



Reference Guide

Washington State Ethics Law

(This Guide is based on the Washington State Executive Ethics Board—Ethics in Public Service:
A Quick Guide for New Employees, the Washington State Ethics Law, and EWU Policy)

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As an Eastern Washington University (EWU) employee you are expected to follow certain rules, regulations, and University policies. Here are a few things you should know to ensure compliance with these provisions.

Use of State Resources

What is a state resource?

State resources apply to all resources under an employee's control including, but not limited, to university facilities, state employees, equipment (e.g. laptop computers, printers, cameras, cell phones, etc.), vehicles, consumable resources (paper, pens, postage, sticky notes, paperclips), and state information (e.g. databases and employee lists). The use of grant funds or other funds does not modify status as a state resource.

Prohibited uses:

State resources may not be used for the following:

- **Political activities** (campaign/ballot measures), there is a limited exception for employee's whose job includes performing political role on behalf of the University e.g. EWU Director of Governmental Relations

Any use of resources 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. While an election or initiative is pending, employees are prohibited from using university resources to distribute newspaper articles, editorial opinions, blogs, tweets, etc. that would tend to support or oppose a candidate for public office, an initiative, or a referendum. Examples of prohibited activities include, but are not limited to: using work hours to solicit signature for ballot propositions, sending e-mails advocating for or against candidates, using University contact information to distribute materials, or using University property to campaign for or against a candidate or ballot measure. Faculty are permitted to distribute such materials for classroom instruction. Additionally, a supervisor's knowing acquiescence to an employee's use of state resources for campaigning purposes is a violation of the law. Any use of resources for the purpose of participating in or assisting in an effort to lobby members of congress, the state legislature or other federal or state agency representatives is prohibited.

- **Illegal activities**

Illegal activities may include, but are not limited to, illegal discrimination, illegal pornography, copyright infringement, and license infringement.

- **Use resources for outside business/ commercial activities, even non-profit**

This means University offices or laboratories may not be used as a place of business for an employee's outside enterprise; University affiliations and titles may not be used in connection with an outside business in any manner which misrepresents the University's association with that business; employees must clearly acknowledge the independent nature of their outside work from their University responsibilities; University stationery and other office or consumable supplies may not be used by an employee in the conduct of an outside business; University resources may not be used for product sales (online book sales or referral links to book publishers or sales houses), even though not for remuneration; University telephone numbers and addresses, including email and web addresses, may not be used or listed regarding an employee's outside business or paid consulting

- **Supporting, promoting or soliciting for an outside organization or groups**

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. Exception: Supporting an outside group is allowed if provided for by law or authorized by the University President or designee when such use promotes organizational effectiveness (e.g. conducting the Combined Fund Drive as authorized by law and approved by the President or designee; or organizing a campus blood drive when approved by the President or designee).

- **Personal use of state property outside university facilities**

University property, including equipment, tools, materials and supplies may not be removed from university facilities and used by employees for personal or private activities, even if there is no cost to the state, i.e. use of University tools or equipment for home improvement projects. Taking university property for personal use, even property that is to be salvaged or disposed of, is prohibited unless an employee complies with all of the university's surplus property procedures.

- **Disclosure of confidential information**

Employees are prohibited from disclosing confidential information to an unauthorized person or intentionally conceal a document subject to disclosure; from disclosing confidential information for personal benefit or to benefit another; and from accepting employment or engaging in business, if it might reasonably be expected to induce or require the disclosure of confidential information. Additionally, employees are required to disclose university records subject to the public records act or other legal requirements. Improper withholding of records violates the Act.

Confidential information" includes, but is not limited to:

- a. Student education records as defined by the Family Educational Rights and Privacy Act;
- b. Protected health information as defined by the Health Insurance Portability and Accountability Act;
- c. Medical and counseling records protected from disclosure under state or federal law;
- d. Personal information as defined in RCW 19.255.010 and RCW 42.56.590;
- e. Social security numbers;
- f. Credit or debit card information;
- g. Consumer information as defined under the Fair Credit Reporting Act and customer information as defined under the Gramm-Leach-Bliley Act;
- h. Law enforcement records to the extent such records are confidential under state or federal law;
- i. EWU source code or object code;
- j. EWU security data;
- k. Log-on user identification information and passwords;
- l. Employment records to the extent such records are confidential under state or federal law;
- m. Any information protected from disclosure under the Public Records Act, chapter 42.56 RCW;
- n. Any information relating to a contract that EWU has a legal or contractual obligation to keep confidential, including, but not limited to, proprietary information, trade secrets, trademarks, patents, and copyrights;
- o. Attorney-client privileged materials, unless the Board of Trustees and/or President has waived such privilege; and,
- p. Information discussed during an executive session of the University Board of Trustees held in accordance with the Open Public Meetings Act.

- **Specific Union Activities**

Conduct that may directly conflict with the Ethics in Public Service Act, such as the use of state resources to support or oppose a ballot initiative, or a candidate to public office, or efforts to lobby on matters of interest to the Union are prohibited. Also prohibited are

the use of state resources for Union activities that are not reasonably related to the negotiation and administration of collective bargaining agreements, such as Union organizing, internal Union business, or advocating for a Union in a certification, union shop, or other election.

Acceptable personal use:

State resources may be used for personal use if de minimis and meets all of the following conditions:

- Little or no cost to state;
- Use brief in duration & infrequent;
- Does not interfere with the performance of the employee's or other employee's official duties
- Does not compromise security or integrity of property
- The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a financial gain; and
- Not for supporting, promoting the interest of or soliciting for an outside organization or group

Examples of permissible personal use include occasional and brief electronic communication with children, a local call to schedule a personal medical/dental appointment, child or elder care arrangements, transportation coordination or checking the medical, retirement or life insurance benefits you receive as a state employee, .

The ability to use state resources for personal use also applies to breaks, lunch or after hours.

Note: if you create records in course of personal use, they are not confidential and could be subject to disclosure under Washington State's Public Records law.

Limited use:

State resources may be used on a limited basis when such use:

- a. Occasional supporting, promotion, or solicitation for charitable activities approved in advance by the President or President's designee. Persons appointed as the coordinator(s) for the Combined Fund Drive are permitted to use limited university resources for coordinating the drive;
- b. Employee recognition, including birthday, retirement, wedding/baby showers, or other similar celebrations;
- c. Carpool solicitations for commute trip reduction purposes;
- d. University sponsored health activities;

- e. Communication with other university employees to convey greetings and announcements, and to build interpersonal rapport (e.g., birthday greetings, birth/death announcements).
- f. Organization Effectiveness- promotes organizational effectiveness, including:
 - Personal student classroom work that can reasonably be expected to enhance the employee's job-related skills or promote organizational effectiveness, as determined by the supervisor, and done outside of normal work hours.
 - Service activities as set forth below
 - Limited team building activities approved in advance by a supervisor that enhance the work environment or employee morale.
- g. Service Activities. A limited amount of university resources may be used for participating in service activities that are approved in advance by an employee's supervisor and appropriate vice president. All service activities must benefit the university or promote the university's mission. All service activities must comply with the ethical responsibilities imposed by EWU Policy 901-01 (Ethical Standards) and the Ethics in Public Service Act. As service activities are part of an employee's responsibility to the university, an employee cannot receive any compensation for such activity from an outside person or entity. In addition, use of university resources is not permitted if a service activity:
 - Is for the private benefit or gain of an employee or family member, such as service for a for-profit entity on which the employee or employee's family member serves as an officer or employee;
 - Is for a nonprofit created by the employee or an employee's family member or for a nonprofit/for-profit that is not reasonably related to the employee's job responsibilities at EWU. Employees may not require students to perform service work for entities on which the employee or employee's family member serves as an officer or employee, but they may provide students with a list of options for service work that includes an entity on which the employee or employee's family member serves as an officer or employee.

Expectations of Privacy:

There is no expectation of privacy with regard to the use of university technologies or the use of personal technology to conduct university business (e.g., emails, texts, social media posts, facsimile transmissions, voicemails, and websites visited). All records relating to university business, or created by university technology, may be preserved, collected, and/or disclosed when needed for legitimate state operational or management purposes, even if a person was using them for a personal use. Electronic mail, facsimile transmissions, and voicemail are technologies that may create an electronic record. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

Gifts

As a general rule, never accept a gift, gratuity, or anything of value if it could be reasonably expected to influence your vote, judgment or action. The law allows some employees to receive gifts up to \$50, and also provides special limits and exemptions. You may receive:

- Gifts from family members;
- Gifts not related to the performance of your job;
- Items exchanged at a social event;
- Payments for expenses for an official speech or presentation;
- Payment of enrollment of course fees in a seminar or other educational program;
- Items returned within 30 days;
- Campaign contributions;
- Discounts available to a broad-based group;
- Awards, prizes for recognition of achievement.

Unless you regulate or contract with the person giving the gift, you may receive the following:

- Unsolicited flowers, advertising or promotional items, tokens of appreciation or items for evaluation purposes;
- Food and beverage at hosted receptions when related to official duties;
- Admission to and cost of food and beverage at an event hosted by a civic, charitable or governmental organization;
- Unsolicited gifts from dignitaries in other states or countries;
- Food and beverage on infrequent occasions in the ordinary course of business.

If you are in a position to regulate, further restrictions apply. Refer to RCW 42.52.150(4).

Honoraria

An honoraria is money or anything of economic value offered for a speech, appearance or article in connection with employee's official role. The Ethics Act provides that a state officer/employee may not receive an honoraria unless it is specifically authorized by his or her agency. EWU's policy permits employees to use state time/resources to prepare materials for a speech/presentation for which an honorarium will be paid if the activity is related to your official role at EWU; and to accept without approval if not cash/cash equivalent, an item valued at less than \$100. Employees must obtain advance approval if is a cash or cash equivalent valued at more than \$100. An honorarium does not include payment for travel, lodging, or subsistence expenses which are gifts subject to RCW 42.52.150

Employees may not receive honoraria if:

- The person offering the honoraria is seeking or is reasonably expected to seek a contract with the agency and the officer or employee is in a position to participate in the terms of the contract or grant, and
- The person offering the honoraria is regulated by the agency and the employee is in a position to participate in the regulation.
- The person offering the honoraria may seek or oppose enactment of legislation, adoption of rules or changes in policy by the agency and the employee is in a position to participate in the enactment or adoption.

Additional/Outside Employment

Employees may only receive compensation from the State of Washington for the performance of your official duties. Employees may not ask for, give or receive any additional compensation, gifts or gratuities from a source for performing or deferring the performance of any official duty. A state employee may not receive anything that would constitute additional economic value under any contract or grant outside his/her official duties.

Outside or additional employment is regulated by the Ethics Act. It is acceptable if a number of requirements are met:

- Contract is real and performed;
- Not part of official EWU duties or under your supervision;
- Not prohibited by law;
- Position not created by you in official capacity;
- Compensation not from someone who can't give gifts; and
- Would not require disclosure of confidential information

Requirements for prior approval for additional/outside work:

- 1) Employees must receive prior approval from the University before entering into or obtaining a beneficial interest in a contract for outside work if:
 - It is for another state agency; or
 - Occurs during regular working hours; or
 - Creates a potential conflict of interest
- 2) If the employment is with another state agency, employees also must obtain prior approval from the Ethics Board or the Executive Ethics Secretary. If approval is granted, the contract for the work must be filed in the State Ethics Office within 30 days of execution. In order to obtain approval, employees must provide the following information:

- Description of current state duties;
- Statement of work to be performed;
- Copy of the proposed contract/grant;
- Statement that no state resources will be used
- If significant time commitment must provide explanation of how work will be performed without the use of state time resources.

There are some exceptions to the requirement for Ethics Board approval, but EWU approval still required:

- Teaching at a higher education institution, provided no state resources used; no conflict with the performance of official duties; and official position not used to influence the contract of employment;
- A contract held by a spouse, in which employee has a beneficial interest, with a state agency, provided employee did not participate in the contract
- Providing expert witness services in state litigation provided no educational resources used to perform the duties; no conflict with the performance of official duties; and employee did not use official position to influence the contract; and
- A contract/grant that was received by an employee of an institution of higher education under conditions that complied with RCW 42.52.030(2).

Conflicts of Interest and Special Privileges

Employees may not secure special privileges/exemptions for themselves, spouses, children, parents or other persons. Employees may not have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of official duties. Additionally, employees may not 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 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. A state officer/employee is not prohibited from assisting a person in a transaction involving the state if it falls within his or her official duties.

Post State Employment

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

- The employee, during the 2 years immediately preceding termination of state employment, negotiated or administered a contract with the new employer; and
- The contract(s) had a total value in excess of \$10,000; and
- The former officer's or employee's duties with the new employer would include fulfilling or implementing that contract.

A former state employee may not, within two years following the termination of state employment, have a beneficial interest in a contract or grant which was expressly authorized or funded by executive action in which the employee participated. Several of the post-state employment restrictions are continuing. That is, there is no statutorily defined time limit that determines when these restrictions end. Additionally, employees may not participate, at any time subsequent to state employment, whether or not for compensation, in any transaction involving the state in which the former state employee at any time participated during state employment.

Resources

- If you have any questions or need additional assistance you may contact EWU's Ethics Officer, the Associate Vice President for Human Resources at 359-2383.
- You can access the Executive Ethics Board website, including frequently asked questions: www.ethics.wa.gov
- EWU Policies:

Ethical Standards 901-01: <https://sites.ewu.edu/policies/policies-categories/standards-of-conduct/>

Use of Resources 901-02: <https://sites.ewu.edu/policies/policies-and-procedures/ewu-901-02-appropriate-use-of-university-resources/>

Additional/Outside Employment 401-02 <https://sites.ewu.edu/policies/policies-and-procedures/ewu-401-02-additional-or-outside-employment/>

Cellular Telephones & Services 203-03: <https://sites.ewu.edu/policies/policies-and-procedures/ewu-203-03-cellular-telephones-and-services/>