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Secretary of Transportation

6/18/18  
Date

## Honoraria – Ethics in Public Service

### I. Introduction

#### A. Purpose

This Secretary's Executive Order is issued to assist Washington State Department of Transportation (WSDOT) employees with carrying out the Honoraria laws provided in the Revised Code of Washington (RCW) 42.52 *Ethics in public service* and to establish department rules to meet the law.

#### B. Supersession

This Secretary's Executive Order supersedes and replaces the prior version with the same title, dated June 11, 2013. All references to the superseded E 1002.01 now reference E 1002.02.

#### C. What Has Changed

- In Section III, this revision makes minor grammatical and stylistic changes that do not change the direction to employees.
- In Section VI, this revision adds language about leadership review and replaces references to the Chief of Staff with references to the Assistant Secretary of Finance and Administrative Services.
- Direction to employees remains the same.

### II. Secretary's Executive Order

Employees are directed to handle honoraria in accordance with RCW 42.52 and in accordance with the department rules set forth in this Secretary's Executive Order.

### III. Information to Carry Out This Secretary's Executive Order

#### A. Audit Office Authority

The WSDOT Internal Audit Office is designated by the Office of the Secretary as the department's central place for receiving requests for clarification of the Ethics Law.

#### B. Department Rules Established

The following rules are established to assist employees with meeting the intention of the RCW regarding honoraria.

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## 1. Employee Expectations

All WSDOT employees are expected to be aware of and follow RCW 42.52.130 *Honoraria*.

## 2. Acceptable Honoraria

The definition of an honorarium is money or a thing of value offered to a state employee for a speech, appearance, article, or similar activity in connection with the employee's official role.

Unless restricted by RCW 42.52.130, a department employee may accept an honorarium when both of the following conditions are met:

- a. The honorarium is a non-monetary token item of appreciation for the activity undertaken. Examples of token honoraria which may be accepted include a mug, T-shirt, plaque, pen, box of candy, or certificate, or a meal during a meeting where the WSDOT employee is a speaker.
- b. The honorarium is of a nature or value that could not reasonably be considered to affect the employee's decision to engage in, or decline to engage in, the activity for which the honorarium is offered.

## 3. Restrictions on Acceptance of Honoraria

WSDOT employees may not accept honoraria either in circumstances where the law prohibits such receipt or if the person offering the honoraria meets any of the following conditions:

- a. The person offering the honoraria is seeking or is reasonably expected to seek contractual relations with or a grant from WSDOT, and the employee is in a position to participate in the terms or the award of the contract or grant.
- b. The person offering the honoraria is regulated by WSDOT and the employee is in a position to participate in the regulation.
- c. The person offering the honoraria is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the WSDOT, and the employee may participate in the enactment or adoption.

## 4. Reimbursement of Expenses

A department employee may receive reimbursement for reasonable travel expenses incurred in connection with a speech, presentation, or appearance made in an official capacity. This reimbursement is not considered part of an honorarium.

Under RCW 42.52.010(9)(d), "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event.

Employees who participate in regulatory or contractual matters with the outside entity may not accept reasonable travel expenses.

Where payment or reimbursement of expenses is made by an outside entity, no claim for state payment or reimbursement of such expenses may be made.

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## 5. Honoraria Directed to the Department

Although most honoraria are given to individual employees, in limited circumstances, the Office of the Secretary may authorize honoraria to be directed to the department.

## 6. Honoraria May Not Be Solicited

WSDOT employees cannot solicit or otherwise recommend any type of honoraria.

## 7. Activities Outside the Scope of Employment

Honoraria for activities that are not in connection with the employee's official state duties are governed by the ethics law rules on outside employment and should be analyzed under the ethics law rules on gifts, RCW 42.52.140 *Gifts*, RCW 42.52.150 *Limitations on gifts*, and RCW 42.52.120 *Compensation for outside activities*.

## IV. Contact for More Information

For questions or concerns about this Secretary's Executive Order, contact the WSDOT Internal Audit Office by phone at 360-705-7003, or visit the WSDOT Internal Audit Office webpage.

## V. References

- RCW 42.52 *Ethics in public service*
- RCW 42.52.010 *Definitions*
- RCW 42.52.120 *Compensation for outside activities*
- RCW 42.52.130 *Honoraria*
- RCW 42.52.140 *Gifts*
- RCW 42.52.150 *Limitations on gifts*
- WSDOT Internal Audit Office webpage

## VI. Review and Update Requirements

When changes are necessary to update this document, inform the Assistant Secretary of Finance and Administrative Services. The Assistant Secretary of Finance and Administrative Services reviews this document periodically and proposes updates for leadership review and approval by the Secretary of Transportation.

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