

**STATE OF WASHINGTON
EMPLOYMENT SECURITY DEPARTMENT
POLICY AND PROCEDURE**

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SUBJECT: EMPLOYEE CONDUCT

NOTE:

There is a Collective Bargaining Agreement (CBA) between the State of Washington and the Washington Federation of State Employees (WFSE) which applies to represented employees.

When a topic is covered in the CBA, the policy on that topic applies to non-represented employees. If the agency's policy conflicts with the CBA, the CBA supersedes the policy for represented employees. Where there is no conflict, the policy supplements the CBA.

This topic is covered in Article(s) 5, 28, 35 and 36 of the CBA, therefore represented employees should refer to the CBA for guidance.

POLICY:

It is the policy of the Employment Security Department (ESD) that employees shall conduct themselves in a way that contributes to cooperative relationships with coworkers and customers, and makes appropriate use of time and resources. Employees will not use their positions for private gain. Employees are responsible and accountable for their own conduct. This policy will be reviewed by employees on an annual basis in conjunction with their annual employee assessment. Supervisors will maintain verification that employees review the Employee Conduct Policy in the employee personnel file.

PURPOSE:

To define standards of conduct that comply with RCW 42.52, Ethics in Public Service, and to provide detailed information on the department's expectations of employees as it relates to behavior, conflict of interest, appearance, personal visitors in the workplace, political activity, and access to and safeguarding of protected information.

Behavior

The department places the highest priority on quality customer service and accomplishes this goal, in part, by building positive relationships with customers and co-workers, and through teamwork. The key to the delivery of quality service is the attitude that individual employees display in carrying out their assignments.

1. Courtesy and Positive Work Attitude

- a. Employees are expected to be courteous and helpful in their contact with the public and with each other, whether in person, over the phone or through correspondence. They are to display a cooperative and positive work attitude and be tactful in dealing with difficult situations. They are expected to exercise sound judgment in hostile situations by maintaining self-control and seeking appropriate assistance when necessary to defuse the situation.
- b. Inappropriate behavior or abusive language will not be tolerated. Abusive language is defined by (or may include) any remark that can be construed as unreasonable or derogatory, such as shouting, or demeaning remarks. Bullying or aggressive behavior for the sole purpose of intimidating are also a violation of this policy. This policy encompasses remarks made either to or about a customer or coworker. For this particular portion of this policy, failure to comply will be grounds for nothing less than disciplinary action, up to and including dismissal.
- c. Any unreasonable or derogatory remarks concerning a customer or co-workers' race, color, religion, sex, national origin, age disability, political affiliation or belief, citizenship, marital status, or sexual orientation will not be tolerated and will be processed under ESD Policy #0014 – Harassment.

2. Continuous Improvement of Performance and Services

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

3. Teamwork

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

4. Integrity and Economy in the Use of Resources

- a. Employees are expected to abide by state laws, rules and regulations, and agency policy in the use of telephones, vehicles, internet, mail service, and all state-owned equipment. Department facilities, equipment, materials, supplies, personnel and funds are to be used only for official state business.
- b. Employees are expected to be economical in using agency resources. This includes using their time appropriately; and where they have control, being prudent in the use of supplies, telephones, travel privileges, etc.

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

Conflict of Interest

Employment Security Department services are to be provided to those eligible to receive them, in a manner which is objective and free from conflict of interest. Employees are accountable to gain the clarity necessary from their supervisor prior to taking any action if there is any question of possible conflict of interest.

1. Private Gain or Advantage

- a. Employees will not use their position of public trust to make or obtain, or attempt to make or obtain, any private gain or advantage.
- b. Employees are to avoid conflicts of interest between any personal interest and their official duties.
- c. Employees eligible to claim Unemployment Insurance (UI) benefits will report their hours and gross earnings correctly. If an employee is determined to have fraudulently received UI benefits dismissal will be initiated.
- d. If an employee is overpaid, repayment arrangements must be made immediately. Failure to make immediate repayment arrangements for overpayments, will be grounds for disciplinary action, up to and including dismissal.
- e. The UI status of persons being considered for appointment is to be verified. If a review of the person's claim history shows a fraud denial, the person should not be recommended for appointment without a thorough review of the circumstances.
- f. ESD runs a crossmatch of new hires against payroll records to verify reported earnings.
- g. Employees of this agency are entrusted with regulatory authority. An employee vested with this authority is expected to use it responsibly in the course of official business. Any abuses of authority will be regarded as a violation of this policy.
- h. It is each employee's responsibility to comply with this policy. In addition, managers and supervisors are to ensure compliance with this policy where they are aware or reasonably should have been aware of a violation.
- i. Any employee separated from the agency who has failed to correctly report their hours and gross earnings when claiming Unemployment Insurance benefits or made any other fraudulent claim for such benefits, or who has failed to make immediate arrangements for repayment of any overpayment received, is ineligible for rehire.

2. Employment of Relatives

No employee may be appointed to a position which includes direct supervision of or by a relative, or a position for which the relative has the responsibility of reviewing or auditing the work.

3. Outside Employment/Business Activity

An employee's employment with the Employment Security Department is considered his/her primary employment. In accordance with Article 28.4 of the CBA, the provisions of which will apply to all ESD employees, "Employees will notify the Employer prior to engaging in any off-duty employment. Employees may engage in off-duty employment that will not interfere with the performance of their duties or result in a conflict of interest." In addition, no employee may use, or cause to be used, state premises, materials, facilities, time, funds, equipment, clients or personnel in connection with outside employment.

4. Agency Services

Employees shall not provide or involve themselves in any aspect of the Unemployment Insurance benefit, Employer Tax, or Employment Service systems, or other agency services, for their friends, relatives, and/or coworkers. Examples of providing or involving themselves in such services include but are not limited to:

- a. Accepting, processing, or involving themselves in any phase of the Initial or Continued Claims process (the claims process begins at the time the claim is submitted and is continued until the benefit warrant is negotiated by the claimant).
- b. Accepting, processing, or involving them in any phase of a payment process of an Employment and/or Training program (i.e., WorkFirst) to include: authorization of eligibility, authorization of payment vouchers, authorization of vendor status, inputting of batches, and the processing of any client or vendor payment.
- c. Conducting non-monetary or overpayment fact-finding interviews or writing non-monetary or overpayment determinations on claims.
- d. Accepting cash, personal checks, bank drafts, money orders, or endorsed warrants to liquidate overpayments; negotiating contracts for repayment of overpayments or recommending approval of Offers of Compromise for such individuals, or issuing cash receipts to them.
- e. Determining tax liability or collecting taxes.
- f. Conducting audits of employer accounts or initiating or processing tax refunds.
- g. Interviewing or referring the individuals to employers for the purpose of obtaining jobs or eligibility for program services.

Further, employees shall not review, approve, initiate, or complete any actions similar in nature to those described above in either client services or administrative office services involving friends, relatives and/or co-workers. This includes those actions specifically addressed in this policy and any other such actions that could potentially create a conflict of interest. When co-workers or former agency employees are seeking agency services, it is the responsibility of the employee to bring it to the attention of the Claims Center, WorkSource Center, District Tax office, branch, or office administrator for assignment to appropriate personnel. All office and program managers will establish procedures to ensure that all such activities are assigned to disinterested and impartial personnel.

5. Business and Social Relationships with Clients

Employees must be sensitive to the fact that clients view the agency as having valuable services and benefits, and often perceive individual employees as having authority over whether a client will be provided services. Therefore, employees are expected to maintain strictly professional relationships with clients, during and outside of work hours.

- a. Business Relationships: Employees must refrain from hiring clients to perform personal services for the employee, co-workers, relatives and/or friends. Examples of such services include, but are not limited to: yard work, housekeeping, or assisting with a household move.

Employees must also refrain from referring or hiring clients for positions in enterprises which the employee, co-workers, relatives and/or friends control through financial investment and/or management decision-making, or from which they would receive profit resulting from the client's work. This is true even if the outside employment has been approved for the employee. Examples of such enterprises include, but are not limited to: a business owned by the employee's relative; a sales business where the employee would earn a commission on the client's sales.

What the employee may perceive as helping a client experiencing financial difficulties may be perceived by the client as coercion. The referral/hiring may also violate RCW 42.52, the state's ethics law.

It is possible that a business in which an employee, co-worker, relative or friend holds a beneficial interest may have been approved through standard departmental processes to receive referrals for employment or on-the-job training. If this occurs, the employee should notify their supervisor of the situation and follow the provisions of this policy related to serving friends and relatives, if the client continues to seek services from the agency.

- b. Social Relationships: Employees must refrain from any involvement in social relationships with clients, whether initiated by the employee or the client. What may appear as a consensual encounter to the employee may be perceived as coercion by the client.

It is recognized that occasionally, in non-work settings, a relationship will develop either before the non-employee becomes a client, or without the employee's knowledge that the person is a client. If this occurs, the employee should notify their supervisor of the situation and follow the provisions of this policy related to serving friends and relatives, if the client continues to seek services from the agency.

Appearance

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

Personal Visitors

Personal visitors should not be in the workplace without prior authorization because it can interfere with the accomplishment of work, compromise the confidentiality of protected records and potentially increase the department's risks related to accidents and other safety issues. It is the employee's responsibility to ensure friends and family members understand that personal visits to the workplace are not appropriate. Should an unexpected visit occur, the visitor is to be treated courteously and tactfully, however, the length of the visit should be kept to a minimum.

Political Activity

1. Activities Disallowed

Employees may not allow the use of their names in conjunction with the department or otherwise use their official authority or position to attempt to influence the result of an election or a nomination for office. No employee may use or authorize the use of state information, facilities, vehicles, personnel, clients, equipment, time or supplies, either directly or indirectly, for the purpose of assisting a campaign for election of a person to office or for promotion of or opposition to a ballot measure.

2. Legislative Lobbying

Only employees authorized by the Commissioner may engage in legislative activities on behalf of the department. Employees who, on their own, seek to influence the passage or defeat of any legislative proposal, during or between legislative sessions, during regular scheduled working hours must take annual leave or leave without pay. Employees who do lobby for the department on their own time are subject to laws and reporting requirements as administered by the Public Disclosure Commission.

3. Candidacy for Public Office

The Federal Hatch Act requires that persons working for the Employment Security Department may not be candidates for an elective public office in a partisan election. ESD is required to notify the U. S. Office of Special Counsel about any employee who violates the Hatch Act. Employees are not restricted from being candidates for, or holding, a non-partisan public office, unless the holding of such office is incompatible, or substantially interferes, with the discharge of official duties in state employment.

Access to and Safeguarding of Protected Information

During the normal course of their work, employees of the department must have access to a variety of information and information media. Regardless of the physical location or form of this information, access is to be restricted to only that information to the extent necessary for the completion of their work assignments. It is the responsibility of each employee to prevent the improper or illegal use of protected information contained in the department's records.

Employees will be held personally accountable for safeguarding information contained in the department's records. Each employee will take reasonable actions to prevent the improper or illegal use of protected information. Failure to comply with these privacy protection requirements will be grounds for nothing less than disciplinary action, up to and including dismissal, and/or legal actions against the individual.

"Protected information" should be interpreted generally as including: (a) any information that relates specifically to an individual (claimant, applicant, employee, program participant, or volunteer); (b) any information which identifies an employing unit or any officer or employee of that unit; and (c) any generic labor market information which can be used to identify an individual employer. In addition, any organizational unit in the department may have local examples of "protected information" which are defined in program specifications, local agency contracts, or service delivery agreements.

Definitions

Co-worker: Any employee of this agency, regardless of appointment status.

Relative: Any of the following persons related to the employee by blood, marriage or adoption: spouse, children, parents, grandparents, sisters, brothers, aunts, uncles, nieces, nephews, and cousins.

Friend: (a) Any individual with whom the employee maintains or has maintained an active social relationship; or (b) any individual who, due to social or economic relationships with the employee or their acquaintances, could have a reasonable expectation that the employee might handle agency transactions involving such an individual in a less than objective manner.

LAWS:

RCW 42.52

WACS AND/OR COLLECTIVE BARGAINING AGREEMENT (CBA):

CBA: Articles 5, 36.2, 28.3, 28.4, and 35

RELATED POLICIES:

- # 0010 Maintaining a Drug and Alcohol-Free Workplace
- # 0014 Harassment
- # 2009 Use of Agency Telecommunications Technology Systems
- # 2010 Automated Systems Security

SUPERSEDES:

Employee Conduct Policy, Number 1016, dated 7/26/02

DIRECT INQUIRIES TO:

Human Resources Division or TDD (360) 902-9569