

# WALLA WALLA COMMUNITY COLLEGE

## EXECUTIVE ETHICS BOARD FREQUENTLY ASKED QUESTIONS & EXAMPLES

FAQs and Scenarios are intended to illustrate how the Ethics Board would interpret [RCW 42.52.160](#), [RCW 42.52.180](#) and [WAC 292-110-010](#) regarding common occurrences in the state workplace.

### A. USE OF RESOURCES FOR PERSONAL BENEFIT

1. **Question:** Am I subject to the Ethics in Public Service Act while teleworking?  
**Answer:** Yes! While times have changed the way we do business and where we might be working, the Ethics in Public Service Act still applies to you. This means, for example, you are still accountable for your time and the state resources (e.g. state computer) given to you by your agency to do your job away from the worksite. State resources remain state resources regardless of where they are used.
2. **Question:** What is the real bottom line when it comes to personal use of state resources?  
**Answer:** So long as the use is brief, infrequent, of little or no cost to the state, is not disruptive, does not support a private business, organization or group, the Board has said that a 'de minimis' use of state resources would not violate the ethics law.
3. **Question:** What does 'occasional', 'brief' and 'infrequent' really mean?  
**Answer:** While these terms have not been formally defined, staff has interpreted them to mean just that: the use is no more than once a day and lasts a few minutes, so long as there is no disruption to your work or to the work of others.
4. **Question:** May I use CMS for my personal outgoing/incoming mail?  
**Answer:** Although it's tempting to have personal mail and packages delivered to your workplace, especially during the holidays, state employees are never allowed to use the state mail system for personal use. Not only is this an inappropriate use of state resources and perhaps a special privilege, First Class mail with a tracking number has a per piece cost associated with it that is charged back to your agency.
5. **Question:** Employees within an agency are holding an election poll – the person closest wins a pot of money on election day. Is this okay?  
**Answer:** No! Gambling in state offices is illegal.
6. **Question:** Can I sell items from my child's charitable organization such as Girl Scout cookies and/or school fundraisers that sell candy or magazines in the workplace?  
**Answer:** You may be able to, if it falls within 'organizational effectiveness.' That means that the agency head has approved the activity and acknowledges that it relates to an agency's mission and encompasses activities that enhance or augment the agency's ability to perform its mission and such use is contained in a Board approved policy. 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.
7. **Question:** The Red Cross holds a safety fair in our building and as part of their display sells first aid kits. Does this violate the Ethics Law?  
**Answer:** Not necessarily. If other organizations want to come in and hold a similar event, the agency must allow them to do so. Otherwise, a special privilege has been given to the Red Cross.
8. **Question:** Why is it not okay to engage in fund raising activities for people and organizations who really need help?

**Answer:** The Ethics in Public Service Act prohibits using state resources for private gain. While agency heads may deem soliciting for a specific charity is 'organizational effectiveness', it is not possible to support all of our own pet charities.

9. **Question:** May I use the government rate offered by hotels if I am not traveling on business?

**Answer:** If the rate is offered to all government employees, whether or not they are on official business, then yes. If the hotel requires you to be on official business, then you cannot accept the government rate. To do so would be to use your official position to secure a special privilege.

10. **Example:** John, a cashier at WWCC, takes in both cash and checks as part of his job. On payday, John wants to buy his wife a birthday present on his lunch break, 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.

11. **Example:** Joe is WWCC'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 Joe leave the College with a load of waste. Joe 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.

**Joe 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.

12. **Example:** Mary is an instructor at WWCC 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.

## B. EMAIL AND INTERNET USE

1. **Question:** Can I look at personal email on a break?

**Answer:** Many agencies block private email sites from access on a state computer. If your agency does not block access, check with them for any policy they may have.

2. **Question:** Can I reimburse my agency for personal Internet/cell services on my cellphone?

**Answer:** Using your college cellphone for personal reasons beyond the de minimis standard is not acceptable. Reimbursement is a mitigating factor, but does not cure the violation.

3. **Question:** Can I use the internet for personal reasons on a break or lunchtime?

**Answer:** See the de minimis use rule and guidance.

4. **Question:** Can I use the Internet to check my state retirement account or Deferred Compensation accounts and transfer funds to various stock or bond fund accounts?

**Answer:** Yes. The retirement account as well as the Deferred Compensation package are part of your benefits as a state employee. Accessing them will not violate the Ethics in Public Service Act.

5. **Question:** Can state employees use their computers to listen to internet radio while at work?

**Answer:** No. To use the internet radio takes up a bandwidth, and goes beyond a de minimis use.

### C. CONFIDENTIAL INFORMATION

1. **Example:** 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.

2. **Example:** 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.

### E. HONORARIA

1. **Question:** What is honorarium and when can I accept it?

**Answer:** Honorarium is specifically defined in the Ethics in Public Service Act as money (or thing of value) given to the state employee for "a speech, appearance, article, or similar item or activity in connection with the state employee's official role." You can ONLY accept honorarium if your agency has a policy that allows for such.

1. **Example:** 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.

2. **Example:** Edward works for WWCC 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 weekends 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.

### F. GIFTS

1. **Question:** As a section 4 employee, can I accept and keep promotional items from vendors I contract with at a trade show if I am there as part of my job?

**Answer:** You may keep promotional items of nominal value, even if from a vendor with whom you contract.

2. **Question:** What are some examples of an unsolicited promotional item of nominal value that a section 4 employee can accept from a vendor?

**Answer:** Items such as pens, note pads, refrigerator magnets and the like.

3. **Question:** As a section 4 employee, can I keep flowers from a customer given to me because of a death or sickness in the family?

**Answer:** You may keep the flowers only if you can establish that you and the customer had a friendship outside of work.

4. **Question:** I won a door prize at a conference I attended. Can I keep it?

**Answer:** That depends. Assuming that the door prize was offered to all attendees, then if your attendance at the conference was paid by your agency, the prize belongs to the agency. If you paid your own way to the conference, then you may keep the prize.

5. **Question:** What are we supposed to do with thank you gifts given to our office by someone who really appreciated our effort?

**Answer:** State agencies aren't regulated by the gift statute, so if the gift was truly given to the agency, the ethics law does not apply. However, if the gift was given to an individual, that person may or may not be able to keep it depending on the relationship to the giver (ie: a section 4 relationship.)

6. **Example:** 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.

7. **Example:** 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.

8. **Example:** Jim works as a gardener on WWCC'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 pairs 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.

9. **Example:** Jane is an instructor at WWCC. 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/WWCC property. Pursuant to Executive Ethics Board Advisory Opinion 03-04 "Selling Sent to Faculty by Publishers," faculty may not seek personal gain from the sale of said materials.

#### G. COMPENSATION FOR OUTSIDE ACTIVITIES

1. **Example:** Hank works in WWCC'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 WWCC employment, in that he would be paid by a company that he is responsible for monitoring as part of his duties at WWCC.

#### H. ASSISTING IN TRANSACTIONS

1. **Example:** 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 2021, 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 2022, 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.

#### I. FINANCIAL INTEREST IN TRANSACTIONS

1. **Example:** 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.

## J. POST STATE EMPLOYMENT

1. **Example:** 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.

## K. DISCLOSURE AND COMPLAINT PROCEDURE

1. **Question:** What should I do if I see someone violate the law?

**Answer:** There are several things you can do. First, you can confront the employee and let them know that they are violating the law. You can also notify the employee's supervisor and let them deal with the situation. You can file a complaint with the state auditor under the Whistleblower Act, and finally, you can file a complaint with the Executive Ethics Board.

2. **Question:** What happens to the money the Board collects from penalties imposed following a finding of an ethics violation?

**Answer:** All funds received by the Board as a result of agreed Stipulations, Hearings and Final Orders are deposited into the state's General Fund.