



State of Oklahoma
Office of Management and Enterprise Services
Policies and Procedures
Code of Ethics

Effective Date of Policy: 04/16/2018	Next Scheduled Review: 03/01/2020
Effective Date of Original Policy: 10/01/2012	Policy Number: OMES-14
Last Reviewed: 03/07/2018	Replaces Policy Number: HCM - 04
Date Policy Last Revised: 03/07/18	
Approved: Denise Northrup, OMES Director	Approval Date: 04/03/2018

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. Except as provided in this policy, accepting anything of value from a lobbyist; any vendor or vendor's agent that is selling or attempting to sell goods or services to OMES if the employee is engaged in purchasing decisions; or any vendor or vendor's agent during the time period the vendor is doing business with OMES is prohibited. The employee code of ethics must be adhered to by every employee of OMES. In addition, employees are expected to work in a cooperative manner with management/supervisors, co-workers, customers and vendors. Violations of this policy are cause for disciplinary action up to and including termination.

Purpose

This policy was established to inform 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

"Family member" - Shall include spouse, children (including stepchildren), mother, father, sister or brother;

"Gift" - Means property transferred to or service provided for another without compensation of equal value;

"Material financial interest" - Shall mean:

- A. An ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the state officer or employee or his or her family member is a director, officer, owner, manager, employee or agent or any private business, closely held corporation

- or limited liability company in which the state officer or employee or his or her family member owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Twenty Thousand Dollars (\$20,000.00) or more at any point during the preceding calendar year; or
- B. an ownership interest of five percent (5%) or more in a publicly traded corporation or other business entity by a state officer or employee or his or her family member at any point during the preceding calendar year; or
 - C. an ownership interest in a publicly traded corporation or other business entity from which dividends or income, not to include salary, of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the state officer or employee or his or her family member; or
 - D. an interest that arises as a result of the state officer's or employee's or his or her family member's service as a director or officer of a publicly traded corporation or other business entity at any time during the preceding calendar year; or
 - E. any sources of income derived from employment, other than compensation pertaining to the office for which the state officer or employee or his or her family member holds, in the amount of Twenty Thousand Dollars (\$20,000.00) or more by the state officer or employee or his or her family member.

“Material financial interest” shall not mean an interest in a mutual fund or other community investment vehicle in which the state officer or employee or his or her family member exercises no control over the acquisition or sale of particular holdings or an interest in a pension plan, 401k, individual retirement account or other retirement investment vehicle that makes diversified investments over which the state officer or employee or his or her family member exercises no control over the acquisition or sale of particular holdings.

“**Vendor**” - Means any seller or prospective seller of any property or service to the State of Oklahoma; and

“**Vendor’s agent**” - Means a representative of a vendor.

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. The OMES Anti-Harassment and Non-Discrimination Policy can be found at <http://omes.ok.gov/sites/g/files/gmc316/f/OMES-17Anti-HarassmentNonDiscrimination20180430.pdf>. The OMES Anti-Violence/Bullying Policy can be found at <http://omes.ok.gov/sites/g/files/gmc316/f/OMES-18Anti-ViolenceBullying20180430.pdf>. Any employee who feels harassed or discriminated against or is aware of any violation of law or OMES policies should follow the OMES Complaint and Investigation Process Policy found at <http://omes.ok.gov/sites/g/files/gmc316/f/OMES-19ComplaintInvestigationProcess20180416.pdf>.

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. Misconduct 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 OMES policy, procedure, or state or federal law.
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. Be related to employees working in the HCM or Legal Division. OMES director may approve exceptions.
3. Engage in amorous manager/subordinate relationships.
4. Own or have a substantial interest in a supplier or contractor.
5. Have a material financial interest or potential gain in any OMES transaction.
6. Place agency business with a vendor owned or controlled by an OMES employee or his or her family member.
7. Offer or solicit improper payments or gratuities in connection with the purchase of goods or services for OMES.
8. 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.
9. 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 pursuant to OAC 260:115-7-30.
10. 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). Confidential and nonpublic information shall mean information that is protected from disclosure pursuant to the Oklahoma Open Records Act or other applicable law.
11. Develop any relationship or activity that impairs his/her ability to make objective and fair decisions when performing duties.
12. Engage in unauthorized use, copying, distribution or alteration of software or other intellectual property.
13. Use company equipment such as computers, copiers and/or 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.

14. Directly distribute or sell non-work related materials during work hours. This shall not include activities that would result in or be considered an indirect distribution or sale of materials.
15. Accept any gift for himself or herself or his or her family member from any vendor or vendor's agent at any time the vendor is doing business with the OMES employee or OMES through a contract involving property or services, unless specifically authorized by this policy. The OMES Director may grant exceptions to this prohibition in accordance with Ethics Rule 4.9.
16. Refuse to cooperate with authorized investigations in matters of official interest. Employees shall not be required to disclose any information that is deemed confidential pursuant to applicable law.

OMES employees may accept

- (A) 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;
- (B) a gift given under circumstances that makes it clear that the gift is motivated by a family relationship or a personal relationship;
- (C) a meal or other food served at a meeting at which the state officer or state employee is an invited guest; and
- (D) any gratuities and hospitality provided at a conference, seminar or similar event, by sponsors, exhibitors, etc., that are made available to all participants in the event.; and
- (E) 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;
- (F) a ticket to the Speaker's Ball;
- (G) 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
- (H) 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.

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.

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.

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 the Human Capital Management Deputy General Counsel.

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

Nothing in this policy is intended to limit employees' rights under the Whistleblower Act found at 74 O.S. § 840-2.5.