

# Ethics in Public Service Act

RCW 42.52.020



## Acts Incompatible with Public Service (better known as Conflicts of Interest)

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RCW 42.52.020, Activities incompatible with public duties, states:

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

### What is an Incompatible Activity?

Any activity that may conflict with the proper discharge of your official duties. It could be outside employment, a volunteer activity, ownership of a private business or any private activity, relationship, business, etc. that would impair/conflict with your ability to make decisions on behalf of the state.

Conflicts of interest involve the concepts of *benefit* and *bias*. Questions to ask yourself when evaluating a potential conflict of interest include:

- Will your outside interests benefit as a result of your official action?
- Would a reasonable person conclude that a private or personal interest impairs your independent and impartial judgment in the exercise of your official duties?

An interest need not be financial to create a conflict of interest. If there could be a perceived violation, you need to step out of the situation totally. Talk to your supervisor and have yourself removed from any decision making authority or influence in that case.

Some conflicts of interest are clearly defined in the state's ethics law. These are:

- Having or acquiring a financial or other interest in a contract, sale, lease, purchase or grant that is under your authority or supervision.
- Accepting a payment, a gratuity, or a reward from someone else who has an interest in a contract, sale, lease, purchase or grant under your authority or supervision.
- Acting in a state matter or transaction involving a business or organization in which you own an interest, or an entity in which you serve as an officer, agent, employee, or member.
- Assisting other persons, or sharing in compensation, in transactions involving the state when you had responsibility for these transactions as a state officer.

How do you deal with a conflict of interest?

Most conflict of interest issues can be resolved easily and without resort to more drastic measures such as removal from position or resignation. The resolution of conflicts depends on *disclosure* and *removing yourself from the conflict*.

You can:

- **Abstain.** Don't participate in the activity.
- **Disclose.** Tell your supervisor about the potential conflict and let them decide whether to remove you from the activity.
- **Review written procedures.** Determine if your agency has a policy regarding how to handle conflicts of interest and follow that policy.
- **Obtain screening memo.** Have your work center write a memorandum outlining the conflicts and telling everyone that you are to be screened from specific information or decision-making regarding that particular transaction.

To avoid a conflict of interest, you cannot merely delegate the activity to a subordinate.

## Scenarios

1. You supervise an employee with access to confidential donor records. The employee also serves on the board of directors of a non-profit organization that could benefit from the information contained in these records. As a supervisor, what should you do?
2. While reviewing a permit for a controversial development, the developer offers you a position with his company. Can you continue to work on the review?
3. You are a health inspector with a partnership interest in a local restaurant. This interest has not been disclosed to your agency. You are assigned to perform an inspection of your restaurant. Do you perform the inspection?