



Chapter 15: Ethics/Use of State Resources

Executive Policy 15-03

Resource Contact: Human Resources Director

Established: February 14, 1997

Reference: RCW 42.52.010
RCW 42.52.150, Section 4

Revisions Effective: July 3, 2012

Accepting Gifts, Food or Beverages

Purpose: To define the limitations on the acceptance of gifts, food or beverages by employees.

Application: This policy applies to all Ecology employees, represented and non-represented. Represented employees shall refer to the Collective Bargaining Agreement provisions that may supersede any portion of this policy.

1. Establishing Definitions.

Gift – Anything of economic value for which no consideration is given. In other words, a gift is something of value received by an employee that the employee did not pay for.

Regulatory Agency – Any state board, commission, department, or office, except those listed in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons. Ecology is a regulatory agency.

Section 4 Employee – An employee who works for a regulatory agency, based on Section 4 of RCW 42.52.150. For the purpose of this policy, all Ecology employees, including administrative, project, and non-permanent, are considered Section 4 employees.

2. Section 4 Employees May Only Accept Certain Gifts.

Ecology employees may accept only the following items – and only if the gift is not given to influence the vote, action, or judgment of the officer or employee, or if it can be considered part of a reward for action or inaction:

- a. Unsolicited advertising or promotional items of nominal value, such as pens and note pads.
- b. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item.
- c. Unsolicited items received for the purpose of evaluation or review, if the employee has no beneficial interest in the eventual use or acquisition of the item by Ecology.
- d. Informational material, publications, or subscriptions related to the employee's performance of official duties.
- e. Those items statutorily excluded from the definition of "gift" as listed below in section 3.

This list is exclusive. Gifts not on this list may not be accepted.

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Executive Ethics Board

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3. Certain Items are Excluded From the Definition of Gift and May be Accepted.

The items listed in this paragraph are statutory exclusions to the definition of “gift” and, as such, may be accepted by an Ecology employee.

- a. Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in Ecology.
- b. Items related to the outside business of the recipient employee that are customary and not related to the recipient’s performance of official duties.
- c. Items exchanged among officials and employees at a social event hosted or sponsored by a state officer or state employee for coworkers.
- d. Items a state officer or state employee is authorized by law to accept.
- e. Items returned by the recipient employee to the party who gave the gift or donated to a charitable organization within 30 days of receipt. The employee must coordinate with Ecology on the return of the gift to the giver or the charitable donation. If the gift is donated to a charity, Ecology will determine which charity will receive the gift.
- f. Campaign contributions reported under chapter 42.17 RCW.
- g. Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group.

4. Employees May Not Solicit or Accept Food or Beverages, with Some Exceptions.

Employees may not solicit or accept food and/or beverages. When food and/or beverages are offered at a meeting, work site, or event where attendance by an Ecology employee is related to the performance of official duties, the employee must pay for the actual cost of the food and/or beverage. If the employee does not know the actual cost, the employee must pay either the estimated cost of the food and/or beverage or pay an amount based on the per diem rate for the location where the offer of food and/or beverage is made.

The following exceptions apply:

- a. Ecology employees may accept beverages of “common courtesy,” such as coffee, tea, or water – only if these beverages are customarily offered free of charge to all employees, visitors, and customers of the offering entity. Employees may not accept alcohol.
- b. Food and/or beverages consumed at a hosted reception, such as a large meeting, seminar, or training session, where attendance is related to the employee’s performance of official duties.
- c. Admission to and the cost of food and beverages consumed at events sponsored by or in conjunction with a civil, charitable, governmental, or community organization.
- d. Emergency Spill Responders – When regulated contingency plan holders are required to provide food and/or beverages to spill responders as an element of their plan in response to an emergency spill event, such food and/or beverages are not considered gifts and may be accepted by the participating Ecology spill responders.

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Approved: _____

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Director

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