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.
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 AUW 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 AUW 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 AUW (See Advisory Opinion No. 245).

State agencies may solicit contributions to the AUW 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 AUW. 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 AUW, 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
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)

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 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.