# Ethics in Public Service Act

## RCW 42.52.120

# Compensation for Outside Activities

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Under RCW 42.52.120, Compensation for outside activities, no state employee may receive anything of economic value under any contract or grant outside of official duties.

There are exceptions that are quite reasonable (all of the following conditions must be met for outside compensation to be accepted):

- The contract or grant is bona fide (real) and actually performed. This means you must actually do the work for which you are paid.
- The performance or administration of the contract is not within the course of your official duties, or is not within your official supervision. This means you cannot receive a "bonus" for doing the work you are paid by the state to do. No "double-dipping."
- The performance of the grant or contract is not prohibited by RCW 42.52.040 (assisting in transactions) or by any other rules governing outside employment for you. This means you would not be assisting someone in a state transaction that you are prohibited to assist.
- The contract or grant is not performed for or compensated by any person from whom the employee would be prohibited by RCW 42.52.150(4) from receiving a gift. Remember: Section 4 employees cannot accept a gift from a vendor or contractor (or student) that they regulate or contract. These employees also cannot work for a vendor/contractor or accept compensation in an outside employment situation due to the same reason. <u>No gift allowed, no job allowed.</u>
- The contract or grant is not one expressly created or authorized by you in your official capacity. Basically, you cannot use your official position to create your outside job.
- The contract or grant would not require the disclosure of confidential information. Be careful if your outside work and your official state duties involve the same clients. Don't use any confidential information that you have access to in your state position to benefit your outside work or another employer.

## Outside Employment with Another State Agency

RCW 42.52.120(2)(b) and (c)

A unique standard governs having a contract or grant with another state agency while you are still employed by the state. This standard applies whenever a contract or grant is given as a result of a non-competitive process, or when the bid of a state employee is the only bid received in a competitive process. In other words, this standard applies if the outside work obtained was not

open to the public or, if open, no one else applied for the job.

You must receive the prior approval of the Executive Ethics Board before entering into a contract or grant. If approved, file a copy of the contract or grant with the ethics office within 30 days of execution.

You must provide the following information to obtain approval:

- ✓ A description of your current state duties;
- ✓ A statement of the work to be performed under the contract or grant, or a copy of the proposed contract or grant;
- ✓ A statement that no state resources will be used to perform all or any of the work;
- ✓ An explanation of how you can perform the work without the use of state time or state resources.

## Scenarios

1. You administer an arts program that gives grants to local artists for public art projects. Because you are also an artist, you submit an application for a grant from the arts commission and receive one for $1,000. Can you receive the grant?

2. A state wetlands biologist is asked to teach a course on preserving endangered habitats at the local community college. The course will be taught two nights per week for eight weeks. Can the employee teach the course?