Ethics in Public Service,
RCW 42.52
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Ethics Officer

http://apps.leg.wa.gov/RCW/default.aspx?cite=42.52

http://www.wwu.edu/hr/Ethics/ethics.shtml
Activities Incompatible with Public Service
RCW 42.52.020

• No state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee’s official duties.
Conflict of Interest Examples...

• Owning a private business and hiring someone you supervise
• Accept a payment from someone who has an interest in a contract, purchase or grant under your supervision
• Acting in a state manner or transaction involving a business or org in which you own an interest or serve as an officer.
Financial Interests in Transactions
RCW 42.52.030

- Law prohibits state employees from participating in a state transaction if they have a financial or other interest in the transaction
- Samples include: Your spouse is contracting with the university or you own part of the business
- If a decision you are about to make puts money into your pocket or those of friends, family or other persons including a business you are a partner, officer, etc....that constitutes a private benefit
Financial Interests in Transactions

1. No employee, except as provided in subsection (2) of this section may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any person beneficially interested in the contract, sale, lease, purchase, or grant.

2. No employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest.
Confidential Information
RCW 42.52.050

• No employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official’s or employee’s official position.
• No employee may make a disclosure of confidential information gained by reason of the officer’s or employee’s official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the employee’s agency and (b) the person or persons who have authority to waive the confidentiality of the information.

• No employee may disclose confidential information to any person not entitled or authorized to receive the information.

• No employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.56 RCW, was under a personal obligation to release the record, and failed to do so.
• No employee may disclose confidential information gained through their job, or otherwise use confidential information for personal gain
• Includes personal info, academic exams, applications, addresses, phone #’s, etc
Special Privileges
RCW 42.52.070

• Except as required to perform duties within the scope of employment, no employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parent, or other persons.

• Example: Cannot use supervisory authority to exempt a subordinate from the ethics law
Employment after Public Service

RCW 42.52.080

• Post-State employment restrictions are designed to ensure that a former state employee does not accrue advantage as a result of decisions or actions made while in public service.
Employment after Public Service

- No former employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if: (a) the employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration; (b) such a contract or contracts have a total value of more than $10,000 and (c) the duties of the employment with the employer or the activities for which the compensation would be received included fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract(s). This subsection shall not be construed to prohibit a employee from accepting employment with a state employee organization
• No person who has served as an employee may, within a period of 2 years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorize or funded by specific legislative or executive action in which the former employee participated.

• No former employee may accept an offer of employment or receive compensation from an employer if the employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the employee or as compensation or reward for the performance or nonperformance of a duty by the employee during the course of state employment.
• No former employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee from rendering assistance to employees in the course of employee organization business.
Gifts
RCW 42.52.140 and 150

• No employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that a gift, gratuity, or favor would influence the vote, action, or judgment of the SOSE, or be considered as part of a reward for action or inaction.

• No employee may accept gifts with an aggregate value in excess of $50.00 from a single source in a calendar year or a single gift from multiple sources with a value in excess of $50.00
• Single source means any person, as defined in 42.52.010, whether acting directly or through any agent or other intermediary, and single gift includes any event, item or group of items used in conjunction with each other or any trip including transportation, lodging, attendant costs, not excluded from the definition of gift under 42.52.010.

• The value of gifts given to an employee or employee’s family member or guest shall be attributed to the employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

• “Section 4” employees (those involved in contracting) cannot accept any gifts
Use of State Resources
RCW 42.52.160

• No employee may employ or use any person, money, or property under the employee’s official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another

• An employee may make occasional but limited use if:
• There is little or no cost to the state
• Any use is brief
• Any use occurs infrequently
• The use does not interfere with the performance of any employee’s official duties and
• The use does not compromise the security or integrity of state property, information or software
WAC 292-110-010

• Statement of principles – Stewardship
• Permitted Uses
• No expectation of privacy
• Reimbursement for personal use
• Agency policies encouraged
• FAQ’s
Examples of de minimis..

- Call to make sure children arrive home safe
- Wishing happy birthday
- Meeting to organize softball game during lunch in univ facility
- Making appointments (i.e., medical)
- Copy birth certificate
- Leave menus from local restaurants
- Send personal email (brief, etc)
  - Not for conducting outside business, selling, campaign, etc.
Ethical Use

• Use Internet to check on children’s school website
• Use Internet to support charities (limited and approved) Combined Fund
• Completing state application for employment
• Taking home empty boxes
• Use Internet to monitor or update account allocations in retirement plan
• Accessing bank account balance
Textbooks

- May state higher education faculty sell complimentary textbooks, which were received under an exemption to the gift prohibitions?
- No, while employees may accept gifts of informational material, publications, or subscriptions to review or use to perform their duties, once received employees may use or retain material or dispose
Ethical Violations

- Conducting an outside business (WAC 292-110-010(6))
- Political or campaign activities/Lobbying
- Commercial uses like advertising or selling products
- Illegal/Inappropriate activities
Ethical Violation Examples

• Using university video equipment for personal use
• Using IT staff to work on personal computer
• Using business laptop for outside temp work
• Distributing Avon books (can be placed in public area)
• Using univ facility to promote private commercial products (unless related to official duties)
• Putting business card in drawing
Ethical Violation Examples

• Routinely using the Internet to manage personal investment portfolio and communicate to broker
• 30-40 minutes looking are websites of personal interest
• Use state vehicles for personal use
• Any use for the purpose of conducting an outside business, whether or not for profit is STRICTLY PROHIBITED.
Ethics Training

- Available on Human Resources Training website (on-line tutorial)
  http://www.acadweb.wwu.edu/hr/training/index.shtml

- Executive Ethics Board
  http://ethics.wa.gov/training/training.htm
  On-line quiz and training handouts
Policies

http://www.wwu.edu/depts/policies

- POL-U-5400.19 Receiving Honoraria
- POL-U-5400.18 Faculty Policy on Consulting and Other Compensated Professional Activities
- POL-U-5400.0 Using University Resources
- POL-U-5400.17 Professional Staff Policy on Consulting and Other Outside Compensated Professional Activities
- WAC 292-110-010 Use of state resources
Ethics Officer
Chyerl Wolfe-Lee,
Assistant Vice President for Human Resources

• Point of contact between Ethics Board and Western.
  – Assess the application of conflict of interest laws and regulations to the information reported and counsel those SOSE with regard to resolving actual or potential conflicts or interests or appearance thereof;
  – Counsel Western personnel concerning ethics standards and programs;
  – Counsel departing and former Western officials on post-employment conflict of interest standards;
  – Assist managers and supervisors in understanding and implementing Western ethic programs;
  – Develop and administer a system for periodic evaluation of the ethics program.
Report concerns:

- Chair, Supervisor, Director or Dean
- Human Resources/Ethics Officer, X3774
- Union/Faculty Senate/PSO Leadership
- Internal Auditor, X3435
  - [http://www.wwu.edu/internalaudit/](http://www.wwu.edu/internalaudit/)
- Executive Ethics Board
- State Auditor’s Office Whistleblower Program
  - [www.sao.wa.gov/](http://www.sao.wa.gov/)
- POL-U-5950.19 Reporting Loss of University Funds or Property