Ethics Tip of the Month

I'm a Section what???

The Ethics in Public Service Act allows certain state employees to keep gifts with an aggregate value of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value of fifty dollars. However, if you have been deemed a "Section 4" employee, this $50 gift rule does NOT apply to you.

Section 4 refers to paragraph 4 of the Limitations on Gifts section of the Ethics Act - RCW 42.52.150(4). This section imposes more stringent limitations on gifts that can be received by officers and employees that are considered "Section 4" employees.

To determine if you are a Section 4 employee, you must ask yourself three questions:

Question 1. Are you employed by a regulatory agency or an agency that seeks to acquire goods or services[1]? If yes, move on to question 2. If no, then you would not be considered a Section 4 employee.

Question 2. Does your agency regulate or contract with the person giving the gift? If yes, move on to question 3. If no, then you would not be considered a Section 4 employee in that instance.

Question 3. Did you participate in the regulatory or contractual matters with that person? If yes, then you are considered a Section 4 employee and would fall under the more stringent rules regarding gifts found in RCW 42.52.150(4). If no, then you would not be considered a Section 4 employee.

Some agencies have designated their entire workforce as Section 4, so check with your agency. You may also be a Section 4 employee in one instance and not in another. When in doubt, you should consult with your supervisor or contact the Ethics Board for advice.

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[1] The Ethics Act defines a regulatory agency as: "any state board, commission, department, or office, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect the interests of identified persons. Most state agencies are considered regulatory, even if they do other things that are more ministerial than regulatory. A ministerial act is defined as an act which a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to or the exercise of his own judgment upon the propriety of the act being done. An agency that performs only ministerial acts and does not exercise authority over or influence identified persons because it exercises no judgment or discretion with regard to those persons is not a regulatory agency.

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