



## Department Policy No. HR-207-03

<b>Title:</b>	Ethics
<b>Former Number:</b>	03-201
<b>Authorizing Source:</b>	RCW 42.52 WAC 292-110
<b>Information Contact:</b>	Human Resources Director, Agency Ethics Advisor Building # 33 (253) 512-7941
<b>Effective Date:</b>	March 4, 2003
<b>Mandatory Review Date:</b>	June 1, 2017
<b>Revised:</b>	June 1, 2013
<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

### Purpose

Establish standards and guidelines to Washington Military Department (WMD) employees in making appropriate choices, acting in a manner that demonstrates high ethical standards and complying with provisions of the State Ethics Law.

### Scope

This policy applies to WMD state employees and to members of the Washington National Guard while in state active duty status.

### Policy

WMD employees are expected to maintain high professional and ethical standards at all times.

- A. All WMD employees are responsible for knowing and adhering to the State Ethics Law (RCW 42.52) and regulations (WAC 292-110), applicable policies/procedures and for making choices that exemplify an adherence to high ethical standards.

Employees are to avoid actions that create even the appearance of using their position for personal gain or private advantage for themselves or another person. Information to assist employees in complying with ethics requirements is provided in the Human Resources Procedure, Ethics Guidelines.

- B. Employees should notify their supervisors of any actual or potential violations of this policy. When in doubt, employees should consult with their supervisors and/or the WMD's Human Resources Office.
- C. The Human Resources Office will assist in the identification and resolution of potential problems and interpretation of ethics-related laws and policies.
- D. Violations of the State Ethics Law and/or this policy may lead to corrective or disciplinary action up to and including dismissal.
- E. The Adjutant General, or designee, is the WMD's point of contact for questions and/or complaints regarding this policy and other ethics-related issues.
- F. The Executive Ethics Board has the authority and responsibility for investigating alleged violation(s) of the State Ethics Law and may take punitive action against the employee, in addition to any corrective/disciplinary action taken by the WMD, if violations occur. Ethics-related complaints may also be filed directly with the Executive Ethics Board at the following address:

Executive Ethics Board  
Post Office Box 40149  
Olympia, WA 98504-0149

- G. Employees who file an ethics complaint with the appropriate ethics board shall also be afforded the protection to a whistleblower under RCW 42.40.050 and RCW 42.40.910. Retaliation may not be made against a state employee who, after making a reasonable attempt to ascertain the correctness of the information, files a complaint with the appropriate ethics board and may not be denied the protections in RCW 42.40 even if the ethics board denies the investigation of the complaint. If a determination is made that a reprisal or retaliatory action has been taken against the state employee, the retaliator may be subject to a civil penalty of up to five thousand dollars.
- H. The identity or identifying characteristics of an employee filing a complaint with the Ethics Board is confidential at all times unless the employee consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation. In addition, the identity or identifying characteristics of any person who in good faith provides information in an investigation under this section is confidential at all times, unless the person consents to disclosure by written waiver or

by acknowledging his or her identity as a witness who provides information in an investigation.

## **Guidelines**

A. Employees are responsible for knowing and adhering to applicable ethics laws and policies, and for making choices that exemplify adherence to high ethical standards. The following general guidelines are provided to assist employees in making ethical determinations. Detailed information on issues related to state ethics including interpretations and clarifying examples of RCW and WAC, is available at the Executive Ethics Board's website:

[www.ethics.wa.gov](http://www.ethics.wa.gov)

1. Employees shall not:
  - a. Have a financial, other interest or engage in any business or professional activity that is in conflict with their official duties.
  - b. Use their official position to secure special privileges for themselves or any other person.
  - c. Receive any compensation from a source, except the state, for performing or deferring the performance of any official duty.
  - d. Accept any gifts. The following items are excluded from the gift restriction:
    - i. Items from family, friends, or other employees not intended to influence the employee's performance or non-performance of their official duties.
    - ii. Unsolicited plaques and awards of appreciation.
    - iii. Items of nominal value, regularly and normally offered by an organization to customers, potential customers, or the general public as samples or for public relations or advertising purposes.
    - iv. Food and beverages on infrequent occasions in the ordinary course of meals, when related to official duties.
    - v. Awards, prizes, scholarships or other items provided in recognition of academic or scientific achievement.
  - e. Disclose confidential information to an unauthorized person or use confidential information for personal benefit or to benefit another.
  - f. Use state resources for personal benefit or to benefit another, except as required during the execution of their official duties.
  - g. Use state resources for political campaigns.
  - h. Assist another person in a transaction involving the state if they participated in that transaction or the transaction was part of their job responsibilities within the past 2 years, except as required during the execution of their official duties.

2. Former employees shall not:
  - a. Within one year of leaving state employment, accept employment or compensation from an employer contracting with the WMD if, during the 2 years immediately preceding termination of state employment:
    - i. They negotiated or administered a contract with the new employer in excess of \$10,000; and
    - ii. Their duties with the new employer would include implementing that contract.
  - b. Within 2 years following the termination of state employment, have a beneficial interest in a contract or grant which was expressly authorized or funded by executed action in which the employee participated.
- B. The occasional limited use of state resources that supports the organizational effectiveness, enhances job related skills, is reasonable and of negligible cost, does not violate an ethics law, and does not undermine public trust and confidence.
  1. Employees may make occasional use of state resources with prior Supervisor approval only if:
    - a. There is little or no cost to the state;
    - b. It does not interfere with the performance of the employee's official duties;
    - c. It does not disrupt or distract the conduct of state business due to volume or frequency; and
    - d. It does not compromise the security or integrity of state information or software.
  2. Occasional use of state resources does not include use for:
    - a. The purpose of conducting an outside business;
    - b. The purpose of supporting, promoting, or soliciting for an outside organization or group, unless provided by law or authorized by the Secretary/designee;
    - c. Campaigning or other commercial uses; or
    - d. Illegal activities.
- C. The appropriate use of state resources ultimately rests with employees who use or authorize use of the resources.