



The High Road

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State and County Ethics Officials Come Together for 2019 Hawaii Ethics Conference

“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
Article XIV

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On September 5, 2019, Hawaii’s state and county ethics officials met together for the first time in Honolulu for a one-day conference on government ethics. Conference participants included members and staff of the Hawaii State Ethics Commission, the Honolulu Ethics Commission, and the Ethics Boards for the Counties of Hawaii, Kauai, and Maui.

The State Ethics Commission and all of the County Ethics Boards share a common mission: to hold public officers and employees to the highest standards of ethical conduct as mandated by the Hawaii Constitution. The conference gave participants an opportunity to reflect on how well they are meeting this mission and to discuss the challenges and successes of their work.

Participants also exchanged information about the practical details of administering a

code of ethics. Discussion topics included: What training tools and technologies work best? How can we give good ethics advice to employees? Are we making effective use of disclosure statements? What are the challenges and best practices for investigating alleged wrongdoing and enforcing the law?

Many thanks to all of the County Ethics Boards for their participation in the conference and to the Honolulu Ethics Commission for hosting the conference at Kapalama Hale. At the conclusion of the conference, participants were already proposing to make it a regular event in the future.



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Ethics Guidelines for Aloha United Way Fundraising by State Agencies

Every year, the State participates in a fundraising campaign for the Aloha United Way (and similar United Way campaigns on the neighbor islands). State agencies help raise funds for the A UW by soliciting employee donations through individual pledges and by sponsoring fundraising activities such as bake sales, auctions, and contests.

The State Ethics Code generally prohibits fundraising in state offices for “private business” purposes, which includes fundraising for private charities. However, the State has adopted the A UW campaign as “public business” by authorizing state personnel and state resources to be used for the campaign, which funds a broad range of community services in Hawaii. Because of this, the State Ethics Commission determined in 1976 that the State Ethics Code does not prohibit the use of state personnel and state resources to fundraise for the A UW ([See Advisory Opinion No. 245](#)).

State agencies may solicit contributions to the A UW from state employees at work, but contributions



by employees must be voluntary. Employees may not be pressured or coerced into contributing.

State agencies also may hold fundraising activities, such as

rallies, fairs, sales, and contests, to benefit the A UW. These activities, however, may not run afoul of the State Ethics Code. In general, “in-house” fundraisers that are limited to agency employees are less likely to raise ethics concerns than fundraisers that are extended outside an agency to the public or to private businesses. Agencies should contact the State Ethics Commission for guidance before soliciting any donations for a fundraiser from outside sources.

For more information about fundraising for the A UW, see the State Ethics Commission’s publication: [“Ethics Guidelines for Aloha United Way Fundraiser Activities Conducted by State Agencies.”](#)

Can State Employees Accept Tips and Gratuities?

Have you ever put money into a tip jar at your favorite lunch wagon or sandwich shop? This is an accepted practice at food establishments. But imagine seeing a tip jar at the service counter of a state government office. Is it appropriate for state employees to accept tips or other gratuities for doing their jobs? The answer is, “No.”

The State Ethics Code prohibits state employees from accepting any additional compensation for performing their state duties unless permitted by law. In most cases, this means you may accept only your state salary and other pay (such as overtime pay) to which you are entitled under the terms of your state employment. You may not accept tips, gratuities, or other

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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)*

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unauthorized payments for performing your state duties. This prohibition is part of the “Fair Treatment” law (HRS section 84-13), which prohibits employees from using their state positions to give themselves unfair privileges or advantages.

Employees are also prohibited from accepting additional fees, honoraria, and other similar payments for their state services unless permitted by law. Some state employees, such as state court reporters, are specifically authorized by law to receive fees paid by private parties for their services. But most other state employees are not authorized to do this and may not accept any additional fees or payments for their state services. For example, an employee who gives a speech at a conference as part of the employee’s state job may not accept a speaker’s fee or honorarium from the conference organizer.

Contact the State Ethics Commission for guidance if you have questions about tips, gratuities, or other payments offered to state employees in connection with their state jobs.

Do Not Dispose of State Property by Taking it Home

My office is getting rid of its old microwave/lawnmower/computer monitor. Can I keep it?

No.

We get it, we don’t like to see things go



to waste. You might think that the office’s microwave oven still has some life left in it, or you might think you can fix up the old lawnmower that’s being replaced. But we strongly advise against taking any of this equipment home.

The Fair Treatment law prohibits state employees from using their state positions to give themselves (or someone else) any sort of special treatment. When a state employee takes state furniture or equipment – even something that’s being disposed of – it creates the impression that state employees are using their positions to get extra perks or benefits. More importantly, though, it creates an incentive for employees to replace state property that doesn’t

necessarily need to be replaced: if a manager knows that he can take the old pressure washer home if he says the shop needs a new one, he may be more likely to order the new one sooner than is necessary. Same thing goes for supplies: just because you have extra paint from a job doesn’t mean you can take that paint home with you; it creates an incentive to order more than the State needs so that people can take the extra home with them. Plus, someone is bound to see you loading that old microwave into your car, and they may file a complaint with the Ethics Commission accusing you of stealing state equipment. Best practice is to follow DAGS’ procedures for disposing of state property – but don’t take it home yourself. If you do think furniture or equipment has some life left in it, but no one else in State government wants it, you can always post it on the Aloha United Way listserv – there are plenty of non-profit organizations that are willing to take used furniture and equipment, and things go pretty quickly.