

# **Ethics Policy for Walla Walla Community College**

## **Introduction**

The Washington Ethics Law, Revised Code of Washington, Chapter 42.52, applies to all state employees. [Wherever the term "employee" is used in this document, it shall mean state officers and/or employees, per RCW 42.52.010.] It governs the actions and working relationships of Walla Walla Community College employees with current or potential customers, fellow employees, suppliers, government representatives, the media, and anyone else with whom the employees of Walla Walla Community College have contact.

In these relationships, employees must observe the highest standards of ethical conduct. Each employee is expected to place the College's interest above his or her own self-interest in all education, business, and other matters and decisions, where there is any actual or potential conflict or the appearance of a conflict.

## **Statement of Ethics for Washington State**

**“Government derives its power from the people. Ethics in government is the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.” (RCW 42.52.900)**

The stated Core Ethical Principles upholding the Washington State Ethics Law are as follows:

- Public employees must place the public’s interest before any private interest or outside obligation – choices need to be made on the merits.
- Public employees should not make decisions in order to gain financial or other benefits for themselves, their family, or their friends.
- Public employees have a duty to conserve public resources and funds against misuse and abuse.
- Public employees must practice open and accountable government. They should be as open as possible about their decisions and actions, while protecting truly confidential information.
- Public 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.

## **Code of Ethics for Walla Walla Community College**

The following sections describe major principles from the ethics law that apply to all employees of Walla Walla Community College:

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|---|---|
| ▪ Gifts                                       | ▪ Compensation for Outside Activities             |
| ▪ Use of State Resources for Personal Benefit | ▪ Honoraria                                       |
| ▪ E-Mail and Internet Use                     | ▪ Use of Public Resources for Political Campaigns |
| ▪ Confidential Information                    |   |

- Assisting in Transactions
- Financial Interest in Transactions
- Post State Employment
- Disclosure and Complaint Procedure
- Dissemination of Policy

Some employees have extra restrictions under this law and should be informed of these special restrictions by the Vice President of Financial Services. All employees are responsible for learning and complying with all of the law's provisions that apply to them.

## 1. Gifts

**"No state officer or state 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 the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction." (Excerpt from RCW 42.52.140.)**

The term "gift" means anything of economic value for which no consideration is given in return. A gift is something of value received by a state officer or state employee that the officer or employee did not pay for or otherwise earn. However, there are certain statutory exceptions, such as some items received from family or friends, items exchanged among co-workers, reimbursement for business expenses, payment for approved work-related training, awards, prizes, scholarships or other items provided in recognition of academic or scientific achievement.

Walla Walla Community College employees may not solicit a gift for personal benefit from students, other employees, vendors, and/or individuals, organizations or companies that may transact business or have a relationship with the College currently or in the future.

Unsolicited gifts from vendors and other organizations having or seeking to have a relationship with the College that are received by a College employee are property of the College. The exceptions generally include certain unsolicited items, tokens of appreciation such as plaques and desk items, and minor promotional items, with a total **annual** value of less than \$50.00. There are some minimal exceptions to this rule and questions about exceptions should be directed to the Vice President of Financial Services.

WWCC faculty routinely receives complimentary copies of textbooks from various publishers for review and potential use in the classroom. These materials are shipped to the Stockroom where they are sorted and delivered to the faculty addresses on a regular basis. Packages must be signed for by the departmental designee at the time of delivery. These complimentary materials become State of Washington/Walla Walla Community College property. Pursuant to the Executive Ethics Board Advisory Opinion 03-04, "Selling Textbooks Sent to Faculty by Publishers," faculty may not seek personal gain from the sale of said materials. At its September 12, 2003 meeting, the Executive Ethics Board adopted Advisory Opinion 03-04 regarding the sale of complimentary textbooks by higher education faculty. This opinion notes, in part, that higher education faculty may accept textbooks and other publications from publishers and use these items to conduct official business. The opinion, however, prohibits selling such textbooks and other publications for personal gain. While the opinion prohibits selling these textbooks for personal gain, several options for disposing of textbooks exist in lieu of selling them. The opinion notes that state supported institutions of higher education may want to consider adopting policies or procedures that assist faculty members in exercising these options. (See EEB Advisory Opinion 03-04.) Accordingly, when WWCC

faculty has no further need of such textbooks, they shall be forwarded to the Bookstore for buyback/sales purposes. Bookstore staff will log each textbook submitted and track its sale, whether sold back to a publisher, or to a student or other interested party. All proceeds from these sales will be deposited into a special fiduciary account of the College. Funds in this account will be used in various ways such as books for needy students or other needs as recommended by faculty and/or staff representatives. Although textbooks cannot be sold by faculty, books that are declared "No Cash Value" by the Bookstore, using the current edition of the textbook buyers guide, and stamped by the Bookstore as "NCV," can be offered to the students.

Employees receiving gifts, other than the statutory exceptions, are to report the receipt of the gift to the Vice President of Financial Services in writing to ensure that the gift is accepted by the College through the normal approval process.

If accepted, the gift will be recorded in the College inventory (if required), and put in general use to benefit College programs and our students. Gifts that bear a value of greater than \$50.00 but have no general use that would benefit College programs and students are to be sent to the College purchasing officer for disposal.

The following examples of situations that may arise are given as illustrations to help further explain these ethics laws.

**Example 1:**

Mary works in the personnel department of an agency that is responsible for worker safety. As part of her job, she accompanies a group of agency employees on a training program that includes a tour of a manufacturing plant of the XYZ Corporation. The plant manufactures cookware. At the conclusion of the tour the XYZ Corporation gives Mary a frying pan valued at \$75 as a souvenir of her tour. Mary accepts the pan. Mary does not participate in the regulation of XYZ because none of her official duties involve the corporation.

**Mary has committed an ethical violation.** The frying pan is a gift. The value of the pan exceeds the \$50 limit on gifts and it does not fall within any of the exceptions from that limit. Even though it could not reasonably be expected that the gift of the pan would influence the performance of Mary's official duties, there is an ethical violation because the value of the gift exceeds the \$50 limit. If the value of the pan was \$50 or less there would be no violation.

**Example 2:**

Zack is a state employee with a wife and three children. Linda, the president of the XYZ Corporation, gives Zack and each member of his family a ticket to a sporting event. The value of each ticket is \$15 and the total value of the five tickets is \$75. Linda has never met Zack's family.

**Zack has committed an ethical violation.** The value of the tickets received by Zack and his family exceed the \$50 limit. The gift of tickets to Zack's family is attributable to him because there is no independent business, family, or social relationship between Linda and his family. The tickets do not meet the exception to the \$50 limit because the sporting event was not sponsored by a civil, charitable, governmental or community organization.

**Example 3:**

Jim works as a gardener on Walla Walla Community College's grounds staff. His job involves mowing lawns and maintaining flower beds. XYZ Corporation supplies the College with gardening supplies but Jim's job does not involve these contractual matters. Every

three months XYZ gives the College's gardeners, including Jim, a new pair of gardening gloves, valued at \$15. During the calendar year, Jim accepts four pair of gloves for a total value of \$60.

**Jim has committed an ethical violation** because he cannot receive multiple gifts from a single person with a total value in excess of \$50. Had Jim participated in the decision to purchase the gardening supplies, a more stringent rule would have applied and accepting one pair of gloves would be a violation.

#### **Example 4:**

Jane is an instructor at Walla Walla Community College. The College Stockroom receives a complimentary textbook addressed to Jane from a publisher. After review, Jane determines the textbook is not usable in her classroom and sells it for \$25.

**Jane has committed an ethical violation.** The textbook, while complimentary and unsolicited, is State of Washington/Walla Walla Community College property. Pursuant to Executive Ethics Board Advisory Opinion 03-04, "Selling Textbooks Sent to Faculty by Publishers," faculty may not seek personal gain from the sale of said materials.

## **2. Use of State Resources for Personal Benefit**

**"No state officer or state employee may employ or use any person, money, or property under the officer's or 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. This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's public duties." (Excerpt from RCW 42.52.160)**

This language clearly prohibits the use of state resources for private purposes, such as avoiding a cost or expense, or paying a discounted government rate by using a state resource for some personal use. While this prohibition is clear, the Executive Ethics Board allows occasional use by employees of property which results in "*de minimis*" costs. "*De minimis*" use is defined as use that:

- results in little or no cost to the state;
- does not interfere with the performance of official duties;
- is brief in duration **and** frequency;
- does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
- does not compromise the security or integrity of state information or software.

### **Permissible Use of State Resources:**

- An employee may make **occasional** local telephone calls for medical and dental appointments, child or elder care arrangements, transportation, coordination, etc.;
- An employee may send **occasional and brief** personal e-mail messages.

### **Prohibited Use of State Resources**

- Any use for the purpose of conducting an outside business, whether or not for profit;
- Any use for the purpose of assisting the campaign of any candidate for election to any office, or to oppose or promote a ballot proposition;
- Any use for commercial purposes, such as advertising or selling;
- Illegal activities or activities incompatible with a professional workplace, i.e., accessing adult-oriented sites or gambling on the Internet;

- Lobbying activity unless authorized by law; and
- Any use to promote, support, or solicit for an outside organization or group unless the activity is approved by an agency head or his/her designee.
- No personal use may be made of state resources that are removed from a state facility.

**Example 1:**

John, a cashier at Walla Walla Community College, takes in both cash and checks as part of his job. On payday, John wants to buy his wife a birthday present during the noon hour, but he is short of cash and can't get to the bank until after lunch. John takes \$50.00 from the cash drawer at 11:30 a.m., buys his wife a present during the noon hour, goes to the bank on his way back from shopping, and replaces the \$50.00 in the cash drawer when he returns at 1:00 p.m.

**John has committed an ethical violation.** John may not use any public money under his official direction or control for the private benefit of himself or another.

**Example 2:**

Pat is Walla Walla Community College's head gardener. The crew he supervises performs all of the College's grounds maintenance, including poisoning/pulling weeds and transporting the College's grounds waste to a recycling facility. On Friday, at 1:30 p.m., two of the gardeners supervised by Pat leave the College with a load of waste. Pat asks them to stop by a friend's house on the way to the recycling center and to assist the friend in identifying and removing ragwort from his garden. The employees do so and return to the College at 3:30 p.m. Their work day ends at 3:30 p.m.

**Pat has committed an ethical violation.** A state employee may not use persons under his or her direction or control for private benefit or gain to himself, herself, or others.

**Example 3:**

Mary is an instructor at Walla Walla Community College and uses the College's audio visual equipment to teach her classes. On Friday night she takes home a state PA system to use at her sister's wedding reception on Saturday night. She saves \$300 on rental charges for comparable equipment she would have had to rent from a private source.

**Mary has committed an ethical violation.** She may not use state property under her control or custody for private benefit or gain for herself or another.

**3. E-Mail and Internet Use**

The ethics law was written in 1995, prior to the widespread use of the internet and e-mail. However, the Executive Ethics Board has developed a number of advisory opinions that govern the use of these resources. These can be found at:  
[http://www.wa.gov/ethics/index\\_adv\\_opinions.html](http://www.wa.gov/ethics/index_adv_opinions.html)

***Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record, and therefore may be distinguished from other forms of communication such as telephone conversations. Electronic records also are reproducible, so they cannot be considered private. Such records may be subject to the public disclosure law, or legitimately may be disclosed for audit or management purposes. (WAC 292-110-010(7)).***

**4. Confidential Information**

**"No state officer or state 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 state officer or state employee may make a disclosure of confidential information acquired by the official or the employee by reason of the employee's or official's position.

No state officer or state 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. No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith."  
(Excerpt from RCW 42.52.050)

College employees are required to maintain confidential information and not to use confidential information for personal gain or for gain by anyone not entitled to receive the information. Likewise outside employment and other circumstances that are likely to compromise information received from the College must be avoided.

**Example 1:**

John reviews confidential appraisals of real estate parcels for a college which is buying land upon which to expand. John recommends to the trustees which land the college should buy. John is offered a position with the XYZ Corporation. XYZ owns a number of parcels John has evaluated and which the college is considering purchasing. It would assist the XYZ Corporation to know the college's appraisal and how interested the college is in buying one or more of its parcels. XYZ Corporation wants John to promote and handle its land sales.

**It would be an ethical violation for John to accept the position.** He can reasonably expect that he would be required or induced to disclose the confidential appraisals or evaluations in his new position.

**Example 2:**

Sandra is her college's records custodian. She receives a request for the payroll records of a college administrator. Sandra locates the payroll information in the agency files. She reviews the documents and determines that they contain disclosable information. Sandra knows she should disclose the documents, but doesn't want to embarrass the administrator because one record shows his salary was subject to a garnishment during the previous year. Sandra conceals the document and fails to release it.

**Sandra has committed an ethical violation.** Sandra knows she was required to release all records she found, but failed to do so. Because Sandra's decision to conceal and withhold a record was not made in good faith, a violation occurred.

**5. Compensation for Outside Activities**

**"No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties if the contract or grant is related to or appears to be related to the employee's official duties and responsibilities."**

**(Excerpt from RCW 42.52.120)**

This provision is intended to prohibit public employees from placing themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of official duties. When considering decisions dealing with employment, remember that the definition of employee includes your spouse and immediate family. There are many specific instructions and requirements under this provision, including a six-part exception for *bona fide* outside compensation that does not violate other restrictions. If you have questions regarding this prohibition, please contact the College's Director of Human Resources.

**Example 1:**

Hank works in Walla Walla Community College's facilities services department and has responsibility to ensure that the contractor, XYZ Corporation, completing a minor capital project meets the contract conditions and standards. Hank has an excellent understanding of the community college contracting and construction process and XYZ Corporation hires Hank for \$200 to spend a weekend reviewing their proposal bid for a construction project at Yakima Valley Community College.

**Hank has committed an ethics violation.** He may not be paid by XYZ because the weekend work appears to be related to his Walla Walla Community College employment, in that he would be paid by a company that he is responsible for monitoring as part of his duties at Walla Walla Community College.

**6. Honoraria**

**"No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee."  
(Excerpt from RCW 42.52.130)**

An Honorarium is defined as money or thing of value offered for a speech, appearance, article, or similar item in connection with your official role in state government. An Honorarium Authorization form for WWCC employees is posted on the WWCC website: [wwcc.edu/humres/forms/honorarium](http://wwcc.edu/humres/forms/honorarium).

Walla Walla Community College employees may accept honoraria, except under the following circumstances:

- The person or organization offering the honoraria is seeking, or is reasonably expected to seek, a contract with or a grant from the College or from a College employee and the employee receiving the honoraria is in a position to participate in the terms or award of the contract or grant, or
- The person offering the honorarium is regulated by the College and you are in a position to participate in the regulation; or
- The person or organization offering the honoraria is seeking or opposing or is reasonably likely to seek or oppose enactment or adoption of administrative rules or actions, or policy changes by the College, and the employee receiving the honoraria may participate in this enactment or adoption.

**Example 1:**

A faculty member who does not sit on a textbook selection committee considering a particular textbook may agree to review a textbook and accept an honorarium from the publisher. However, should the publisher's book be considered for selection as a text for a class, the faculty member, having received an honorarium, must refuse to participate in the textbook selection decision.

### **Example 2:**

Edward works for Walla Walla Community College as an employee in the financial aid office. He is experienced in financial aid eligibility rules and in his position makes financial aid awards to WWCC students. Edward is offered a contract for \$500 to lead a series of workshops on week ends for area high school students and their parents on preparing financial aid applications.

**Edward has committed an ethical violation.** Edward may not accept honoraria from a person or organization who is reasonably expected to receive a contract or grant from the college (the financial aid office) and he is involved in the terms or award of the contract or grant.

## **7. Use of Public Resources for Political Campaigns**

**"No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include but are not limited to use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency." (Excerpt from RCW 42.52.180)**

## **8. Assisting in Transactions**

**"Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state (a) in which the state officer or state employee has at any time participated; or (b) if the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance."(Excerpt from RCW 42.52.040)**

### **Example 1:**

Larry is ABC College's Human Rights Officer. Larry is responsible for supervising a number of employees who assist people who want to file harassment complaints against College personnel. In 1993, while Larry is with the college, Molly files a complaint. Larry does not participate in Molly's complaint but it falls under his official responsibility. Subsequently, Larry leaves state service and goes into business consulting on sex discrimination/harassment complaints. In 1994, Molly asks Larry to assist her in resolving her complaint at ABC College. Larry helps Molly by calling ABC College's president and writing letters on Molly's behalf.

**Larry has committed an ethical violation.** Molly's complaint is a transaction involving the state. Although Larry did not participate in that transaction, it was under his official responsibility. Larry may not assist a person in a transaction involving the state if the transaction fell under his official responsibility within two years preceding such assistance. The phone calls and letters on Molly's behalf are assistance and it was done within the two-year period.

## **9. Financial Interest in Transactions**

**"No state officer or state employee may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or**

**is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant. No state officer or state 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." (Excerpt from RCW 42.52.030)**

Walla Walla Community College employees may not participate in College decisions that benefit, or appear to benefit, the employee or any person or organization in which the employee has or appears to have a beneficial interest. A beneficial interest is the right to enjoy, profit, benefit, or advantage from a contract or other property. This prohibition applies to employees' spouses, family members, and businesses and organizations in which an employee has a beneficial interest.

**Example 1:**

Charles works for an agency and he is responsible for negotiating and administering contracts for the purchase of agency equipment. Diana owns a business which sells computers. Charles and Diana are married and their income is community property; however, Charles has no direct involvement in Diana's business. Charles enters into a contract with Diana to purchase computers for the agency. The contract is let by open and competitive bid. Diana is awarded the contract because she had the lowest bid.

**Charles has committed an ethical violation.** Charles has beneficial interest in the contract because he has a community property interest in the income Diana will receive from it. Even though the contract was awarded pursuant to an open and competitive bidding process, Charles may not have a beneficial interest in a contract made by, through, or is under his supervision.

**10. Post State Employment**

**"No former state officer or state 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 the officer or state 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 and such contract or contracts have a total value of more than ten thousand dollars." (Excerpt from RCW 42.52.080)**

The ethics law contains several restrictions on former state employees. A Walla Walla Community College employee considering leaving the College and seeking employment that may do business with the College or other state agencies should carefully read and study this section of the ethics law.

**Example 1:**

Chuck negotiates and administers linen contracts for college residence halls. He recently began administering a \$50,000 contract for bed sheets from the XYZ Corporation. XYZ Corporation offers Chuck a job as head of its western sheet sales divisions. Chuck would be responsible to ensure that sheets were produced and shipped on time to fulfill XYZ's contract to provide linen to state colleges.

**It would be an ethical violation for Chuck to accept this job.** Chuck cannot accept a job whose responsibilities include fulfilling XYZ's linen contract because he administers that contract for the state. This contract does not meet the exception to the prohibition because the value of XYZ's contract exceeds \$10,000.

## **11. Disclosure and Complaint Procedure**

**"A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board."**

**(Excerpt from RCW 42.52.410)**

Walla Walla Community College employees may file complaints with the executive ethics board directly as noted above or may make complaints known to the College's Vice President of Financial Services or to the Director of Human Resources. Formal Ethics Board complaint forms are available at the Ethics Boards web site at [www.wa.gov/ethics](http://www.wa.gov/ethics).

Informal complaints may be presented orally and will be investigated as deemed appropriate by the College. The kind of investigation and subsequent action remains the sole prerogative of the College. Filing an informal complaint does not preclude a subsequent filing of a formal complaint.

Formal complaints to the College must be filed and signed by the employee in writing on the appropriate forms provided by the College Financial Services office or the Human Resources office and contain all pertinent information called for on the appropriate form. Formal complaints are serious matters and will be seriously investigated by the College. Employees named in formal complaints shall be afforded the right to all information contained in the complaint and shall have adequate opportunity to provide information and evidence needed or requested by the College. An investigation of a formal complaint normally will result in a written decision by the College.

***Retaliation against a complainant is forbidden.***

## **12. Dissemination of Policy**

All employees will receive an e-mail or hard copy of the Walla Walla Community College Code of Ethics. New employees will receive a copy during employee orientation. The Human Resources office is responsible for reviewing the Code of Ethics with College employees at least once a biennium.

***The State of Washington's Executive Ethics Board maintains an informative website that has the relevant law, questions and answers, and all the advisory opinions issued by the Board. It can be found at:  
<http://www.wa.gov/ethics/>***

## **FREQUENTLY ASKED QUESTIONS**

These frequently asked questions, compiled by the Washington State Executive Ethics Board, are intended to provide examples of how the Board would interpret and apply RCW 42.52.160, RCW 42.52.180 and WAC 292-110-010 to common occurrences in the state workplace.

**Question 1:** Are there general guidelines for the use of state resources?

**Answer:** Yes. All state officers and employees have a duty to ensure the proper stewardship of state resources, including funds, facilities, tools, property, employees and their time. Accordingly, the Ethics in Public Service Act states that resources under your official control may not be used for the private benefit or gain of a state officer, state employee, or another person. (See RCW 42.52.160(1))

**Question 2:** What types of state resources are covered under the ethics law?

**Answer:** The guidelines on use of state resources apply to all resources **under an employee's control** including, but not limited to, facilities of an agency, state employees, computers, equipment, vehicles, and consumable resources. State resources also include state information, e.g., databases, employee lists. (See RCW 42.52.160(1) and RCW 42.52.180(1))

**Question 3:** What exactly is a "private benefit or gain"?

**Answer:** A private benefit or gain can range from avoiding a cost or expense by the use, to using resources to support your outside business or paying a discounted government rate for a personal phone call. There are some uses that do not appear to have a cost but may result in private benefit or gain. For example, it may not cost a significant amount of money to use a state computer to access the Internet. Nevertheless, by making a personal use of a resource available to you only because you are a state employee, you are receiving a private benefit or gain.

**Question 4:** I've heard that de minimis use is allowed. What is a *de minimis* use anyway?

**Answer:** A de minimis use is an infrequent or occasional use that results in little or no actual cost to the state. An occasional brief local phone call to make a medical or dental appointment is an allowable de minimis use of state resources. The cost of a brief phone call is negligible and is not likely to interfere with your job. The following examples address "de minimis" use: (See WAC 292-100-010(3))

**Example A:** An employee makes a telephone call or sends an e-mail message to his/her children to make sure that they have arrived home safely from school. This is not an ethical violation. So long as the call or e-mail is brief in duration, there is little or no cost to the state, i.e., your SCAN code is not used, and sending a brief message does not interfere with the performance of official duties.

**Example B:** An employee uses his/her agency computer to send electronic mail to another employee wishing them a happy birthday. This is not an ethical violation. The personal message is brief and does not interfere with the performance of official duties.

**Example C:** Every spring a group of employees meets during lunch to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is little or no cost to the state, the meeting does not interfere with the performance of official

duties, and off site recreational activities such as softball teams can improve organizational effectiveness.

**Question 5:** What does “promoting organizational effectiveness” really mean?

**Answer:** The Board recognizes that state agencies may allow employees to participate in activities that are not official state duties but promote organizational effectiveness by supporting a collegial work environment. Often these activities involve an accumulated use of state time or resources that is more than de minimis. Nevertheless, the Board believes that so long as the employees who participate in the activity limit their use of state resources, then these activities would not undermine public confidence in state government. (See WAC 292-100-010(3))

**Question 6:** Are there any uses of state resources that are prohibited?

**Answer:** Yes. The allowance for de minimis use does not apply to the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; lobbying that is unrelated to official duties; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities. The following examples address prohibited uses. (See WAC 292-100-010(6))

**Example A:** An employee operates an outside business. She makes an outside business call on her state telephone. The call is local. This is an ethical violation. The employee is conducting a private business on state time using state resources, which is prohibited under WAC 292-110-010(6).

**Example B:** An employee puts a state telephone number or work address on business cards or letterhead for his/her outside business. Several customers contact the employee at the office number to conduct the outside business. This is an ethical violation. Although the use of the telephone may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

**Example C:** After working hours, an employee uses the office computer and printer to prepare client billings for a private business using his/her own paper. This is an ethical violation. Although use of the office computer and printer may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

**Example D:** One night an employee takes an agency owned video player home to watch videos of his/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.

**Example E:** An employee is assigned to do temporary work in another city away from his/her usual duty station. To perform official duties the employee takes an agency laptop computer. While away, the employee uses the computer to do tax work for a private client. This is an ethical violation. Although use of the laptop may result in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.

**Question 7:** Can I play games on my computer during lunch and break times.

**Answer:** Generally no. When employees download games or load interactive games onto state owned computers, the game play often involves several state employees or can undermine the security of state information and databases. In addition, the computer at your workstation remains a state resource regardless of whether you are working or on a break. Nevertheless, subject to your agency’s prior approval a brief and occasional personal use,

during lunch or break times, of a game that was preloaded by the manufacturer on your state computer would be allowed under the de minimis rule. (See WAC 292-100-010(3))

**Question 8:** If I use a state resource, can't I just reimburse my agency for the use?

**Answer:** No. Reimbursing for a personal use may result in a personal benefit and may impose significant administrative burdens on the state. For example, the price of a SCAN call is less than you would pay using your local telephone company. Reimbursing also creates the misperception that personal use is ok as long as we pay for it. Personal use should be the exception, not the rule. (See WAC 292-100-010(7))

## **E-MAIL AND INTERNET USE**

**Question 9:** Can I send a personal e-mail message without violating the ethics laws?

**Answer:** Yes. The general ethics standard is that any use of a state resource other than for official state business purposes needs to be brief in duration and frequency to ensure there is little or no cost to the state and the use does not interfere with the performance of official duties. Extensive personal use of state provided e-mail is not permitted. (See WAC 292-100-010(4))

**Question 10:** Are my e-mail or voice messages private?

**Answer:** No, if you use state equipment do not expect a right to privacy for any of your e-mail or voicemail communications. E-mail and voicemail communications may be considered public records and could be subject to disclosure. Aside from disclosure, employees should consider that e-mail communications are subject to alteration and may be forwarded to unintended recipients. Avoid these potential problems by treating e-mail communications as another form of business correspondence. (See WAC 292-100-010(5))

**Questions 11:** Are there any restrictions on e-mail communications?

**Answer:** Yes. E-mail messages cannot be for any of the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities, such as harassment. In addition, broadly distributing or chain-mailing an e-mail that is not related to official business is prohibited because it disrupts other state employees and obligates them to make a personal use of state resources. (See WAC 292-100-010(6))

**Question 12:** What are the guidelines on Internet use?

**Answer:** Just like the guidelines for e-mail discussed above, any personal use of state provided Internet access must be both brief and infrequent. Extensive personal use of state provided Internet access is not permitted. In addition, your agency must have adopted a policy that specifically permits personal use of the Internet. See WAC 292-100-010(4)) The following examples address uses of the Internet:

**Example A:** Several times a month an employee quickly uses the Internet to check his or her children's school website to confirm if the school will end early that day. The transaction takes about five minutes. This is not an ethical violation. The use is brief and infrequent, there is little or no cost to the state, and the use does not interfere with the performance of official duties.

**Example B:** 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 can result in a private financial benefit or gain. Allowing even an occasional or limited use of state facilities to facilitate a private financial gain undermines public confidence in state government.

**Example C:** An employee spends thirty to forty minutes looking at various web sites related to a personal interest. This is an ethical violation. The use is not brief and can interfere with the performance of state duties.

**Example D:** An employee visits several humor and joke sites. While at a site, s/he downloads a joke file and e-mails it to several co-workers. This is an ethical violation. By e-mailing a file to co-workers the employee disrupts other state employees and obligates them to make personal use of state resources. In addition, downloading files and distributing them to co-workers can introduce a computer virus, which can compromise state databases.

**Question 13:** What do I do if I access the wrong Internet site?

**Answer:** Don't panic. The best thing to do is to back out of the site and remember what it was that got you there and don't go back. Everyone makes this kind of mistake. It is also advisable to contact your supervisor or information systems staff to notify them of your mistake.

## **USE OF STATE RESOURCES TO SUPPORT CHARITIES**

**Question 14:** Can I use state resources to support charities?

**Answer:** The limited use of state resources to support charities may be allowed if an agency head or his/her designee approves the activity as one that promotes organizational effectiveness. Approval may be in the form of a specific policy that establishes guidelines for limited use of state resources. (See WAC 292-100-010(3))

**Question 15:** Can you give me examples of limited uses that might be ok?

**Answer:** Yes. Sending an e-mail to notify employees of a blood drive would be a limited and acceptable use of state resources. Another example might be a bake sale to support an Adopt-A-Family program. Here, the baking would be performed at home and after working hours. The baked goods are then displayed for purchase during break times and the lunch hour. When gifts are purchased for the family, the purchases are made after working hours.

**Question 16:** Is there anything employees shouldn't do while conducting charity work on state time?

**Answer:** Any use of state resources that results in an expenditure of funds should be avoided. Consider this scenario. A group of employees spend 6 working hours of staff time a week for over a four-week period to plan a charitable fund-raiser, and use the computer, fax, and copier to produce fund-raising materials. This is an expenditure of state funds that would not be considered a de minimis or limited use of state resources. In addition, state resources may not be used for the benefit of any other person, whether or not operated for profit, unless the use is within the course of official duties. The following example addresses another area of concern. (See WAC 292-100-010(3))

**Example:** 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 payment of expense for the trip is expected, the more raised through individual contributions, the less the parent must pay. The employee uses agency e-mail to solicit contributions to the fund-raiser from a broad distribution list of co-workers. The e-mail asks each recipient to pass along the e-mail to other state employees. This is an ethical violation. The employee is using state resources to promote an outside organization and a private interest. By sending the e-mail to other state

employees and asking state employees to pass the solicitation along, the employee is asking other state employees to improperly use state resources in a manner that interferes with the performance of official duties.

**Question 17:** What about the Combined Fund Drive?

**Answer:** The Combined Fund Drive is somewhat different than other independent charitable organizations because it has been established by the state legislature. Therefore, it is part of the official duties of those employees who are assigned by the agency to conduct the Drive. Fund Drive coordinators should confine the time and effort spent conducting the drive to agency guidelines. (See WAC 292-100-010(2) and EEB Advisory Opinion 00-09)

**Question 18:** What about the employees who are not officially assigned to conduct the Combined Fund Drive?

**Answer:** As noted above with charitable groups, the use of state resources to support the Combined Fund Drive charities should be reasonable, involve little or no cost to the agency, and should not disrupt the conduct of official business in state offices. (See WAC 292-100-101(3) and Advisory Opinion 96-11)

**Question 19:** How about agency participation in commercial activity that benefits the Combined Fund Drive?

**Answer:** State agencies should avoid direct involvement in commercial activity even if the proceeds may benefit the Combined Fund Drive. Examples of improper direct involvement include distributing commercial product sales brochures and order forms to agency employees, collecting product order forms in the workplace or on state paid time, and distributing products in the workplace or on state paid time. Activities permitted under the de minimis rule, such as those described in the answer to Question 15, should not involve commercial activities. (See WAC 292-100-010(6)).