

Ethics in Government Training

A Reminder of what is expected of **YOU**
as a Board or Commission Member

Chapter 42.52. RCW
Ethics in Public Service

The Office of the Governor
Government Management Accountability & Performance

“The ultimate answer to ethical problems in government is honest people in a good ethical environment.”

John F. Kennedy

•Why Be Ethical?

- Washington's citizens hold public servants accountable to perform our responsibilities with the highest ethical and moral standards and to conduct the state's business only in a manner that upholds the public's interest, trust and confidence.
- State officials and employees are subject to the sanctions of the law, however, we are accountable to the people and must consider this accountability as a particular obligation of public service.
- Only when the work of government is conducted, at all levels, with openness, as provided by law, and an unswerving commitment to the public good does government work as it should.
- **Anytime the public's trust in us is violated, everyone loses.**

A Look Back

- There were many laws governing its officers and employees
- In 1992 the laws were not achieving the desired result
- Too many different standards for different groups
- 1993-94 Gov. Lowry and Attorney General Chris Gregoire asked the Legislature to create a special commission to address the issue

Why a Law about Ethics?

- An ethics law establishes minimum standards of conduct while performing public duties, and seeks to remove doubts concerning violations of public trust and confidence, the impairment of independent judgment, and favoritism in the performance of public duties that can be created by outside or personal interests.

Conclusions

1. A Statement of ethical principles and values for all state employees and officers
2. Single code of ethics for all branches of state government
3. Provide training so all know what is expected of them
4. There will be enforcement for all 3 branches

Core Ethical Principles and the Law

- **Stewardship**
- Public employees have a duty to conserve public resources and funds against misuse and abuse.
 - RCW 42.52.070 Special privileges
 - RCW 42.52.160 Use of persons, money, or property for private gain
 - RCW 42.52.180 Use of public resources for political campaigns
 - WAC 292-110-010 “De Minimus” use of public resources
- **Integrity**
- 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 official duties.
 - RCW 42.52.020 Activities incompatible with public duties
 - RCW 42.52.110 Compensation for official duties or non-performance
 - RCW 42.52.120 Compensation for outside activities
 - RCW 42.52.130 Honoraria
- **Objectivity**
- Public employees must place the public interest before any private interest or outside obligation – choices need to be made on the merits.
 - RCW 42.52.020 Activities incompatible with public duties
 - RCW 42.52.030 Financial interests in transactions
 - RCW 42.52.040 Assisting in transactions
- **Selflessness**
- Public employees should not make decisions in order to gain financial or other benefits for themselves, their family, or their friends.
 - RCW 42.52.140 Gifts RCW 42.52.150 Limitations on Gifts
 - RCW 42.52.070 Special privileges
 - RCW 42.52.080 Employment after Public Service
- **Transparency**
- 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.
 - RCW 42.52.050 Confidential Information

Are these Ethical Violations?

- YES NO You go to lunch at a restaurant that has a "fish bowl" for a business card drawing to win a free meal. You submit your state business card to win.
- YES NO You arrive at the commission meeting 45 minutes early so you can type a letter to your family in the Midwest. You send the letter to them, via email, as an attachment before the meeting beginnings.
- YES NO You have taken a state car home for the evening since you need to leave early in the morning to attend an out of town work related meeting. That evening you have unexpected company and you decided to go out to see a movie and eat dinner at your favorite restaurant. Your personal car hasn't been running very well so you take the state car and besides the state car can seat more passengers.
- YES NO You join an office football pool where the winnings are donated to a charity of your choice.
- YES NO You want to make an out of state long distance telephone call during your break. You do not remember your access code for your personal long distance carrier so you use the state SCAN system and decide you can pay the state later for your call.
- YES NO Your neighbor and friend is an employer in your community and you assist them in referring potential employees for job openings at a local agency that you know about. This same neighbor comes to your office to thank you and gives you 2 tickets to attend a Seahawks game.
- YES NO You are passionate about environmental issues and believe everyone must get involved. You leave an initiative supporting this issue in the lunchroom and send an e-mail to all your co-workers asking them to sign it.
- YES NO Your co-workers give you a plaque to honor you for completing a difficult project and you hang it in your home office.
- YES NO A vendor is very grateful for the help you provided them. As a result, they bring you flowers and a box of chocolates to show their appreciation which you put in the break room for everyone to enjoy.
- YES NO Every day a friend of yours sends you a e-mail joke.
- YES NO You are working on a office team to raise money for a local charity. A coworker donates a hand made quilt and you raffle it off during a staff only bake sale.

KEY ETHICAL PRINCIPLES

- *“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**
- **Selflessness** holds that employees in government service should make decisions solely in terms of the public interest. They should not make any decisions in order to gain financial or other benefits for themselves, their family, or their friends.
- **Integrity** holds that employees in government service 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.
- **Objectivity** holds that in carrying out public business, including making public appointments or awarding contracts, choices should be made on the merits.
- **Accountability** holds that employees in government service are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their position.
- **Openness** holds that employees in government service should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty** holds that employees in government service have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

ETHICAL CONCEPTS

- Public office - whether elected or appointed - may not be used for personal gain or private advantage.
- A state office or state employee may not:
 - have a financial interest or engage in any activity that is in conflict with the proper discharge of their duties;
 - use their official position to secure special privileges for self or others;
 - receive compensation from any person except the State of Washington for performing official duties.

RCW 42.52.900

- *All who have the privilege of working for the people of Washington state can have but one aim: To give the highest public service to its citizens.*

USE OF STATE RESOURCES

RCW 42.52.160

- **WAC 292-110-010 Use of State Resources.**
- (3) Permitted Uses – Under Limited Circumstances Extensive or repeated personal misuse of state resources, including state time, significantly undermines public trust in state government. Nevertheless, a very limited personal use of state resources that supports organizational effectiveness would not undermine public trust and confidence. Accordingly, an agency may authorize a specific use that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee. Notwithstanding the prohibition in RCW 42.52.160(1), but subject to WAC 292-110-010(6), a state officer or employee may make an occasional but limited use of state resources **only if each of the following conditions are met:**
 - There is little or no cost to the state;
 - Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
 - The use does not interfere with the performance of the officer's or employee's official duties;
 - The use does not disrupt or distract from the conduct of state business due to volume or frequency;
 - The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
 - The use does not compromise the security or integrity of state property or information.
- A state officer or state employee **may not** use state resources - the office, money, property or personnel - for personal benefit or to benefit another person.
- This restriction does not apply if a state officer or state employee uses state resources to benefit others as a part of the **official duties**.

Resources that **NEVER** can be used for personal use...

 Agency Cell Phones, SCAN Numbers, Toll-Free Phone Lines and FAX Machines

 You may **NEVER** use agency resources for;

-  Conducting outside business or private employment,
-  Supporting or promoting the interests of an outside group,
-  Assisting a campaign for an election or a ballot proposition,
-  Participating or assisting in lobbying the state legislature or an agency head,
-  Use prohibited by federal or state laws or rules or ESD policy,
-  Personal use if removed from state facilities,
-  Adversely reflecting on the department e.g. furthering extremist organizations, inappropriate jokes, chain letters, or gender slurs,
-  Selling, advertising, or purchasing goods or services,
-  Monitor private stocks investments or other activities that lead to private gain,
-  Disclosing confidential information,
-  Play computer games,
-  Promote a political, philosophical or religious belief,
-  Promote discrimination,
-  Express inappropriate or abusive language.

USE OF STATE RESOURCES FOR POLITICAL CAMPAIGNS

RCW 42.52.180

-  A state officer or state employee may not use state resources for political campaigns.**
- A state officer or state employee, with the authority to direct, control or influence the actions of another officer or employee, may not knowingly acquiesce in the other officer's or employee's use of state resources for a political campaign.**
 - This prohibition does not apply to activities that are part of the normal and regular conduct of the agency**

GIFTS 42.52.140-150

A state officer or state employee **may not:**

- 🎁 Accept a gift if it could **reasonably be expected to influence** the performance or non-performance of official duties;
- 🎁 Accept a gift from any person with a value in excess of \$50.00 per year.

NOT CONSIDERED A GIFT:

- ➡ Items from family and friends
- ➡ Customary items related to outside business
- ➡ Items exchanged at social events by coworkers
- ➡ Items returned or donated to charity within 30 days
- ➡ Items permitted by law
- ➡ Campaign contributions reported under RCW 42.17
- ➡ Discounts available to an individual as a member of a broad based group.

RESOURCES FOR HELP

- **Executive Ethics Board:**

<http://www.ethics.wa.gov>

- **State Auditor Whistleblower Program:**

<http://www.sao.wa.gov/EN/Investigations/Whistleblower/Pages/default.aspx>

What does “Being Ethical” mean?

Whenever you do a thing, though it can never be known but to yourself, ask yourself how you would act were the entire world looking at you, and act accordingly.

Thomas Jefferson