

Executive Document

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Governor, Administration: Governor's Executive Order EO/003/2010: Establishing an Ethics Policy for Executive Branch Agencies and Employees

Issued: January 26, 2010

(Office of Administrative Rules Note: This Executive Order is superseded by Herbert EO 002 2014 (06/02/2014).)

EXECUTIVE ORDER

Establishing an Ethics Policy for Executive Branch Agencies and Employees

WHEREAS, State employees hold themselves to high ethical standards and act with integrity in their positions of public trust;

WHEREAS, confidence in government increases when State employees make decisions based upon the best interests of the public at large, without influence by those who may seek special favors and without regard to personal gain;

WHEREAS, public confidence is enhanced when State employees avoid situations and transactions that create the appearance of impropriety;

WHEREAS, compliance with a strong ethics policy protects public employees from any perception of wrongdoing; and

WHEREAS, the Utah State law governing ethical standards of public employees can and should be improved;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by the authority vested in me by the Constitution and laws of this State do hereby order that the Executive Branch and all Executive Branch employees are subject to the following restrictions:

1. Application

a. This order applies to all Executive Branch department or agency employees and replaces and supersedes any prior Executive Order establishing an Ethics Policy for Executive Branch Agencies and Employees. This order may be adopted by independently elected officers and their employees. This order does not apply to any Legislative Branch or Judicial Branch employee.

b. Each Executive Branch department or agency shall amend their existing policy to be consistent with the restrictions set forth below.

2. Prohibition Against the Receipt of Gifts

a. Subject to the exceptions set forth below, an employee covered by this order

is prohibited from accepting a gift or other compensation, either directly or indirectly, that might be intended to influence or reward the individual in the performance of official business. This prohibition shall apply notwithstanding Utah Code Ann. Section 67-16-5, which provides that gifts up to \$50 may be allowed in certain circumstances. Additionally, this order does not abrogate any restriction imposed by the Utah Procurement Code contained in Title 63G, Chapter 6, Utah Code Annotated.

b. For purposes of this order, the term "gift" does not include:

- i. campaign contributions received in accordance with Title 20A, Chapter 11, Utah Code Annotated;
 - ii. food, refreshments, or meals of limited value;
 - iii. an item presented on behalf of a foreign government that becomes the property of the State;
 - iv. opportunities, discounts, rewards and prizes open to the general public or all employees of the State of Utah;
 - v. plaques or mementos recognizing service;
 - vi. trinkets or mementos of nominal value;
 - vii. gifts from family members, extended family members, or other employees of the State of Utah;
 - viii. gifts from personal friends where it is clear that the gift is motivated by personal friendship and not by the employee's position with the State.
 - ix. small efforts of common courtesy or other services of nominal monetary value;
 - x. funeral flowers or memorials;
 - xi. bequests, inheritances and other transfers at death;
 - xii. attendance or participation at events sponsored by other governmental entities;
 - xiii. attendance or participation at widely attended events that are related to governmental duties; and
 - xiv. travel to and from widely attended events related to governmental duties where acceptance of such travel would result in financial savings to the State of Utah.
- c. If an employee receives a gift, either directly or indirectly, that cannot be accepted, the employee may return the gift, pay its market value, or donate the gift to the State of Utah. If the gift is perishable or not practical to return, the gift may, with approval of the Department or Agency head, be shared with co-workers or given to charity.

3. Prohibition Against Nepotism in Hiring and Contracting

a. An employee covered by this order may not take part in any hiring or employment decision 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 discussions or decisions relating to the matter. This prohibition shall apply notwithstanding the exceptions contained in Utah Code Ann. Section 52-3-1.

b. An employee covered by this order may not take part in any contracting decision: (i) relating to a family member; or (ii) relating to any entity in which a family member is an officer, director or partner, or in which a family member owns or controls 10% or more of the stock of such entity. If a contracting 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 discussions or decisions relating to the matter.

c. For the purposes of this order, the term "family member" shall mean an employee's spouse, siblings, step-siblings, siblings-in-law, parents, step-parents, parents-in-law, children, step-children, children-in-law, and any person living in the same household as the employee.

4. Prohibition Against Lobbying Executive Branch Department or Agency Employees

a. An employee covered by this order may not knowingly permit a former employee, previously subject to this order during the course of his/her employment in the Executive Branch, to lobby the current employee unless a two year period has passed since the former employee's employment was terminated.

b. For purposes of this order, the terms "to lobby" and "lobbying" shall mean to receive compensation or other remuneration for attempting to influence executive action as defined in Utah Code Ann. Section 36-11-102(2).

5. Penalties

a. An employee covered by this order who violates this order is subject to appropriate discipline as provided in Utah Administrative Rule R477-11 and as determined by the Executive Branch department or agency head or the Governor's Chief of Staff.

IN WITNESS WHEREOF, I have here unto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol Building in Salt Lake City, Utah, this 26th day of January 2010.

(State Seal)

Gary R. Herbert
Governor

Attest:

Greg Bell
Lieutenant Governor

EO/003/2010

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