



Administrative Policy No. 18.64

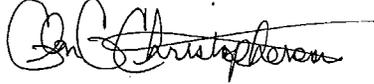
Subject: Standards of Ethical Conduct for Employees

Information Contact: DSHS Human Resources

Authorizing Sources: Chapter 42.52 RCW
RCW 9A.80.010

Effective Date: July 1, 2005

Revised: November 17, 2009

Approved By: 
Senior Director, DSHS Human Resources

Sunset Review Date: November 17, 2013

Purpose

To establish standards and guidelines for ethical employee conduct.

Scope

This policy applies to all Department of Social and Health Services employees, contractors, and volunteers.

Policy

A. Required Standards of Behavior and Conduct

All DSHS employees, contractors, and volunteers are required to perform their duties and responsibilities in a manner that maintains standards of behavior promoting public trust, faith, and confidence as described below:

1. Serve the public with respect, concern, courtesy, and responsiveness, recognizing that service to the public is the primary mission of state government.

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2. Promote an environment of public trust free from fraud, abuse of authority, and misuse of public property.
3. Strengthen public confidence in the integrity of state government by demonstrating the highest standards of personal integrity, fairness, honesty, and compliance with law, rules, regulations, and DSHS policies.
4. Interact with all DSHS staff with respect, concern, and responsiveness.
5. Create a work environment free from all forms of discrimination and sexual/workplace harassment. This includes but is not limited to:
 - a. Following and abiding by DSHS policies regarding nondiscrimination, sexual harassment, workplace harassment, and client rights.
 - b. Not using the employee's position for purposes of establishing or promoting personal or financial relationships with clients.
 - c. Creating an environment free from intimidation, retaliation, hostility, or unreasonable interference with an individual's work performance.
6. Comply with the requirements of this policy. Failure to comply with requirements of this policy may result in disciplinary action up to and including discharge from employment.

B. Specifically Prohibited Employee Actions

A DSHS employee, anywhere in the chain of command, shall not:

1. Engage in any employment, business, or professional activity that would represent a conflict of interest.
2. Personally or financially benefit from any contract, sale, lease, purchase, or grant made under the employee's supervision or control.
3. Use or create the appearance of using the employee's position for the personal gain or advantage of the employee or others.
4. Outside of official duties, assist another person in a transaction involving the state:
 - a. In which the employee participated as a state employee; or
 - b. That was under the official responsibility of the employee within the past two years.
5. Accept employment or engage in any business or professional activity that requires the employee to disclose confidential information about a client.

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6. Use access to DSHS information for personal gain.
7. Disclose confidential information to any person not authorized to receive the information.
8. Conceal records required to be released under RCW 42.17 (campaign finances, lobbying, and records) and RCW 42.56 (public records).
9. Use the employee's position to obtain special privileges or exemptions for the employee, employee's spouse, child, parents, or other persons.
10. Ask for, give, or receive any compensation, gift, reward, or gratuity in the performance of the employee's official duties, unless otherwise authorized by DSHS.
11. Receive anything of economic value under any contract or grant outside of the employee's official duties, unless the contract or grant is:
 - a. Presented in good faith and actually performed.
 - b. Not within the course of the employee's official duties or under the employee's supervision.
 - c. Not prohibited by laws or rules governing outside employment;
 - d. Neither performed for nor compensated by any person from whom an employee would be prohibited from receiving a gift.
 - e. Not one created or authorized by the employee in the performance of the employee's official duties.
 - f. Would not require unauthorized disclosure of confidential information.
12. In addition to satisfying the requirements above, an employee may have a beneficial interest in a grant or contract only if:
 - a. 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 was received;
 - b. 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;
 - c. The process for awarding the contract 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.
13. Receive any honorarium.

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14. Ask for or accept any gift, gratuity, or favor if there is reason to believe this compensation would influence the employee's action or judgment.

The following are examples of unsolicited items that may be accepted by employees who are **not** "Section 4 employees." Section C of this policy contains a definition and information specific to Section 4 Employees.

- a. Flowers or plants
- b. Awards of appreciation in the form of a plaque or trophy
- c. Informational material, publications, or subscriptions related to the recipient's performance of official duties
- d. Food and beverages consumed at a reception where attendance is related to an employee's official duties
- e. Reasonable reimbursement for expenses incurred for a speech, presentation, appearance, or trade mission made in an official capacity
- f. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a nonprofit professional, educational or trade association, or charitable institution.

C. Section 4 Employee

1. A Section 4 employee is an employee whose duties include participation in regulatory matters and/or participation in contractual matters associated with the acquisition of goods and services. Such employees are subject to the provisions of RCW 42.52.150(4).
2. The only acceptable items or gifts a Section 4 Employee may accept from a person regulated by DSHS or seeking to provide goods and services to DSHS is stipulated in RCW 42.52.010(10) and RCW 42.52.150(4). Items include:
 - a. Advertising and promotional items of nominal value
 - b. Plaques and awards of appreciation
 - c. Unsolicited items received for the purpose of evaluation, if of no beneficial interest
 - d. Publications related to official duties
 - e. Food and beverages at hosted receptions related to official duties
 - i. A hosted reception is defined by the Ethics Board as a social event involving a diverse group of people, some of whom are regulated by the agency and others, who are not, and some who provide goods or services to the agency and some who do not. It does not involve a sit-down meal.
 - ii. A meal is interpreted by the Ethics Board as an event where the guests are expected to sit down to eat.

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- f. Admission to a charitable event
- g. Items from family and friends if clear purpose was not to influence
- h. Customary items related to outside business
- i. Items exchanged at social events by co-workers
- j. Items permitted by law
- k. Items not otherwise permitted when returned or donated to charity within 30 days
- l. Campaign contributions
- m. Discounts available to the individual as a member of a broad based group.

3. A Section 4 Employee is prohibited from accepting the following gifts:

- a. Flowers
- b. Gifts from dignitaries
- c. Expenses (travel, room, and meals) for a speech and/or seminar
- d. Gifts, regardless of value, which are not included in RCW 42.52.010 (10) or RCW 42.52.150(4).

D. Former Employees Responsibilities

- 1. Upon termination of employment with the state, an employee is subject to the provisions of RCW 42.52.080 and 42.52.090 (employment or rendering assistance after public service).
- 2. To avoid conflicts of interest, a current employee who contemplates doing business with the state after leaving state employment and a former employee who wishes to engage in such business activity:
 - a. Shall review RCW 42.52.080 and 42.52.090 and related statutes; and
 - b. Seek legal advice if desired.

E. Failure to Comply

- 1. The Ethics Board is empowered to investigate and punish current and past employees for violations of the Ethics laws.
 - a. The Ethics Board may impose a penalty whether or not DSHS takes action against the employee.
 - b. Fines may be up to \$5,000.00 per ethics violation.
- 2. If an employee violates Ethics laws, decisions of the Ethics Board, or this policy, DSHS will take appropriate disciplinary action, up to and including dismissal.

F. DSHS Ethics Advisor

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The Senior Director, DSHS Human Resources or designee is the agency's central point of contact for advice about ethical issues and for reporting complaints about alleged violations of chapter 42.52 RCW – Ethics in Public Service.

G. Ethics training

1. All DSHS employees will receive ethics training every three (3) years.
2. DSHS Human Resources is the DSHS central point of contact for:
 - a. Providing the required training for all employees; and
 - b. Tracking employee participation in the required training under the DSHS Human Resources Development Plan and chapter 42.52 RCW.

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