

WAC 292-110-060 Current state officers and employees contracting with state agencies. (1) **Approval required** - Under RCW 42.52.120(2), a state officer or state employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received. The review of the contract or grant is to determine whether performance under the contract or grant by the state employee or state officer is in accordance with the Ethics in Public Service Act.

(2) **Application for approval** - State officers and state employees seeking the approval of the board for a contract or grant application, must provide the following information to the executive director no later than thirty days prior to the commencement of the contract or grant:

- (a) A description of current official duties and responsibilities;
- (b) A statement of the work to be performed and a copy of the contract or grant;
- (c) The duration and dollar value of the contract or grant, if applicable;
- (d) A statement that no state resources will be used to perform or to fulfill the contract or grant;
- (e) A description of how the work will be performed without the use of state resources; and
- (f) A statement that the employing agency has reviewed or approved the outside contract or grant under applicable rules or policies, except when requesting a conditional approval as provided in subsection (3)(b) of this section.

(3) **Approval process** - The executive director will review the contract or grant application and related documents and determine whether there could be a potential conflict with RCW 42.52.120(1) or other applicable provisions of the Ethics in Public Service Act. If the executive director determines:

- (a) There would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director will approve the contract or grant application;
- (b) There would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW but the contract or grant application has not been approved by the appointing authority, the executive director may conditionally approve the contract or grant application; or
- (c) There could be a potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director will refer the matter to the board for approval or disapproval.

(4) **Contract or grant amendments.** If a contract or grant has been amended or the scope of work altered, and the effect of the amendment or alteration may create a potential conflict of interest under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, a state officer or state employee must resubmit the contract or grant to the board at least fifteen days prior to commencement of work under the amended or altered contract or grant.

(5) **Series of similar contracts or grants.** If a state officer or state employee anticipates receiving a series of substantially identical contracts or grants with a state agency, the state officer or state employee may request that the board preapprove such contracts or grants. Preapproval will be effective for the period of one calendar

year, after which the state officer or state employee must resubmit the request.

(6) **Exemptions, preapproved contracts or grants.** A state officer or state employee who has a contract or grant or a beneficial interest in a contract or grant which is preapproved by the board under this section is not required to file an application for approval of the contract or grant. However, a state officer or state employee is responsible for determining that the contract or grant would not conflict with RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW. Provided that the applicable conditions in RCW 42.52.120(1) are met, the following contracts or grants are preapproved by the board:

(a) A contract or grant in which a state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the state officer or state employee does not exercise discretionary judgment with regard to an assistance program for which he or she is otherwise eligible;

(b) A contract to perform teaching duties at a community college, vocational-technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract of employment;

(c) A contract held by a spouse, in which the state officer or state employee has a beneficial interest, with a state agency, provided that the state officer or state employee did not participate in the contract;

(d) A contract that was received by a state officer or state employee of an institution of higher education to provide expert witness services in state litigation provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract.

(7) **Filing required** - Final contracts or grants reviewed under this rule must be filed with the board within thirty days of execution.

[Statutory Authority: RCW 42.52.360. WSR 18-11-062, § 292-110-060, filed 5/14/18, effective 6/14/18. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.120(2). WSR 04-18-019, § 292-110-060, filed 8/23/04, effective 9/23/04. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-080, § 292-110-060, filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-04-001, § 292-110-060, filed 1/21/98, effective 2/21/98.]