

# **School Employees Benefits Board Meeting**

**December 11, 2017**

## School Employees Benefits Board

December 11, 2017

1:00 – 5:00

Health Care Authority  
Sue Crystal A & B  
626 8<sup>th</sup> Avenue SE  
Olympia, Washington

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**TAB 1**

## AGENDA

**School Employees Benefits Board**  
**December 11, 2017**  
**1:00 p.m. – 5:00 p.m.**

Health Care Authority  
Cherry Street Plaza  
Sue Crystal Rooms A & B  
626 8<sup>th</sup> Avenue SE  
Olympia, WA 98501

**TVW is planning to live webcast the meeting at [www.tvw.org](http://www.tvw.org)**

Call-in Number: 1-888-407-5039

Participant PIN Code: 60995706

1:00 p.m.*	<b>Welcome and Introductions</b>		Lou McDermott, Chair	
1:10 p.m.	<b>Meeting Overview</b>		David Iseminger, Acting Director Employees & Retirees Benefits (ERB) Division	Information
1:15 p.m.	<b>Follow up on Prior Meeting Questions</b>		David Iseminger, ERB Acting Director	Information / Discussion
1:25 p.m.	<ul style="list-style-type: none"> <li>• The Bree Collaborative</li> <li>• Health Technology Assessment Program</li> </ul>	TAB 2	Dan Lessler, M.D. Chief Medical Officer	Information / Discussion
1:50 p.m.	<b>School Employees Benefits Offerings Survey Results</b>	TAB 3	John Bowden, Manager School Employees Benefits (SEB) Section Employees & Retirees Benefits (ERB) Division	Information / Discussion
2:30 p.m.	<b>Break</b>			
2:45 p.m.	<b>Overview of Benefits</b> <ul style="list-style-type: none"> <li>• Life and AD&amp;D Insurance</li> <li>• Disability Insurance</li> <li>• Cafeteria Plan Benefits</li> </ul>	TAB 4	Scott Palafox, ERB Acting Deputy Director	Information / Discussion
3:30 p.m.	<b>Executive Ethics Act Overview</b>	TAB 5	Katy Hatfield, AAG SEBB Counsel	Information / Discussion
4:00 p.m.	<ul style="list-style-type: none"> <li>• Proposed SEBB By-laws</li> <li>• Vice Chair Selection</li> </ul>	TAB 6	Dave Iseminger, ERB Acting Director	Action
4:30 p.m.	<b>Public Comment</b>			

5:00 p.m.	<b>Adjourn</b>			
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**\*All Times Approximate**

The School Employees Benefits Board will meet Monday, December 11, 2017, at the Washington State Health Care Authority, Sue Crystal Rooms A & B, 626 8<sup>th</sup> AVE SE, Olympia, WA. The Board will consider all matters on the agenda plus any items that may normally come before them.

This notice is pursuant to the requirements of the Open Public Meeting Act, Chapter 42.30 RCW.

Direct e-mail to: [SEBboard@hca.wa.gov](mailto:SEBboard@hca.wa.gov)

Materials posted at: <https://www.hca.wa.gov/about-hca/school-employees-benefits-board-sebb-program> by close of business on December 8, 2017.

## SEB Board Members

Name	Representing
Lou McDermott, Acting Director Health Care Authority 626 8 <sup>th</sup> Ave SE PO Box 42720 Olympia WA 98504-2720 V 360-725-0891 <a href="mailto:louis.mcdermott@hca.wa.gov">louis.mcdermott@hca.wa.gov</a>	Chair
Sean Corry Sprague Israel Giles, Inc. 1501 4 <sup>th</sup> Ave, Suite 730 Seattle WA 98101 V 206-623-7035 <a href="mailto:sean.corry@siginsures.com">sean.corry@siginsures.com</a>	Employee Health Benefits Policy and Administration
Pete Cutler 7605 Ostrich DR SE Olympia WA 98513 C 360-789-2787 <a href="mailto:p.cutler@comcast.net">p.cutler@comcast.net</a>	Employee Health Benefits Policy and Administration
Patty Estes Eatonville School District PO Box 1364 Eatonville WA 98328 C 360-621-9610 <a href="mailto:p.estes.sebb@gmail.com">p.estes.sebb@gmail.com</a>	Classified Employees
Dan Gossett 603 Veralene Way SW Everett WA 98203 C 425-737-2983 <a href="mailto:dan.gossett@comcast.net">dan.gossett@comcast.net</a>	Certificated Employees

## SEB Board Members

### Name

### Representing

Katy Henry  
Spokane Public Schools  
200 North Bernard  
Spokane WA 99201  
V 509-325-4503  
[khenry@washingtonea.org](mailto:khenry@washingtonea.org)

Certificated Employees

Terri House  
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V 360-965-1610  
[Terri\\_house@msd25.org](mailto:Terri_house@msd25.org)

Classified Employees

Wayne Leonard  
Assistant Superintendent of  
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Mead School District  
608 E 19<sup>th</sup> Ave  
Spokane WA 99203  
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Employee Health Benefits Policy  
and Administration  
(WASBO)

Alison Carl White  
12515 South Hangman Valley RD  
Valleyford WA 99036  
C 509-499-0482  
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Employee Health Benefits Policy  
and Administration

### Legal Counsel

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Olympia WA 98504-0124  
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[KatyK1@atg.wa.gov](mailto:KatyK1@atg.wa.gov)

10/20/17



STATE OF WASHINGTON  
**HEALTH CARE AUTHORITY**

626 8th Avenue, SE • P.O. Box 45502 • Olympia, Washington 98504-5502

**2017-18 School Employees Benefits Board (SEBB) Meeting Schedule**

The SEB Board meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A & B, 626 8<sup>th</sup> Avenue SE, Olympia, WA 98501. The meetings begin at 1:00 p.m., unless otherwise noted below.

October 23, 2017

November 6, 2017

December 11, 2017

January 17, 2018

January 29, 2018

March 15, 2018 - 9:00 a.m.

April 30, 2018

May 30, 2018

June 13, 2018

July 30, 2018

August 30, 2018 - 9:00 a.m.

October 4, 2018 - 9:00 a.m.

November 8, 2018 - 9:00 a.m.

December 13, 2018 - 9:00 a.m.

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 30, 2017**

**TIME: 1:26 PM**

**WSR 17-18-043**

If you are a person with a disability and need a special accommodation, please contact Connie Bergener at 360-725-0856

8/28/17

**TAB 2**



# The Bree Collaborative and Health Technology Assessment Program

Daniel Lessler, M.D.  
Chief Medical Officer  
Clinical Quality and Care Transformation Division  
December 11, 2017

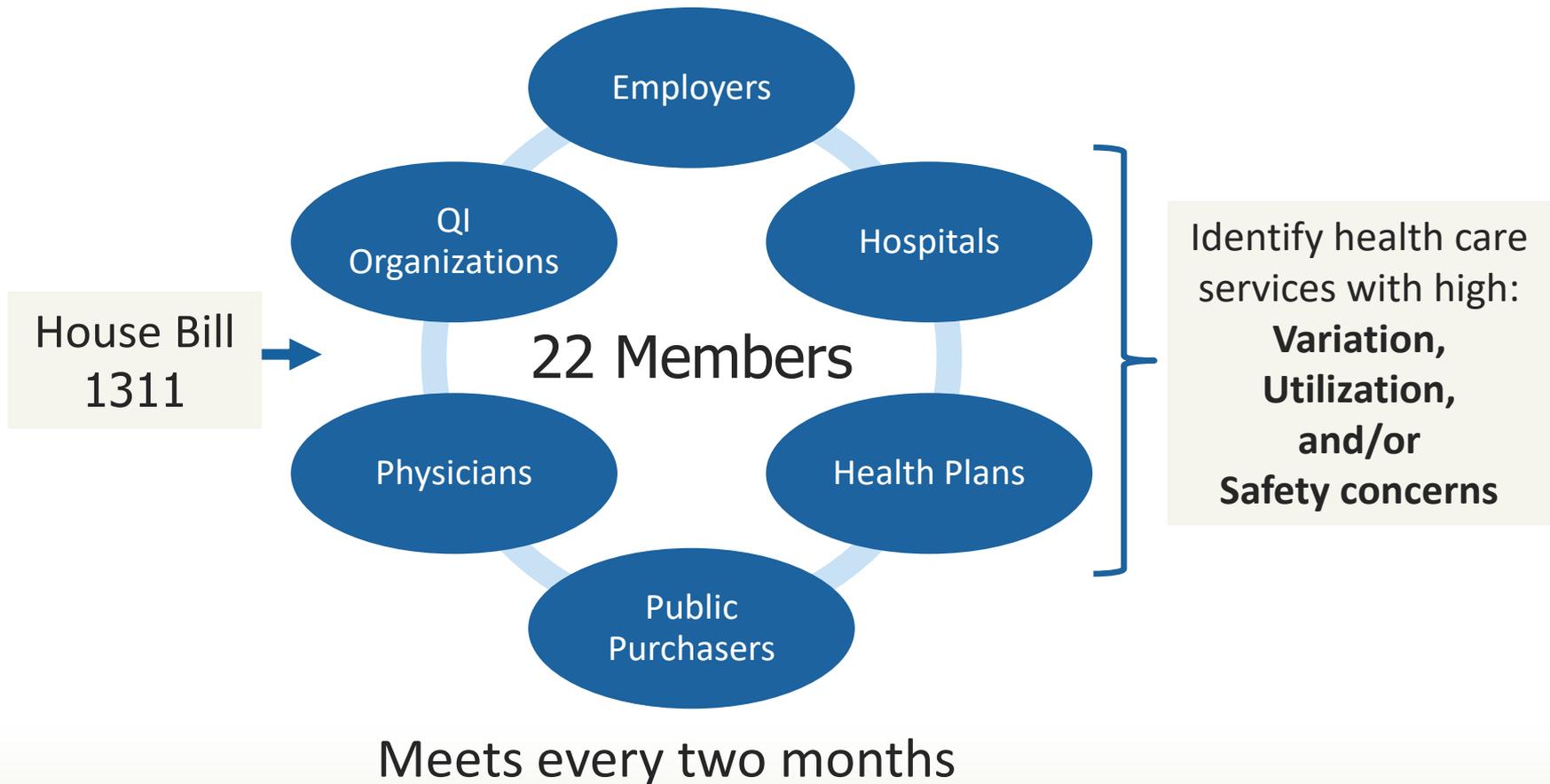


# Why are we discussing this today?

- Illustrate ways that the legislature influences or directly impacts benefit design
  - Showing the state's commitment to evidence-based care
- Provide an example of benefit design outside the SEB Board's authority
- In response to a Board member request last meeting

# Dr. Robert Bree Collaborative

# Created by WA Legislature in 2011



# Governor-Appointed Members

**Chair:** Hugh Straley, MD

Susie Dade MS, Washington Health Alliance

John Espinola, MD, MPH, Premera Blue Cross

Gary Franklin, MD, MPH, Washington State Department of Labor and Industries

Stuart Freed, MD, Confluence Health

Richard Goss, MD, Harborview Medical Center – University of Washington

Jennifer Graves, RN, MS, Senior Vice President, Patient Safety, Washington State Hospital Association

Christopher Kodama, MD, MultiCare Health System

Daniel Lessler, MD, MHA, Washington State Health Care Authority

Angie Sparks, MD, Kaiser Permanente

Wm. Richard Ludwig, MD, Providence Health and Services

Greg Marchand, The Boeing Company

Robert Mecklenburg, MD, Virginia Mason Medical Center

Kimberly Moore, MD, Franciscan Health System

Carl Olden, MD, Pacific Crest Family Medicine, Yakima

Mary Kay O’Neill, MD, MBA, Mercer

John Robinson, MD, SM, First Choice Health

Terry Rogers, MD (Vice Chair)

Jeanne Rupert, DO, PhD, One Medical

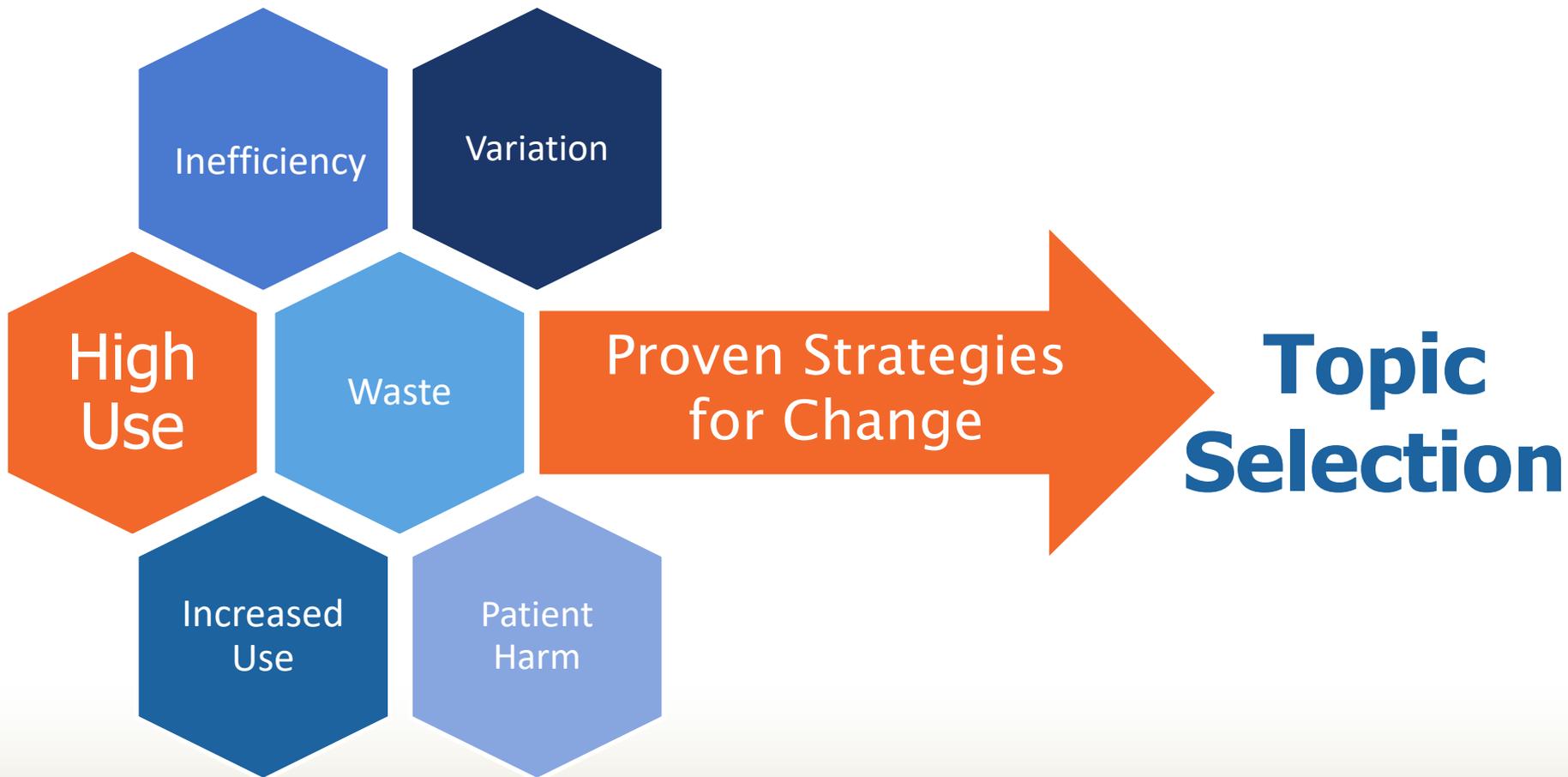
Kerry Schaefer, King County

Bruce Smith, MD, Regence Blue Shield

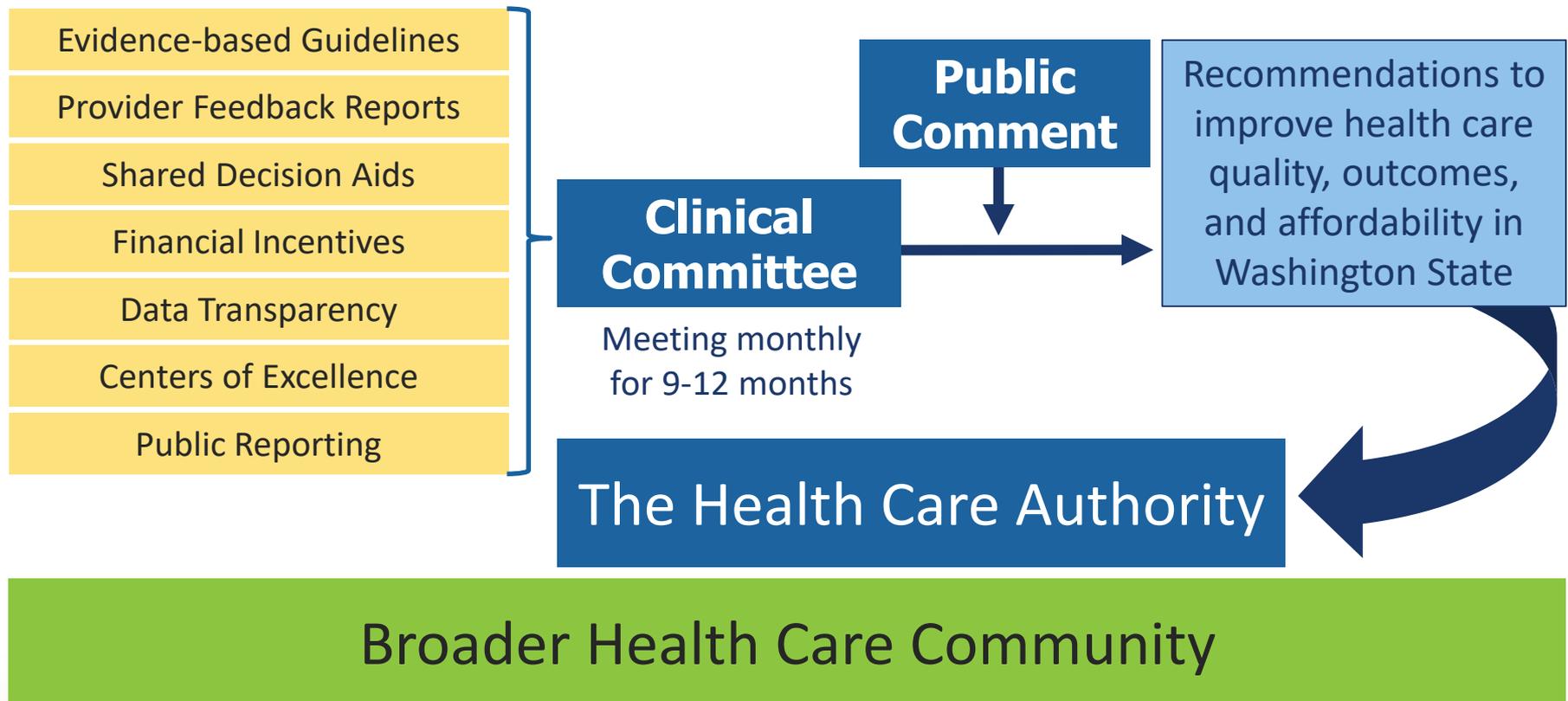
Lani Spencer, RN, MHA, Amerigroup

Shawn West, MD, Edmonds Family Medicine

# Members Select Three Health Care Services Annually



# Recommendations Formed in Clinical Committee



# Past Recommendations



Obstetrics



Cardiology



Elective Total Knee and Total Hip Replacement Bundle and Warranty



Elective Lumbar Fusion Bundle and Warranty



Elective Coronary Artery Bypass Surgery Bundle and Warranty



Bariatric Surgical Bundled Payment Model and Warranty



Low Back Pain and Spine SCOAP



Hospital Readmissions



End-of-Life Care



Addiction and Dependence Treatment



Prostate Cancer Screening



Oncology Care



Pediatric Psychotropic Drug Use



Behavioral Health Integration

# Current Topics



## Guidelines for Prescribing Opioids for Pain

Ongoing



## Re-Review Total Knee and Total Hip Replacement Bundle and Warranty

December 2016 – November 2017



## Opioid Use Disorder Treatment

December 2016 – November 2017



## Alzheimer's Disease and Other Dementias

January – November 2017



## Hysterectomy

March 2017 – Present

# Topics for 2018



**Guidelines for Prescribing Opioids for Pain**  
Ongoing



**Re-Review Elective Lumbar Fusion Bundle and  
Warranty**



**LGBTQ Health Care**



**Collaborative Care for Chronic Pain**



**Suicide Prevention**

# Taking Action on Bree Recommendations

- Bree total joint replacement (TJR) bundled purchasing model:
  - Describes best practice for providing knee and hip replacement
  - Four cycles: appropriateness; fitness for surgery; operative care; post-operative care
  - Includes warranty
- HCA procured a TJR bundle in 2016
  - Based on Bree TJR bundle, including warranty
  - PEB Board approved a Centers of Excellence Program for UMP for 2017
  - TJR-bundle contract with Virginia Mason implemented January 1, 2017
- As part of the legislative direction to undertake value-based purchasing, HCA has incorporated Bree recommendations into care transformation elements of HCA contracts.

# Health Technology Assessment Program (HTAP)

# Health Technology Assessment Program: Background

- **2006 Legislation** (E2SHB 2575) created the Health Technology Clinical Committee (HTCC) to use an evidence report and a clinician panel to make coverage decisions about whether agencies should pay for certain medical procedures and tests based on:
  - Safety,
  - Efficacy/effectiveness, and
  - Cost-effectiveness.
- The HTCC is administratively supported by the HCA

# Assessment of a Health Technology

A structured analysis of a health technology, a set of related technologies, or a technology-related issue that is performed for the purpose of providing input to a policy decision (US Congress, Office of Technology Assessment 1994).

Goodman CS. HTA 101: Introduction to Health Technology Assessment. Bethesda, MD: National Library of Medicine (US); 2014.

Available at: [https://www.nlm.nih.gov/nichsr/hta101/HTA\\_101\\_FINAL\\_7-23-14.pdf](https://www.nlm.nih.gov/nichsr/hta101/HTA_101_FINAL_7-23-14.pdf)

# HTCC Purpose: Pay for What Works

Ensure medical treatments, devices, and services paid for with state health care dollars are safe and proven to work.

# HTCC: Participating Agencies

Multiple state agency programs are required to participate, help identify topics, and must implement coverage determinations:

- Health Care Authority
  - Self-Insured Medical Plans
  - Medicaid
- Labor and Industries

# HTCC: Participating Agencies

## Implementation

Participating agencies must implement determinations of the HTCC within state purchased health care programs, unless:

- The determination conflicts with an applicable federal statute or regulation, or applicable state statute; or
- Reimbursement is provided under an agency policy regarding experimental or investigational treatment, services under a clinical investigation approved by an institutional review board, or health technologies that have a humanitarian device exemption from the federal food and drug administration.

# HTA Program Composition

**Health Care Authority (HCA) administratively supports the HTCC through an HTA Program**

Includes 3 staff to manage program and support committee:  
Program Director, Program Manager, and Program Coordinator

**Independent clinical committee**

Composed of 11 professionals:  
6 physicians and 5 other licensed practicing clinicians

**Technology Assessment Centers (TACs) - contracted**

Provides rigorous, systematic assessments of health technologies

# HTA Program Composition Clinical Committee

Includes 11 members appointed by the HCA Director in consultation with the state agencies:

- 6 practicing physicians
- 5 other practicing licensed health professionals
- At least 2 members must have professional experience treating women, children, elderly persons, and people with diverse ethnic and racial backgrounds
- Not contracted or employed by a health technology manufacturer or participating agency during their term, or in the 18 months before appointment
- Agree to conflict of interest conditions and disclosure

# Key HTCC Attributes

- **Transparency:** Publish topics, criteria, reports, open meetings
- **Independent Assessment:** Formal, systematic review of selected technologies
- **Independent Decision Making:** Committee of clinicians makes decisions that are based on science, are transparent, and are consistent for state programs

# HTCC Process

HCA Director Selects Technology (in consultation with participating agencies and the HTCC)

Nominate → Review → Public Input → Prioritize

Semi-Annual

Vendor Produces Technology Assessment Report

Key Questions → Work Plan → Draft → Comments → Finalize

2-8 Months

Clinical Committee Makes Coverage Determination

Review Report → Public Hearing → Draft Decision →  
Public Input → Final Coverage Determination

Meets Quarterly

Agencies Implement Decision  
Implements Within Current Process

# Technology Topics

- The HTCC has issued 60 coverage decisions since 2007
- 2016-17 coverage decisions included:
  - Fecal microbiota transplantation
  - Negative pressure wound therapy
  - Artificial discs (RR)
  - Pharmaco-genomic testing
  - Extra-corporeal shock wave therapy
  - Varicose veins
  - Botulinum injections, massage, and acupuncture for the treatment of chronic migraine and chronic tension-type headaches
- For details on all HTCC decisions:

<https://www.hca.wa.gov/about-hca/health-technology-assessment/health-technology-reviews>

# Questions?

Daniel Lessler, M.D., Chief Medical Officer  
Clinical Quality and Care Transformation Division

[daniel.lessler@hca.wa.gov](mailto:daniel.lessler@hca.wa.gov)  
(360) 725-1612

**TAB 3**



# School Employees Benefits Offerings Survey Results

John Bowden, Manager  
School Employees Benefits Section  
Employees and Retirees Benefits Division  
December 11, 2017

# Outline for Today

- SEBB – Provisions About Benefits
- Employers Included Under SEBB Program
- Data Sources for Today's Presentation
- School Employee Counts
- Geographic View of School Districts, Educational Service Districts, and Charter Schools
- High-Level Benefit Offerings Survey Design and Results
- Stakeholder Questions Overview
- Data – Next Steps

## SEBB – Provisions About Benefits

- “Study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment, and disability insurance, ... with relation both to the welfare of the employees and the state.” (RCW 41.05.740 (6)(a))
- “...leverage efficient purchasing by coordinating with the public employees benefits board.”  
(RCW 41.05.740 (6)(v))

## Employers Included Under SEBB Program

- **School districts** are responsible for providing a basic education in common schools maintained at public expense. (RCW 28A.150)
- **Educational Service Districts (ESDs)** are regional agencies that provide cooperative and informational services to local school districts. (RCW 28A.310.010)
- **Charter schools** are publicly funded schools operated by nonprofit organizations as an alternative to traditional common schools. (RCW 28A.710)

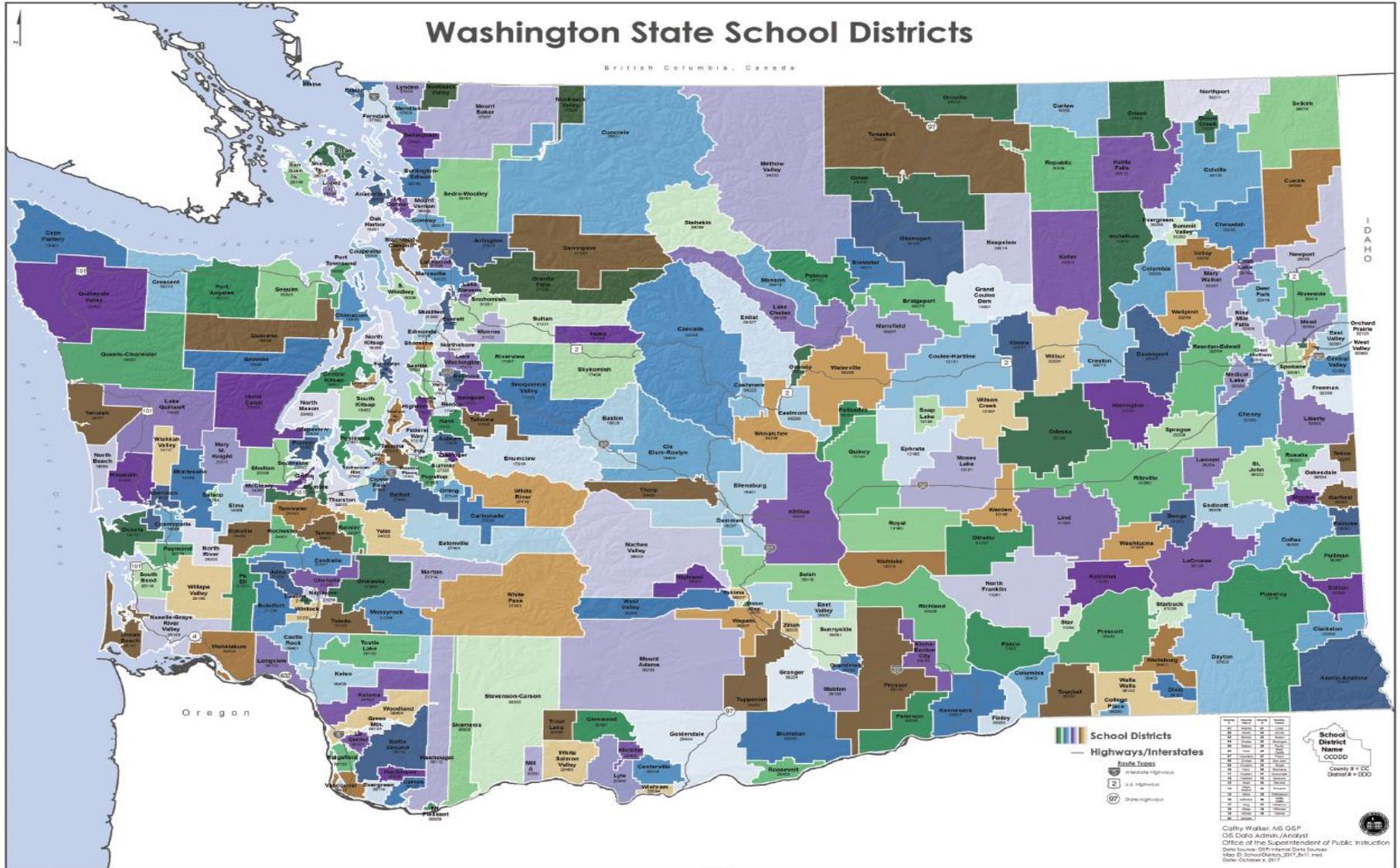
# Data Sources for Today's Presentation

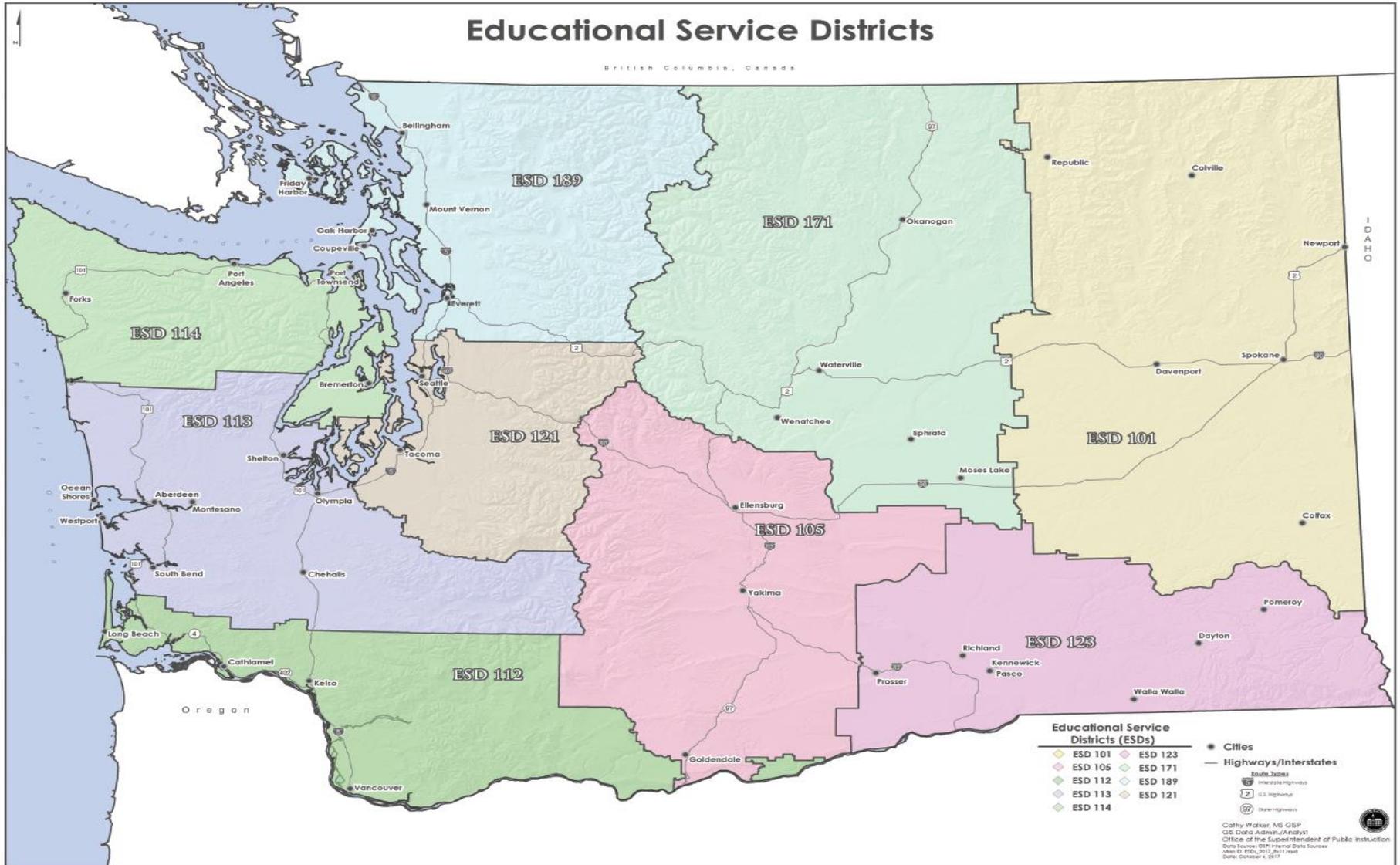
- School Personnel 2016-2017 Report from Office of Superintendent of Public Instruction (OSPI)
- HCA School Employees Benefits Offerings Survey – Fall 2017

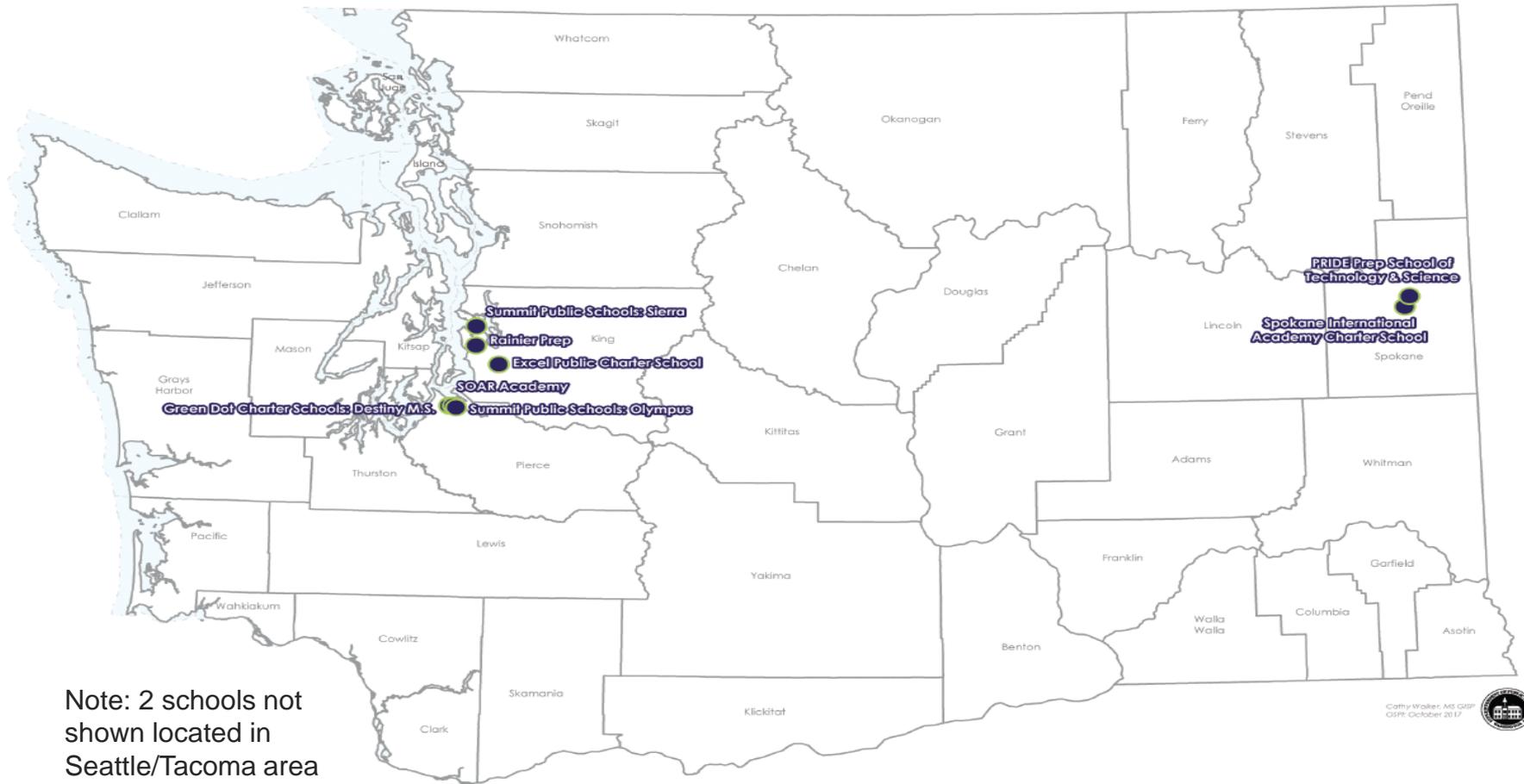
# School Employee Counts

144,400 school employees across the state

- 295 school districts – 142,200 employees
- 9 ESDs – 2,000 employees
- 10 Charter schools – 200 employees



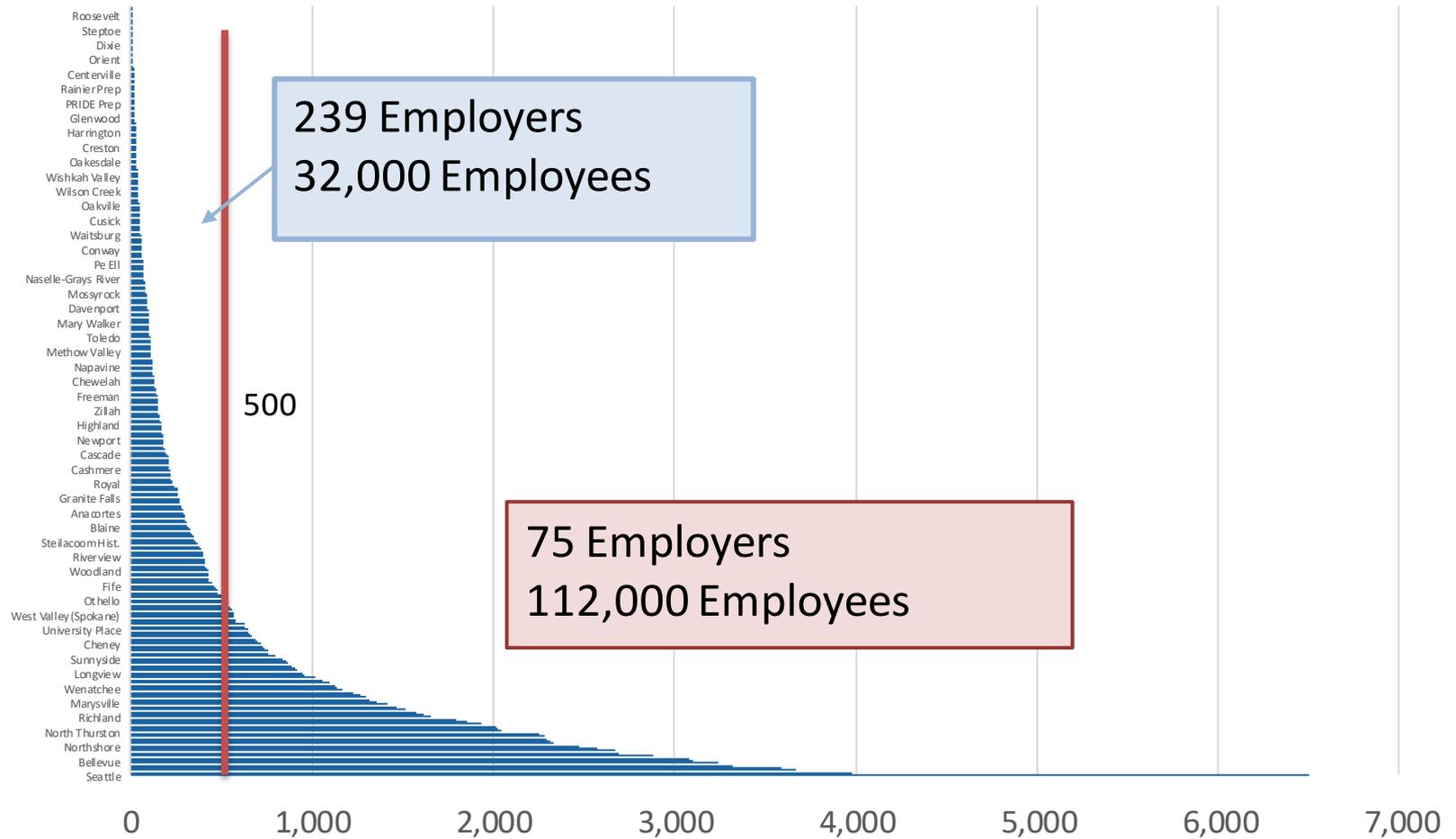




## CHARTER SCHOOLS in WASHINGTON

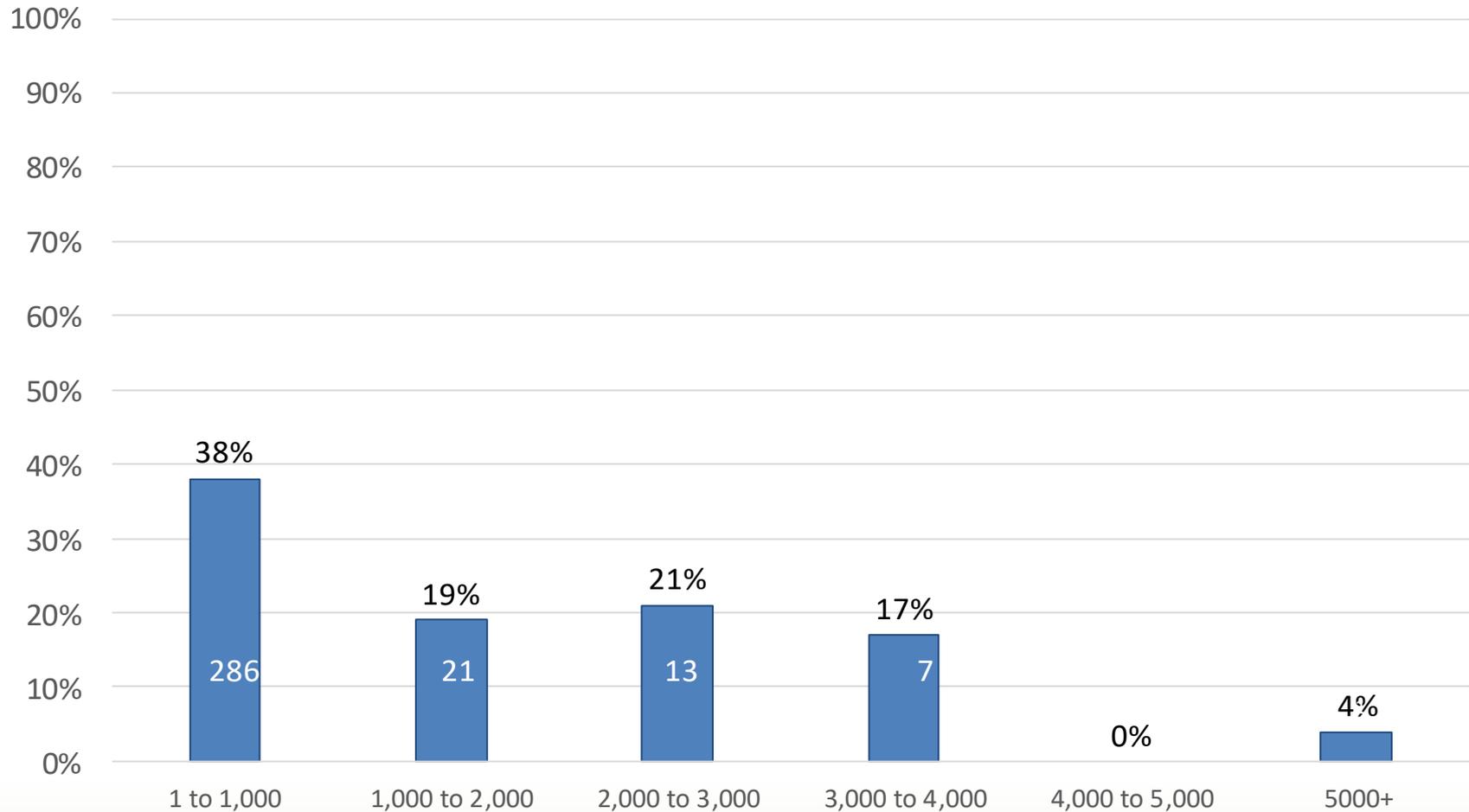
Washington State Charter School Commission | [wacharters.org](http://wacharters.org)

# Number of Employees by Employer



Source: HCA's Fall 2017 School Employees Benefits Offerings Survey

## % of Total Employees by Size of Employer



# High-Level Benefit Offerings Survey Design

- Primary data collected using an online survey
- Questionnaire designed to provide high-level snapshot of benefits currently offered to school employees
- Invitation to participate was sent to superintendents, benefits officers, and leaders in all 314 school districts, ESDs, and charter schools
- Reminder emails and phone calls

## Survey Response

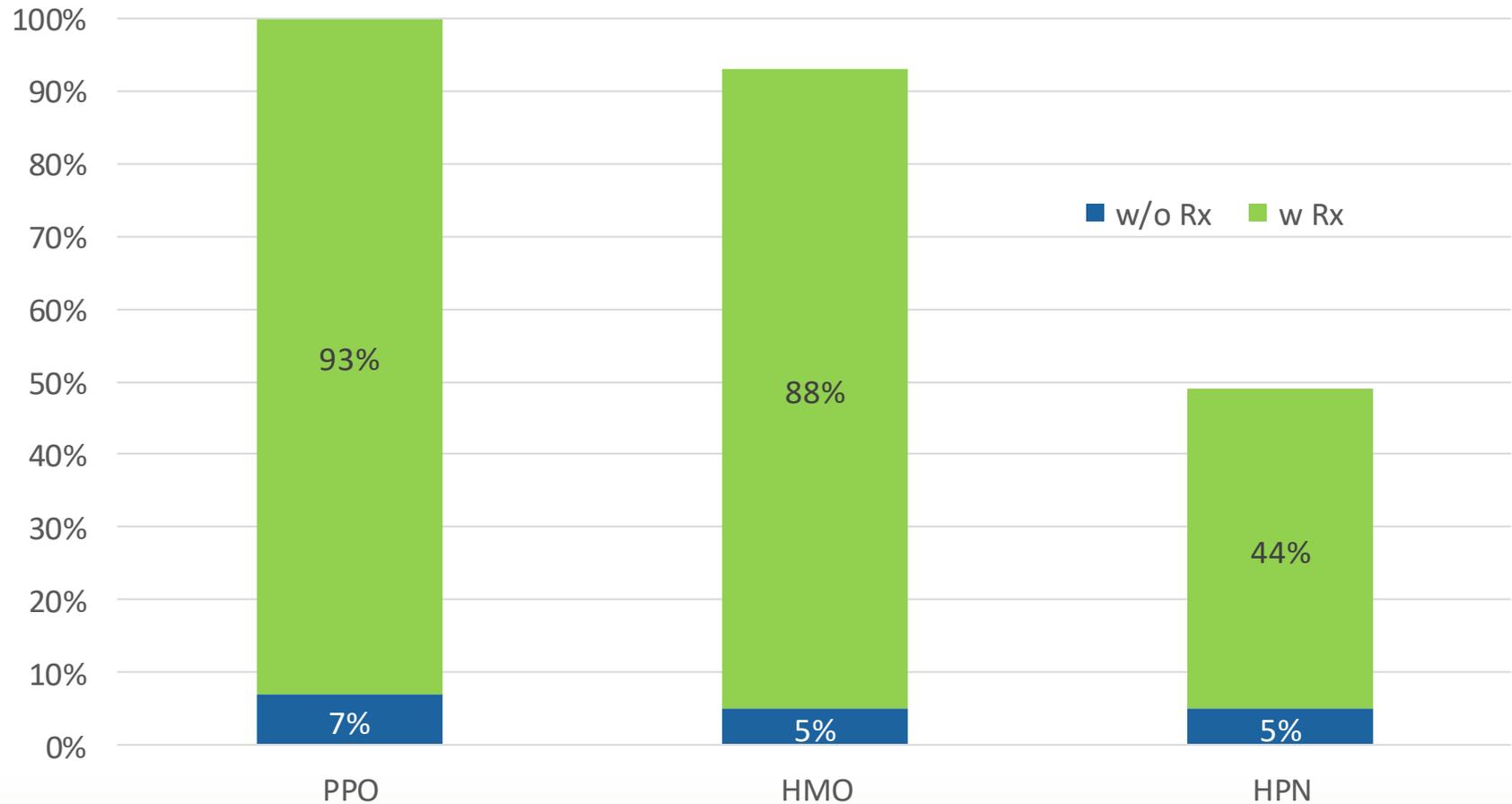
- 239 total survey responses
- After removing duplicates and incompletes – 189 usable responses (60%)
  - 182 school districts
  - 6 ESDs
  - 1 charter school
- Responses represent over 83% of all school employees in the state

Source: HCA's Fall 2017 School Employees Benefits Offerings Survey

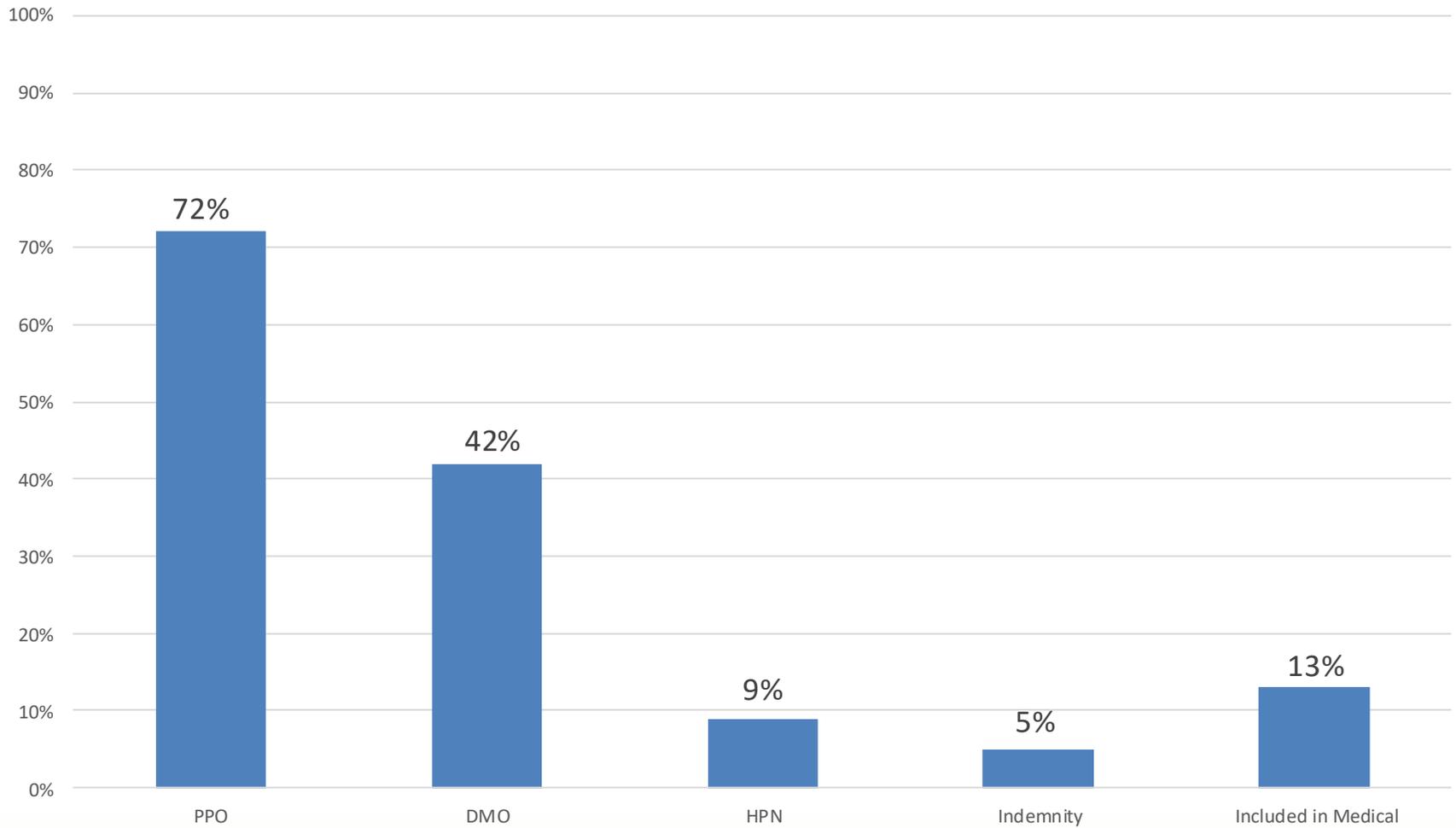
# Survey Questions – Medical, Dental, and Vision

- Medical plans
  - Preferred Provider Organization (PPO), Health Maintenance Organization (HMO), and High-Performing Network (HPN)
  - Including/excluding prescription drugs
- Dental plans
  - PPO, Dental Maintenance Organization (DMO), HPN, Indemnity, Included with medical
- Vision
  - PPO, HMO, HPN, Indemnity, Included with medical

## Employee % - Medical with and without Prescription (Rx)

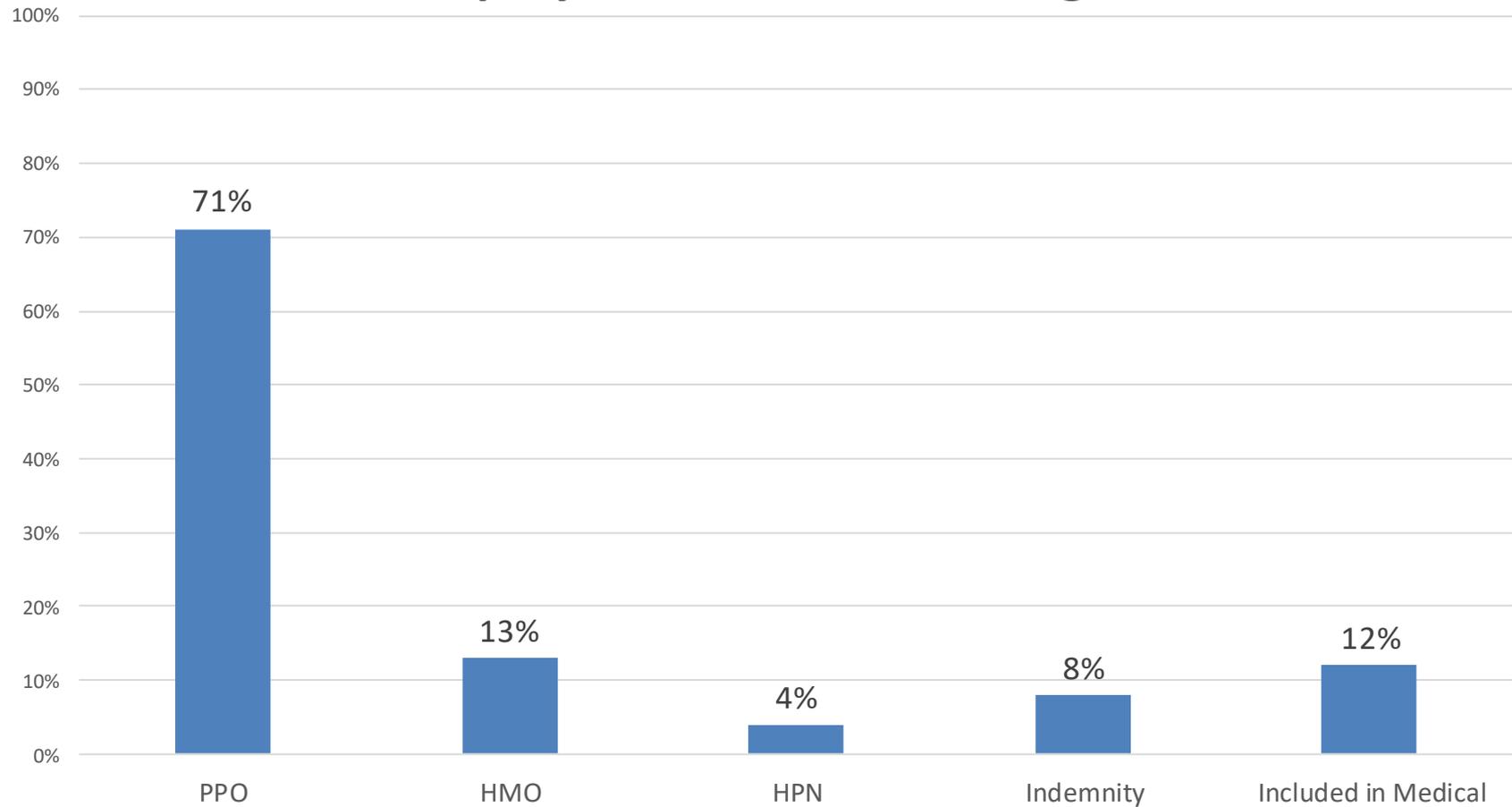


### Employee % - Dental Coverage



Source: HCA's Fall 2017 School Employees Benefits Offerings Survey

## Employee % - Vision Coverage

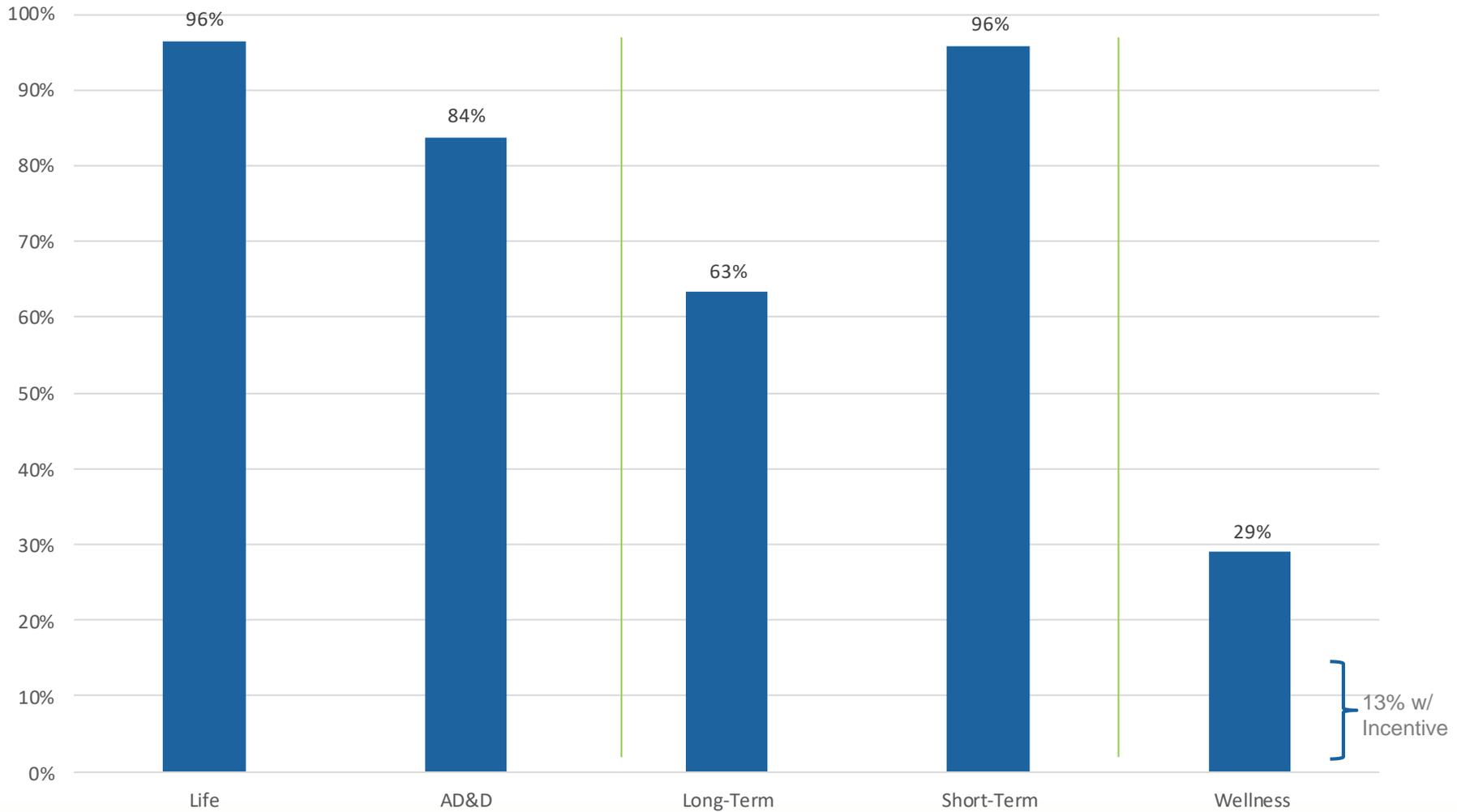


Source: HCA's Fall 2017 School Employees Benefits Offerings Survey

# Survey Questions – Life, AD&D, Disability, and Wellness

- Life insurance
- Accidental death and dismemberment insurance
- Long-term disability
- Short-term disability
- Wellness (with and without incentives)

### Employee % - Life, AD&D, Disability, & Wellness

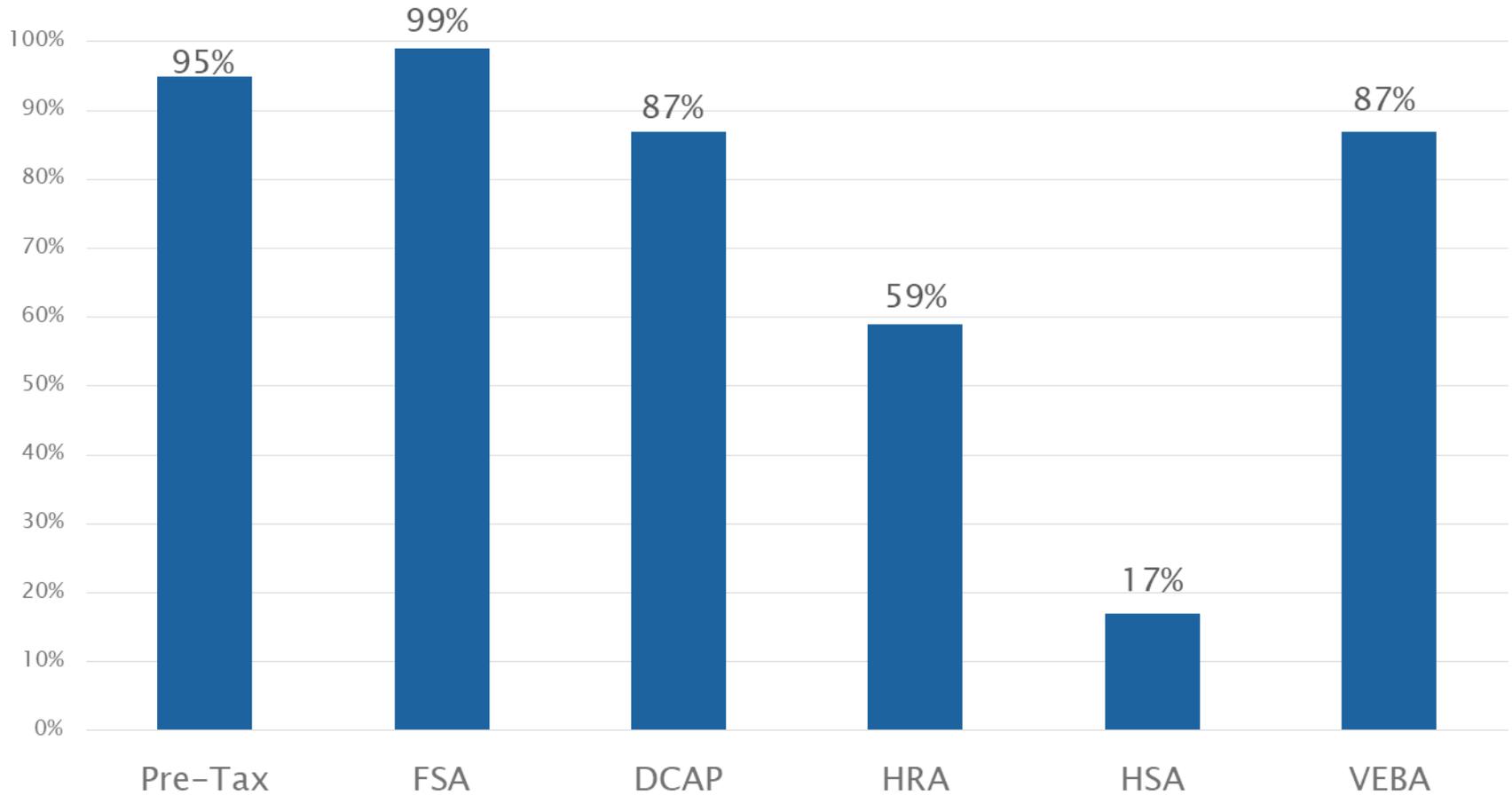


Source: HCA's Fall 2017 School Employees Benefits Offerings Survey

# Survey Questions – Cafeteria Plan Options

- Pre-Tax benefits
- Medical Flexible Spending Arrangement (FSA)
- Dependent Care Assistance Program (DCAP)
- Health Reimbursement Account (HRA)
- Health Savings Account (HSA)
- Voluntary Employees Beneficiary Association (VEBA)

## Employee % – Cafeteria Plan Options

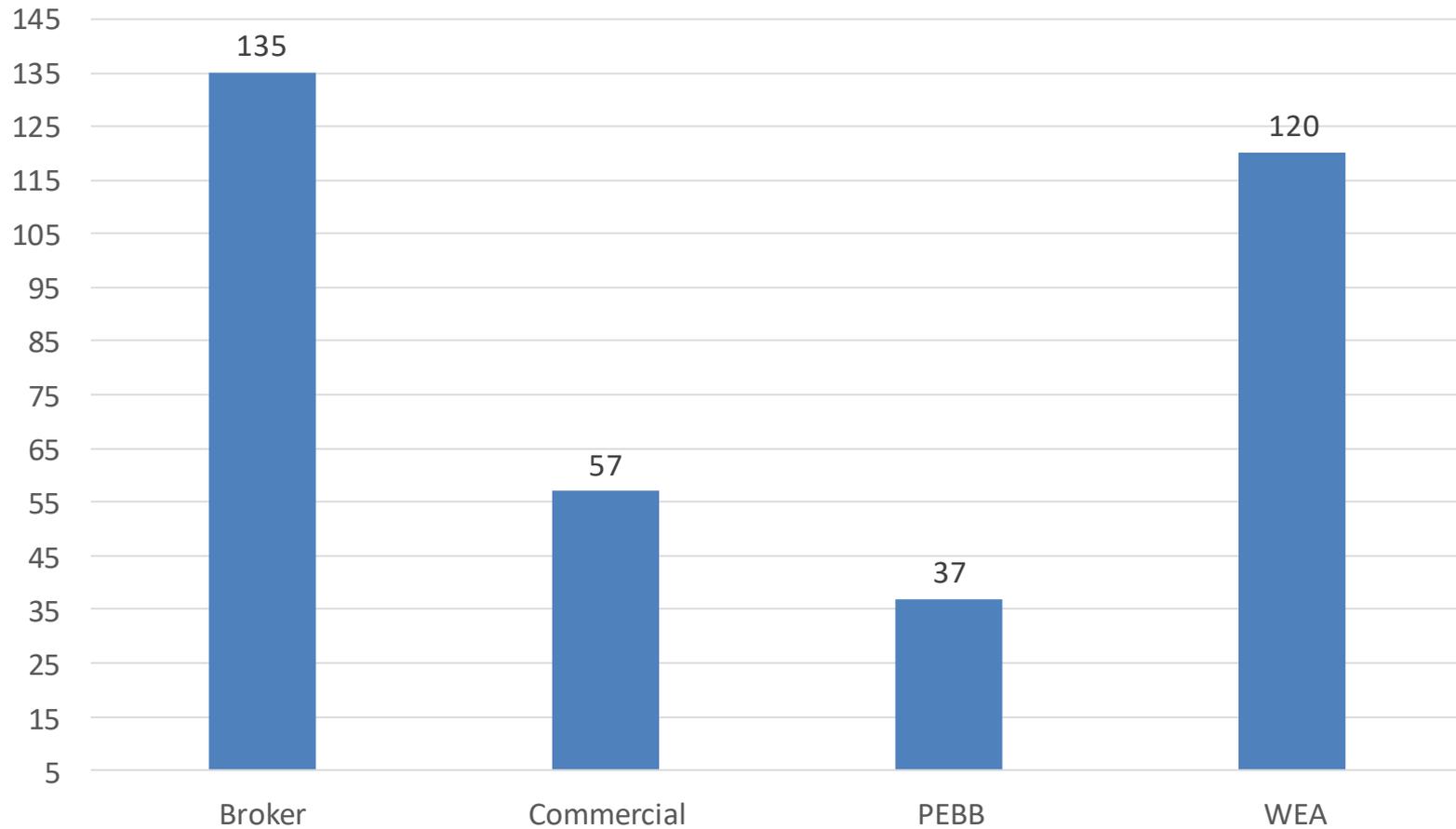


Source: HCA's Fall 2017 School Employees Benefits Offerings Survey

# Survey Questions – Procurement

- Does your School District, Educational Service District (ESD), or Charter School work with:
  - A Broker
  - Commercial Products
  - Health Care Authority (HCA) (PEBB Program Benefits)
  - Washington Education Association (WEA)

## Employer Count - Procurement



*Reminder this information is based on 189 survey responses.*

Source: HCA's Fall 2017 School Employees Benefits Offerings Survey

# Stakeholder Questions

- Benefits Offerings Survey asked respondents to submit high priority questions that are being asked by school employees
- FAQs are being built in response to these submitted questions and will be posted on the HCA website
- Questions include:
  - “What types of plans will the SEBB Program offer?”*
  - “What will the cost of the SEBB plans be?”*
  - “Will I still be able to see my provider?”*
  - “How many hours a year do I need to work in order to be covered by the SEBB Program?”*
  - “Will I be able to waive SEBB coverage?”*

# Data – Next Steps

- Profile Data
  - Milliman (consulting actuary) data request package sent to the Washington School Information Processing Cooperative (WSIPC) districts and non-WSIPC districts for profile data of school employees
  - Projected completion date for profile data 12/31/2017
- Claims Data
  - Milliman data request and data sharing agreement sent to carriers for school employees' claims data
  - Projected completion date for claims data 01/30/2018

# Questions?

John Bowden, Manager  
School Employees Benefits Section  
Employees and Retirees Benefits Division  
Phone: 360-725-1113  
[john.bowden@hca.wa.gov](mailto:john.bowden@hca.wa.gov)

**TAB 4**



# Overview of Benefits

Scott Palafox  
Acting Deputy Director  
Employees and Retirees Benefits Division  
December 11, 2017





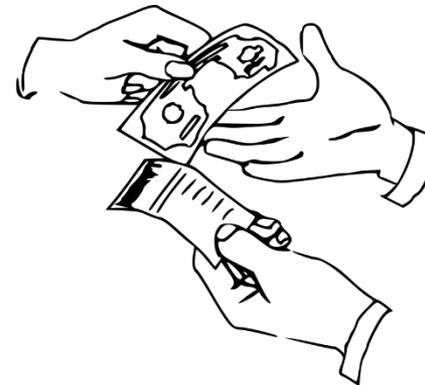
# Today's Topics



- Procurement
- Life and Accidental Death & Dismemberment
- Long-term Disability and Short-term Disability
- Cafeteria Plan
  - Premium Payment Tax
  - Medical Flexible Spending Arrangement (FSA)
  - Dependent Care Assistance Program (DCAP)
  - Health Savings Account (HSA)

# What is Procurement?

- Procurement is the act of acquiring or buying goods, services, or works from an external source.



# Procurement Process



# Life & AD&D

## Long-Term Disability

## Short-Term Disability

# Benefit Structure Examples

- The following illustrations show some examples of the different benefit designs that are currently offered to K-12 employees.
- The benefit plans selected for illustration purposes were chosen to highlight benefits offerings that are offered to many K-12 employees and/or information that was readily available.
- The information does not attempt to convey *eligibility* (hours or by bargaining unit) information for these benefits.

# Life Insurance

Member Type	Health Care Authority <sup>1</sup> (PEBB Benefits)	WEA Select Plans <sup>2</sup>	Lynden School District <sup>3</sup>	Seattle Public School District <sup>4</sup>
<b>Employee Coverage</b>  <b>(Employer Paid/Using Allocation)</b>	<p>\$35,000</p> <p>No Statement of Health required</p>	<p>\$12,500 included in WEA Select Medical plans</p> <p>-----</p> <p>\$10,000 – \$75,000 (depending on bargaining)</p> <p>No Statement of Health Required</p>	<p>\$50,000</p> <p>Age reductions at age 65 (65%) and 70 (50%)</p>	<p>150% base earnings rounded to next highest \$1,000</p> <p>Maximum of \$2,500,000</p> <p>Age reductions at age 70 (65%) and 75 (50%)</p> <p>Note: Includes \$4,000 benefit for spouse and child</p>
<b>Additional Employee Coverage</b>  <b>(Employee Paid)</b>	<p>\$10,000 increments</p> <p>Up to \$500,000 <u>without</u> Statement of Health</p> <p>Up to \$1,000,000 <u>with</u> Statement of Health</p>	<p>\$5,000 Increments</p> <p>Up to \$25,000 or \$50,000 (depending on group size) <u>without</u> Statement of Health</p> <p>Up to \$150,000 <u>with</u> Statement of Health</p>	<p>No Offering Described in Enrollment Materials</p>	<p>Minimum \$20,000</p> <p>Maximum cannot exceed 6x annual salary</p> <p>Up to \$70,000 <u>without</u> Statement of Health</p> <p>Up to \$500,000 <u>with</u> Statement of Health</p>

\* 1, 2, 3, 4 – See Page 18: Sources

# Life Insurance, (con't)

Member Type	Health Care Authority <sup>1</sup> (PEBB Benefits)	WEA Select Plans <sup>2</sup>	Lynden School District <sup>3</sup>	Seattle Public School District <sup>4</sup>
<b>Spouse or State Registered Partner</b>  <b>(Employee Paid)</b>	\$5,000 increments Up to \$100,000 <u>without</u> Statement of Health Up to \$500,000 <u>with</u> Statement of Health Coverage cannot exceed 50% of employee's additional coverage	Available with limitations  Statement of Health Always Required	No Offering Described in Enrollment Materials	Up to \$30,000 <u>without</u> Statement of Health  Up to \$250,000 <u>with</u> Statement of Health  Coverage cannot exceed 50% of employee's additional coverage
<b>Children</b>  <b>(Employee Paid)</b>	\$5,000 increments Up to \$20,000 <u>without</u> Statement of Health Children up to age 26	Available with limitations  Statement of Health Always Required	No Offering Described in Enrollment Materials	\$5,000 or \$10,000 <u>without</u> Statement of Health  Children up to age 25

\* 1, 2, 3, 4 – See Page 18: Sources

# Accidental Death & Dismemberment (AD&D) Insurance

Member Type	Health Care Authority <sup>1</sup> (PEBB Benefits)	WEA Select Plans <sup>2</sup>	Lynden School District <sup>3</sup>	Seattle Public School District <sup>4</sup>
<b>Employee Coverage</b>  (Employer Paid/Using Allocation)	\$5,000	\$12,500 included in WEA Select Medical plans	\$50,000  Age reductions at age 65 (65%) and 70 (50%)	Equals the Life insurance benefit election for employee coverage  (150% base earnings rounded to next highest \$1,000 etc.)
<b>Additional Employee Coverage</b>  (Employee Paid)	\$10,000 increments  Up to \$250,000 <u>without</u> Statement of Health	Up to \$250,000 for employee or employee's entire family	No Offering Described in Enrollment Materials	No Additional Offering (beyond description above) Described in Enrollment Materials or Group Policy Document

*Generally, AD&D insurance is available with a Statement of Health due to the challenge of underwriting for an accident.*

\* 1, 2, 3, 4 – See Page 18: Sources

# AD&D, (con't)

Member Type	Health Care Authority <sup>1</sup> (PEBB Benefits)	WEA Select Plans <sup>2</sup>	Lynden School District <sup>3</sup>	Seattle Public School District <sup>4</sup>
<b>Spouse or State Registered Partner</b>  (Employee Paid)	\$10,000 increments Up to \$250,000 <u>without</u> Statement of Health	Up to \$250,000 for employee or employee's entire family	No Offering Described in Enrollment Materials	No Offering Described in Enrollment Materials or Group Policy Document
<b>Children</b>  (Employee Paid)	\$5,000 increments Up to \$25,000 <u>without</u> Statement of Health Children up to age 26	Up to \$250,000 for employee or employee's entire family	No Offering Described in Enrollment Materials	No Offering Described in Enrollment Materials or Group Policy Document

\* 1, 2, 3, 4 – See Page 18: Sources

# Long-Term Disability Insurance

Member Type	Health Care Authority <sup>1</sup> (PEBB Benefits)	WEA Select Plans <sup>2</sup>	Lynden School District <sup>3</sup>	Seattle Public School District <sup>4</sup>
<b>Employee (Employer Paid)</b>	60% of the first \$400 of pre-disability earnings (monthly base pay), reduced by any deductible income  Maximum \$240/Minimum \$50 per month	60% of monthly earnings not to exceed maximum of \$6,000 per month  Groups can bargain different waiting periods	Maximum of \$9,000 monthly benefit payout or 60% of monthly earnings  Benefit payout begins 90th day of disability	Maximum \$10,000 monthly payout or 60% of monthly earnings (reduced by certain other sources of income)  Benefit duration tiered by age
<b>Employee (Employee Paid)</b>	60% of the first \$10,000 of pre-disability earnings (monthly base pay), reduced by any deductible income  Maximum \$6,000/Minimum \$50 per month	Maximum 66 and 2/3% of monthly income not to exceed \$7,500 per month	Maximum 66 and 2/3% of monthly income not to exceed \$7,500 per month	No Offering Described in Enrollment Materials or Group Policy Document

\* 1, 2, 3, 4 – See Page 18: Sources

# Short-Term Disability Insurance

Member Type	Health Care Authority <sup>1</sup> (PEBB Benefits)	WEA Select Plans <sup>2</sup>	Lynden School District <sup>3</sup>	Seattle Public School District <sup>4</sup>
<b>Employee (Employer Paid)</b>	HCA does not have an employer paid short-term disability benefit option	Benefit is only provided as a voluntary employee paid benefit	No Offering Described in Enrollment Materials	No Offering Described in Enrollment Materials or Group Policy Document
<b>Employee (Employee Paid)</b>	HCA does not have an employee paid short-term disability benefit option	Maximum 66 and 2/3% of monthly income not to exceed \$7,500 per month	Maximum 66 and 2/3% of monthly income not to exceed \$7,500 per month	Maximum payout of \$1,500 weekly not to exceed 60% of weekly earnings  Benefit payout begins three days after determination disability or accumulated sick leave is used

\* 1, 2, 3, 4 – See Page 18: Sources

# Cafeteria Plan

# Cafeteria Plan Benefits

- **What is a Cafeteria Plan?**
  - An Internal Revenue Services (IRS) regulated program that allows employers to offer employees the ability to pay for certain expenses with pre-tax payroll dollars.
- **Who manages a Cafeteria Plan?**
  - Under state law (RCW 41.05.310) the Health Care Authority maintains and administers the Cafeteria Plan for all state and higher education employees.
- **What Benefits are currently offered under the State's Cafeteria Plan administered by HCA?**
  - Premium Payment Plan
  - Medical Flexible Spending Arrangement
  - Dependent Care Assistance Program
  - Health Savings Account

# Premium Payment Plan

- **What is the Premium Payment Plan?**
  - The Premium Payment Plan allows employees to pay their health plan premiums using pre-tax dollars.



# Medical Flexible Spending Arrangement (FSA)

- **What is a Medical FSA?**
  - It is an employer–sponsored benefit that allows enrollees to redirect a portion of their salary on a pre–tax basis to pay for out–of–pocket qualified medical expenses.
- **Eligible and ineligible expenses are governed by IRS rules.**
- **How much can I contribute?**
  - The IRS maximum annual amount is up to \$2,650 in 2018.
- **How does it work?**
  - Enrollees can submit claims for reimbursement or use a debit card. All the elected funds are available at the start of the year and deductions are made from the employee’s paycheck in equal amounts across the year.



# Dependent Care Assistance Program (DCAP)

- **What is DCAP?**
  - DCAP allows members to set aside pre-tax dollars to pay for qualifying child or elder care services.
- **Eligible and ineligible expenses are governed by IRS rules.**
  - The main purpose must be the qualifying dependent's well-being and protection while an employee and spouse, if married, are working or attending school.
- **Are there IRS maximum contributions?**
  - \$5,000 if the enrollee is married and filing jointly,
  - \$5,000 if the enrollee is single, or
  - \$2,500 if the enrollee is married and filing separately.
- **How does it work?**
  - DCAP works like a bank account. Reimbursement and claims requests cannot exceed the account balance and the enrollee cannot receive reimbursement until after the service has been provided.



# Health Savings Account (HSA)

- **What is an HSA?**
  - HSAs were created in 2003 so that individuals covered by high-deductible health plans could receive tax-preferred treatment of money saved for medical expenses.
- **Who is eligible?**
  - If you are covered by an HSA-qualified health plan and have no other health coverage, such as other health plan, Medicare, military health benefits, medical FSAs.
- **How much can I contribute?**
  - The IRS maximum allowed contribution limit of \$3,450 (individual) and \$6,900 (family) in 2018.

# Questions?



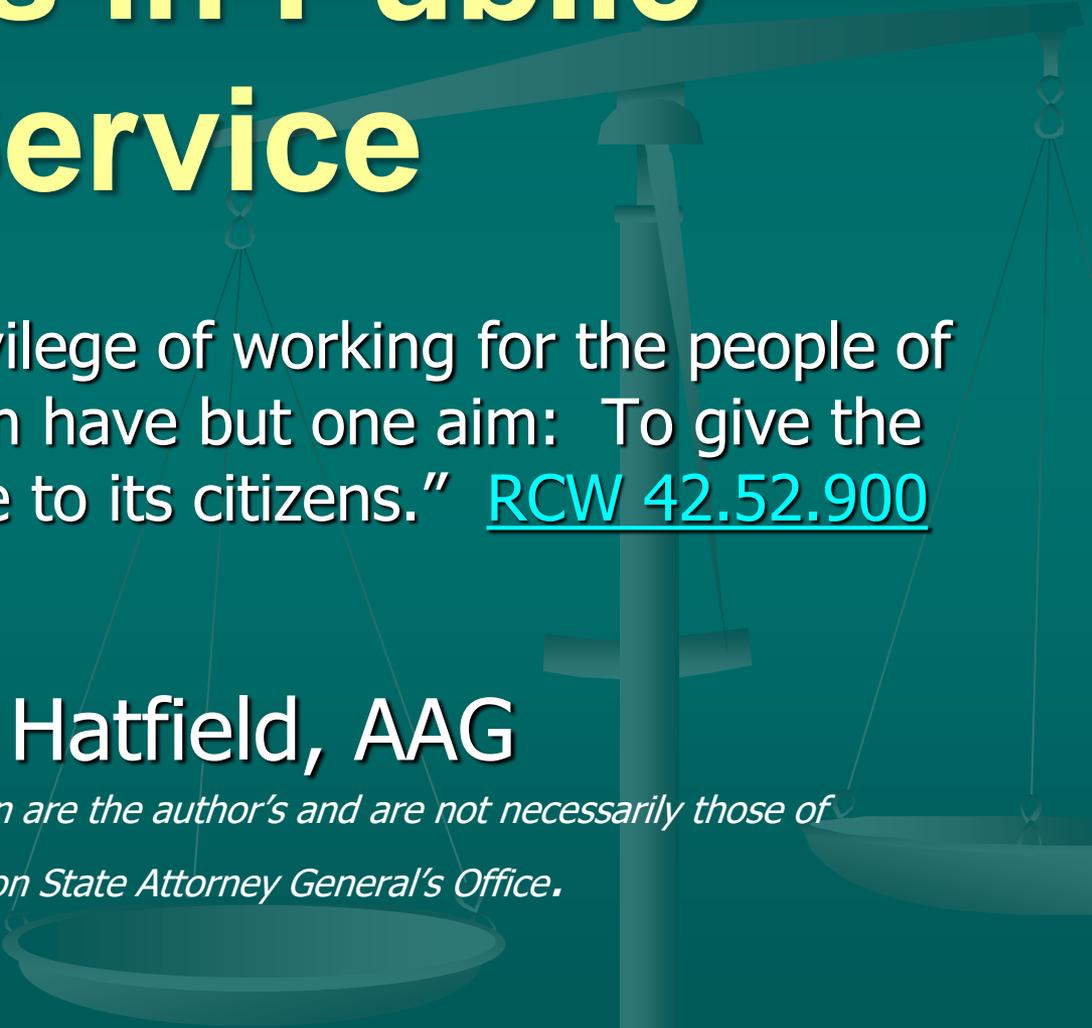
Scott Palafox, Acting Deputy Director  
Employees and Retirees Benefits Division  
[Scott.Palafox@hca.wa.gov](mailto:Scott.Palafox@hca.wa.gov)  
360-725-1858

# Sources

1. <https://www.hca.wa.gov/public-employee-benefits/employees/life-insurance>  
<https://www.hca.wa.gov/public-employee-benefits/employees/long-term-disability-insurance>
2. <https://www.washingtonea.org/membership/benefits/insurance/wea-group-plans/>  
<https://www.washingtonea.org/membership/benefits/insurance/voluntary-plans/>
3. [http://www.lynden.wednet.edu/UserFiles/Servers/Server\\_1189/File/Benefits%20Booklet%202017-18.pdf](http://www.lynden.wednet.edu/UserFiles/Servers/Server_1189/File/Benefits%20Booklet%202017-18.pdf)
4. <https://www.instantbenefits.com/control-panel/cgi-bin/files/temp/7240931.pdf>  
<https://www.instantbenefits.com/control-panel/cgi-bin/files/temp/7406349.pdf>  
<https://www.instantbenefits.com/control-panel/cgi-bin/files/temp/9967492.pdf>  
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<https://www.instantbenefits.com/control-panel/cgi-bin/files/temp/7058377.pdf>  
<https://www.instantbenefits.com/control-panel/cgi-bin/files/temp/340710.pdf>

**TAB 5**

# Ethics in Public Service



“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.” [RCW 42.52.900](#)

**Katy Hatfield, AAG**

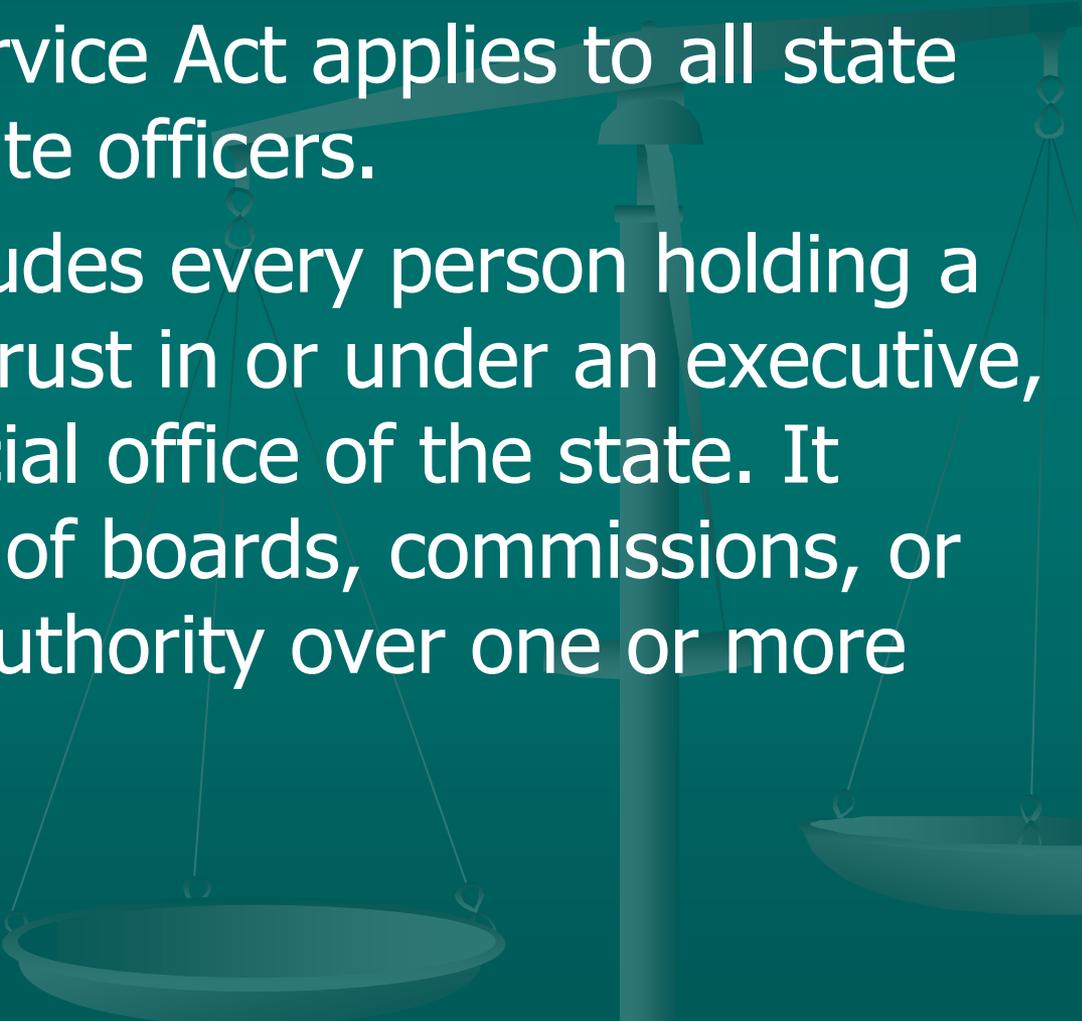
*The opinions expressed herein are the author's and are not necessarily those of the Washington State Attorney General's Office.*

# Ethics in Public Service Act (EIPSA)



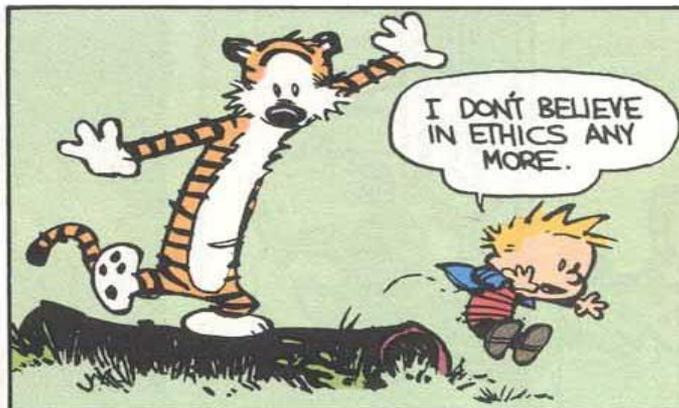
- [RCW 42.52](#)
- Single code of ethics for all branches of state government. Act applies to executive, legislative, and judicial branches of Washington State government.

# Does the EIPSA Apply to Me?

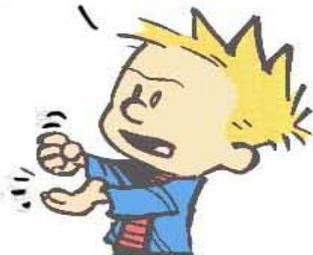
- Ethics in Public Service Act applies to all state employees and state officers.
  - A state officer includes every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. It includes members of boards, commissions, or committees with authority over one or more state agency.
- 

# Calvin and Hobbes

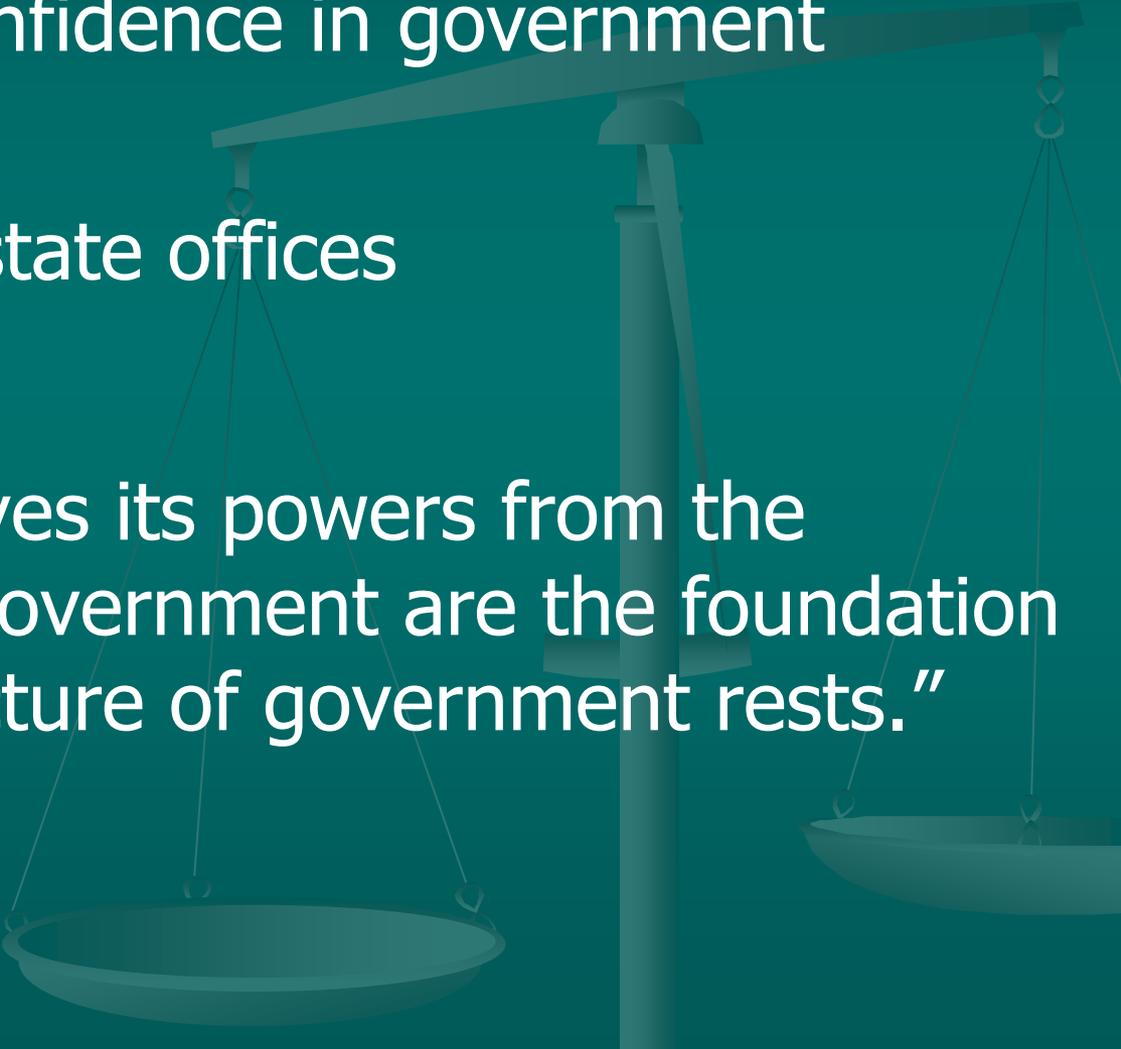
BY WATKINSON



GET WHAT YOU CAN WHILE THE GETTING'S GOOD - THAT'S WHAT I SAY! MIGHT MAKES RIGHT! THE WINNERS WRITE THE HISTORY BOOKS!



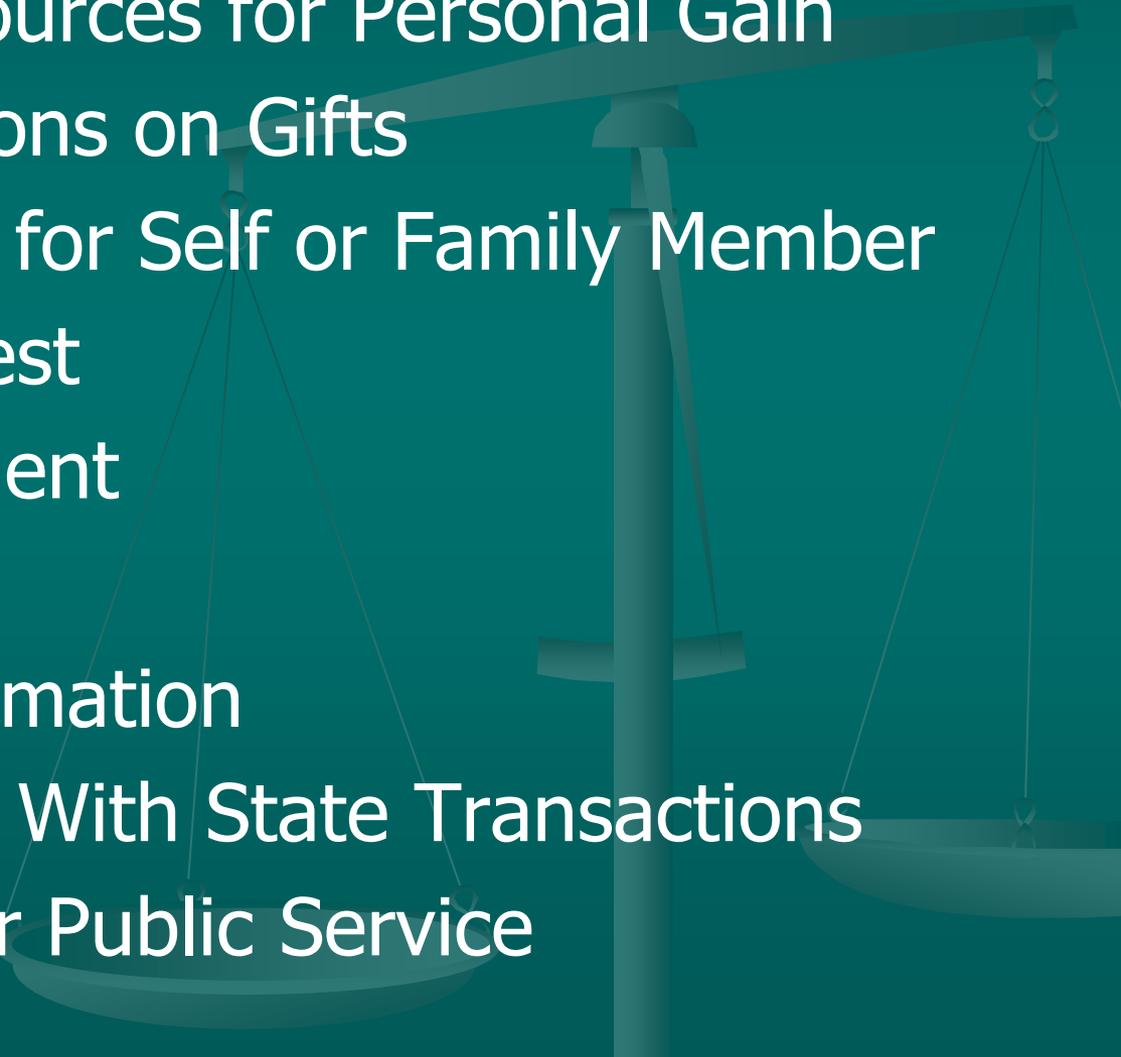
# Why is there an Ethics in Public Service Act?

- Maintain public confidence in government
  - Prevent abuse of state offices
  - “Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests.”  
RCW 42.52.900
- 

# Key Principle

- “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](#)

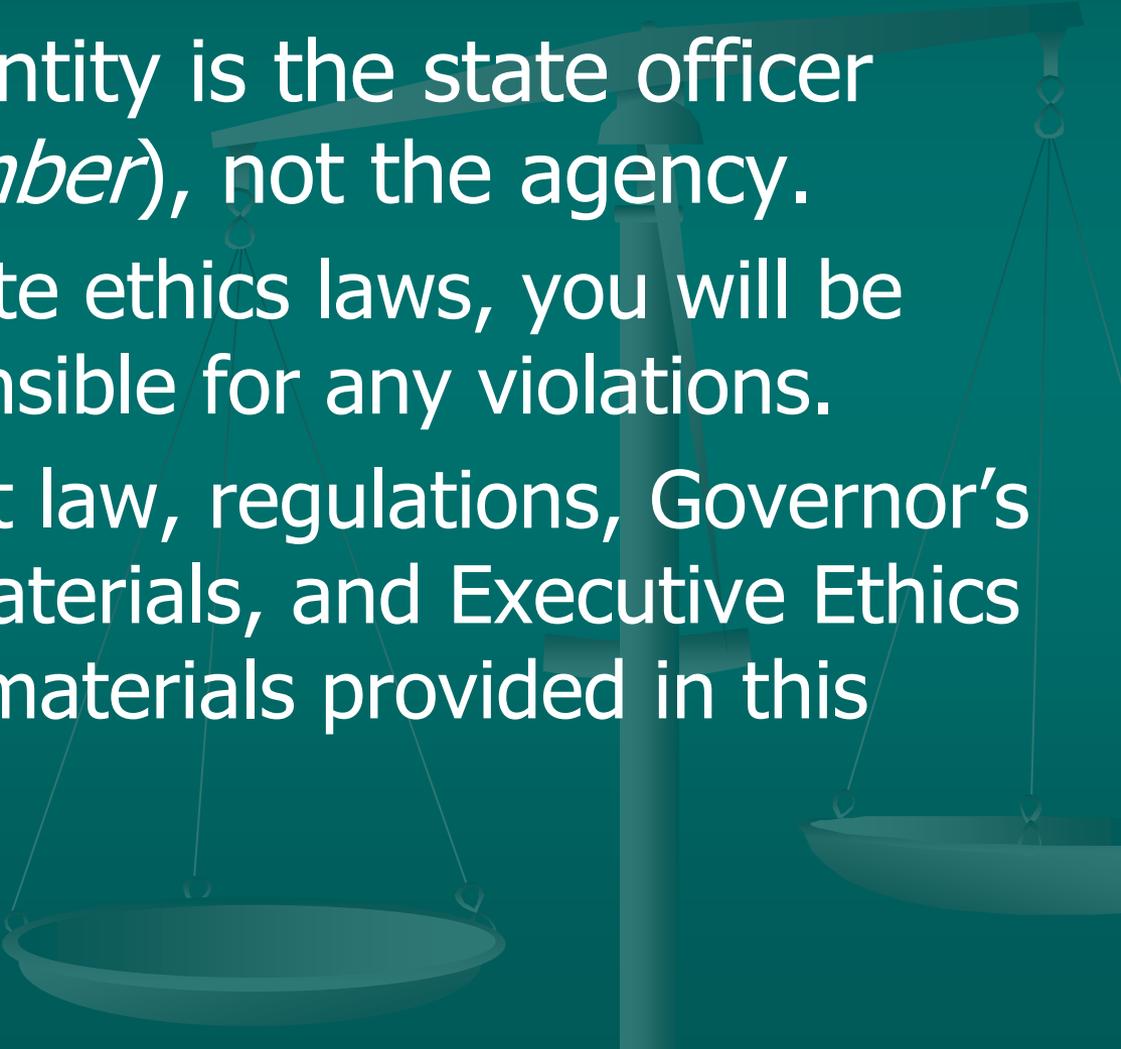
# The EIPSA covers broad subject areas

- Basic Ethical Principles
  - Use of State Resources for Personal Gain
  - Gifts and Limitations on Gifts
  - Special Privileges for Self or Family Member
  - Conflicts of Interest
  - Outside Employment
  - Honoraria
  - Confidential Information
  - Assisting Persons With State Transactions
  - Employment After Public Service
- 

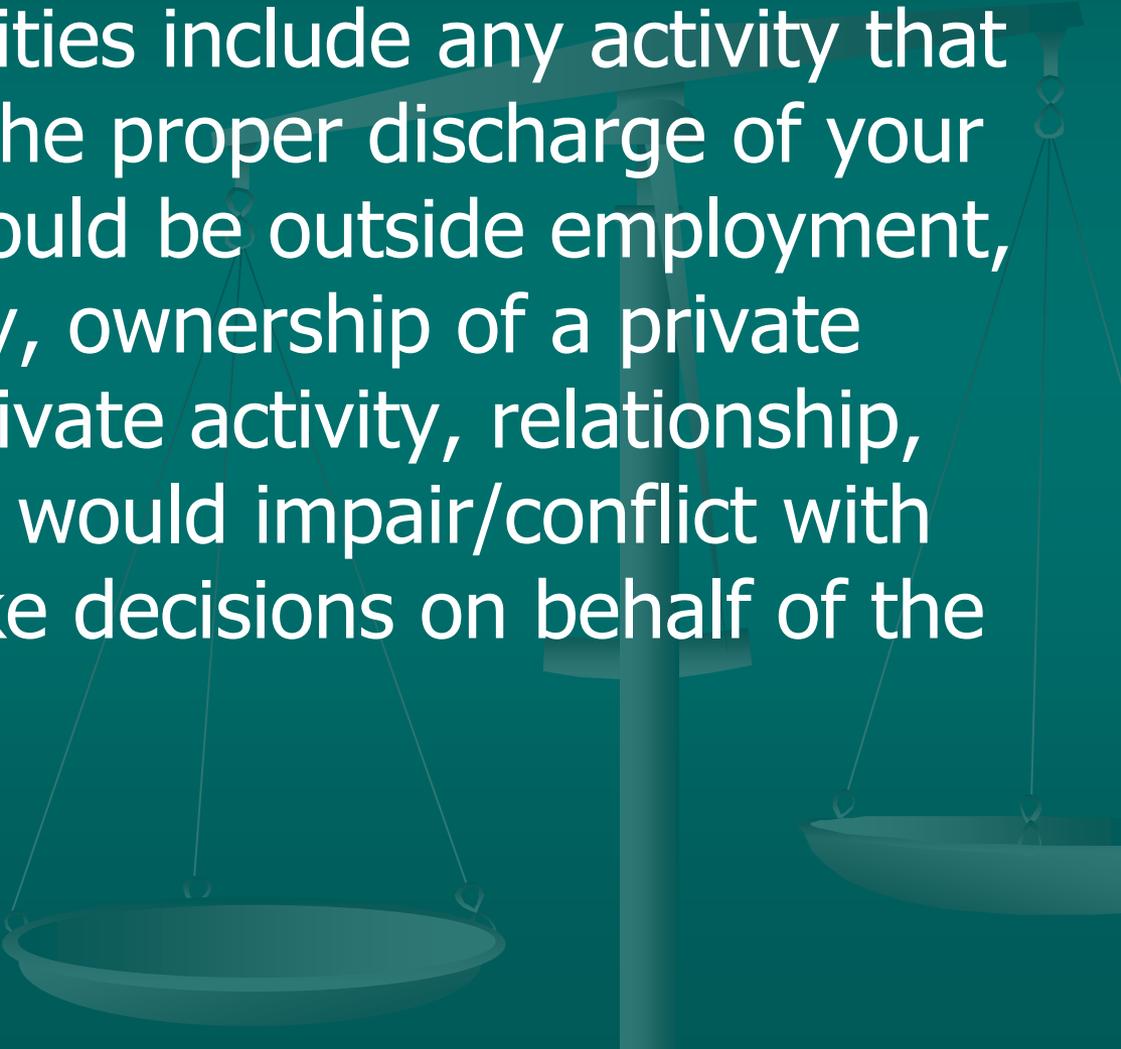
# Core Ethical Tenants in the EIPSA

- No state officer may have a financial interest or engage in an activity that is in conflict with the proper discharge of the state officer's official duties. [RCW 42.52.020](#)
- No state officer may disclose confidential information to any person not authorized to receive it. [RCW 42.52.050\(3\)](#)
- No state officer may use his official position to secure special privileges for himself, family member, or any other person. [RCW 42.52.070](#)

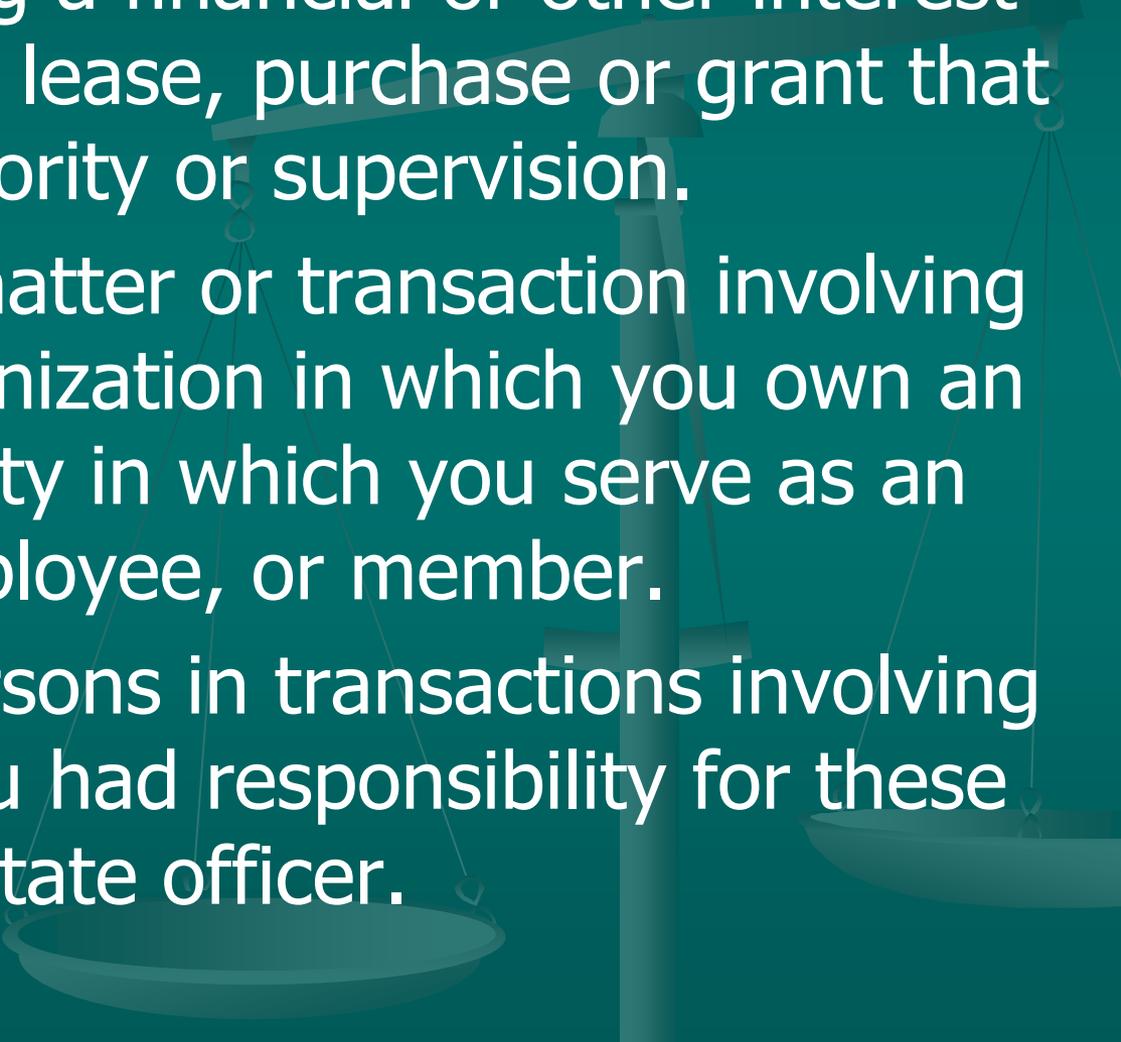
# You have *personal* responsibility to comply with Ethics in Public Service law.

- The regulated entity is the state officer (the Board *member*), not the agency.
  - If you violate state ethics laws, you will be *personally* responsible for any violations.
  - Links to pertinent law, regulations, Governor's Office training materials, and Executive Ethics Board's training materials provided in this presentation.
- 

# Conflicts of Interest - [RCW 42.52.020](#)

- Incompatible activities include any activity that may conflict with the proper discharge of your official duties. It could be outside employment, a volunteer activity, ownership of a private business or any private activity, relationship, business, etc. that would impair/conflict with your ability to make decisions on behalf of the state.
- 

# Examples of Conflicts of Interest

- Having or acquiring a financial or other interest in a contract, sale, lease, purchase or grant that is under your authority or supervision.
  - Acting in a state matter or transaction involving a business or organization in which you own an interest, or an entity in which you serve as an officer, agent, employee, or member.
  - Assisting other persons in transactions involving the state when you had responsibility for these transactions as a state officer.
- 

# Questions to Ask Yourself

- Will your outside interests benefit as a result of your official action?
  - Would a reasonable person conclude that a private or personal interest impairs your independent and impartial judgment in the exercise of your official duties?
- 

# Representing An Identifiable Group

- “Nothing in this chapter shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body.” [RCW 42.52.903](#)

# I Might Have A Conflict. Now What?

- Most conflict of interest issues can be resolved easily and without resort to resignation.
- Possible options include:
  - Abstain/Recuse. Don't vote or deliberate on topics in which you might have a conflict.
  - Disclose. Tell the Board Chair about the potential conflict and let the Chair decide whether to remove you from a particular vote or activity.
  - Obtain screening memo to inform other Board members about topics in which you should be screened.

## Gifts – RCW 42.52.140

- “No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing 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.”

# Limitation on Gifts

- General rule: Cannot accept gifts with an aggregate value in excess of \$50 from a single source in a calendar year.
- Many exceptions, including:
  - items from friends and family members where it is clear that the gift was not made as part of any effort to gain or maintain influence in the agency
  - items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties

# “Section 4” Employees

- If your duties include decisions about contracting or purchasing, the Section 4 gift restrictions apply to gifts from any current or potential future contractor or vendor.
- For more information about gifts, see [Executive Ethics Board's Webpage on Materials and Training, Quick Guide for New Employees, and Can I Accept a Gift?](#)

# Governor's Office Training

The screenshot shows the Washington Governor's Office website. The header features the Governor's name, 'JAY INSLEE', and a search bar. The navigation menu includes 'HOME', 'ABOUT', 'NEWS & MEDIA', 'ISSUES', 'THE OFFICE OF THE GOVERNOR', 'BOARDS & COMMISSIONS', and 'CONTACT'. The 'BOARDS & COMMISSIONS' section is active, and the page title is 'Online appointee training'. The main content area includes a sidebar with 'Resources for Appointees' and a main text area with the following text:

**Online appointee training**

Thank you for your willingness to serve the people of Washington state. Your service on a board or commission is a tremendous opportunity to influence the decisions and actions taken by our government.

Your gubernatorial appointment carries a great deal of responsibility. You will be expected to maintain the highest level of ethical standards and avoid the appearance of conflicts of interest. Your preparation for and regular attendance of meetings is vital to the success of your term.

Board and commission members are responsible for reading and being familiar with several Washington State government laws and guidelines. **All of Governor Inslee's appointees are required to take part in this brief online training to familiarize themselves with these laws.**

Please affirm that you have read each of these seven (7) documents.

By selecting yes you are certifying that you have read the required training material.

Open or download and read the document. Did you read this document?

## 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

# What is the Executive Ethics Board?

- Executive Ethics Board is a 5-member board comprised of persons appointed by the Governor.
  - The Executive Ethics Board enforces the Ethics in Public Service Act. The Executive Ethics Board has jurisdiction over statewide elected officials and state employees in the executive branch, including boards and commissions.
- 

# Executive Ethics Board Rules

- Law

- [RCW 42.52](#), Ethics in Public Service

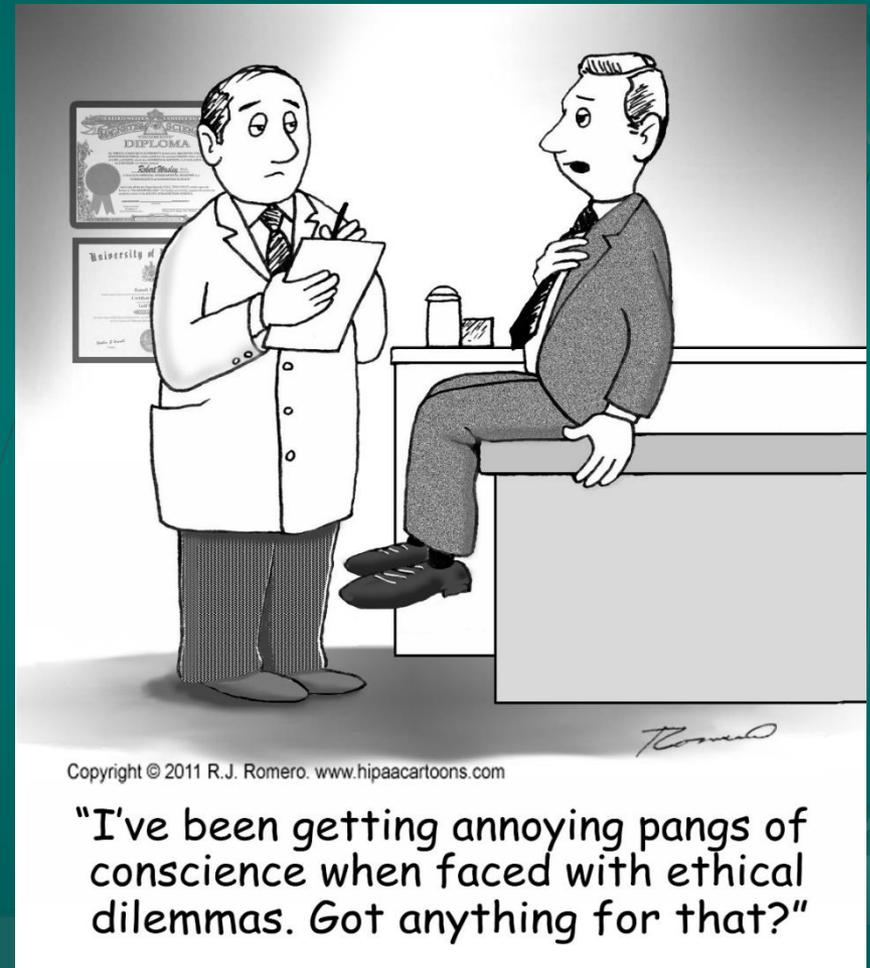
- Rules

- [WAC 292-100](#), Procedural Rules
- [WAC 292-110](#), Substantive Rules
- [WAC 292-120](#), Penalty Rules



# The Executive Ethics Board Webpage

- Where:  
<http://ethics.wa.gov/>
- Advisory Opinions By  
Subject Matter
- Online Ethics Quiz



# Executive Ethics Webpage

Orientation.

## Training Materials for Supervisors and Leads

There are also handouts for supervisors, leads and ethics advisors to provide mini training sessions during agency staff meetings on the Ethics in Public Service Act. Each handout discusses one main aspect of the Ethics in Public Service Act and provides scenarios to help state employees understand the issues in a work context. The handouts are numbers 1 - 12 and each has an answer sheet that corresponds to the handout. Please feel free to download, print and use these materials at your next meeting.

#	Session	Answers
1	Does it apply to me?	Ethics 1
2	Conflicts of Interest	Ethics 2
3	Financial Interest	Ethics 3
4	Assisting in transactions	Ethics 4
5	Confidential Informatin	Ethics 5
6	Special Privileges	Ethics 6
7	Employment after Public Service	Ethics 7
8	Compensation for Official Duties	Ethics 8
9	Compensation for Outside Activities	Ethics 9
10	Gifts	Ethics 10
11	Use of Persons, Money or Property for Private Gains	Ethics 11
12	Use of Public Resources for Political Campaigns	Ethics 12

**Chapter 42.52 RCW****ETHICS IN PUBLIC SERVICE****Chapter Listing | RCW Dispositions****Sections**

<b>42.52.010</b>	Definitions.
<b>42.52.020</b>	Activities incompatible with public duties.
<b>42.52.030</b>	Financial interests in transactions.
<b>42.52.040</b>	Assisting in transactions.
<b>42.52.050</b>	Confidential information—Improperly concealed records.
<b>42.52.060</b>	Testimony of state officers and state employees.
<b>42.52.070</b>	Special privileges.
<b>42.52.080</b>	Employment after public service.
<b>42.52.090</b>	Limited assistance by former state officers and employees.
<b>42.52.100</b>	Conditions on appearance before state agencies or doing business with the state—Hearing—Judicial review.
<b>42.52.110</b>	Compensation for official duties or nonperformance.
<b>42.52.120</b>	Compensation for outside activities.
<b>42.52.130</b>	Honoraria.
<b>42.52.140</b>	Gifts.
<b>42.52.150</b>	Limitations on gifts.
<b>42.52.160</b>	Use of persons, money, or property for private gain.
<b>42.52.170</b>	Giving, paying, loaning, etc., any thing of economic value to state employee.
<b>42.52.180</b>	Use of public resources for political campaigns.
<b>42.52.185</b>	Restrictions on mailings by legislators.
<b>42.52.190</b>	Investments.
<b>42.52.200</b>	Agency rules.
<b>42.52.220</b>	Universities—Administrative processes.
<b>42.52.310</b>	Legislative ethics board.
<b>42.52.320</b>	Authority of legislative ethics board.
<b>42.52.330</b>	Interpretation.
<b>42.52.340</b>	Transfer of jurisdiction.
<b>42.52.350</b>	Executive ethics board.
<b>42.52.360</b>	Authority of executive ethics board.
<b>42.52.365</b>	Executive branch agencies—Ethics advisors—Ethics training.
<b>42.52.370</b>	Authority of commission on judicial conduct.
<b>42.52.380</b>	Political activities of board members.
<b>42.52.390</b>	Hearing and subpoena authority.
<b>42.52.400</b>	Enforcement of subpoena authority.
<b>42.52.410</b>	Filing complaint—Whistleblower protection—Penalty for reprisal or retaliation.
<b>42.52.420</b>	Investigation.
<b>42.52.425</b>	Dismissal of complaint.
<b>42.52.430</b>	Public hearing—Findings.
<b>42.52.440</b>	Review of order.
<b>42.52.450</b>	Complaint against legislator or statewide elected official.

<b>42.52.460</b>	Citizen actions.
<b>42.52.470</b>	Referral for enforcement.
<b>42.52.480</b>	Action by boards.
<b>42.52.490</b>	Action by attorney general.
<b>42.52.500</b>	Optional hearings by administrative law judge.
<b>42.52.510</b>	Rescission of state action.
<b>42.52.520</b>	Disciplinary action.
<b>42.52.530</b>	Additional investigative authority.
<b>42.52.540</b>	Limitations period.
<b>42.52.550</b>	Compensation of ethics boards.
<b>42.52.560</b>	Communications from an employee organization or charitable organization—Distribution by state employee.
<b>42.52.570</b>	Private business activity policy—Department of fish and wildlife—Parks and recreation commission.
<b>42.52.575</b>	Information about scholarship opportunities.
<b>42.52.800</b>	Exemptions—Solicitation for state capitol historic furnishings and preservation and restoration of state legislative building.
<b>42.52.801</b>	Exemption—Solicitation to promote tourism.
<b>42.52.802</b>	Exemption—Solicitation for Washington state legacy project, state library, and archives account.
<b>42.52.8021</b>	Exemption—Solicitation for Washington state flag account.
<b>42.52.8022</b>	Exemption—Informational or educational meetings regarding legislative issues.
<b>42.52.8023</b>	Exemption—Gina Grant Bull memorial legislative page scholarship account.
<b>42.52.803</b>	Exemption—Solicitation for legislative oral history account.
<b>42.52.804</b>	Exemption—Health profession board or commission—Professional opinions.
<b>42.52.805</b>	Solicitation for charitable activities of executive branch state employees—Limitations—Definitions.
<b>42.52.810</b>	Solicitation for the legislative international trade account—Report.
<b>42.52.820</b>	Solicitation for hosting national legislative association conference.
<b>42.52.821</b>	Exemption—Solicitation to host conference of a national association.
<b>42.52.900</b>	Legislative declaration.
<b>42.52.901</b>	Liberal construction.
<b>42.52.903</b>	Serving on board, committee, or commission not prevented.
<b>42.52.904</b>	Effective date—1994 c 154.
<b>42.52.906</b>	Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

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## **42.52.010**

### **Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of

higher education created and supported by the state government, and those courts that are parts of state government.

(2) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

(3) "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(4) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(5) "Confidential information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

(6) "Contract" or "grant" means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement, or a sales agreement.

(7) "Ethics boards" means the commission on judicial conduct, the legislative ethics board, and the executive ethics board.

(8) "Family" has the same meaning as "immediate family" in RCW [42.17A.005](#).

(9) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(e) Items a state officer or state employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;

(h) Campaign contributions reported under chapter [42.17A](#) RCW;

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and

(j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

(10) "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

(11) "Honorarium" means 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.

(12) "Official duty" means those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution.

(13) "Participate" means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

(14) "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(15) "Regulatory agency" means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

(16) "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

(17) "State action" means any action on the part of an agency, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(18) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(19) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. "State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(20) "Thing of economic value," in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(21)(a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

(i) Is, or will be, the subject of state action; or

(ii) Is one to which the state is or will be a party; or

(iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit.

(22) "University" includes "state universities" and "regional universities" as defined in RCW **28B.10.016** and also includes any research or technology institute affiliated with a university, including without limitation, the \*Spokane intercollegiate research and technology institute and the \*Washington technology center.

(23) "University research employee" means a state officer or state employee employed by a university, but only to the extent the state officer or state employee is engaged in research, technology transfer, approved consulting activities related to research and technology transfer, or other incidental activities.

[ **2011 c 60 § 28; 2005 c 106 § 1; 1998 c 7 § 1; 1996 c 213 § 1; 1994 c 154 § 101.**]

#### NOTES:

**Reviser's note:** \*(1) The Spokane intercollegiate research and technology institute and the Washington technology center were abolished by **2011 1st sp.s. c 14 § 17**.

(2) The definitions in this section have been alphabetized pursuant to RCW **1.08.015** (2)(k).

**Effective date—2011 c 60:** See RCW **42.17A.919**.

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## 42.52.020

### Activities incompatible with public duties.

No state officer or state 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.

[ **1996 c 213 § 2; 1994 c 154 § 102.**]

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**42.52.030****Financial interests in transactions.**

(1) No state officer or state employee, except as provided in subsection (2) of this section, may 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 the officer or 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.

(2) No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest, except that an officer or employee of an institution of higher education or the \*Spokane intercollegiate research and technology institute may serve as an officer, agent, employee, or member, or on the board of directors, board of trustees, advisory board, or committee or review panel for any nonprofit institute, foundation, or fund-raising entity; and may serve as a member of an advisory board, committee, or review panel for a governmental or other nonprofit entity.

[ 2005 c 106 § 2; 1996 c 213 § 3; 1994 c 154 § 103.]

**NOTES:**

**\*Reviser's note:** The Spokane intercollegiate research and technology institute was abolished by **2011 1st sp.s. c 14 § 17**.

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**42.52.040****Assisting in transactions.**

(1) Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

(a) In which the state officer or state employee has at any time participated; or

(b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

(2) No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (1) or (3) of this section.

(3) A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so by subsection (1) of this section.

(4) This chapter does not prevent a state officer or state employee from assisting, in a transaction involving the state:

(a) The state officer's or state employee's parent, spouse or domestic partner, or child, or a child thereof for whom the officer or employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the state officer or state employee did not participate in the transaction; or

(b) Another state employee involved in disciplinary or other personnel administration proceedings.

[ 2008 c 6 § 203; 1994 c 154 § 104.]

#### NOTES:

**Part headings not law—Severability—2008 c 6:** See RCW **26.60.900** and **26.60.901**.

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### 42.52.050

#### Confidential information—Improperly concealed records.

(1) No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter **42.56** RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith.

[ 2005 c 274 § 292; 1996 c 213 § 4; 1994 c 154 § 105.]

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### 42.52.060

#### Testimony of state officers and state employees.

This chapter does not prevent a state officer or state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.

[ 1994 c 154 § 106.]

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**42.52.070****Special privileges.**

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

[ 1994 c 154 § 107.]

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**42.52.080****Employment after public service.**

(1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or

officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW 42.52.010 or any other entity or business that the person owns or in which the person has a controlling interest. For purposes of subsection (1) of this section, the term "employer" does not include a successor organization to the rural development council under chapter 43.31 RCW.

[ 1999 c 299 § 3; 1994 c 154 § 108.]

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## 42.52.090

### Limited assistance by former state officers and employees.

This chapter shall not be construed to prevent a former state officer or state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

- (1) Providing the names, addresses, and telephone numbers of state agencies or state employees;
- (2) Providing free transportation to another for the purpose of conducting business with a state agency;
- (3) Assisting a natural person or nonprofit corporation in obtaining or completing application forms or other forms required by a state agency for the conduct of a state business; or
- (4) Providing assistance to the poor and infirm.

[ 1994 c 154 § 109.]

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## 42.52.100

### Conditions on appearance before state agencies or doing business with the state—Hearing—Judicial review.

(1) The head of an agency, upon finding that any former state officer or state employee of such agency or any other person has violated any provision of this chapter or rules adopted under it, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

- (a) The appearance before such agency of such former state officer or state employee or other person; and
- (b) The conduct of, or negotiation or competition for, business with such agency by such former state officer or state employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.

(2) Findings of violations referred to in subsection (1)(b) of this section shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW. Such findings and orders are subject to judicial review.

(3) This section does not apply to the legislative or judicial branches of government.

[ 1994 c 154 § 110; 1969 ex.s. c 234 § 27. Formerly RCW 42.18.270.]

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## 42.52.110

### Compensation for official duties or nonperformance.

No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law except: (1) The state of Washington; or (2) in the case of officers or employees of institutions of higher education or of the \*Spokane intercollegiate research and technology institute, a governmental entity, an agency or instrumentality of a governmental entity, or a nonprofit corporation organized for the benefit and support of the state employee's agency or other state agencies pursuant to an agreement with the state employee's agency.

[ 1996 c 213 § 5; 1994 c 154 § 111.]

#### NOTES:

**\*Reviser's note:** The Spokane intercollegiate research and technology institute was abolished by 2011 1st sp.s. c 14 § 17.

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## 42.52.120

### Compensation for outside activities.

(1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where the state officer or state employee has complied with \*RCW 42.52.030(2) or each of the following conditions are met:

- (a) The contract or grant is bona fide and actually performed;
- (b) The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision;
- (c) The performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the officer or employee;
- (d) The contract or grant is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by RCW 42.52.150(4) from receiving a gift;
- (e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity;
- (f) The contract or grant would not require unauthorized disclosure of confidential information.

(2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract or a series of substantially identical contracts or grants with a state agency only if:

(a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or

(b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties.

(3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution; however, if proprietary formulae, designs, drawings, or research are included in the contract or grant, the proprietary formulae, designs, drawings, or research may be deleted from the contract or grant filed with the appropriate ethics board.

(4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity.

(5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses.

[ 1997 c 318 § 1; 1996 c 213 § 6; 1994 c 154 § 112.]

#### NOTES:

\*Reviser's note: RCW 42.52.030 was amended by 2005 c 106 § 2, deleting subsection (2).

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### 42.52.130

#### Honoraria.

(1) No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee.

(2) An agency may not permit honoraria under the following circumstances:

(a) The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the state officer or state employee, and the officer or employee is in a position to participate in the terms or the award of the contract or grant;

(b) The person offering the honorarium is regulated by the employer of the state officer or state employee and the officer or employee is in a position to participate in the regulation; or

(c) The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) the officer or employee may participate in the enactment or adoption.

[ 1994 c 154 § 113.]

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## 42.52.140

### Gifts.

No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing 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.

[ 1994 c 154 § 114.]

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## 42.52.150

### Limitations on gifts.

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

- (a) Unsolicited flowers, plants, and floral arrangements;
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in RCW **43.15.050**;

(h) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of promoting the expansion of tourism as provided for in \*RCW **43.330.090**;

(i) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, solicited on behalf of a national legislative association, 2006 official conference of the national lieutenant governors' association, the annual conference of the national association of state treasurers[,] or host committee for the purpose of hosting an official conference under the circumstances specified in RCW **42.52.820**, section 2, chapter 5, Laws of 2006, or RCW **42.52.821**. Anything solicited or accepted may only be received by the national association or host committee and may not be commingled with any funds or accounts that are the property of any person;

(j) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;

(k) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature; and

(l) Gifts, grants, donations, sponsorships, or contributions from any agency or federal or local government agency or program or private source for the purposes of chapter **28B.156** RCW.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

- (f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- (g) Those items excluded from the definition of gift in RCW **42.52.010** except:
  - (i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
  - (ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
  - (iii) Flowers, plants, and floral arrangements.
- (5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter **42.17A** RCW.

[ **2015 3rd sp.s. c 20 § 7**; **2015 c 45 § 2**; **2011 c 60 § 29**; **2006 c 5 § 3**; **2003 1st sp.s. c 23 § 2**. Prior: **2003 c 265 § 3**; **2003 c 153 § 6**; **1998 c 7 § 2**; **1994 c 154 § 115**.]

#### NOTES:

**Reviser's note:** \*(1) RCW **43.330.090** was amended by 2007 c 228 § 201, deleting subsection (2) which directly related to "expansion of tourism."

(2) This section was amended by 2015 c 45 § 2 and by 2015 3rd sp.s. c 20 § 7, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW **1.12.025**(2). For rule of construction, see RCW **1.12.025**(1).

**Finding—Intent—Short title—2015 3rd sp.s. c 20:** See RCW **28B.156.005** and **28B.156.900**.

**Effective date—2011 c 60:** See RCW **42.17A.919**.

**Findings—2006 c 5:** "The legislature finds that due to the massive devastation inflicted on the city of New Orleans by hurricane Katrina on August 29, 2005, the city of New Orleans will not be able to meet its obligation to host the national lieutenant governors' association's annual conference scheduled for July 17 through July 19, 2006. As a result of this unfortunate situation, the members of the national lieutenant governors' association officially pressed to have Washington state host the next annual conference in Seattle, Washington, and lieutenant governor Brad Owen has agreed to do so. The legislature further finds, in recognition of the unprecedented situation created by this natural disaster, the high national visibility of this important event, and due to the limited amount of time remaining for planning and fund-raising, it is necessary to initiate fund-raising activities for this national conference as soon as possible." [ **2006 c 5 § 1**.]

**Effective date—2006 c 5:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [February 7, 2006]." [ **2006 c 5 § 4**.]

**Findings—2003 c 153:** See note following RCW **43.330.090**.

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**42.52.160****Use of persons, money, or property for private gain.**

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

(3) This section does not prohibit de minimis use of state facilities to provide employees with information about (a) medical, surgical, and hospital care; (b) life insurance or accident and health disability insurance; or (c) individual retirement accounts, by any person, firm, or corporation administering such program as part of authorized payroll deductions pursuant to RCW [41.04.020](#).

(4) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

[ [2014 c 28 § 1](#); [1996 c 213 § 7](#); [1994 c 154 § 116](#); [1987 c 426 § 3](#). Formerly RCW [42.18.217](#).]

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**42.52.170****Giving, paying, loaning, etc., any thing of economic value to state employee.**

No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW [42.52.040](#), [42.52.110](#), [42.52.120](#), [42.52.140](#), or [42.52.150](#).

[ [1994 c 154 § 117](#); [1987 c 426 § 5](#); [1969 ex.s. c 234 § 23](#). Formerly RCW [42.18.230](#).]

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**42.52.180****Use of public resources for political campaigns.**

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, 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. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, 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.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) The maintenance of official legislative web sites throughout the year, regardless of pending elections. The web sites may contain any discretionary material which was also specifically prepared for the legislator in the course of his or her duties as a legislator, including newsletters and press releases. The official legislative web sites of legislators seeking reelection or election to any office shall not be altered, other than during a special legislative session, beginning on the first day of the declaration of candidacy filing period specified in RCW **29A.24.050** through the date of certification of the general election of the election year. The web site shall not be used for campaign purposes;

(d) Activities that are part of the normal and regular conduct of the office or agency; and

(e) De minimis use of public facilities by statewide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW **42.17A.555**.

[ **2017 c 7 § 2; 2011 c 60 § 30; 2010 c 185 § 1; 1995 c 397 § 30; 1994 c 154 § 118.**]

#### NOTES:

**Finding—Intent—2017 c 7:** "The legislature finds that the prohibition on the use of public resources for campaign purposes serves an important purpose, but that the period prohibiting state legislators from communicating with constituents at public expense is unnecessary once the election, and the campaign itself, has ended. Furthermore, the delay in constituent outreach after the election only hinders a legislator's ability to quickly and effectively respond to requests and keep the public informed about current state issues, and the various deadlines relating to mailed, emailed, and web site communications are confusing and need to be harmonized. For these reasons, the legislature intends to change mailed, emailed, and web site communication deadlines to the same time periods, in order to allow legislators to actively engage with the public on official legislative business in a timely and effective manner." [ **2017 c 7 § 1.**]

**Effective date—2017 c 7:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2017]." [ [2017 c 7 § 4.](#)]

**Effective date—2011 c 60:** See RCW [42.17A.919](#).

**Effective date—Captions—1995 c 397:** See RCW [42.17A.910](#) and [42.17A.911](#).

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## **42.52.185**

### **Restrictions on mailings by legislators.**

(1) During the period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through the date of certification of the general election, the legislator may not mail, either by regular mail or email, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except for routine legislative correspondence, such as scheduling, and as follows:

(a) The legislator may mail two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. Both mailings must be mailed before the first day of the declaration of candidacy filing period specified in RCW [29A.24.050](#).

(b) The legislator may mail an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter; or (iii) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize or the Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

(c) In those cases where constituents have specifically indicated that they would like to be contacted to receive regular or periodic updates on legislative matters or been added to a distribution list and provided regular opportunities to unsubscribe from that mailing list, legislators may provide such updates by email throughout the legislative session and up until the first day of the declaration of candidacy filing period specified in RCW [29A.24.050](#). Legislators may also provide these updates by email during any special legislative session.

(2) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW [42.52.180](#).

(3) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

(4) For purposes of this section:

(a) "Legislator" means a legislator who is a "candidate," as defined in RCW [42.17A.005](#), for any public office; and

(b) Persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily

employed outside of the district who normally reside in the district are considered to be constituents.

[ **2017 c 7 § 3**; **2011 c 60 § 31**; **2008 c 39 § 2**; **1997 c 320 § 1**; **1995 c 397 § 5**; 1993 c 2 § 25 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW **42.17.132**.]

#### NOTES:

**Finding—Intent—Effective date—2017 c 7:** See notes following RCW **42.52.180**.

**Effective date—2011 c 60:** See RCW **42.17A.919**.

**Findings—Intent—2008 c 39:** "The legislature finds that the legislature's ability to communicate with its constituency is of the utmost importance in having a healthy representative democracy. It is the intent of the legislature to provide important information to constituents on an ongoing basis in order to truly be a government of the people and for the people. The legislature finds that this communication will only increase citizen access to legislative issues." [ **2008 c 39 § 1**.]

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## **42.52.190**

### **Investments.**

(1) Except for permissible investments as defined in this section, no state officer or state employee of any agency responsible for the investment of funds, who acts in a decision-making, advisory, or policy-influencing capacity with respect to investments, may have a direct or indirect interest in any property, security, equity, or debt instrument of a person, without prior written approval of the agency.

(2) Agencies responsible for the investment of funds shall adopt policies governing approval of investments and establishing criteria to be considered in the approval process. Criteria shall include the relationship between the proposed investment and investments held or under consideration by the state, the size and timing of the proposed investment, access by the state officer or state employee to nonpublic information relative to the proposed investment, and the availability of the investment in the public market. Agencies responsible for the investment of funds also shall adopt policies consistent with this chapter governing use by their officers and employees of financial information acquired by virtue of their state positions. A violation of such policies adopted to implement this subsection shall constitute a violation of this chapter.

(3) As used in this section, "permissible investments" means any mutual fund, deposit account, certificate of deposit, or money market fund maintained with a bank, broker, or other financial institution, a security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less, or an interest in real estate, except if the real estate interest is in or with a party in whom the agency holds an investment.

[ **1994 c 154 § 119**.]

## **42.52.200**

### **Agency rules.**

(1) Each agency may adopt rules consistent with law, for use within the agency to protect against violations of this chapter.

(2) Each agency proposing to adopt rules under this section shall forward the rules to the appropriate ethics board before they may take effect. The board may submit comments to the agency regarding the proposed rules.

(3) This section applies to universities only to the extent their activities are not subject to RCW **42.52.220**.

[ **2005 c 106 § 3; 1994 c 154 § 120.**]

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## **42.52.220**

### **Universities—Administrative processes.**

(1) Consistent with the state policy to encourage basic and applied scientific research by the state's research universities as stated in RCW **28B.140.005**, each university may develop, adopt, and implement one or more written administrative processes that shall, upon approval by the governor, apply in place of the obligations imposed on universities and university research employees under RCW **42.52.030, 42.52.040, 42.52.080, 42.52.110, 42.52.120, 42.52.130, 42.52.140, 42.52.150, and 42.52.160**. The universities shall coordinate on the development of administrative processes to ensure the processes are comparable. A university research employee in compliance with the processes authorized in this section shall be deemed to be in compliance with RCW **42.52.030, 42.52.040, 42.52.080, 42.52.110, 42.52.120, 42.52.130, 42.52.140, 42.52.150, and 42.52.160**.

(2) The executive ethics board shall enforce activity subject to the written approval processes under this section, as provided in RCW **42.52.360**.

[ **2005 c 106 § 4.**]

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## **42.52.310**

### **Legislative ethics board.**

(1) The legislative ethics board is created, composed of nine members, selected as follows:

(a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;

(b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(c) Five citizen members:

(i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and

- (ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.
- (2) Except for initial members and members completing partial terms, nonlegislative members shall serve a single five-year term.
- (3) No more than three of the public members may be identified with the same political party.
- (4) Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed for a five-year term.
- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.
- (7) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.
- (8) The citizen members shall annually select a chair from among themselves.

[ 1994 c 154 § 201.]

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## 42.52.320

### Authority of legislative ethics board.

- (1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.
- (2) The legislative ethics board shall:
  - (a) Develop educational materials and training with regard to legislative ethics for legislators and legislative employees;
  - (b) Issue advisory opinions;
  - (c) Adopt rules or policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW 42.52.180 and where otherwise authorized under chapter 154, Laws of 1994;
  - (d) Investigate, hear, and determine complaints by any person or on its own motion;
  - (e) Impose sanctions including reprimands and monetary penalties;
  - (f) Recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and
  - (g) Establish criteria regarding the levels of civil penalties appropriate for different types of violations of this chapter and rules adopted under it.
- (3) The board may:
  - (a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;
  - (b) Administer oaths and affirmations;
  - (c) Examine witnesses; and
  - (d) Receive evidence.
- (4) Subject to RCW 42.52.540, the board has jurisdiction over any alleged violation that occurred before January 1, 1995, and that was within the jurisdiction of any of the boards

established under \*chapter **44.60** RCW. The board's jurisdiction with respect to any such alleged violation shall be based on the statutes and rules in effect at [the] time of the violation.

[ **1994 c 154 § 202.**]

#### NOTES:

\***Reviser's note:** Chapter **44.60** RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

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### **42.52.330**

#### **Interpretation.**

By constitutional design, the legislature consists of citizen-legislators who bring to bear on the legislative process their individual experience and expertise. The provisions of this chapter shall be interpreted in light of this constitutional principle.

[ **1994 c 154 § 203.**]

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### **42.52.340**

#### **Transfer of jurisdiction.**

On January 1, 1995, any complaints or other matters under investigation or consideration by the boards of legislative ethics in the house of representatives and the senate operating pursuant to \*chapter **44.60** RCW shall be transferred to the legislative ethics board created by RCW **42.52.310**. All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to the legislative ethics board created in RCW **42.52.310** pursuant to their direction and the legislative ethics board created in RCW **42.52.310** shall assume full jurisdiction over all pending complaints, investigations, and proceedings.

[ **1994 c 154 § 204.**]

#### NOTES:

\***Reviser's note:** Chapter **44.60** RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

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### **42.52.350**

#### **Executive ethics board.**

(1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

- (a) One member shall be a classified service employee as defined in chapter **41.06** RCW;
  - (b) One member shall be a state officer or state employee in an exempt position;
  - (c) One member shall be a citizen selected from a list of three names submitted by the attorney general;
  - (d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and
  - (e) One member shall be a citizen selected at large by the governor.
- (2) Except for initial members and members completing partial terms, members shall serve a single five-year term.
- (3) No more than three members may be identified with the same political party.
- (4) Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.
- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.
- (7) The members shall annually select a chair from among themselves.
- (8) Staff shall be provided by the office of the attorney general.

[ **1994 c 154 § 205.**]

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## **42.52.360**

### **Authority of executive ethics board.**

- (1) The executive ethics board shall enforce this chapter and rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.
- (2) The executive ethics board shall enforce this chapter with regard to the activities of university research employees as provided in this subsection.
- (a) With respect to compliance with RCW **42.52.030**, **42.52.110**, **42.52.130**, **42.52.140**, and **42.52.150**, the administrative process shall be consistent with and adhere to no less than the current standards in regulations of the United States public health service and the office of the secretary of the department of health and human services in Title 42 C.F.R. Part 50, Subpart F relating to promotion of objectivity in research.
- (b) With respect to compliance with RCW **42.52.040**, **42.52.080**, and **42.52.120**, the administrative process shall include a comprehensive system for the disclosure, review, and approval of outside work activities by university research employees while assuring that such employees are fulfilling their employment obligations to the university.
- (c) With respect to compliance with RCW **42.52.160**, the administrative process shall include a reasonable determination by the university of acceptable private uses having de minimis costs to the university and a method for establishing fair and reasonable reimbursement charges for private uses the costs of which are in excess of de minimis.
- (3) The executive ethics board shall:
- (a) Develop educational materials and training;

(b) Adopt rules and policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW **42.52.180** and where otherwise authorized under chapter 154, Laws of 1994;

(c) Issue advisory opinions;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and

(g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules adopted under it.

(4) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(5) The board shall not delegate to the board's executive director its authority to issue advisories, advisory letters, or opinions.

(6) Except as provided in RCW **42.52.220**, the executive ethics board may review and approve agency policies as provided for in this chapter.

(7) This section does not apply to state officers and state employees of the judicial branch.

[ **2013 c 190 § 3; 2005 c 106 § 5; 1994 c 154 § 206.**]

#### NOTES:

**Finding—2013 c 190:** See note following RCW **42.52.410**.

### **42.52.365**

#### **Executive branch agencies—Ethics advisors—Ethics training.**

(1) Each executive branch agency shall designate an ethics advisor or advisors to assist the agency's employees in understanding their obligations under the ethics in public service act. Agencies shall inform the executive ethics board of their designated advisors. As funding permits and as determined by the executive ethics board and the agency head, the advisors shall receive regular ethics training.

(2) Executive branch officers and employees are encouraged to attend ethics training offered by the executive ethics board at least once every thirty-six months.

[ **2013 c 190 § 6.**]

#### NOTES:

**Finding—2013 c 190:** See note following RCW **42.52.410**.

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**42.52.370****Authority of commission on judicial conduct.**

The commission on judicial conduct shall enforce this chapter and rules adopted under it with respect to state officers and employees of the judicial branch and may do so according to procedures prescribed in Article IV, section 31 of the state Constitution. In addition to the sanctions authorized in Article IV, section 31 of the state Constitution, the commission may impose sanctions authorized by this chapter.

[ 1994 c 154 § 207.]

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**42.52.380****Political activities of board members.**

(1) No member of the executive ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter **42.17A** RCW other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any state candidate or state ballot measure; or (d) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

(2) No citizen member of the legislative ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter **42.17A** RCW, other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any legislative candidate, any legislative caucus campaign committee that supports or opposes legislative candidates, or any political action committee that supports or opposes legislative candidates; or (d) engage in lobbying in the legislative branch under circumstances not exempt, under RCW **42.17A.610**, from lobbyist registration and reporting.

(3) No citizen member of the legislative ethics board may hold or campaign for a seat in the state house of representatives or the state senate within two years of serving on the board if the citizen member opposes an incumbent who has been the respondent in a complaint before the board.

[ 2011 c 60 § 32; 1997 c 11 § 1; 1994 c 154 § 208.]

**NOTES:**

**Effective date—2011 c 60:** See RCW **42.17A.919**.

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### **42.52.390**

#### **Hearing and subpoena authority.**

Except as otherwise provided by law, the ethics boards may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of a person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the ethics board. The ethics board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations, and other process or papers of the ethics board.

[ 1994 c 154 § 209.]

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### **42.52.400**

#### **Enforcement of subpoena authority.**

In case of refusal to obey a subpoena issued to a person, the superior court of a county within the jurisdiction of which the investigation, proceeding, or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business, upon application by the appropriate ethics board shall have jurisdiction to issue to the person an order requiring the person to appear before the ethics board or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey such order of the court may be punished by the court as contempt.

[ 1994 c 154 § 210.]

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### **42.52.410**

#### **Filing complaint—Whistleblower protection—Penalty for reprisal or retaliation.**

(1) A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board.

(2) If it has reason to believe that any person has been engaged or is engaging in a violation of this chapter or rules adopted under it, an ethics board may issue a complaint.

(3)(a) A state employee who files a complaint with the appropriate ethics board shall be afforded the protection afforded to a whistleblower under RCW **42.40.050** and **49.60.210**(2), subject to the limitations of RCW **42.40.035** and **42.40.910**. An agency, manager, or supervisor may not retaliate against a state employee who, after making a reasonable attempt to ascertain the correctness of the information furnished, files a complaint with the appropriate ethics board.

(b) A state employee may not be denied the protections in chapter **42.40** RCW even if the ethics board denies an investigation of the complaint.

(4) If a determination is made that a reprisal or retaliatory action has been taken against the state employee, the retaliator may be subject to a civil penalty of up to five thousand dollars.

[ **2013 c 190 § 2; 1994 c 154 § 211.**]

#### NOTES:

**Finding—2013 c 190:** "The legislature finds that ensuring public trust in government is a priority. The public expects its elected officials and state employees to adhere to the highest ethical standards during their service, and this includes a commitment to full and independent investigations, with proper penalties, in cases where the ethics in public service act is violated." [ **2013 c 190 § 1.**]

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### **42.52.420** **Investigation.**

(1) After the filing of any complaint, except as provided in RCW **42.52.450**, the staff of the appropriate ethics board shall investigate the complaint. The ethics board may request the assistance of the office of the attorney general or a contract investigator in conducting its investigation.

(2) The results of the investigation shall be reduced to writing and the staff shall either make a determination that the complaint should be dismissed pursuant to RCW **42.52.425**, or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

(3) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint.

(4) The identity of a person filing a complaint under RCW **42.52.410**(1) is exempt from public disclosure, as provided in RCW **42.56.240**.

[ **2013 c 190 § 4; 2000 c 211 § 1; 1994 c 154 § 212.**]

#### NOTES:

**Finding—2013 c 190:** See note following RCW **42.52.410**.

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### **42.52.425** **Dismissal of complaint.**

(1) Based on the investigation conducted under RCW **42.52.420** or **42.52.450**, and subject to rules issued by each board, the board or the staff of the appropriate ethics board may issue an order of dismissal based on any of the following findings:

- (a) Any violation that may have occurred is not within the jurisdiction of the board;
  - (b) The complaint is obviously unfounded or frivolous; or
  - (c) Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter.
- (2) Written notice of the determination under subsection (1) of this section shall be provided to the complainant, respondent, and the board. The written notice to the complainant shall include a statement of the complainant's right to appeal to the board under subsection (3) of this section if the dismissal order was issued by staff.
- (3) In the event that a complaint is dismissed by staff under this section, the complainant may request that the board review the action. Following review, the board shall:
- (a) Affirm the staff dismissal;
  - (b) Direct the staff to conduct further investigation; or
  - (c) Issue a determination that there is reasonable cause to believe that a violation has been or is being committed.
- (4) The board's decision under subsection (3) of this section shall be reduced to writing and provided to the complainant and the respondent.

[ 2005 c 116 § 1; 2000 c 211 § 2.]

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#### **42.52.430**

##### **Public hearing—Findings.**

- (1) If the ethics board determines there is reasonable cause under RCW **42.52.420** that a violation of this chapter or rules adopted under it occurred, a public hearing on the merits of the complaint shall be held.
- (2) The ethics board shall designate the location of the hearing. The case in support of the complaint shall be presented at the hearing by staff of the ethics board.
- (3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine witnesses.
- (4) Testimony taken at the hearing shall be under oath and recorded.
- (5) If, based upon a preponderance of the evidence, the ethics board finds that the respondent has violated this chapter or rules adopted under it, the board shall file an order stating findings of fact and enforcement action as authorized under this chapter.
- (6) If, upon all the evidence, the ethics board finds that the respondent has not engaged in an alleged violation of this chapter or rules adopted under it, the ethics board shall state findings of fact and shall similarly issue and file an order dismissing the complaint.
- (7) If the board makes a determination that there is not reasonable cause to believe that a violation has been or is being committed or has made a finding under subsection (6) of this section, the attorney general shall represent the officer or employee in any action subsequently commenced based on the alleged facts in the complaint.

[ 1994 c 154 § 213.]

**42.52.440****Review of order.**

Except as otherwise provided by law, reconsideration or judicial review of an ethics board's order that a violation of this chapter or rules adopted under it has occurred shall be governed by the provisions of chapter **34.05** RCW applicable to review of adjudicative proceedings.

[ **1994 c 154 § 214.**]

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**42.52.450****Complaint against legislator or statewide elected official.**

(1) If a complaint alleges a violation of RCW **42.52.180** by a legislator or statewide elected official other than the attorney general, the attorney general shall, if requested by the appropriate ethics board, conduct the investigation under RCW **42.52.420** and recommend action.

(2) If a complaint alleges a violation of RCW **42.52.180** by the attorney general, the state auditor shall conduct the investigation under RCW **42.52.420** and recommend action to the appropriate ethics board.

[ **2005 c 116 § 2; 1994 c 154 § 215.**]

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**42.52.460****Citizen actions.**

Any person who has notified the appropriate ethics board and the attorney general in writing that there is reason to believe that RCW **42.52.180** is being or has been violated may, in the name of the state, bring a citizen action for any of the actions authorized under this chapter. A citizen action may be brought only if the appropriate ethics board or the attorney general have failed to commence an action under this chapter within forty-five days after notice from the person, the person has thereafter notified the appropriate ethics board and the attorney general that the person will commence a citizen's action within ten days upon their failure to commence an action, and the appropriate ethics board and the attorney general have in fact failed to bring an action within ten days of receipt of the second notice. An action is deemed to have been commenced when the appropriate ethics board or the board's executive director accepts a complaint for filing and initiates a preliminary investigation.

If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but the person shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees incurred. If a citizen's action that the court finds was brought without reasonable cause is dismissed, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.

Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall represent the

defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment.

[ 2013 c 190 § 5; 1994 c 154 § 216.]

#### NOTES:

**Finding—2013 c 190:** See note following RCW **42.52.410**.

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### **42.52.470**

#### **Referral for enforcement.**

As appropriate, an ethics board may refer a complaint:

- (1) To an agency for initial investigation and proposed resolution which shall be referred back to the appropriate ethics board for action; or
- (2) To the attorney general's office or prosecutor for appropriate action.

[ 1994 c 154 § 217.]

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### **42.52.480**

#### **Action by boards.**

(1) Except as otherwise provided by law, an ethics board may order payment of the following amounts if it finds a violation of this chapter or rules adopted under it after a hearing under RCW **42.52.370** or other applicable law:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) Damages under this section may be enforced in the same manner as a judgment in a civil case.

[ 1994 c 154 § 218.]

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### **42.52.490**

#### **Action by attorney general.**

(1) Upon a written determination by the attorney general that the action of an ethics board was clearly erroneous or if requested by an ethics board, the attorney general may bring a

civil action in the superior court of the county in which the violation is alleged to have occurred against a state officer, state employee, former state officer, former state employee, or other person who has violated or knowingly assisted another person in violating any of the provisions of this chapter or the rules adopted under it. In such action the attorney general may recover the following amounts on behalf of the state of Washington:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or the rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) In any civil action brought by the attorney general upon the basis that the attorney general has determined that the board's action was clearly erroneous, the court shall not proceed with the action unless the attorney general has first shown, and the court has found, that the action of the board was clearly erroneous.

[ 1994 c 154 § 219.]

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## **42.52.500**

### **Optional hearings by administrative law judge.**

If an ethics board finds that there is reasonable cause to believe that a violation has occurred, the board shall consider the possibility of the alleged violator having to pay a total amount of penalty and costs of more than five hundred dollars. Based on such consideration, the board may give the person who is the subject of the complaint the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. The board may also, on its own initiative, provide for retaining an administrative law judge. An ethics board may not require total payment of more than five hundred dollars in penalty and costs in any case where an administrative law judge is not used and the board did not give such option to the person who is the subject of the complaint.

[ 1994 c 154 § 220.]

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## **42.52.510**

### **Rescission of state action.**

(1) The attorney general may, on request of the governor or the appropriate agency, and in addition to other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind state action taken by a state officer or state employee, without liability to the state of Washington, contractual or otherwise, if the governor or ethics board has reason to believe that: (a) A violation of this chapter or rules adopted under it has substantially influenced the state action, and (b) the interest of the state requires the

cancellation or rescission. The governor may suspend state action pending the determination of the merits of the controversy under this section. The court may permit persons affected by the governor's actions to post an adequate bond pending such resolution to ensure compliance by the defendant with the final judgment, decree, or other order of the court.

(2) This section does not limit other available remedies.

[ 1994 c 154 § 221.]

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#### **42.52.520**

##### **Disciplinary action.**

(1) A violation of this chapter or rules adopted under it is grounds for disciplinary action.

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state officers and state employees not specifically exempted in chapter 41.06 RCW, the rules set forth in chapter 41.06 RCW shall apply. Any action against the state officer or state employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of state officers and state employees of the same category and grade.

[ 1994 c 154 § 222; 1969 ex.s. c 234 § 26. Formerly RCW 42.18.260.]

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#### **42.52.530**

##### **Additional investigative authority.**

In addition to other authority under this chapter, the attorney general may investigate persons not under the jurisdiction of an ethics board whom the attorney general has reason to believe were involved in transactions in violation of this chapter or rules adopted under it.

[ 1994 c 154 § 223.]

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#### **42.52.540**

##### **Limitations period.**

Any action taken under this chapter must be commenced within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within two years from the date the violation was discovered or reasonably should have been discovered: (1) By any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or (2) if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate ethics board.

[ 1994 c 154 § 224.]

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**42.52.550****Compensation of ethics boards.**

The citizen members of the legislative ethics board and the members of the executive ethics board shall be compensated as provided in RCW **43.03.250** and reimbursed for travel expenses as provided in RCW **43.03.050** and **43.03.060**. Legislator members of the legislative ethics board shall be reimbursed as provided in RCW **44.04.120**.

[ **1994 c 154 § 227.**]

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**42.52.560****Communications from an employee organization or charitable organization—Distribution by state employee.**

(1) Nothing in this chapter prohibits a state employee from distributing communications from an employee organization or charitable organization to other state employees if the communications do not support or oppose a ballot proposition or candidate for federal, state, or local public office. Nothing in this section shall be construed to authorize any lobbying activity with public funds beyond the activity permitted by RCW **42.17A.635**.

(2) "Employee organization," for purposes of this section, means any organization, union, or association in which employees participate and that exists for the purpose of collective bargaining with employers or for the purpose of opposing collective bargaining or certification of a union.

[ **2011 c 60 § 33; 2006 c 217 § 1.**]

**NOTES:**

**Effective date—2011 c 60:** See RCW **42.17A.919**.

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**42.52.570****Private business activity policy—Department of fish and wildlife—Parks and recreation commission.**

(1) The department of fish and wildlife and the parks and recreation commission may approve private business activity in state-owned housing provided under Title **77** RCW or chapter **79A.05** RCW.

(2) Prior to granting approval of private business activity in state-owned housing, the department of fish and wildlife and the parks and recreation commission must adopt a private business activity policy that is approved by the executive ethics board.

(a) The private business activity policy may only authorize private business activity by the resident state employee while the employee is off duty or the employee's spouse who is approved for residency in the agency housing or the employee's children.

(b) The private business activity policy may not allow private business activity that negatively impacts the agency's operations. For the purposes of this section, "negatively impacts" includes but is not limited to: (i) Negative impacts to visitors' services or access; (ii) in-person visits to state-owned housing for the purpose of transacting business that negatively impacts agency operations; (iii) the incurrence of additional expenses by the state; (iv) the use of signage in the state-owned residence; (v) advertising on state-owned property; or (vi) an appearance of state endorsement of the private business activity.

(3) The private business activity must comply with all other local, state, and federal laws.

(4) All approvals of a private business activity in state-owned housing must be by the agency director or designee in writing.

(5) A state employee is presumed not to be in violation of RCW [42.52.070](#) or [42.52.160](#) if the employee or the employee's spouse or child complies with this section.

[ [2008 c 247 § 1.](#)]

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## **42.52.575**

### **Information about scholarship opportunities.**

This chapter does not prohibit the department of labor and industries from providing information about scholarship opportunities offered by nonprofit organizations and available to children and spouses of workers who suffered an injury in the course of employment resulting in death or permanent total disability. The department of labor and industries may, in its sole discretion, provide information about one or more scholarship opportunities. The cost of printing and inserting materials, any additional mailing costs, and any other related costs must be borne by the scholarship organization.

[ [2013 c 134 § 1.](#)]

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## **42.52.800**

### **Exemptions—Solicitation for state capitol historic furnishings and preservation and restoration of state legislative building.**

(1) When soliciting charitable gifts, grants, or donations solely for the limited purposes of RCW [27.48.040](#), members of the capitol furnishings preservation committee are exempt from the laws of this chapter.

(2) When soliciting charitable gifts, grants, or donations solely for the limited purposes of RCW [27.48.050](#) or when assisting a nonprofit foundation established for the purposes of RCW [27.48.050](#), state officers and state employees are exempt from the laws of this chapter.

[ [2002 c 167 § 3](#); [1999 c 343 § 4.](#)]

**NOTES:**

**Findings—Effective date—2002 c 167:** See notes following RCW [27.48.050](#).

**Findings—Purpose—1999 c 343:** See note following RCW [27.48.040](#).

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**42.52.801****Exemption—Solicitation to promote tourism.**

When soliciting charitable gifts, grants, or donations solely for the purposes of promoting the \*expansion of tourism as provided for in RCW [43.330.090](#), state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW [42.52.140](#).

[ [2003 c 153 § 5](#).]

**NOTES:**

**\*Reviser's note:** RCW [43.330.090](#) was amended by 2007 c 228 § 201, deleting subsection (2) which directly related to "expansion of tourism."

**Findings—2003 c 153:** See note following RCW [43.330.090](#).

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**42.52.802****Exemption—Solicitation for Washington state legacy project, state library, and archives account.**

This chapter does not prohibit the secretary of state or a designee from soliciting and accepting contributions to the Washington state legacy project, state library, and archives account created in RCW [43.07.380](#).

[ [2008 c 222 § 14](#); [2003 c 164 § 4](#).]

**NOTES:**

**Purpose—2008 c 222:** See note following RCW [44.04.320](#).

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**42.52.8021****Exemption—Solicitation for Washington state flag account.**

This chapter does not prohibit the secretary of state or the secretary of state's designee from soliciting and accepting contributions to the Washington state flag account created in RCW [43.07.388](#).

[ 2009 c 71 § 3.]

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**42.52.8022****Exemption—Informational or educational meetings regarding legislative issues.**

This chapter does not prohibit state employees from attending informational or educational meetings regarding legislative issues with a legislator or other elected official. It is not a violation of this chapter to hold such meetings in public facilities, including state-owned or leased buildings. This section is not intended to allow the use of state facilities for a political campaign or for the promotion of or opposition to a ballot proposition.

[ 2011 c 63 § 1.]

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**42.52.8023****Exemption—Gina Grant Bull memorial legislative page scholarship account.**

This chapter does not prohibit the secretary of the senate, the chief clerk of the house of representatives, or their designee from soliciting and accepting contributions to the Gina Grant Bull memorial legislative page scholarship account created in RCW [44.04.380](#). Furthermore, this chapter does not prohibit any legislative member or legislative employee from soliciting gifts for the Gina Grant Bull memorial legislative page scholarship account.

[ 2017 c 322 § 4.]

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**42.52.803****Exemption—Solicitation for legislative oral history account.**

This chapter does not prohibit the secretary of the senate, the chief clerk of the house of representatives, or their designee from soliciting and accepting contributions to the legislative oral history account created in RCW [44.04.345](#).

[ 2008 c 222 § 2.]

**NOTES:**

**Purpose—2008 c 222:** See note following RCW [44.04.320](#).

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**42.52.804****Exemption—Health profession board or commission—Professional opinions.**

Members of a health profession board or commission as identified in RCW **18.130.040**(2) (b) may express their professional opinions to an elected official about the work of the board or commission on which the member serves, even if those opinions differ from the department of health's official position. Such communication shall be to inform the elected official and not to lobby in support or opposition to any initiative to the legislature.

[ **2008 c 134 § 15.**]

**NOTES:**

**Finding—Intent—Severability—2008 c 134:** See notes following RCW **18.130.020**.

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**42.52.805****Solicitation for charitable activities of executive branch state employees—Limitations—Definitions.**

(1) When soliciting gifts, grants, or donations solely to support the charitable activities of executive branch state employees conducted pursuant to RCW **9.46.0209**, the executive branch state officers and executive branch state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW **42.52.140**. However, the gifts, grants, or donations must only be solicited from state employees or businesses and organizations that have no business dealings with the soliciting employee's agency. For the purposes of this subsection, "business dealings" includes being subject to regulation by the agency, having a contractual relationship with the agency, and purchasing goods or services from the agency.

(2) For purposes of this section, activities are deemed to be charitable if the activities are devoted to the purposes authorized under RCW **9.46.0209** for charitable and nonprofit organizations listed in that section, or are in support of the activities of those charitable or nonprofit organizations.

[ **2007 c 452 § 2.**]

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**42.52.810****Solicitation for the legislative international trade account—Report.**

(1) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in \*RCW **44.04.270**, the president of the senate is presumed not to be in violation of the solicitation and receipt of gift provisions in RCW **42.52.140**.

(2) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in \*RCW **44.04.270**, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW **42.52.140**.

(3) An annual report of the legislative international trade account activities, including a list of receipts and expenditures, shall be published by the president of the senate and submitted to the house of representatives and the senate and be a public record for the purposes of RCW **42.56.070**.

[ **2005 c 274 § 293; 2003 c 265 § 2.**]

#### NOTES:

\*Reviser's note: RCW **44.04.270** was recodified as RCW **43.15.050** pursuant to **2006 c 317 § 5**.

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### **42.52.820**

#### **Solicitation for hosting national legislative association conference.**

When soliciting gifts, grants, or donations to host an official conference within the state of Washington of a national legislative association as approved by both the chief clerk and the secretary of the senate, designated legislative officials and designated legislative employees are presumed not to be in violation of the solicitation and receipt of gift provisions in this chapter. For the purposes of this section, any legislative association must include among its membership the Washington state legislature or individual legislators or legislative staff.

[ **2003 1st sp.s. c 23 § 1.**]

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### **42.52.821**

#### **Exemption—Solicitation to host conference of a national association.**

When soliciting gifts, grants, or donations to host an official conference within the state of Washington of a national association as approved by the state treasurer, the treasurer and designated employees are presumed not to be in violation of the solicitation and receipt of gift provisions in this chapter.

[ **2015 c 45 § 1.**]

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### **42.52.900**

#### **Legislative declaration.**

Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold

a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the 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.

The citizens of the state expect all state officials and employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the state only in a manner that advances the public's interest. State officials and employees are subject to the sanctions of law and scrutiny of the media; ultimately, however, they are accountable to the people and must consider this public accountability as a particular obligation of the public service. Only when affairs of government are conducted, at all levels, with openness as provided by law and an unswerving commitment to the public good does government work as it should.

The obligations of government rest equally on the state's citizenry. The effectiveness of government depends, fundamentally, on the confidence citizens can have in the judgments and decisions of their elected representatives. Citizens, therefore, should honor and respect the principles and the spirit of representative democracy, recognizing that both elected and appointed officials, together with state employees, seek to carry out their public duties with professional skill and dedication to the public interest. Such service merits public recognition and support.

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.

[ 1994 c 154 § 1.]

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## **42.52.901**

### **Liberal construction.**

This chapter shall be construed liberally to effectuate its purposes and policy and to supplement existing laws as may relate to the same subject.

[ 1994 c 154 § 301.]

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## **42.52.903**

### **Serving on board, committee, or commission not prevented.**

Nothing in this chapter shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body.

[ 1969 ex.s. c 234 § 33. Formerly RCW 42.18.330.]

**42.52.904****Effective date—1994 c 154.**

Sections 101 through 121, 203, 204, 207 through 224, and 301 through 317 of this act shall take effect January 1, 1995.

[ 1994 c 154 § 319.]

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**42.52.906****Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.**

For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

[ 2009 c 521 § 105.]

**TAB 6**

## SCHOOL EMPLOYEES BENEFITS BOARD BY-LAWS

### **ARTICLE I**

#### **The Board and Its Members**

1. **Board Function**—The School Employees Benefits Board (hereinafter “the SEBB” or “Board”) is created pursuant to RCW 41.05.740 within the Health Care Authority; the SEBB’s function is to design and approve insurance benefit plans for school district, educational service district, and charter school employees, and to establish eligibility criteria for participation in insurance benefit plans.
2. **Staff**—Health Care Authority staff shall serve as staff to the Board.
3. **Appointment**—The members of the Board shall be appointed by the Governor in accordance with RCW 41.05.740. A Board member whose term has expired but whose successor has not been appointed by the Governor may continue to serve until replaced.
4. **Board Composition**—The composition of the nine-member Board shall be in accordance with RCW 41.05.740. All nine members may participate in discussions, make and second motions, and vote on motions.
5. **Board Compensation**—Members of the Board shall be compensated in accordance with RCW [43.03.250](#) and shall be reimbursed for their travel expenses while on official business in accordance with RCW [43.03.050](#) and [43.03.060](#).

### **ARTICLE II**

#### **Board Officers and Duties**

1. **Chair of the Board**—The Health Care Authority Director or his or her designee shall serve as Chair of the Board and shall conduct meetings of the Board. The Chair shall have all powers and duties conferred by law and the Board’s By-laws. If the regular Chair cannot attend a regular or special meeting, the Health Care Authority Director may designate another person to serve as temporary Chair for that meeting. A temporary Chair designated for a single meeting has all of the rights and responsibilities of the regular Chair.
2. **Vice Chair of the Board**—In December 2017, and each January beginning in 2019, the Board shall select from among its members a Vice Chair. If the Vice Chair position becomes vacant for any reason, the Board shall select a new Vice Chair for the remainder of the year. The Vice Chair shall preside at any regular or special meeting of the Board in the absence of a regular or temporary Chair.

### **ARTICLE III**

#### **Board Committees** **(RESERVED)**

**ARTICLE IV**  
**Board Meetings**

1. Application of Open Public Meetings Act—Meetings of the Board shall be at the call of the Chair and shall be held at such time, place, and manner to efficiently carry out the Board’s duties. All Board meetings shall be conducted in accordance with the Open Public Meetings Act, Chapter 42.30 RCW, but the Board may enter into an executive session as permitted by the Open Public Meetings Act.
2. Regular and Special Board Meetings—The Chair shall propose an annual schedule of regular Board meetings for adoption by the Board. The schedule of regular Board meetings, and any changes to the schedule, shall be filed with the State Code Reviser’s Office in accordance with RCW 42.30.075. The Chair may cancel a regular Board meeting at his or her discretion, including the lack of sufficient agenda items. The Chair may call a special meeting of the Board at any time and proper notice must be given of a special meeting as provided by the Open Public Meetings Act, RCW 42.30.
3. No Conditions for Attendance—A member of the public is not required to register his or her name or provide other information as a condition of attendance at a Board meeting.
4. Public Access—Board meetings shall be held in a location that provides reasonable access to the public including the use of accessible facilities.
5. Meeting Minutes and Agendas—The agenda for an upcoming meeting shall be made available to the Board and the interested members of the public at least 24 hours prior to the meeting date or as otherwise required by the Open Public Meetings Act. Agendas may be sent by electronic mail and shall also be posted on the HCA website. An audio recording (or other generally-accepted electronic recording) shall be made of each meeting. HCA staff will provide minutes summarizing each meeting from the audio recording. Summary minutes shall be provided to the Board for review and adoption at a subsequent Board meeting.
6. Attendance—Board members shall inform the Chair with as much notice as possible if unable to attend a scheduled Board meeting. Board staff preparing the minutes shall record the attendance of Board members in the minutes.

**ARTICLE V**  
**Meeting Procedures**

1. Quorum—Five voting members of the Board shall constitute a quorum for the transaction of business. No final action may be taken in the absence of a quorum. The Chair may declare a meeting adjourned in the absence of a quorum necessary to transact business.
2. Order of Business—The order of business shall be determined by the agenda.
3. Teleconference Permitted—A Board member may attend a meeting in person or, by special arrangement and advance notice to the Chair, by telephone conference call or video conference when in-person attendance is impracticable.

4. Public Testimony—The Board actively seeks input from the public at large, from enrollees served by the SEBB Program, and from other interested parties. Time is reserved for public testimony at each regular meeting, generally at the end of the agenda. At the direction of the Chair, public testimony at Board meetings may also occur in conjunction with a public hearing or during the Board’s consideration of a specific agenda item. The Chair has authority to limit the time for public testimony, including the time allotted to each speaker, depending on the time available and the number of persons wishing to speak.
5. Motions and Resolutions—All actions of the Board shall be expressed by motion or resolution. No motion or resolution shall have effect unless passed by the affirmative votes of a majority of the Board members present and eligible to vote, or in the case of a proposed amendment to the By-laws, a 2/3 majority of the Board .
6. Representing the Board’s Position on an Issue—No Board member may endorse or oppose an issue purporting to represent the Board or the opinion of the Board on the issue unless the majority of the Board approve of such position.
7. Manner of Voting—On motions, resolutions, or other matters a voice vote may be used. At the discretion of the Chair, or upon request of a Board member, a roll call vote may be conducted. Proxy votes are not permitted, but the prohibition of proxy votes does not prevent a temporary Chair designated by the Health Care Authority Director from voting.
8. State Ethics Law and Recusal—Board members are subject to the requirements of the Ethics in Public Service Act, Chapter 42.52 RCW. A Board member shall recuse himself or herself from casting a vote as necessary to comply with the Ethics in Public Service Act.
9. Parliamentary Procedure—All rules of order not provided for in these By-laws shall be determined in accordance with the most current edition of Robert’s Rules of Order Newly Revised. Board staff shall ensure a copy of *Robert’s Rules* is available at all Board meetings.
10. Civility—While engaged in Board duties, Board members conduct shall demonstrate civility, respect, and courtesy toward each other, HCA staff, and the public and shall be guided by fundamental tenets of integrity and fairness.

**ARTICLE VI**  
**Amendments to the By-Laws and Rules of Construction**

1. Two-thirds majority required to amend—The SEBB By-laws may be amended upon a two-thirds (2/3) majority vote of the Board.
2. Liberal construction—All rules and procedures in these By-laws shall be liberally construed so that the public’s health, safety, and welfare shall be secured in accordance with the intents and purposes of applicable State laws and regulations.