

TRANSMITTAL OF RULES ADOPTED

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

Handwritten notes:
✓
1420

The enclosed rules Permanent rules , being Order No. 1420
Emergency rules
relating to (Name of rules or description of subject matter)

As provided in RCW 42.18.250, "The Executive Conflict of Interest Act," the director of the state department of agriculture promulgates, for the guidance of its officers, employees, and agents regulations relating to conflict of interest appropriate to the specific needs of the department.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 5335 ① filed with the code reviser on 7/9/75 ② were regularly adopted as permanent rules of this agency at Olympia, WA. on 8//4/75 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 4th day of August 1975.

STATE OF WASHINGTON
FILED
AUG 4 1975
CODE REVISER'S OFFICE
DOCKET # 23 FILE # 26

AGRICULTURE
(AGENCY)
Stewart Blodgett
By _____
Title DIRECTOR

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
Order No. 1420
Effective September 4, 1975

NEW WAC 16-09-001 PROMULGATION. (This promulgation relates to WAC 16-09-010 through 040).

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 42.18 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Olympia, Washington on August 1, 1975 do hereby promulgate the following regulations relating to conflict of interest appropriate to the specific needs of the state department of agriculture.

NEW WAC 16-09-010 PURPOSE. (1) As provided in RCW 42.18.250, "The Executive Conflict of Interest Act," the director of the state department of agriculture promulgates, for the guidance of its officers, employees, and agents regulations relating to conflict of interest appropriate to the specific needs of the state department of agriculture.

(2) High moral and ethical standards among public servants are essential to the conduct of free government. With the objective of protecting the integrity of the government of the state of Washington these regulations will provide guidance to officers, employees, and agents of the department in order to eliminate conflicts of interest, improve standards of service, and promote and strengthen the confidence of the people of Washington in the department of agriculture. It is a dual objective in prescribing these essential restrictions against conflicts of interest in the department to not create unnecessary barriers to recruitment and retention of needed personnel.

NEW WAC 16-09-020 RULES OF CONDUCT. (1) The following shall apply to all officers, employees, or agents of the state department of agriculture.

(a) For any matter connected with, or related to, the discharge of his official duties for the department, no officer, employee, or agent shall receive anything of economic value (other than his compensation from the state of Washington). No compensation, gifts, honorariums, rewards, or gratuities shall be accepted for or in consideration of personal services rendered during time for which the employee is compensated by the state of Washington unless otherwise provided for by Chapter 42.18 RCW. Compensation, gifts, honorariums, rewards, or gratuities offered the employee for services rendered during his personal time may be accepted provided that such acceptance would not be considered an inducement to neglect or improperly perform his official duties or influence his official judgment.

(b) If an officer, employee, or agent of the department has reason to believe a donor would not give the gift, gratuity, or favor but for such employee's office or position with the state, that employee shall not receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from that donor.

(i) Any officer, employee, or agent shall report, through his immediate supervisor, to the director any offers of the above which could be considered an inducement to neglect, or improperly perform, his official duties or

influence his official judgment.

(2) No officer, employee, or agent of the state department of agriculture shall:

(a) Use the power or authority of his position to secure anything of economic value, special privileges, or exemptions for himself or others.

(b) Have any interest, financial or otherwise, direct or indirect, or shall engage in any business or transaction or professional activity, or shall incur any obligation of any nature which is in conflict with the proper discharge of his official department duties or is in conflict with the public interest in his capacity as an officer, employee or agent of the department.

(c) Transact or participate in a transaction of any business in his official capacity as a department agent with any business entity of which he is an officer, agent, employee, or member, or in which he or his spouse or minor child has a direct and substantial economic interest.

(d) Within a period of two years after the termination of such service or employment, appear before any such agency or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned, and in which he personally participated during the period of his service or employment.

(e) Accept employment, or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

(f) Disclose confidential information gained by reason of his official position, nor shall he otherwise use such information for his personal gain or benefit. "Confidential" information for the purpose of this regulation means such information as is declared confidential by specific statute or by administrative rule.

(g) Fail to disclose to the director of agriculture any interest in any firm, corporation, association, or other business entity which is subject to department regulation such as being an officer, agent, member of, or owning a significant interest in such entity.

NEW

WAC 16-09-030 CONFLICT OF EMPLOYMENT. (1) Merit System Rule 356-46-040 provides that "no employee shall have conflicting employment while in the employ of an agency. Determination of such conflict shall be made by the employing agency."

(2) Each applicant for employment, prior to final selection, shall notify his prospective supervisor as per subsection (3) below.

(3) Each employee shall notify his supervisor of any employment, activity, or interest other than department of agriculture which could reasonably be considered a conflict of interest or which would interfere with the satisfactory performance of his official duties.

(4) If it is determined that other employment or other interest is in conflict with his official duties and that remedial action is required, the employee, or applicant for employment, shall take immediate action to end such conflict

and advise the supervisor of the action taken.

(5) An employee, or applicant for employment who believes that remedial action will cause undue hardship may request a review and modification by forwarding to the director of agriculture a written statement setting forth all the facts and circumstances with the reasons for the request or modification.

(6) If a final determination is made by the director of agriculture that a conflict of employment does in fact exist remedial action to end the conflict of employment shall be taken.

NEW

WAC 16-09-040 DISCIPLINARY ACTION. The director may dismiss, suspend, or take such other disciplinary action as may be appropriate in respect to any state employee upon finding that such employee has violated any of the provisions of WAC 16-09-020 and WAC 16-09-030, subject to such recourse as provided for in Chapter 41.06 RCW.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the department of agriculture.



STEWART BLEDSOE
Director of Agriculture
State of Washington

Signed at Olympia, Wa.

Date: August 4, 1975