying that is unrelated to official duties.
 - Solicitation on behalf of other persons unless approved by the agency head.
 - Activities prohibited by law or policy such as personal use of the SCAN phone network or a state vehicle.

9. THE HUMAN RESOURCES DIRECTOR OR DESIGNEE IS A RESOURCE FOR ETHICAL ISSUES ADVICE

10. COMPLAINTS ABOUT POSSIBLE ETHICAL VIOLATIONS MAY BE MADE TO THE HUMAN RESOURCES DIRECTOR OR DESIGNEE

11. EMPLOYEES WHO VIOLATE THIS POLICY MAY BE SUBJECT TO DISCIPLINARY ACTION

- Disciplinary action is in accordance with chapter 357-40 WAC and/or the provisions of an applicable collective bargaining agreement.
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SCENARIOS

- The federal government contracts with WSDA to perform certain services. A deliverable in the contract is that affected WSDA employees attend trainings related to those services. WSDA employee attends a training put on by the federal government where attendance is required under the contract. Can the employee accept travel expense reimbursement from the federal government?

Answer: Yes, the federal travel expense reimbursement is not a gift; it is a payment on a contract deliverable. The employee still submits travel reimbursement through TEMS. When the federal government reimburses the employee directly for attending the training, the employee submits the federal reimbursement to fiscal.

- WSDA employee is asked to give a presentation at a national conference. The conference committee chair offers to buy the WSDA employee's plane ticket to the conference. Can the employee accept the offer of the plane ticket?

Answer: No. Section 4 employees must not accept payments by a governmental or nongovernmental entity of travel expenses incurred in connection with a speech, presentation or appearance. It is still a gift even if paid directly to the airlines.