

Mission Statement:

The UTC protects consumers by ensuring that utility and transportation services are fairly priced, available, reliable, and safe.



Washington Utilities and Transportation Commission

Ethical Issues for the Regulator

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Presentation Outline



For Reference Only

- Key Principles
- The Ethics in Public Service Act
(RCW 42.52)

For Discussion

- Practical Examples

Key Principles



- Objectivity: Public employees must place the public's interest before and private interest or outside obligation – choices need to be made on the merits.
- Selflessness: Public employees should not make decisions in order to gain financial or other benefits for themselves, their families or their friends.
- Stewardship: Public employees have a duty to conserve public resources and funds against misuse and abuse.
- Transparency or Openness: 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.
- Integrity: Public employees should not place themselves under and financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity



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- Public employees must place the public's interest before any private interest or outside obligation – choices need to be made on the merits.
 - A conflict or interest occurs when a public employee has a private interest that may benefit from or interfere with official duties.
 - RCW 42.52.020, Activities incompatible with public duties
- No state officer or employee may 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 the state officer's or state employee's official duties.

Objectivity



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- RCW 42.52.030, Financial interests in transactions

Public employees may not have a beneficial interest in a transaction made by, through or under the employee's supervision. They may not accept, directly or indirectly, any compensation, gift or reward from any person beneficially interested in a financial transaction. They may not participate in transactions with the state where they also have a beneficial interest in the transacting party.

- RCW 42.52.040, Assisting in transactions

Public employees may not assist others in transactions involving the state if the employee has at any time participated in the transaction, or if the transaction has been under the official responsibility of the employee within the past two years.

Selflessness



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- Public employees should not make decisions in order to gain benefits for themselves, their families, or their friends.

- RCW 42.52.140, Gifts

No public employee may accept or seek a gift if it could be reasonably expected or considered that the gift would influence the vote, judgment or action of the employee.

- RCW 42.52.150, Limitations on Gifts

Public employees may not accept gifts from any single source in excess of \$50 per year. Exceptions are allowed, such as certain gifts from family members. Some gifts are exempt from the \$50 limit, such as unsolicited cut flowers, and food and beverages at hosted receptions where attendance is related to the employee's official duties. Public employees involved in regulation (such as WUTC employees) may not accept gifts like meals from regulated company employees, even if the value is less than \$50.

Selflessness



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- RCW 42.52.070, Special Privileges

A public employee may not use her position to secure special privileges or exemptions for herself, her family or her friends.

Selflessness



- RCW 42.52.080, Employment after Public Service

For one year following termination of state employment, former public employees who participated in contracts with a total value greater than \$10,000 for one contracting party during the last two years may not work or receive pay from that contracting party.

For two years following termination of public employment, former public employees may not have a beneficial interest in a contract or grant authorized or funded by legislative or executive action in which the former public employee participated.

Former public employees may never accept employment or compensation if the offer has been made or compensation given, or if the circumstances would lead a reasonable person to believe the offer has been made or compensation given, for the purpose of influencing public employment duties.

Former public employees may never participate in any transaction involving the state in which the former public employee participated as a public employee.

Stewardship



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- Public employees have a duty to conserve public resources and funds against misuse and abuse.
 - RCW 42.52.070, Special privileges (See Slide 8.)
 - RCW 42.52.160, Use of persons, money, or property for private gain

No public employee may use any person, money or property under the employee's control for private gain.

- RCW 42.52.180, Use of public resources for political campaigns
Generally prohibited.

Stewardship



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- WAC 292-110-010, “de minimus” use of public resources

Occasional and brief personal e-mail messages and local phone calls are acceptable.

May not use state resources for conducting an outside business, whether or not for profit. May not use state resources for political campaigns. May not use the internet to access a gambling or pornography website.

Transparency or Openness



- Public employees must practice open and accountable government. They should be as open as possible about their decisions and actions, and protect truly confidential information.

- RCW 42.52.050, Confidential information

Public employees may not engage in a business or professional activity that's likely to require or induce him to make an unauthorized disclosure of confidential information acquired by employee in his public position.

Public employees may not disclose confidential information for private gain, unless authorized by statute or contract; nor may they disclose confidential information to any person not entitled or authorized to receive the information.

Public employees may not intentionally conceal a record if the employee knew the record was required to be released under chapter 42.17 RCW.

Integrity



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- 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 their duties.
 - RCW 42.52.020, Activities incompatible with public duties
(See Slide 5.)
 - RCW 42.52.110, Compensation for official duties or nonperformance
- Compensation or gifts from outsiders should not be related to performance of any official duties.

Integrity



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- RCW 42.52.120, Compensation for outside activities

Must comply with agency policies. WUTC agency policy requires advance approval for all compensated outside work. Work must be bona fide and actually performed.

- RCW 42.52.130, Honoraria

Agency approval is required. Will not be approved if the donor is regulated by the agency. Will not be approved if the agency is reasonably expected to seek policy changes from the agency.

Executive Ethics Board



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- Interprets and enforces ethics law
 - Issues advisory opinions
 - Reviews agency ethics policies
 - Investigates and hears complaints
 - Imposes sanctions for violations
(Agencies may also take disciplinary actions.)
 - Link to web site

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

Practical Examples 1



- The WUTC is paying for this lunch because it is a working lunch. Normally, WUTC funds cannot be used to pay for lunch for state employees.
- The employees of a regulated company may never pay for lunch for WUTC employees.
- It's OK for WUTC employees visiting a regulated company, such as we will do on Thursday December 11, to drink any coffee that may be provided as a hospitality to utility guests. It is not OK for us to accept a sit-down meal from the utility. It usually is not OK for us to even accept a doughnut from the utility.
- During a work-related hosted reception, it is ok for us to accept the snacks, such as doughnuts, that may be provided.

Practical Examples 2



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- Making one occasional photocopy for personal use is OK. Making several is not.
 - Using the internet to sell something on e-bay is prohibited as a use of state resources for private gain.
 - Receiving a private package through the WUTC mailroom is prohibited.
 - Limitations on use of state resources are generally more strict, and more strictly enforced, than are restrictions on use of company property by private employers.

Credits



Some material for this presentation is based on:

- Ethics: A Principled Approach to the Ethics in Public Service Act, Washington State Ethics Board.