

HR/LR General Memo #2015-5
Code of Ethics FAQ's

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Authority Labor Relations

GENERAL GUIDANCE AND INFORMATION

State employees who are interested in working outside their state employment frequently ask questions about how to avoid violating the Code of Ethics for Executive Branch Employees set forth at M.S. 43A.38. The following are answers to some commonly asked questions, intended to help employees avoid ethical conflicts.

Can I get paid for other work I do while I am on vacation time?

Yes, provided the work you do is not related to your duties as a state employee. State law says that executive branch employees shall not directly or indirectly receive compensation for any activity related to the duties of the employee from any source except the state.

What does "related to your work duties" mean?

Related to your work duties is defined in M.S. 43A.38 as, "the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee." If you have questions about your work duties, your supervisor can help you clarify them.

Can I receive an honorarium for giving a speech or making a presentation?

Yes, in some circumstances.

- If the speech or presentation is related to your work duties and done on state time, you may not receive an honorarium.
- If the speech or presentation is not related to your work duties and is given on your own time and you do not use state resources, an honorarium may be accepted.
- If the speech is related to your work duties but performed outside of your normal work hours and is authorized by your supervisor, you may be eligible for overtime or comp time or an honorarium. You should check with your supervisor prior to accepting an honorarium.

Can I accept a thank you gift as appreciation for the work I did as a state employee?

Generally, no. You may accept gifts of "nominal value" only, which means gifts that have no marketable or retail value such as promotional or advertising items. You may accept a plaque or memento recognizing your individual service in a field of specialty or to a charitable cause. You should not accept anything which you believe might affect your independence of judgment in your state responsibilities.

Can I serve as a paid member of a board or be paid to teach a course?

Yes, as long as:

- it is not a conflict of interest,
- it is not a required or expected responsibility of your state job, and
- the service or teaching is on your own time.

It is recommended that you seek advice of your supervisor, your agency's ethics officer or human resources office, or MMB if you have any questions about whether a conflict exists.

Can I set up a consulting business in the same field I work in?

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Yes, as long as you avoid conflicts of interest. It is recommended that you seek advice of your supervisor, your agency's ethics officer or human resources office, or MMB if you have any questions about whether a conflict exists.

Can I promote my private business or organization at my state job site?

No, you may not use state property or resources for your private interests. However, you may use promotional avenues which are available to the general public such as public bulletin boards. You should seek advice of your agency's human resources office or ethics officer.

Can I solicit gifts or contributions from private businesses for employee special events?

No, this would be using your employment with the state to secure benefits or privileges not available to the general public. A business could see this type of solicitation as undue pressure. They might construe the solicitation as a requirement to do business with the state, even if you make attempts to ensure that the business makes the gift voluntarily.

Can I accept a door prize at a conference that is raffled off through random selection?

It depends on the specific circumstances. Generally, the state laws on gambling prohibit acceptance of such prizes, even if random, unless the drawing is open to the general public who have not paid a fee, or the conference or event is free.

What do I do if I am not sure if a conflict of interest exists?

- Avoid any questionable activities.
- Review the Code of Ethics for Executive Branch Employees at M.S. 43A.38.
- Ask for help in clarifying the situation.

We encourage open discussion of ethical dilemmas. Talk to your supervisor or the person in your department designated to handle conflicts of interest. You may also contact Minnesota Management & Budget's Commissioner's Office. In order to obtain a formal conflict of interest determination, a request must be submitted in writing to:

Minnesota Management & Budget
400 Centennial Building
658 Cedar Street
St. Paul, MN 55155

What happens if my appointing authority or Minnesota Management & Budget determines that I have a conflict of interest?

Outcomes will depend on the specific facts presented. Outcomes may include:

- An instruction that you not pursue the outside activity;
- Reassignment (to avoid the conflict); or,
- You could be allowed to continue with your assignment if the interested parties are notified.

Contacts	State Ethics Officer/Labor Relations Representative
References	HR/LR Policy #1417, Code of Ethics