Resource Contact: Human Resources Director *Established:* August 27, 1990

References: RCW 42.52
RCW 42.56
WAC 292-110-010
Executive Ethics Board
Advisory Opinion 02-02A and FAQs
Policies 1-13, 1-14, 1-15, 1-16, 1-32, 1-40, 11-10, 11-17, 11-20, 11-40, 11-52, 11-56, 11-58
Procedure 1-15-01
Collective Bargaining Agreement

Revisions Effective: January 12, 2010

Prohibiting Private Use of State Resources

Purpose: To ensure compliance with state law and to describe Ecology's position and requirements regarding the use of state resources.

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

1. State Funds, Equipment, Supplies, Facilities, and Other Resources Are For State Business Only.

Employees may not use state resources, including any person, money, or property under the employee's official control or direction, or otherwise available, for the private benefit or gain of the employee or any other person.

2. Occasional and Limited Personal Use of State Resources is Allowed Under Certain Conditions.

Keeping the general prohibition in section 1 above in mind, employees may make occasional, but limited "de minimis" use of certain state resources if each of the following conditions is met:

A. There is little or no cost to the state.

B. The use of state resources does not interfere with the performance of any officer's or employee's official duties.

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C. Any use occurs infrequently.

D. Any use is brief.

E. The use does not compromise the security or integrity of state property, information, software, or the agency's public image.

See the Collective Bargaining Agreement for specific information about occasional and limited use for union activities.

3. Resources That May be Used Subject to the De Minimis Use Standards Defined in the Prohibitions Described in This Policy.

A. Ecology telephones (except cell phones), voice-mail, e-mail, Internet, copy and fax machines, audio-visual equipment, and facilities are all subject to the de minimis standard.

B. Personal visits including family, friends, and children must be limited to break and lunch periods and should be conducted outside the employees work area. These visits must not disrupt others' work, and all Ecology policies regarding visitors to the building must be followed.

C. Storing non-copyrighted personal or non-business related information or material (files, pictures, etc.) on Ecology servers (network) or Ecology computers.

Stored personal material, as well as e-mail and Internet use, is not considered private and is accessible to Ecology, outside regulatory and law enforcement agencies, and through the Public Records Act and legal discovery.

4. Personal Use of Certain State Resources is Strictly Prohibited

A. SCAN authorization codes are for official business only. The only exception is a brief call home when away from home on Ecology business.

B. State-owned cell phones or personal digital assistants are for official Ecology business only due to IRS regulations governing taxable employee benefits.

C. State vehicles are for official business only. Employees may only transport people who are on official state business, and pets are not allowed in state vehicles (see Policy 11-36).

D. Consumable office supplies, such as paper, envelopes, or spare parts, are for business use only; even if the actual cost to the state is minimal.

5. Personal Use of State Resources is Strictly Prohibited for Certain Activities.

Prohibited uses include the following:

A. Promoting, conducting, or participating in an outside business or commercial enterprise of any kind.

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B. Supporting, promoting, or soliciting for an outside organization or group, unless allowed by law and authorized by Ecology's director or designee.

C. Using state resources for any personal political use, including campaigning and lobbying for any person, party, or ballot initiative.

D. Using state resources to advertise, shop or browse for, buy, or sell goods or services for private benefit or gain. This includes using Internet-based auction or classified advertising Web sites for advertising, bidding on, buying, or selling personal or commercial goods and services.

E. Accessing, downloading, or disseminating any information that a reasonable person would consider inappropriate for the workplace, such as sexual, violent, or racist material.

F. Accessing or using state information for any personal use unrelated to official business.

G. Installing, downloading, and using unauthorized computer software or games.

H. Sending or receiving personal physical mail to or from the work location or station. Employees may not use any Ecology location as a "ship to" address for personal mail or deliveries.

I. Using Ecology e-mail or logon ID in or on any non-work related Web site.

J. Downloading or storing material that violates copyright or digital rights management law, such as music, videos, or photos.

K. Using agency distribution lists to send e-mail that is not directly related to the employee's job responsibilities.

L. Accessing networks, chat rooms, or bulletin boards for personal, non-agency related purposes.

M. Accessing and using personal blogs or social networking sites such as "MySpace," "Facebook," "Linkedin," or any dating sites, for personal, non-agency-related purposes.

N. Using a state computer to do any sort of personal banking or other financial transactions. The exceptions are transactions related to state-sponsored retirement or benefit programs at Washington State agency Web sites, including making occasional changes to state deferred compensation plan account allocations at the Department of Retirement Systems and to select among health care benefit options from the Health Care Authority.

O. Promoting, conducting, or participating in gambling.

P. Any illegal activity.

6. Personal Internet Activity Requiring Excessive Bandwidth is Prohibited.

There are some activities that use excessive bandwidth (streaming audio or video) and could compromise Ecology network and business activities. Consequently, employees may not stream audio and/or video not related to official job duties, or conduct or participate in

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any other non-business activity that requires excessive bandwidth - even if the use is brief in duration or infrequent.

7. Fund-Raising for Charitable Organizations is Authorized by the Director in Some Circumstances.

Keeping the criteria in sections 1 and 2 of this policy in mind, employees may participate in fund-raising activities in a state-owned or leased facility, subject to all the following conditions:

A. The activity is in the interest of a legally recognized, bona fide charitable organization.

B. The employee is not directly soliciting co-workers face to face to support or donate to the charitable organization.

C. The employee conducts the charitable work on his/her own time, such as during rest and meal periods.

D. Participation in the activities does not interfere with state business.

E. Employees must comply with any health laws and regulations related to selling food items.

F. The use of state resources is de minimis as described in section 2 of this policy.

G. The activity has been authorized by the Director or designee. Form ECY 010-80 must be completed and submitted for approval, The Director or designee may include specific limitations on the use of state resources for the proposed charitable activity.

H. Managers and supervisors should always refrain from conducting direct, personal solicitations of employees who work under their supervision.

8. The Director May Authorize Limited Personal Use of State Resources For Certain Agency Purposes.

The Director may authorize limited personal use of state resources to promote organizational effectiveness or to enhance the job-related skills of a state officer or employee.

9. Attachment A to This Policy Lists Situational Examples of Authorized and Unauthorized Uses of State Resources.

10. Employee Use of Agency Resources May be Logged and Monitored.

Ecology has the right to log and monitor employee use of agency resources. This includes, but is not limited to, Ecology:

- Computers

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- Internet
- E-mail
- Fax
- SCAN
- Cell phones
- Personal Digital Assistants (PDAs)
- Corporate Account (VISA, etc.)
- State vehicles
- Facilities

11. Violating This Policy May Result in Disciplinary Action.

Approved: _____

Ted Sturdevant
Director

APPROVED

Date: 1-8-10

DEPARTMENT OF
ECOLOGY
State of Washington

Attachment A – Policy 1-39

Prohibiting Private Use of State Resources

Examples of How State Resources May or May Not be Used by Employees

The following examples are not all-inclusive and are subject to the requirements outlined in Policy 1-39.

1. An employee makes a local telephone call and sends an e-mail message to his home to make sure his children have arrived home safely from school. **This is not an ethical violation.** Use of resources for a personal phone call and message in this situation is *de minimis*: it is infrequent, brief, and does not interfere with performing official duties.

2. An employee uses her Ecology computer to send e-mail to another employee to wish her a happy birthday. **This is not an ethical violation.** The personal message is *de minimis*: it is infrequent, brief in duration, and does not interfere with performing official duties.

3. Every spring, a group of employees meets during lunch to organize an agency softball team. The meeting is held in a conference room not needed for Ecology business during the lunch hour, and the group scheduled the room according to Ecology policy and procedure. **This is not an ethical violation.** There is no cost to the state, and the meeting does not interfere with conducting agency business.

4. Ecology determines that an evening class will enhance an employee's job skills, and allows the employee to use her office computer to do homework. The employee prints her homework using the office printer and her own paper. **This is not an ethical violation.** Using the office computer and printer will result in some cost to the state, but the cost is negligible, and the employee is using her own paper. Also, the class will enhance the employee's job skills and improve the organization's effectiveness. The activity takes place after working hours, so it will not interfere with the employee performing her official duties. After printing her homework, the employee then uses her own paper to print a few copies of a sign to advertise her upcoming yard sale. **This is an ethical violation.** While the cost to the state is negligible, the employee is using state resources for private financial gain. Use for private gain is prohibited, regardless of the cost to the state.

5. An employee operates an outside business. Each day, she makes or receives five to ten calls on her state telephone regarding her outside business. All of the calls are local. **This is an ethical violation.** The employee is conducting business for private benefit or gain on state time and using a state phone.

6. An employee uses state e-mail to inform fellow employees about a rally to raise public concern for mistreated animals. **This is an ethical violation.** State resources may not be used to support, promote, or solicit for an outside organization or group, unless specifically sanctioned by the

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Director. This could also be considered a political use under some circumstances, which is also an ethical violation.

7. After working hours, an employee uses the office computer, printer, and his own paper to prepare client billings for a private business. **This is an ethical violation.** Although using the office computer and printer may result in a negligible cost to the state, conducting business for private benefit or gain is an inappropriate use of state resources. Also, it does not matter if the employee actually makes money through the private business; the mere use of state resources to conduct a private business is prohibited by Ecology policy and the Ethics in Public Service law.

8. An employee is active in a local PTA organization that holds fund-raising events to send children to the nation's capital. Although a parental contribution is expected, the more a parent raises, the less his or her contribution. The employee uses state e-mail to solicit contributions for her child. **This is an ethical violation.** The employee is using state resources to directly solicit contributions to further a private interest in reducing or eliminating her cost to send her child on the trip.

9. An employee briefly uses the Internet on his lunch hour to look up some encyclopedia information for his child's school research paper. **This is not an ethical violation.** The employee's use of the Internet meets the *de minimis* standard: it is infrequent, brief, and of little or no cost to the state. The employee then goes to an Internet bookstore to purchases a book on-line for his child to do further research and has it shipped to his home. The employee uses his personal credit card to make the purchase. **This is an ethical violation.** Buying items using state resources for private benefit or gain is strictly prohibited.

10. One night an employee takes her Ecology laptop computer home to watch DVDs of her family vacation. **This is an ethical violation.** Although there is little or no cost to the state, an employee may not make private use of state equipment removed from state facilities or other official duty station.

11. An employee is required to travel overnight for work. She uses the Internet to make the hotel reservations and also provides her work email address to receive confirmation of her travel arrangements. **This is not an ethical violation.** The employee's use of state resources is directly related to her work.

12. An employee is assigned to do temporary work in another city away from his usual duty station. To perform official duties, the employee takes an Ecology laptop computer. While away, he uses the computer to do work for a private client. **This is an ethical violation.** Although it is allowed to use the laptop at a temporary duty station, performing work related to an outside business on the laptop is not allowed.

13. An employee spends five minutes on the Internet to check weather in planning for a personal vacation. **This is not an ethical violation.** The use is brief and infrequent, there is little or no cost to the state, and it does not interfere with performing official duties.

14. An employee leaving Ecology sends an agency-wide e-mail informing staff when he is leaving and where he is going, and includes his new e-mail address, phone number, and fax number. **This is not**

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an ethical violation. He further mentions in his e-mail that his new employer offers consulting services. **This is an ethical violation.** The use is considered commercial and advertising and/or selling, and is strictly prohibited.

15. An employee's daughter is selling candy bars to raise money for her softball team. The employee brings some candy bars into the office and leaves them with a note about the fundraiser in the coffee bar. **This is not an ethical violation.** This is fund-raising for a non-profit organization or activity, there is no direct solicitation of employees, it does not use the e-mail system, and it does not interfere with performance of any officer's or employee's official duties.

16. An employee conducts an outside business and routinely updates the Web site for this business from her office computer. **This is an ethical violation.** Using state resources to conduct a private business is strictly prohibited. This activity, even if it is brief and infrequent, could result in private benefit or gain for the employee and undermines public confidence in state government.

17. An employee visits several poetry web sites. While at a site, he downloads a poem and e-mails it to several co-workers. **This is an ethical violation.** By visiting serveral web sites the employee violated the de minimis personal use standard. By e-mailing a file to co-workers, the employee disrupts other state employees and obligates them to make personal use of state resources. Also, downloading files from the Internet or from other outside sources and distributing them via e-mail to co-workers can introduce a computer virus, which can compromise state resources.

18. An employee occasionally uses the Internet to check the score of a Mariner's game. **This is not an ethical violation.** The use is brief and infrequent. When the score gets close late in the game, she decides to access the site to listen to the game live. **This is an ethical violation.** Accessing this type of site requires excessive bandwidth and compromises Ecology network operations. Also, accessing the Web site and listening or watching the baseball game during work time violates the *de minimis* standard for use of state resources because it is prolonged use of Ecology's computer and Internet service for personal entertainment.

19. An employee routinely uses the Internet to manage her personal investment portfolio and communicate information to her broker. **This is an ethical violation.** Using state resources to monitor private stock investments or make stock trades are private activities that may result in private financial benefit or gain, and are prohibited. Allowing even occasional or limited use of state facilities to seek private financial benefit or gain undermines public confidence in state government and is prohibited.

20. An employee accesses the Department of Retirement Systems (DRS) Web site occasionally to check-on his Deferred Compensation Plan investments and makes a change to his deferral amount. **This is not an ethical violation.** Employees may access the DRS or Health Care Authority Web sites to review and update state provided benefits on an occasional and limited basis. Allowing access to these programs' Web sites helps efficiently administer employee benefits statewide.

21. Without agency approval, an employee sends an e-mail to everyone in his building inviting them to view a recent public television documentary on synthetic chemicals in the environment. The employee plans to show the film between 12:00 p.m. and 1:00 p.m. in an Ecology conference room. **This is an ethical violation.** In this case, educating staff on synthetic chemicals in the environment

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is not one of this employee's job responsibilities. Employees may not use state resources to promote information or events not directly related to their job responsibilities, even if the subject matter is related to Ecology business or employee interest, unless given approval from the Director or the Director's designee. Sending an e-mail message to a large number of employees (also called a "broadcast e-mail") without Ecology approval to communicate information not related to the sender's job responsibilities violates the de minimis standard. Also, employees should refer to Administrative Policy 11-17, Reserving and Using Ecology Facilities, for information about how to reserve an agency facility.

22. An employee uses her Ecology computer to check her personal e-mail. She does this a couple times each week for about five minutes each time. **This is not an ethical violation.** The use is brief and infrequent and of no cost to the state. When checking the personal e-mail, she responds to a message regarding her other part-time job. **This is an ethical violation.** In this case, the employee is using state resources for a private business and/or personal gain.

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