



DEPARTMENT OF ADMINISTRATIVE SERVICES  
INTERNAL POLICIES AND PROCEDURES

# 120 Employee Ethical Requirements

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**Effective:** July 21, 2008

**Revised:** April 23, 2018

**References:** [Utah Code Ann. §67-16-4, “Utah Public Officers’ and Employees’ Ethics Act”](#); [Governor’s Executive Order EO 002 2014, “Establishing an Ethics Policy for Executive Branch Agencies”](#); [Governor’s Executive Order EO 001 2018, “Establishing a Policy for Legislative Communications of Executive Branch Departments and Employees”](#); and [Rules R33-24-105. \*Financial Conflict of Interests Prohibited\*](#)

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## **Purpose:**

This purpose of this policy is to provide guidance to DAS employees regarding required ethical standards pertaining to the receipt of gifts, conflicts of interest, nepotism, solicitations, and lobbying.

## **Definitions:**

For the purpose of this policy:

1. “DAS” means the Utah Department of Administrative Services;
2. “Division” means the organizational units of DAS identified in [Utah Code §63A-1-109](#);
3. “Employee” means a person who is employed on a full or part-time basis by DAS;
4. “Compensation” means anything of economic value including, but not limited to, money, goods, or services received by the employee or immediate family as payment for work, or related activities by the employee;
5. “Family member” means an employee’s spouse, siblings, step-siblings, siblings-in-law, parents, step-parents, parents-in-law, children, step-children, children-in-law, any person living in the same household as the employee, and any individual claimed as a dependent for tax purposes;
6. “Conflict of interest” means a situation in which the potential exists for an employee’s personal financial interests, or for the personal financial interests of a family member, to influence, or have the appearance of influencing, the employee’s judgement in the execution of the employee’s duties and responsibilities when conducting business for the State of Utah.



## **Policy:**

Each division will comply with the policies and directives established in this policy relative to the ethical standards pertaining to the receipt of gifts, conflicts of interest, nepotism, solicitations, and lobbying:

1. Employees are prohibited from accepting gifts, compensation, or loans that might be intended to influence or reward said employee in the performance of official state business. Employees shall be mindful of the provisions, and exceptions, set forth in Utah Code §67-16-4 and Executive Order EO 002 2014 relating to this. Notable exceptions are:
  - a. An occasional nonpecuniary gift worth not more than \$50;
  - b. An award publicly presented in recognition of public services;
  - c. Food, refreshments, or meals of limited value;
  - d. Plaques or mementos recognizing service;
  - e. Gifts from family members, or other employees of the State of Utah.
2. Employees conducting business for the State of Utah shall not engage in a matter of procurement with:
  - a. Family members;
  - b. Parties or entities in which the employee or a family member is an officer, director, or partner, or the employee or a family member owns or controls 10% or more of the stock of a said party or entity.
3. If an employee has a personal relationship, favoritism, or bias towards any individual, group, organization, or vendor responding to a bid, RFP or other solicitation, the employee must make a written disclosure to the supervisor and the supervisor shall take appropriate action, which may include recusing the employee from any and all discussions or decisions relating to the matter in question.
4. Employees shall be mindful of and comply with Executive Order EO 002 2014, which provides that employees may not take part in hiring or employment decisions relating to a family member. If a hiring or employment matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship and must be recused from any and all discussion or decisions relating to this matter. Utah Code §52-3-4 provides that exception herewith can be made under the following circumstances:
  - a. Fewer than 3,000 people live within 40 miles of the primary place of employment, measured over all-weather public roads;
  - b. The job opening has had reasonable public notice; and
  - c. The family member is the best qualified candidate for the position.
5. Employees may not solicit in the workplace for themselves, family members, organizations, or any other entity, party, or individual. Employees shall refrain from hosting, advertising, or engaging in activities such as raffles, games of chance, charity drives, marketing, or fundraisers in the workplace. The DAS Executive Director may approve exceptions to this policy provided that the employee submit a request in writing



to their Division Director who may then forward the request —pending his or her support— to the Executive Director for approval. The annual State of Utah Charitable Fund Drive is exempt from this policy.

6. Employees shall be mindful of and comply with Executive Order EO 002-2018, which provides in part that regarding the Utah Legislature, employees shall not:
  - a. Engage in legislative communications in their capacity as an employee of the State of Utah, unless said employee is the Executive Director, Deputy Director, or one of the two legislative liaisons designated by the Executive Director;
  - b. Take up a position that is contrary to that of DAS or the Governor in their capacity as an official, representative, or employee of the State of Utah;
  - c. Offer a State Legislator a gift, either directly or indirectly.