



“The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government.”

— Hawaii State Constitution, Art. XIV

The High Road

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Ethics Reminders for the Holidays

Another holiday season has arrived! Here are a few ethics reminders for state employees during the holidays.

State Regulatory or Procurement Personnel: Do not accept gifts from anyone you regulate or oversee. The State Ethics Code prohibits an employee from accepting a gift if it is reasonable to infer the gift is intended to influence or reward official action. For employees whose official duties include law enforcement, regulation, inspection, or procurement, the acceptance of any gift is likely prohibited. These employees should contact the Commission before accepting any gift, even a small “gift of Aloha” like a box of candy or cookies, from anyone who is subject to their regulatory or procurement duties.

Other State Employees: Modest “gifts of Aloha” are usually okay, but consult the Ethics Commission with any questions. A small business that receives educational services from your state agency sends you a box of shortbread cookies for the holidays. Can you accept this? Yes. Generally speaking, employees may accept modest “gifts of Aloha” or gifts of nominal value, such as a

calendar. More expensive gifts, including gift baskets, may be prohibited, especially if the employee receiving the gift takes official action affecting the donor. Employees should seek advice from the State Ethics Commission before accepting such gifts.

No Craft Sales, Fundraisers, or Other Private Business Activities in State Offices. Is there a craft sale in your state office? Are you selling holiday wreaths at work to benefit a youth sports team? The ethics code prohibits state employees from selling crafts, food, and other items in state offices, even if it is a fundraiser for a worthy cause. These sales are considered private business activities and the ethics code prohibits employees from using state offices and other state resources for such activities. (There are some limited exceptions, such as collecting cans of food for the State’s Food Bank drive.)

Enjoy your Office Holiday Party, but Don’t Ask Private Businesses for Donations. Planning a holiday party for your state office? The ethics code prohibits solicitations of private businesses for food, door prizes, or other donations to employee parties.



Misconceptions about Gifts and the State Ethics Code

The State Ethics Code includes both a gifts law and a gifts disclosure law.

- The gifts law, Hawaii Revised Statutes (“HRS”) § 84-11, determines whether or not a state employee can accept a gift.
- The gifts disclosure law, HRS § 84-11.5, determines whether or not a gift must be reported on a gifts disclosure statement.

There are some misconceptions about these laws and how they apply to state employees:

Misconception #1: I can accept any gift under \$200. This is incorrect. Certain gifts valued over \$200 must be reported on a gifts disclosure statement. But this does not mean that any gift under \$200 can be accepted. The gifts law prohibits the acceptance of any gift if it can reasonably be inferred that the gift is intended to influence or reward official state action by an employee. In some situations, even a moderately priced gift may be prohibited by the law. For example, a state employee who oversees a state contract with a vendor would be prohibited from accepting a \$30 gift card for movie tickets from the vendor. Although the value of a gift is one of the factors considered in determining whether a gift may be accepted, other factors are also considered, including whether the employee takes official action affecting the source of the gift and whether the gift provides any benefit to the State.



Misconception #2: I can accept any gift as long as I report it on a gifts disclosure statement. This is incorrect. The gifts disclosure law requires certain gifts to be reported on a public gifts disclosure statement. However, the gifts disclosure law does not determine whether a gift may be accepted in the first place. If a gift is prohibited by the gifts law, the employee must decline or return the gift; simply reporting the gift does not make it acceptable.

Misconception #3: I can accept any gift if I share it with my office or give it away to another employee. This is incorrect. If a gift is prohibited by the gifts law, sharing it with co-workers does not make the gift acceptable. For example, if a business that is inspected by a state employee gives the employee a \$50 gift basket, this is a prohibited gift. The employee cannot accept the gift basket and then share it with others in the employee’s office; nor can the employee give the gift basket away to another employee, or donate the gift to the office holiday party as a door prize. The employee who receives the prohibited gift must decline or return the gift. If a gift cannot be declined or returned, it may be permissible to donate the gift to a charitable organization. Employees should contact the State Ethics Commission’s office for advice about these situations and the best way to dispose of a prohibited gift.

Questions about gifts? Contact the Commission’s office for ethics guidance.

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“The purpose of this chapter is to . . . establish an ethics commission which will . . . render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved.”

— Preamble, Hawaii Revised Statutes Chapter 84 (State Ethics Code)



Post-Employment Advice for Employees Leaving State Service

If you are planning to retire or leave state service at the end of this year, remember that the State Ethics Code’s post-employment laws will apply to you even after your state employment has ended. The post-employment laws include restrictions that apply to your private business activities for up to twelve months after you leave state service or, for matters relating to certain state contracts, for up to two years after you leave state service. For more information about this, see the State Ethics Commission’s publication, “Post-Employment Restrictions for State Legislators and Employees,” on our website at <http://tinyurl.com/HI-ethics-post-employ>. Executive branch employees can also access a brief on-demand video presentation on the State Ethics Code’s post-employment laws via the Department of Human Resources Development’s website at <http://dhrd.hawaii.gov/state-employees/eetraindev/>. If you would like post-employment advice about your specific situation, please contact the State Ethics Commission’s office. And thank you for your state service!

Ethics Classes for December 2016 and January 2017

In 2016, hundreds of state employees on Oahu and the neighbor islands attended one of the many ethics training classes offered by the State Ethics

Commission. More classes will be scheduled in 2017 – check our website in January for the 2017 training schedule.

The following ethics classes will be held in December 2016 and January 2017. Employees can still register for these classes on our website at <http://ethics.hawaii.gov>:

Ethics for State Government Attorneys (December 2, 2016). This class for state government attorneys will focus on how the State Ethics Code applies to their actions as state employees and to the actions of their state government clients. The class has been approved for 1.5 hours of ethics CLE credit for attorneys.

Ethics Refresher Class for Elected State Officials, Department Directors, and State Agency Heads (December 6, 2016; January 5, 2017). This is a one-hour ethics refresher class for elected state officials and agency heads who have previously taken an ethics course administered by the State Ethics Commission. Other employees who would like a refresher on ethics also may attend. This refresher class will review the standards of conduct required by the State Ethics Code for state government officials and employees.

Mandatory Ethics training for NEW legislators, Department Directors, and State Agency Heads (January 6, 2017). This course is for new legislators, Department Directors, and State Agency Heads who have not yet taken the two-hour mandatory ethics class. (It is also open to anyone else who would like to attend.) If you are unsure as to whether you must attend this class, please contact the State Ethics Commission’s office.

