

## EMPLOYEE ETHICS POLICY

### I. PURPOSE

The County is committed to conducting its business in a fair, open, and accountable manner. Public confidence in government is essential and must be sustained by establishing and enforcing rules to assure the impartiality and honesty of its County officials and employees in public transactions and business. The County has adopted an Employee Code of Ethics to supplement RCW chapters 42.20 and 42.23, other applicable laws, and the Kitsap County Code.

### II. DEFINITIONS

These definitions apply throughout the Ethics Code unless the context clearly requires otherwise.

- A. “Confidential information” means specific information, rather than generalized knowledge, that would not be available to a person who submits a public records request to the County, and/or information made confidential by law.
- B. “County official” means any individual who is responsible for taking or recommending official County action.
- C. “Doing business with the County” means a person that directly or indirectly:
  - 1. Is seeking the award of a contract or grant from the County;
  - 2. Has sought the award of a contract or grant from the County in the past twelve (12) months;
  - 3. Is engaged as a lobbyist or engaged by a lobbyist firm from the time of the engagement until twelve (12) months after the award of the contract grant, license, permit, or other entitlement for use, which was the subject of the engagement;
  - 4. Has an existing contractual relationship with the County, or had a contractual relationship with the County, and twelve (12) months have not passed since all contractual obligations of all parties have been completed;
  - 5. Is seeking, actively supporting, or actively opposing the County’s issuance of a discretionary license, discretionary permit, or other discretionary entitlement for use, or has done any of these things within the past twelve (12) months; or
  - 6. Has a financial interest that may be substantially or materially affected, in a manner distinguishable from those of the general public, by the performance or nonperformance of the intended gift recipient’s official duties or the recipient’s immediate family members.

- D. “Employees” for purposes of this chapter also includes elected officials, appointees and volunteers.
- E. “Gift” means any monetary, non-monetary or in-kind donation, devise, or bequest of real and/or personal property, including cash, with or without restriction, from a public, private, or nonprofit source. Gifts may only be accepted in compliance with County Code, this policy and the law. Unless receipt would influence the vote, action or judgment of the recipient, or be reasonably considered part of a reward for action or inaction, there is a rebuttable presumption that the following are not considered gifts prohibited by RCW 42.23.070 and Kitsap County Ethics Code, Chapter 3.25:
1. Unsolicited flowers, plants, balloons, food, cards, certificates or similar items given to express condolences, gratitude, appreciation, congratulations, sympathy for ill health or loss, to commemorate special occasions, and the like provided such items are of nominal value.
  2. Unsolicited advertising or promotional items such as pens, note pads, key chains, mugs, and the like made available to County officials or employees, or received at a conference or event, for use in the workplace, provided such items are of nominal value.
  3. Unsolicited items received for the purpose of evaluation or review if the recipient has no personal beneficial interest in the eventual use or acquisition of the item by the County.
  4. Tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item given in recognition of employment, academic, civic, scientific, or other achievement, provided such items are of nominal value.
  5. Social events hosted or sponsored by the County, a County department, or employees for coworkers where it is clear beyond a reasonable doubt that the event was not made as part of any design to gain or maintain influence for a matter connected with or related to the recipient’s position with the County.
  6. Items exchanged between County employees where it is clear beyond a reasonable doubt that the item was not made as part of any design to gain or maintain influence for a matter connected with or related to the recipient’s position with the County.

7. Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group. This also includes favorable rates and commercial discounts offered to members of a group or class in which membership is unrelated to the recipient's specific position with the County.
8. A prize awarded based on chance or lottery or in a bona fide competition with the award unrelated to the recipient's specific position with the County.
9. Admission, food, or beverages received at events sponsored by or in conjunction with a bona fide professional, educational, charitable, or governmental organization, as well as commemorative gifts and promotional items from such organizations, when made available to all attendees and part of the official event.
10. Admission, food, beverages, transportation, or accommodations received as a County representative and related to County business when made available to all attendees as part of the official event.
11. Admission, food, beverages, transportation, or accommodations received as a County representative as a presenter for an event which is related to County business.
12. Informational materials, publications, or subscriptions received as a County representative and related to County business.
13. Employee benefit programs, activities, rewards, and incentives offered and sanctioned by Kitsap County to the County workforce.
14. Customary items related to non-County business of the recipient where the item was not offered or enhanced due to the recipient's position with the County.
15. Items given under circumstances that make it clear that the gift is motivated by an external relationship rather than the recipient's position with the County.
16. Items returned by the recipient to the donor within thirty (30) days of receipt or donated to a charitable organization within thirty (30) days of receipt.
17. Campaign contributions regulated by RCW Chapter 42.17A.

- F. “Immediate family” means parent, child, spouse, siblings, grandparent, and anyone residing in the County official or employee’s household, as well as dependents.
- G. “Lobbyist” means any individual, including an attorney, who is employed or engaged by contract with consideration other than reimbursement of reasonable travel expenses, to communicate directly with any County employee for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the County, or the issuance, by the County, of a discretionary license, discretionary permit, or other discretionary entitlement for use. An attorney is not considered a lobbyist when performing activities which can only be performed by a person admitted to the practice of law.
- H. “Lobbyist firm” means any business entity that is employed or engaged by contract with consideration other than reimbursement of reasonable travel expenses, to communicate directly with a County employee for the purpose of seeking, actively supporting or actively opposing the award of a contract or grant from the County, or the issuance, by the County, of a discretionary license, discretionary permit, or other discretionary entitlement for use, or any business entity of which any member or employee is a lobbyist.
- I. “Nominal value” means an aggregate value of \$50 or less from any single source in the calendar year or trivial items of informational value.
- J. “Participate” means to consider, investigate, advise, recommend, approve, disapprove, decide, or take other similar action.
- K. “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them, as defined in chapter 1.04, Kitsap County Code, as may be amended.

III. PROHIBITIONS

County officers and employees may not receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction. The following are examples of prohibited actions:

- A. County officials and employees with decision making authority may not participate in or influence any pending quasi-judicial proceeding, when the County official or employee has:
  - 1. A financial interest in the matter;

2. Pre-judged the merits before the hearing; or
  3. A personal bias for or against any party affected by the action.
- B. County officials and employees may not use their office, or any confidential information received thereby, for commercial purposes, financial gain, or future employment, for themselves, a member of their immediate family, or a business with which they are associated, except for compensation as provided by law.
  - C. County officials and employees, or candidates for public office, may not solicit or accept anything of value, including a gift, loan, political contribution, award, or promise of future employment or personal benefit for themselves, a member of their immediate family, or business with which they are associated, based on any agreement that the vote or official action of the County official, employee, or candidate for public office would be determined thereby.
  - D. County officials and employees may not directly or indirectly, seek or receive, any compensation, gift, or other thing of value or promise thereof, for performing or omitting or deferring the performance of any official duty or action by the County other than the compensation, costs, or fees provided by law.
  - E. County officials and employees may not directly or indirectly accept a gift from any person doing business or seeking to do business with the County when such acceptance may conflict with the performance of the official duties of the official or employee. A conflict exists if a reasonable and prudent person would believe the gift was given for the purpose of obtaining special consideration or to influence County action.
  - F. County officials and employees may not solicit or accept any gift from any person the official or employee knows, or has reason to know, is doing business with the County.
  - G. Although County officials and employees may generally accept items presumed to be excluded from the definition of “gifts,” County officials and employees may not accept any gift or item, even if permitted by an exception, if it would impair impartiality, give the appearance of impairing impartiality, or is designed to impair impartiality. Gifts should not be accepted if there are pending negotiations, anticipated or ongoing litigation, or some other type of dispute between the giver and the County, as acceptance of any gift in these circumstances would tend to impair impartiality, give the appearance of impairing impartiality, or be designed to impair impartiality.
  - H. County officials and employees may not be beneficially interested, directly or indirectly, in any contract which may be made by, through or under their supervision, in whole or in part, or which may be made for the benefit of their

office, unless subject to a statutory exception. County officials and employees may not accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein.

IV. AUTHORITY TO ACCEPT GIFTS GIVEN TO THE COUNTY

- A. Gifts may be given to the County directly or through a County department or office, not to an individual employee, as provided herein to be used as deemed appropriate by the County, the department, or office so long as the gift would not influence the vote, action, or judgment of a County official or employee, is not considered as a part of a reward for action or inaction and is in compliance with the Code of Ethics.
- B. County elected officials and department directors, or their official designees, may accept gifts on behalf of the County for use by the County or the County department or office with a value of \$25,000.00 or less, not to exceed an annual aggregate value of more than \$25,000.00 from any single source.
- C. The County Administrator, and in the absence of the County Administrator the Chair of the Board of County Commissioners, may accept gifts on behalf of the County for use by the County or a County department with a value of \$75,000.00 or less, not to exceed an annual aggregate value more than \$75,000.00 from any single source.
- D. The Board of County Commissioners may only accept gifts of real property by resolution.
- E. The Board of County Commissioners has the power and authority to accept or reject any gift regardless of value for use by the County or a County department. The Board is to annually receive a report identifying all gifts accepted by County elected officials, department directors, and the County Administrator during the fiscal year.
- F. The acceptance of any gifts to the County must be in compliance with the County Policy and Procedure for Gifts to the County and the law.

V. FORMER COUNTY OFFICIALS AND EMPLOYEES

- A. Except with the County’s express prior written consent or as otherwise provided by law, no former County official or employee may disclose or misuse confidential information gained by reason of his or her County work or service.

- B. Unless acting on behalf of the County, no former County official or employees during the period of one year after leaving their former office or employment, may
  - 1. assist or a represent any person as an advocate in any matter in which the former official or employee was personally and substantially involved while a County official or employee.

VI. VIOLATIONS, REPORTING

- A. It is a violation of the Code of Ethics to do any of the following:
  - 1. Induce or coerce, or attempt to do the same, anyone into violating a provision of the Ethics Code.
  - 2. Retaliate against anyone making a complaint of violation of the Ethics Code.
- B. Violations of this chapter are reported as follows:
  - 1. Employees may report violations as provided in the Personnel Manual Appendix P, “Whistleblower Policy”, procedures for reporting improper governmental action.
  - 2. Members of the public may report violations to the County Administrator or, if the violation involves the County Administrator, to the Chair of the Board. The County Administrator or Chair shall refer the complaint to the Human Resources Director who shall handle the complaint in accordance with the Public Complaint process.
- C. A violation of any provision of the Ethics Code may be pursued as an administrative violation, a civil violation as provided in County code chapter 2.116, and/or a criminal violation as provided in County code chapter 1.12, and/or a violation as provided in Chapters 42.40 and 42.23 RCW. Each violation is a separate and distinct offense and in the case of a continuing violation, each day the violation continues constitutes a separate offense for which a separate penalty may be assessed.