

Ethical Conduct Policy

Purpose Statement:

This policy:

- Implements the requirements of state ethics laws.
- Fosters an environment where employees understand they hold a public trust.
- Informs employees about their ethical responsibilities.

This policy applies to officers, employees, volunteers and members of Department of General Administration (GA) boards and commissions.

Action: New policy consolidation

Effective Date: February 28, 2011

Owner: Human Resources

Review Cycle: 2 years

Approved By: /s/
Joyce Turner
Director

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Policy

The ethics laws are designed to protect state employees from conflicts of interest or from engaging in activities where their interests or loyalties could be divided or may be questioned.

GA employees are to be familiar with the state ethics laws, rules and other related policies and act in a way that is consistent with law, rules and policies.

Compliance with the ethics requirements is an individual responsibility. Maintaining a working knowledge of the requirements will help ensure proper and ethical actions by employees.

Employees are to base their conduct on these core ethical principles:

Objectivity - Employees must place the public's interest before any private interest or outside obligation – choices need to be made on the merits.

Selflessness - Employees should not take actions or make decisions in the performance of

their position in order to gain financial or other benefits for themselves, their family, or their friends.

Stewardship - Employees have a duty to conserve public resources and funds against misuse and abuse.

Transparency - Employees must practice open and accountable government. They should be as open as possible about their decisions and actions, while protecting truly confidential information.

Integrity - Employees should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Failure to follow the requirements of this policy may result in corrective or disciplinary action up to and including dismissal.

Help and general information

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1. Employees may ask for guidance and advice.

The Internal Auditor is GA's central point of contact for internal agency advice about ethics issues. The Human Resources Safety Program and Training Manager is the secondary contact.

The [Executive Ethics Board](#) provides an informative web site and their staff may also be contacted for guidance.

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2. GA will provide ethics requirements and information to employees.

GA posts this ethics policy and related information on the agency's internal web site.

To promote green or sustainable practices, GA will normally provide information in electronic form or as web site links.

Employees will receive a copy of this policy at their new hire orientation.

A copy of [Ethics – A Principled Approach to the Ethics in Public Service Act](#) will be provided to employees when they attend GA sponsored ethics training. This booklet contains a copy of the law as well as explanations.

3. GA will provide ethics training to employees.

The Human Resources Training Manager will coordinate ethics training for employees within their first two months of employment.

Supplemental training or educational communications will be provided to employees in a timely manner after any significant changes to the ethics requirements.

4. Employees will review GA's ethics policy once a year.

Once a year, employees will receive an emailed checklist that will provide intranet links to relevant policies and/or guidelines. Hard copies are provided to those without access to email. Employees must certify they have reviewed the listed policies and guidelines.

5. Former employees continue to have ethical responsibilities for a period of time.

State law does not allow former state employees to gain an advantage as a result of their decisions or actions while employed by the state. State law also does not allow former state employees to help other people with certain kinds of transactions.

To avoid conflicts of interest:

- a. A current employee who is thinking about doing business with the state after leaving state employment; or
- b. A former employee who wishes to do business with the state;

Should, in advance:

- a. Review RCW [42.52.080](#) and RCW [42.52.090](#) and related statutes; and
- b. Seek legal advice if desired.

6. Employees should report actual, potential or perceived ethics violations.

- a. Employees, suspecting or alleging unethical action, should report it to the GA Internal Auditor, the Director of Human Resources, or the State Auditor's Office.

When appropriate, an investigation will be conducted. The investigation may result in corrective and/or disciplinary action.

Employees not comfortable with this reporting process may instead anonymously report it as an improper government action with protected Whistleblower status. See GA's [Whistleblower – Reporting Improper Governmental Actions Policy](#) for specific information.

- b. Employees will notify their supervisor in writing in advance of any situation that could possibly involve a personal conflict of interest. Supervisors will notify their Division Assistant Director, who will review potential conflicts and notify the agency's Internal Auditor and the Human Resources Director of any situations they believe requires further review or formal investigation.
- c. GA may also report ethics violations to the Executive Ethics Board. The Executive Ethics Board may decide to conduct an independent investigation and may impose civil fines or other disciplinary action beyond the actions of GA.

Acceptance of Gifts

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7. GA holds its employees to a stricter set of rules governing gifts.

- a. GA is a regulatory and purchasing agency and considers all its employees to be "Section 4" employees.

As "Section 4" employees, GA employees are not allowed to seek or accept, directly or indirectly, anything of economic value or of personal value as a gift, reward or compensation for a speech, appearance, article, or in connection with the performance of their official duties.

Prohibited gifts shall not be diverted to family or friends. If in doubt, decline it.

- b. The only items or gifts that employees are allowed to accept from a person:
 - Regulated by GA;
 - Seeking to provide goods and services to GA or to other state agencies through GA;
 - Participating in GA's contractual matters.

Are the following:

- i. Unsolicited advertising and promotional items of nominal value;
- ii. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item (without any significant cash or resale value);
- iii. Unsolicited items received for the purpose of evaluation, if of no beneficial interest;
- iv. Publications related to official duties;
- v. Food and beverages at hosted receptions related to official duties;

- vi. Token beverages offered by a taxpayer as a gesture of common courtesy to a GA employee performing their duties at a taxpayer's business. So long as the "gestures of common courtesy" are extended to all of the taxpayer's employees, visitors and customers;
- vii. Admission to and food and beverages consumed at a charitable or civic event;
- viii. Items from family and friends if clear purpose was not to influence;
- ix. Customary items related to outside business (not connected to state duties);
- x. Items exchanged at social events between co-workers;
- xi. Items not otherwise permitted when returned or donated to charity within 30 days;
- xii. Campaign contributions;
- xiii. Discounts available to the individual as a member of a broad based group;
- xiv. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

c. Employees are specifically prohibited from accepting the following gifts:

- i. All food gifts, even token gifts such a cookie, except for food accepted during hosted receptions listed above in 7.b;
- ii. Flowers, plants and floral arrangements;
- iii. Expenses (travel, room, and meals) for a speech and/or seminar;
- iv. All other gifts, regardless of value that are not specifically allowed by state law.

Exception: A prohibited gift may be accepted if it is donated to charity or given out to the public within 30 days.

d. The Director may approve for the agency to accept certain gifts, but must be careful and consider if there may be an actual or a perceived conflict of interest.

Use of state resources

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8. Employees must conserve, safeguard, and appropriately use state resources under their control or provided for the performance of their duties.

Electronic storage or e-mailing of confidential or highly sensitive information requires extra security measures; contact Information Services for assistance.

Exception: E-mails involving only the addresses that are listed in the State's Global Address Book in Outlook (i.e. inside of the secure state government network) do not require extra security measures.

Employees may make limited personal use of state resources when the use is not specifically prohibited.

- a. GA employees may make de minimus personal use of state resources only when the following conditions apply:
 - i. There is little or no cost to the state.
 - ii. Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources.
 - iii. The use of state resources does not interfere with the performance of official duties.
 - iv. The use does not disrupt or distract from the conduct of state business due to volume or frequency.
 - v. The use does not disrupt other employees and does not obligate them to make personal use of state resources; and
 - vi. The use does not compromise the security or integrity of state information or software. Read GA's Information Technology Security Program Policy for specific security requirements.
 - vii. The use is consistent with the current Collective Bargaining Agreement.

- b. Employees are always prohibited from the following attempted or actual use of state resources:
 - i. Any use for the purpose of conducting an outside business or outside employment; or
 - ii. Any use for the purpose of supporting, promoting, or soliciting for an outside organization or group unless provided for by law or authorized by the Director; or
 - iii. Any campaign, political or lobbying use; or
 - iv. Commercial uses such as advertising or selling; or
 - v. Any use that is otherwise prohibited by or incompatible with GA's mission, business, rules or policy; or
 - vi. Illegal Activity; or
 - vii. Any private use of state equipment that has been removed from state facilities or other official duty station.

Examples of activities for personal use that are always prohibited are:

Example 1: Data streaming audio or streaming video from the internet to an agency computer for extended periods of time.

Example 2: Online gambling or viewing images and materials that are pornographic or involve sexual content.

Example 3: Attempts to visit an adult internet site even if access to that site was blocked. If you accidentally click on an adult site, immediately close it out and notify your supervisor.

Example 4: Discrimination, racism, bullying or harassment.

9. GA may allow limited usage of state resources to achieve indirect agency benefits.

- a. The Director may authorize in advance the limited use of state resources for activities or events that:
 - i. promote agency effectiveness;
 - ii. enhance job-job related skills;
 - iii. build teams;
 - iv. improves moral; or
 - v. Supports the health, safety, and well-being of employees.

Activities authorized by the Director are listed as an appendix to this policy.

- b. Planning and soliciting for approved charitable events and activities may be conducted during the work day so long as the planning and soliciting meets the criteria of section 9.a above.
- c. Managers and supervisors should never personally solicit charitable donations from employees who work under their supervision or over whom they have influence.
- d. Aside from Director authorized charitable activities or events, staff engaged in any charitable solicitation should avoid conveying the perception that the solicitation is supported or endorsed by managers or supervisors.

10. GA may monitor usage of all state resources for business and compliance purposes.

GA may monitor usage of state resources unannounced on a periodic basis to determine compliance with this policy or for personnel issues.

All electronic internet access records, messages, and other files are reproducible, are not private, and are subject to disclosure under public disclosure laws. Deleted files may still be subject to recovery, review, and disclosure.

The monitoring, review or investigation of employee e-mail accounts, internet usage, or personal computer activity will be done in accordance with GA's Information Technology Security Program or Loss of Funds or Property policy.

Outside employment

11. Employees will not knowingly seek outside employment that could conflict with their official duties.

Employees will not seek outside employment that is, or could be, perceived as conflicting with their official duties.

Outside employment includes, but is not limited to:

- a. Private employment;
- b. The ownership or operation of a private business;
- c. Employment as a consultant, advisor, or other independent contractor;
- d. Employment in another subdivision of the department or in another state, federal, or local government entity;
- e. Becoming a state contractor or grantee.

12. Employees must inform GA of outside employment.

Employees that have additional jobs outside of GA must inform their supervisor using GA's Notification of Outside Employment form.

Employees that want to contract with or obtain a grant from a state agency must get advance approval by the Executive Ethics Board before starting work.

13. Outside employment must not detract from performance of state job duties.

An employee may not engage in outside employment if the demands of such employment prevent the satisfactory performance of their state duties. Outside employment must not be inconsistent with RCW 42.52 which establishes a code of ethics for public officers and employees.

14. Outside employment with a contractor or vendor may be allowed.

An employee may accept outside employment with an employer who provides goods or services to GA or the state if:

- a. The employment has been approved in advance by the employee's Division Assistant Director after consult with the Internal Auditor; and
- b. The nature of the employment is clearly unrelated to the goods or services provided to GA or the state; or

- c. The employee has no opportunity to influence the relationship between the outside employer and GA or the state; or
- d. The employment includes only performance on contracts authorized by GA or the state, when:
 - i. Those contracts are not expressly created or authorized by the employee;
 - ii. Those contracts are not expressly created or authorized by staff subject to the employee's direction; and
 - iii. The employment will not be perceived as conflicting with the employee's official duties.

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15. Caution should be taken to avoid possible conflicts of interest.

Employees may not accept employment or engage in any outside activity (e.g. business, charitable, political, professional, etc.) that they might reasonably expect would require or persuade them to reveal confidential information used in their official position.

Employees should not solicit or accept any offer of employment if they have reasons to believe the offer has been made or would be made for the purpose of influencing the performance of their official duties and obligations.

An employee may not use their official position to influence customers for any reason related to the employee's outside employment.

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Standards and Procedures

- GA Administrative Procedure - Outside Employment
- GA Administrative Procedure - Whistleblower – Reporting Improper Governmental Action

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Appendices

- Approved Employee Activities and Events

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Related policies and other requirements

- State law - [RCW 42.20; Misconduct of Public Officers](#)
 - State law - [RCW 42.40; State Employee Whistleblower Protection](#)
 - State law - [RCW 42.52; Ethics in Public Service](#)
 - State law - [RCW 42.52.120 Compensation for Outside Activities](#)
 - State law - [RCW 42.52.080; Employment after Public Service](#)
 - State law - [RCW 43.19.1937 Acceptance of benefits, gifts, etc., prohibited - Penalties](#)
 - State law - [RCW 43.19.1939 Unlawful to offer, give, accept benefits as inducement for or to refrain from bidding - Penalty](#)
 - State rule - [WAC 292 Ethics in public service](#)
 - GA Administrative Policy - [Information Technology Security Program](#)
 - GA Administrative Policy - [Whistleblower – Reporting Improper Governmental Actions](#)
 - GA Administrative Enterprise Policy - [Washington Purchasing Manual](#)
 - GA Manual - [Ethics - A Principled Approach to The Ethics in Public Service Act](#)
 - Governor's Executive Order - [98-02 Training And Protocols for State Investigators](#)
 - Governor's Executive Order - [91-10 Establishing The Governor's Policy On Electronic Message Systems](#)
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Forms and instructions

- GA form – [Notification of Outside Employment](#)
 - GA form – [Outside Employment Reminder](#)
 - Executive Ethics Board - [Training Aids](#)
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Definitions

- *Confidential information* means specific information that is not available to the general public or is protected by law. Confidential information cannot be released to the public and is exempt from public disclosure.
- *De minimis* means infrequent or occasional use that result in little or no actual cost to the state.
- *Employee* means officers and employees of GA, volunteers doing work for GA, and members of GA Boards and Commissions.
Exception: The state Ethics Laws and Sections 1 and 13 through 15 of this policy in regard to outside employment do not apply to volunteers.

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- *Highly sensitive* means information that, in your judgment, could be very embarrassing to individuals, our agency, or the state if it were unnecessarily distributed to unintended recipients.
 - *Hosted reception* means 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.
 - *Meal* means a sit-down meal where the guests are expected to sit down to eat.
 - *Section 4 employee* means all GA employees in the context of this policy. (In the state ethics law it means an employee who participates in regulatory or contracting activities.) Section 4 employees are subject to the strict gift limit requirements of RCW 42.52.150(4).
 - *Participation* includes such things as recommendation, approval and disapproval, decision, giving advice, monitoring or investigation.
 - *Contracting* include such things as agreements, leases, contracts, purchases, or sales.
 - *Regulatory activities* include such things as issuing permits or licenses, exercising authority, or controlling or affecting the interests of identified persons.
 - *Person* means any individual, partnership, association, corporation, firm, institution, governmental agency, or other entity, whether or not operated for profit.
 - Some examples of persons that participate in contractual matters are purchasing personnel as defined by the Washington Purchasing Manual or a state employee at an institution of higher education that assists Engineering and Architectural Services in evaluating design proposals for a new building.
 - Some examples of persons that are regulated by GA are persons that receive a Campus Use Permit issued by Visitor Services, persons that must comply with the State Building Code or persons that receive a delegation of GA's authority.
 - *State resources* means the same as public resources, public facilities and facilities of an agency where used in state law or rule.

State resources includes, but are not limited to, funds, facilities, tools, property, systems such as the internet and email, and employees and their time during working hours, use of stationery, postage, machines, and equipment, vehicles, office space, intangible and intellectual property, electronic data, images, files, and software, publications of the agency, and clientele lists of persons served by the agency.
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History

New:

This policy revision consolidates several GA ethics requirements and policies into a single comprehensive ethics conduct policy.

Supersedes:

- GA Administrative Policy - Cell Telephone Service Policy – Approved December 20, 1999
- GA Administrative Policy - Conflict of Interest Policy – Approved January 29, 1998
- GA Administrative Policy - Ethical Standards Policy – Approved August 25, 2000
- GA Administrative Policy - Internet and Electronic Message Systems Policy – Approved March 28, 2006
- GA Administrative Policy - Outside Employment Policy – Approved April 25, 2000
- GA Bureau of Property Development (RES) Policy BPD/87006 Conflict of Interest – Approved March 3, 1987

Original Effective Date:

February 28, 2011

To obtain a copy of a historical policy, e-mail the GA Policy Office at policy@ga.wa.gov

POLICY FEEDBACK

Did this Policy successfully answer your questions? Please send your comments to policy@ga.wa.gov.

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