



State of Oklahoma
Human Capital Management
A Division of the Office of Management and Enterprise Services
Policies and Procedures
Code of Ethics

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Approved: Lucinda Meltabarger	Approval Date: 09/21/2012

Policy

It is the policy of the Office of Management and Enterprise Services (OMES) that all employees in the performance of their job are expected to conduct themselves in accordance with OMES' core values of service, integrity, and quality and comply with federal and state laws, rules/regulations and all OMES policies. Employees shall avoid actual breaches of ethics as well as the perception of unethical behavior. Except as provided in this policy, accepting anything of value is prohibited. The employee code of ethics must be adhered to by every employee of OMES. Violations of this policy are cause for disciplinary action up to and including termination.

Purpose

This policy was established to inform Office of Management and Enterprise Services (OMES) employees of the OMES policy regarding code of ethics and employee conduct in accordance with OMES' core values of service and State and Federal laws.

Definitions

"Anything of Value" is defined by the Oklahoma Ethics Rules [OAC 257:1-1-2] and means:

- (A) a pecuniary item, including money, or a bank bill or note;
- (B) a promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- (C) a contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- (D) a stock, bond, note, or other investment interest in an entity;
- (E) a receipt given for the payment of money or other property;
- (F) a right in action;
- (G) a gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel, except as provided in subparagraphs (C), (D) and (N) of Paragraph (2) of this definition;
- (H) a loan or forgiveness of indebtedness, except as otherwise provided in subparagraph (I) of Paragraph (2) of this definition;

- (I) a work of art, antique, or collectible;
- (J) an automobile or other means of personal transportation;
- (K) real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested in realty, a leasehold interest, or other beneficial interest in realty;
- (L) an honorarium or compensation for services, except as otherwise provided in subparagraph (M) of Paragraph (2) of this definition;
- (M) a rebate or discount in the price of anything of value or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public, except as provided in subparagraph (J) of Paragraph (2) of this definition;
- (N) a promise or offer of employment;
- (O) transportation, lodging or entertainment; or
- (P) any other thing of value not excluded by Paragraph (2) of this definition.

“Immediate Family” or “Related” means the employee’s spouse, children, parents, brothers, sisters, including step, grand, half, foster or in-laws.

Implementation

OMES is committed to creating a workplace that is free of discrimination and all types of abusive, offensive or harassing behavior and where all employees are treated with dignity and respect. Any employee who feels harassed or discriminated against or is aware of any violation of law or OMES policies should immediately report the incident to a supervisor, a manager or Human Resources.

OMES will investigate all reported instances of questionable or unethical behavior. In every instance where improper behavior is found to have occurred, OMES will take appropriate action.

OMES will not tolerate retaliation against employees who raise genuine ethics concerns in good faith.

OMES will not tolerate misconduct. It shall include, but not be limited to, the following:

1. Unexplained absenteeism or tardiness;
2. Willful or wanton indifference to or neglect of the duties required;
3. Willful or wanton breach of any duty required by the employer;
4. The mismanagement of a position of employment by action or inaction;
5. Actions or omissions that place in jeopardy the health, life or property of self or others;
6. Dishonesty;
7. Burglaries and thefts;
8. Wrongdoing;
9. Violation of a law; or

10. A violation of a policy or rule adopted to ensure orderly work or the safety of self or others. Employees owe a duty to OMES to support its legitimate interests at all times.

Employees shall not:

1. Supervise or be subject to the supervision of another employee who is a member of his/her immediate family or household.
2. Engage in amorous manager/subordinate relationships.
3. Own or have a substantial interest in a supplier or contractor.
4. Have a personal interest, financial interest or potential gain in any OMES transaction.
5. Place agency business with a firm owned or controlled by an OMES employee or his or her family.
6. Offer or solicit improper payments or gratuities in connection with the purchase of goods or services for OMES.
7. Use information gained through their position for personal gain of the employee or others. For example, knowledge of award of a contract to a particular firm should not be the basis for an investment either by an employee or for a friend or relative.
8. Release any information concerning proposed procurements prior to contract award except through established procurement channels. Examples of such approved channels are Invitations to Bid or other solicitations, amendments to solicitations, or pre-bid conferences.
9. Disclose confidential and nonpublic information with respect to OMES, its securities, business operations, plans, financial condition, results of operations or any development plan without a valid business purpose and proper authorization (whether in one-on-one or small discussions, meetings, presentations, media, proposals or otherwise).
10. Develop any relationship or activity that might impair, or appear to impair, his/her ability to make objective and fair decisions when performing duties.
11. Engage in unauthorized use, copying, distribution or alteration of software or other intellectual property.
12. Use company equipment such as computers, copiers and fax machines in the conduct of an outside business or in support of any religious, political or other outside daily activity, except for OMES requested support to nonprofit organizations or incidental use.
13. Directly distribute or sell non-work related materials during work hours.
14. No OMES employee or an immediate family member shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive or agree to receive things of value for the state officer or employee or for any other person or entity in a calendar year which, in the aggregate, are

valued at more than one hundred dollars (\$100).

OAC 257:20-1-9. Exceptions may be applied in accordance with OAC 257:20-1-9 (f).

OMES employees may accept:

- (B) any books, written materials, audio tapes, videotapes, or other informational promotional material related to the performance of a state officer's or state employee's official duties;
- (C) a gift that:
 - (i) is not used, and
 - (ii) no later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
- (D) a gift, devise, or inheritance from an individual's spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph;
- (E) a plaque or trophy with a value that does not exceed two hundred dollars (\$200);
- (F) modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal;
- (G) food and beverage consumed on the occasion when participating in a charitable, civic, or community event, and the officer or employee is attending in an official capacity;
- (H) greeting cards and items with little intrinsic value, such as certificates, which are intended solely for presentation;
- (I) loans from banks and other financial institutions on terms generally available to the public;
- (J) opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all state government employees, whether or not restricted on the basis of geographic consideration;
- (K) rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public; rewards and prizes from contests or events which are not open to the public are also excepted if the state officer's or state employee's entry into the contest is required as part of his official duties;
- (L) pension and other benefits resulting from participation in a retirement plan offered by an employer or former employer of a state officer or state employee;
- (M) anything which is paid for by the state government or secured by the state government under state government contract;
- (N) any gift accepted on behalf of the state of Oklahoma or a governmental entity by the Governor under Section 381 et seq. of Title 60 of the Oklahoma Statutes. In order to be deemed accepted, the Governor must be notified in writing of any gift received by a governmental entity, or person on behalf of a governmental entity, within ten (10) days of receipt of the gift. Notice of acceptance must be received from the Governor within the next thirty (30) days. Upon lack of a response from the Governor within the thirty (30) days of receipt of the notice, the gift is deemed rejected and must be returned to the donor;
- (O) anything for which market value is paid or secured by written contract to be paid by the state officer or state employee no later than 30 days of receipt;
- (P) transportation furnished to a state officer or state employee for the purpose of assisting the officer or employee in the performance of the officer's or employee's official duties and from which the officer or employee receives only incidental personal benefits ancillary to said purpose;
- (Q) food, transportation or entertainment provided by a governmental agency or governmental enterprise of a foreign nation as a gesture of hospitality;
- (R) prescription drugs or similar items given to the recipient for distribution to patients in need of treatment which are not used by the recipient;

(S) a meal or other food served at a meeting at which the state officer or state employee is an invited guest; and

(T) any gratuity provided at a meeting, conference, or seminar by sponsors, exhibitors, etc., the cost of which is not borne by a registrant to such meeting, conference, or seminar, and which is available to all registrants; and

(U) any single item with a fair market value not exceeding Ten Dollars (\$10.00) provided to a state officer or state employee during a calendar year; provided, if a donor provides more than one such item to a state officer or state employee during a calendar year, any such additional items shall not be subject to this exception;

(V) a ticket to the Speaker's Ball;

(W) food and beverage provided at any event to which all members of the Legislature are invited, provided this provision shall apply no more than one time per calendar year for any lobbyist principal; and

(X) food and beverage provided at any meeting of the political caucus of either House of the Legislature, provided the House involved has not adjourned for the day, during a regular or special legislative session; food and beverage provided at any event to which all members of a committee or subcommittee of either House of the Legislature identified in the Rules or Journal of the respective House are invited and which is attended by a majority of members of the committee or subcommittee. Any lobbyist or lobbyist principal may provide food and beverage to any meeting of a political caucus or to any event to which all members of a committee or subcommittee of either House are invited as contemplated by this subsection; provided, however, if a lobbyist or lobbyist principal provides food and beverage to the same political caucus of either House or to an event to which all members of the same committee or same subcommittee of either House are invited more than one time during a calendar year, the second such meeting or event and any subsequent meetings or events shall not be subject to the exception to the definition of "things of value" provided by this subsection.

Employees working in the Human Capital Management Division or Legal Division may not be related to any OMES employee. The OMES director may approve exceptions.

It shall be unlawful for the State Purchasing Director, Chief Information Officer or any buyer or any officer of OMES purchasing or procurement divisions, or any member of their immediate family, under The Oklahoma Central Purchasing Act to accept any gift, donation, or gratuity for himself/herself or any member of his/her immediate family from any seller or prospective seller of any property covered by The Oklahoma Central Purchasing Act; and it shall further be unlawful for any seller or any prospective seller to give or donate anything of value to the State Purchasing Director, Chief Information Officer or any buyer or officer of OMES purchasing or procurement divisions or any buyer under The Oklahoma Central Purchasing Act or any member of the immediate family of the State Purchasing Director, Chief Information Officer or buyer or officer of OMES purchasing or procurement divisions. This provision shall not apply to exceptions to the definition of "anything of value" in the Rules of the Ethics Commission.

Designated employees of the Information Services Division of the Office of Management and Enterprise Services (OMES) who have immediate control of computer systems of the Lottery Commission are prohibited from purchasing a ticket or share in the Oklahoma Lottery or lottery games conducted by or through the Oklahoma Lottery Commission (OLC) under the Oklahoma Education Lottery Act (the "Act"). No prize derived from the Oklahoma Lottery or lottery games conducted by or through the OLC under the Act shall be paid to these designated employees or to the employee's spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of any such person. Designated employees shall have a continuing duty to notify any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of any such employee of this restriction.

OMES leadership is responsible for demonstrating the importance of this policy and shall:

1. Communicate this policy to employees.
2. Ensure that employees attend all required trainings.
3. Promptly address ethical concerns

Retaliation will not be tolerated against any employee that expresses ethical concerns in good faith.

OMES reserves the right to monitor or review all data and information contained on an employee's company-issued computer or electronic device, the use of the Internet or OMES' intranet. OMES will not tolerate the use of its resources to create, access, store, print, solicit or send any materials that are harassing, threatening, abusive, sexually explicit or otherwise offensive or inappropriate.

OMES employees may be approached by reporters and other members of the media. In order to ensure that the agency speaks with one voice and provides accurate information, employees shall direct all media inquiries to the Public Affairs Director. No one may issue a press release without first consulting with the Public Affairs Director.

Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from Human Resources.

Violation of this policy is cause for disciplinary action up to and including termination.