

HR/LR Policy #1417

Code of Ethics

Issued 11/15/1997

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Authority Labor Relations

OVERVIEW

Objective	To provide information and interpretation on the Code of Ethics for Employees in the Executive Branch, as provided by M.S. 43A.38.
Policy Statement	All executive branch state employees must abide by the Code of Ethics set forth in M.S. 43A.38.
Scope	The provisions of the policy apply to all employees in the executive branch of state government, as defined in M.S. 43A.02, subd. 22.
Definitions	N/A
Exclusions	N/A
Statutory References	M.S. 43A.02, subd. 22, Definition of executive branch M.S. 43A.38, Code of ethics for employees in the executive branch M.S.15.43, subd. 2., Textbooks exempted

GENERAL STANDARDS AND EXPECTATIONS

All executive branch state employees (as defined in [M.S. 43A.02, subd. 22](#)) are covered by the provisions of [M.S. 43A.38](#) regarding acceptance of gifts and favors; use of confidential information; use of state property; and conflicts of interest.

Acceptance of gifts

State employees may not receive anything of value for performing their job, except for the compensation and benefits provided by the state. They may not receive any payment of expense, compensation, gift, reward, gratuity, favor, service, promise of future employment, or promise of a future benefit for any activity related to their duties, except those provided by the state.

The *limited exceptions* to the ban on the acceptance of gifts are as follows:

- Gifts of “nominal value.” Nominal value is means something of little to no marketable value. Some examples of gifts of “nominal value” include:
 - Pens, cups, totes, flash drives or other trinkets bearing a company’s name/logo that do not have a marketable value.
 - Snacks or light refreshments provided at a meeting, conference or other event as a normal courtesy and offered to all attendees.

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- Plaques or mementos recognizing individual service in a field of specialty or to a charitable cause.
- Payment or reimbursement of expenses for travel (including lodging and meals) that:
 - are not reimbursed by the state,
 - have been approved in advance by the employee's agency,
 - are associated with a work assignment, and
 - which do not otherwise present a conflict of interest.
- Honoraria or expenses paid for papers, talks, demonstrations, or appearances which are:
 - made by employees on their own time, including vacation,
 - not part of their regular job duties, and
 - which do not otherwise present a conflict of interest.
- Textbooks, provided they meet the criteria of [M.S.15.43, subd. 2.](#)

Use of confidential information

Employees may not use confidential information obtained in the course of their state employment to further their own private interest. Additionally, employees may not accept outside employment or involvement in a business or activity which requires them to disclose or use confidential information obtained in the course of their state employment.

- "Confidential Information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.
- "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

Use of state property or time

Employees may not use state work time, supplies, equipment or other property for their private interests. One exception is that an employee may use state time, property or equipment to communicate electronically for certain purposes (e.g., to elected officials, the employer, or to an exclusive representative) provided such use results in no additional charge to the agency, or a charge so small as to make accounting for it unreasonable or administratively impractical. For further information, refer to the *Appropriate Use of Electronic Communication and Technology* policy at http://www.mn.gov/mmb/employee-relations/laws-policies-and-rules/statewide_hr_policies/.

Conflict of interest

Employees must avoid any action which might result in a conflict of interest or the appearance of a conflict of interest. Conflicts of interest include but are not limited to the following actions:

- Using an employee's official position to secure benefits, privileges or advantages for the employee, the employee's immediate family, or an organization the employee is associated with which are different from those available to the general public.
- Accepting employment or a contractual relationship that will affect the employee's independence of judgment in the exercise of official duties, for example, accepting employment with a business that is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee.

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- Competing with the state where the state is currently engaged in providing a service or where the state has expressed an intention to engage in competition for providing a service, unless the state waives this conflict.
- Using state time, facilities, equipment, supplies, badge, uniform, prestige or influence of state office or employment for private gain.

It is the employee's responsibility to recognize and avoid potential or actual conflict of interest situations. If an employee becomes aware of or is not sure if a conflict of interest exists, the employee may submit a request in writing, for determination of potential conflict, to the employee's supervisor. The supervisor will confer with the human resources office of the agency or the agency's ethics officer to determine if a conflict exists. If further review is required, the agency may confer with MMB for a final determination.

RESPONSIBILITIES

Agencies are responsible for:

Ensuring that employees are informed of the provisions of the Code of Ethics.

MMB is responsible for:

Assisting agencies with any issues concerning the Code of Ethics.

Contacts

State Ethics Officer/Labor Relations Representative

References

N/A