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POLICY / PROCEDURE 70-15

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Policy Approved By


Date

Procedure Approved By

Date

EMPLOYEE CONDUCT AND ETHICS

SEE ALSO: 42.52 RCW, Ethics in Public Service – Law; 292 WAC, Ethics in Public Service – Rules, Executive Ethics Board Advisory Opinions and Frequently Asked Questions; Collective Bargaining Agreement between the State of Washington and WFSE; Policy/Procedure 70-30, Disclosing Improper Governmental Actions (Whistleblower Program); Policy/Procedure 70-37, Using Electronic Mail; Policy/Procedure 70-38, Internet Connectivity and Use; Policy 15-17, Using and Managing Cellular Phones; Policy 15-14, Using Agency Telephone Service and Equipment; and Policy/Procedure 70-41, Anti Harassment and Discrimination.

1. Purpose

To define standards of conduct that comply with RCW 42.52, Ethics in Public Service, and rules promulgated thereunder, and to provide detailed information on the agency's expectations of employees as it relates to behavior, appearance and the appropriate use of state resources.

2. Employee Behavior and Appearance

The agency places a high priority on quality customer service and accomplishes this goal, in part, by building positive relationships with park visitors and co-workers. The key to the delivery of quality service is the positive attitude, teamwork, and professionalism that individual employees are expected to display in carrying out their assignments.

A. Courtesy and Positive Work Attitude

Employees are expected to be courteous and helpful in their contact with the public and with each other, whether in person, over the phone, or through (formal or informal) correspondence. Employees are to display a cooperative and positive work attitude and be tactful in dealing with difficult situations. Employees are expected to exercise sound judgment in hostile situations by maintaining self-control and seeking appropriate assistance when necessary to defuse the situation.

Inappropriate, offensive behavior or abusive language will not be tolerated in the workplace. Abusive language is defined as (or may include) any remark that can be construed as unreasonable or derogatory, particularly when those remarks concern

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race, ethnicity, gender, age, religion, appearance, (real or perceived) disability, sexual orientation, and marital or veteran status. This may include swearing at an individual as well. This policy encompasses remarks made either to or about a visitor or co-worker.

B. Appearance

The manner and style of dress for all employees has a direct bearing on the confidence the citizens place in the agency. Employees are expected to portray an image of professionalism and competence through their appearance, and maintain acceptable customs of personal hygiene. The agency's concern with employees' appearance is limited to the effect on the work environment, employee health and safety, and the public image.

C. Continuous Improvement of Performance and Services

Employees are expected to be able to react objectively to information they receive from supervisors about the quality of services they provide. Employees are responsible for, and are encouraged to, continuously seek ways to improve their own performance and the agency's services.

D. Teamwork

Teamwork is critical to the agency's success. Employees are expected to constructively participate in their work teams, and display communication and listening skills that encourage full participation by all team members.

E. Integrity and Economy in the Use of Resources

Employees are expected to abide by all state laws, rules, and regulations and agency policy and procedures in the use of telephones, vehicles, computers, mail service, and all other state-owned equipment. Agency facilities, equipment, materials, supplies, personnel and funds are only to be used for official state business, unless a written exception exists by agency policy.

Employees are expected to be economical in using agency resources. This includes using their time appropriately; and where they have control, being prudent in the use of supplies, telephones, travel privileges, etc.

Employees are expected to be at work and conducting agency business on time and according to their approved work schedule.

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3. Agency Expectation Regarding Ethical Standards

The agency is firmly dedicated to providing public service and fulfillment of its mission through respect and full compliance with the laws that govern our collective and individual actions. Employees are responsible to conduct all agency business in a manner bearing strict compliance with all relevant federal, state and local laws and regulations and to exhibit ethical behavior in all work activities. Employees will perform all work under the direction of agency policies, procedures, and fulfill all legally required processes, permits, and permit conditions. Employees will consult with management if they are uncertain of legal requirements. Management will determine if advice from the Office of the Attorney General is necessary.

4. State Ethics Law

It is the responsibility of all employees to be familiar with the requirements and restrictions of the state ethics law and rules (Chapter 42.52 RCW and 292 WAC), to understand their obligation to the State, and to act accordingly.

The basic guiding principle stated in the ethics law and rules is that a state employee may not use his or her public position for private benefit, gain, or advantage. The basic provisions of the law are that state employees are not allowed to:

- Have a financial or other interest, or engage in any business or professional activity, or incur an obligation of any nature that is in conflict with his/her official duties;
- Use his/her official position to secure special privileges or exemptions for him/herself or any other person or entity;
- Receive any compensation from a source, except the state, for performing, omitting, or deferring the performance of any official duty; and,
- Receive a gift, gratuity, or favor if it reasonably could be expected to influence or reward his/her action or inaction.

Employees are responsible for understanding how the extent of the ethics law and rules affects the performance of their jobs. For example, employees who are involved in contract or law enforcement (regulatory) work are held to more restrictive standards than other state employees when it comes to outside employment and receipt of gifts.

In general, the use of good judgment, based on high ethical principles, will be the guide with respect to the restrictions listed above. If a situation arises where it is difficult to determine the proper course of action, or any new situation or changed circumstances involving an actual, potential or perceived conflict of interest occurs, the matter must be disclosed to the immediate supervisor or manager. Appropriate consultation will then be done with the HR Director (or designee) for the purpose of precluding any real or apparent conflict of interest.

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5. Acceptance of Gifts

State employees are limited in the types of gifts they may receive. The reason for this is that all employees need to avoid the appearance (or reality) that acceptance of a gift could be considered as part of a reward for action or inaction as it relates to performance of official duties.

Rules for acceptance of gifts differ according to the employee's duties within the organization and in relationship to the person, company, or organization wishing to give a gift. For example, the ethics law and rules place more restrictive standards upon employees who control or affect interests of identified persons (i.e. – law enforcement personnel), use discretion when issuing permits or licenses, or whose duties include participating in contractual matters. Employees who participate in these activities are considered “section 4” employees.

A. Section 4 employees may ONLY accept the following:

- Unsolicited advertising or promotional items of nominal value (i.e., pens, note pads, mini- calculators, ball caps with logos);
- Unsolicited tokens of appreciation such as a plaque or trophy;
- Items received for evaluation purposes, if no personal beneficial interest exists;
- Informational material, publications or the like if it is related to the employee's official duties;
- Food and beverages at a hosted reception where attendance is related to official duties;
- Admission to and food and beverages consumed at events sponsored by a civic, charitable, governmental, or community organization;
- Items from family and friends;
- Items from businesses that are customary, such as pens, note pads, or refrigerator magnets;
- Items exchanged between co-workers;
- Campaign contributions;
- Discounts available to broad based groups; and,
- Awards in recognition of academic or scientific achievements.

B. Employees not holding Section 4 status may accept a gift(s) from any source during a calendar year so long as the value of gift(s) from that source does not exceed \$50 annually. There are also circumstances in which you can accept gifts that exceed the \$50 limit. They are the following:

- Unsolicited flowers, candy, promotional items, token of appreciation such as plaque or trophy;
- Items received for evaluation purposes, if no personal beneficial interest exists;

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- Informational material, publications or the like if it is related to your official duties;
- Food and beverages at a hosted reception;
- Admission to and food and beverages consumed at events sponsored by a civic, charitable, governmental, or community organization;
- Unsolicited gifts from foreign dignitaries;
- Items from family and friends;
- Items from businesses that are customary, such as pens, note pads, or refrigerator magnets;
- Items exchanged between co-workers;
- Payments made for reasonable expenses in connection with a speech or presentation;
- Payments of enrollment and course fees and reasonable travel expenses attributable to seminars and educational programs sponsored by non-profit professional, educational, trade or charitable associations;
- Campaign contributions;
- Discounts available to broad based groups;
- Awards in recognition of academic or scientific achievement; and,
- Food and beverage that is served during the ordinary course of meals while performing your official duties, as long as it is on infrequent occasions.

6. Employee Disclosure of Outside Employment

An employee's employment with Parks is considered his/her primary employment. Employment outside of Parks must not be incompatible or interfere with the discharge of an employee's official duties in state employment. In addition, no employee may use (or cause to be used), state premises, materials, facilities, time, funds, equipment, clients, or personnel in connection with outside employment.

An employee who wishes to obtain outside employment by a private company or public agency, receive compensation for other personal services, or engage in business activities (ownership or operation of a private business by the employee) must notify the agency prior to beginning such work by submitting a completed Outside Employment/Business Activity Authorization Request form (P&R P-52) through the supervisory chain to the Human Resources (HR) Service Center. The HR Service Center will make the final determination on whether or not the outside employment interferes with the performance of the employee's duties or results in a conflict of interest. Outside employment that presents a conflict of interest or interferes with job performance will not be allowed. The HR Service Center will provide the employee the reason for the denial.

Special standards govern receipt of a contract or grant with another state agency while you are employed by a state agency. In those circumstances, prior approval of the Executive Ethics Board may also be required before entering into a contract or grant (RCW

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42.52.120(2)(b) and (c)).

7. Post-State Employment

A. One-Year Restriction

A former agency employee may not accept employment or compensation from an employer within one year of leaving state employment if all three of the following are present:

- During the two years immediately preceding termination of employment, the employee negotiated or administered a contract with the new employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;
- The contract(s) have a total value in excess of \$10,000; and,
- Duties with the new employer would include, in whole or part, fulfilling or implementing or supervising the fulfillment or implementation of the contract(s).

B. Two Year Restriction

For two years following termination of agency employment, an employee may not have a beneficial interest in a contract or grant expressly authorized or funded by action in which the employee participated while in Parks' employment.

Beneficial interest means the right to enjoy profit, benefit, or advantage from a contract or other property. It does not include ownership interest of a mutual fund or investment pool with no management powers ("control and ability to exert influence") in the fund or pool.

Participate means to take part personally and substantially in any action or proceeding on the part of a state agency through approval, disapproval, decision, recommendation, rendering advice, investigation, or otherwise.

C. Employment Offered with Intent to Influence

Former employees may not accept an offer of employment or compensation from an employer if the employee knows or has reason to believe, or if circumstances would lead a reasonable person to believe, that the intent or purpose of the offer was to influence the performance or nonperformance of the employee's job duties.

8. Use of Public Resources for Political Campaigns

Employees may not use state resources for a political purpose, to assist with a campaign for

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election, or to promote or oppose a ballot proposition. State resources include, but are not limited to, stationery, postage, machines, equipment, the 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.

9. Honoraria

Washington State Parks does not allow receipt of honoraria except under extremely rare circumstances where receipt is in recognition of an extraordinary accomplishment and/or achievement. The Deputy Director must specifically authorize employee acceptance of honorarium from outside parties, in advance and in writing. The employee must provide a detailed written request to the Deputy Director, with a copy to the HR Service Center.

We define honorarium as any money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

10. Assisting Persons in Transactions Involving the State

A state officer or employee may not assist a person in a transaction involving the state if s/he participated in that transaction, nor if the transaction was under his/her official responsibility within two years before providing the assistance.

“Participate” means to take part personally and substantially in any action or proceeding on behalf of the state agency. This includes approval, disapproval, decision, recommendation, rendering advice, investigation, or otherwise.

11. Use of State Resources for Personal Gain

Unless noted as an exception in this policy, employees may not use state resources for personal gain or to benefit another person(s) except as part of the employee's official duties. This also includes any otherwise arguably allowable personal use if the personal use is solely for personal convenience or to avoid personal expense. State resources include, but are not limited to, money, property, personnel, stationery, postage, machines, computers, telephones, vehicles, office and shop space, publications of the agency, clientele lists of persons served by the agency, and staff time.

12. De Minimis Personal Use of State Resources

Employees have an obligation to be good stewards of state resources. Nevertheless, a very limited personal use of state resources that allows employees to participate in activities that are not official state duties but promote organization effectiveness by supporting a collegial work environment are allowed if they would not undermine public trust and confidence. As such, the Director (or his/her delegated designee(s)) may authorize a specific use of state

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resources that promotes organizational effectiveness. Examples of these permitted activities might be using agency e-mail for holiday messages, congratulatory messages, going away and retirement parties, agency picnics, and birth announcements. The development and printing of a limited number of copies of a hard-copy announcement on these same activities is also allowed.

Supervisors may also authorize personal use of state resources (including the agency Internet) for training or education that is related to official duties, including career and educational development identified and approved by the agency and documented as such on a case-by-case basis. The supervisor is responsible, with assistance from the HR Service Center, to assure that the use of state resources is in compliance with the state ethics law and rules and is documented as such.

With the exception of approved educational plans listed above, the agency does not allow any personal use of the agency Internet. However, notwithstanding any prohibitions listed in this policy, an employee may make an occasional but limited (i.e., de minimis) personal use of some other state resources (such as e-mail, phone, cell phone, or fax machine) IF ALL THE FOLLOWING ARE MET and the use does not violate RCW 42.52 or WAC 292-110-010:

- 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 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, information, or software.

Examples of appropriate personal use of agency resources include such things as using the agency phone or e-mail to make a medical/dental appointment, to ensure the children arrived safely after school, to notify family about a change to a work schedule, to coordinate transportation, child or elder arrangements, or to wish a co-worker happy birthday. It may also include use of an agency break room during lunch or break periods to organize an agency softball team. This does not mean state resources can be used for any purpose during break periods and/or lunch. Employees are cautioned to consider the intent behind these “de minimis” exceptions as listed in the examples above before using agency resources for personal use.

The following personal uses of agency resources are not appropriate and therefore are always prohibited by this policy:

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- Any use for the purpose of conducting an outside business or private employment;
- Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to: a private business, a nonprofit organization, or a political party (unless provided for by law or authorized by an agency head or designee);
- Any use 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;
- Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head;
- Any private use of any state property which has been removed from state facilities or other official duty station, even if there is no cost to the state;
- Any use related to conduct that is prohibited by a federal or state law or rule, or agency policy, or is incompatible with a professional workplace (i.e., gambling, accessing adult-oriented sites, discriminatory behavior, harassment, slander, etc.);
- Any personal use of state resources not commonly found in other state agencies, including, but not limited to, construction and maintenance tools, equipment, and buildings;
- Any use of the Internet to conduct business that is not related to official duties;
- Use of the state computer to write personal letters, track personal finances, pay personal bills, or apply for non-state employment;
- Use of the state e-mail system to broadly distribute or chain-mail an e-mail that is not related to official business;
- Use of the state computer to play computer games, whether pre-loaded or not by the manufacturer;
- Use of the scan number for long-distance personal phone calls or personal faxes; and,
- Allowing family members or friends to use state resources under the employee's control.

13. Use of State Resources for Union Activities

Shop stewards and employees represented by the union should refer to the master collective bargaining agreement, and amendments, for guidance relating to use of state resources for contract administration and communication with the union. With the exception of shop stewards, use of state resources for communicating with the union is limited to the terms outlined in the collective bargaining agreement, not the personal de minimis rules outlined in paragraph 11 above.

14. Use of State Resources for Fund-Raising for Charitable Purposes

At various times during the year, particularly during holiday seasons, employees may wish

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to raise funds for various charitable purposes. Parks supports these efforts; however, the charitable fund-raising activities for charitable purposes must meet both legal and ethical guidelines. In using state resources, the following must be considered:

- The activity must be organizationally supported;
- Be of negligible cost;
- Not interfere with the performance of official business of the agency;
- Not violate the state's Ethics in Public Service law;
- Not undermine public trust and confidence;
- Be conducted during regular breaks, lunch hour, annual leave, compensatory time, exchange time, or leave without pay; and,
- Not involve direct solicitation of co-workers and/or subordinates;

Gambling, in any form, including raffles, drawings, lotteries, and sports pools in which profits are generated to support charitable activity(s) is prohibited. The following is a list of activities that are legally and ethically appropriate for fund-raising purposes:

- Games of skill where participants pay an entry fee and the winner is awarded a prize;
- Sales of crafts or baked goods;
- Silent auctions of donated merchandise;
- Direct cash or merchandise contributions;
- Placing fund raising candy bars in a common break room for purchase; and,
- Posting notices of charitable solicitations on a bulletin board or in a break area.

Employees planning to conduct a fund-raising activity for charitable purposes must submit a written description of the proposed activity and gain approval prior to conducting the activity. The Deputy Director, Assistant Deputy Director, a Region Manager, a Park Manager, or a Service Center Manager may authorize de minimis use of state resources to support a charitable cause as specified above. The written approval of the fund-raising activity should specify state resources that are allowed to be used.

When asking for and considering approval of requests, it is important as a steward of state resources to remember that Washington created the Combined Fund Drive to consolidate charitable solicitations into one campaign that gives state employees an opportunity to contribute directly to the charity of their choice. Employees assigned the duty of conducting the agency's Combined Fund Drive may use state resources to perform this official duty as authorized in writing by the Deputy Director, or designee.

15. Access to and Safeguarding of Protected Information

During the normal course of their work, employees must have access to a variety of information and information media. Regardless of the physical location or form of this information, access is to be restricted to only that information to the extent necessary for the completion of their work assignments.

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Employees may not disclose confidential information gained by reason of his/her position or otherwise use confidential information for personal gain or benefit, or gain or benefit of another. No employee may disclose confidential information to an unauthorized person. No employee shall accept employment or engage in business that might reasonably be expected to induce or require the employee to make an unauthorized disclosure of confidential information.

No employee may intentionally conceal a record if the employee knew the record was required to be released under chapter 42.17 RCW, was under the obligation to release the record, and failed to do so.

16. Employee Training

Supervisors are responsible for providing initial ethics orientation to all newly hired employees. This orientation shall be documented.

Within the first year of employment, all permanent employees will be required to attend a formal agency training course on Ethics in Public Service. Thereafter, permanent employees will be required to attend a formal agency refresher course every three years. The HR Service Center is responsible for identifying ethics training available and for providing that information to supervisors and employees.

Questions regarding interpretation or application of this policy, or the ethics law and rules, should be directed to a supervisor, manager, or the Human Resource Director (or designee).

17. Reporting Ethics Violations

Protecting state resources is an obligation of all agency employees; therefore, employees must notify their supervisor, manager, the Human Resources Director (or designee), the Executive Ethics Board, or the State Auditor's Office, of a known or suspected ethics violation, including violations of ethics law or rules or this policy. Supervisors and managers are required to act upon reported alleged violations. Action taken by a supervisor or manager may include conducting his/her own fact finding, doing remedial education for inadvertent or minor violations, taking corrective and/or disciplinary action, as appropriate, or referring the allegations to higher level management for advice, technical expertise, and assistance.

Employees are required to fully, honestly, and completely cooperate in any fact finding/investigation into any allegation of potential violation of the ethics law or rules or this policy.

18. Violations of Law or Policy

Disciplinary action, up to and including dismissal, may be taken against individuals who

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authorize or participate directly in a violation of the ethics law or rules or this policy, who deliberately fail to report a violation of the ethics law or rules or this policy, or who may have deliberately withheld relevant and material information concerning a violation of the ethics law or rules or this policy. In some instances, an employee's act may not constitute a violation of RCW 42.52.160 but may nevertheless constitute a violation of agency policy. The agency reserves the right to take disciplinary action, up to and including dismissal, in those cases as well. Disciplinary action may also be taken against the violator's managerial superiors, to the extent that the circumstances of the violation reflect inadequate leadership or lack of diligence.

This policy approved by the Executive Ethics Board on July 13, 2006 in accordance with WAC 292-120-035.