Q. An office is having a vendor come in to do chair massage during lunch. An employee’s spouse is being recommended as a possible vendor for the job. Is this a conflict of interest?

A. Yes, if the employee is referring a family member to be a vendor, this is a conflict of interest according to ODOT policy and state ethics law. ORS 244.040 says we cannot make decisions or take action in our official capacity that affects a family member’s business to the financial gain or avoidance of financial detriment of that business. If the vendor was not referred by the employee and solicited through a normal bid process, there is still an issue according to the Conflict of Interest policy, PER 01-02-02 (5). The policy states, “Avoid situations where employees have oversight authority or input on hiring or purchasing from vendors or contractors which are family members or those in close personal relationships.”
Q. Would it be acceptable for a state employee to accept a corporate rate from the Court House Athletic Club?

A. This is absolutely acceptable. It is a corporate rate offered to all government employees and falls into our wellness program category. It is also similar to the Costco government group rate. Because the offer is available to a large number of different groups, GSPC (Government Standards and Practices Commission) has said this is fine.

Our lives begin to end the day we become silent about things that matter.

--- Martin Luther King Jr.

Q. Can I use the computer to download and print my PD100 for a position at another agency? Is this okay to do during break time?

A. Yes, you can use the computer to prepare and print the PD100 but not during a break. According to ODOT Policy, ADM 05-08-01, “limited use of e-mail and Internet is granted only on nonpaid personal time, defined as before or after the scheduled work shift and lunch breaks.” You can also find guidance in the Manager’s Handbook, Chapter 8, Section 16.

Q. Is it okay for an employee to check personal (not ODOT) e-mail using our computers if the employee is on his/her lunch?

A. Yes, during lunch we can make personal use of the computer and Internet (see policy references above), however, many sites are blocked and will not be unblocked for personal e-mail access.

Q. Can we produce cards and use the copier and color printer for personal use?

A. No. Chapter 8, Section 16 of the Manager’s Handbook says personal printing is not allowed unless for application materials. There is currently a ban on color printing without the appointing authority’s permission.
Can my crew **use a state vehicle to** leave the station, **go to the store for food** and return to the station to eat lunch?

Safe Haven and Human Resources have responded to many questions regarding appropriate use of state vehicles. There is one very clear, consistent message: **“By law, state vehicles shall be used only for official state business and not for any personal business.”** OAR 125-155-500 (1)

OAR 125-155-510 (1) states: **“During day-use, drivers may travel for any state business and no personal business.”** (3) states: **“The state’s vehicle shall not be taken to or from the duty station for any personal day-use purposes. This prohibits personal travel between home and the driver’s official duty station. It prohibits travel from the duty station to go eat, attend a personal appointment, recreate, assist friends or family, visit, or get laundry or grooming done. These are not state business.”** So, employees may not use the state vehicle to go to the store for food. Employees must use their personal vehicles for this purpose.

Can my crew **use a state vehicle to return to the shop for lunch** if they are working away from the duty station and will be there all day?

OAR 125-155-510 (2) states **“Drivers may stop for food or breaks at sites reasonably near to their direct business route.”** This infers that returning to the shop for lunch would be seen as personal use of the state vehicle. Quoting OAR 125-155-500 (2) “The law requires that “official state business” be narrowly construed. No diversion from state use to serve a personal purpose is permitted. However, a necessary state business use may coincide with a personal purpose. Stopping for meals or breaks enroute is an example where state and personal uses are both served.” Given these examples, driving back to the shop for meals would be considered personal business and not allowed if the job requires the employee to be at a given location for the day.

“Never give in, never give in, never, never, never - in nothing, great or small, large or petty - never give in except to convictions of honor and good sense.”

Sir Winston Spencer Churchill 1874-1965
E-mail & SPAM Information

Safe Haven continues to receive questions about the use of e-mail. Personal e-mail use is limited to nonpaid time, meaning before or after work and during lunch. **Breaks are paid time.**

Remember **all e-mail is public record** when using the state e-mail system, regardless if it is for your own personal use. For additional information on appropriate use of information-related technology, refer to the Manager’s Handbook, Chapter 8, Section 16.

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**Reports of Alleged Misconduct**

Safe Haven received a report from the Director’s Office of an **ODOT vehicle** being sighted “racing by” **exceeding the speed limit.** The vehicle had an ODOT logo on the door and an ODOT equipment number.

**Q**

Safe Haven reported the incident to the manager of the driver and asked the **manager to investigate**, and per the Director’s Office, to address the issue with appropriate staff. The manager did that and shared a message we should all remember, “You never know who is driving in the other vehicle you are passing!”

**A**

**Q**

Employee has spoken with supervisor about several specific accounts of another employee’s **unethical conduct and wrongdoing.** Supervisor took no action, defended employee and seemed unwilling to address a difficult situation. However, when different employees do very minor things supervisor goes overboard in correcting. This was reported to the up-line supervisor and HR. Both suggested reporting employee go back to the supervisor in question. Employee is asking Safe Haven, “Where do I go now?”

**A**

Safe Haven gathered specific facts concerning incidents and went to higher level manager and HR to discuss perceptions of employee being directed back to supervisor and having no support or concern about behavior. Up-line manager conducted investigation and **appropriate action was taken.**

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“The reputation of a thousand years is determined by the conduct of one hour.”  Japanese Proverb
Q. Can employees distribute books for their own private business, such as Avon, to other employees at their workstations if it is done before/after work or during breaks or lunch?

A. Oregon Administrative Rule 123-080-0010 (5) states, “Employees shall not engage in any sales or solicitation activities in any Department-controlled premises, except when so authorized by their own employing agency.” A memo was sent by the ODOT Management Team on Guidelines Regarding Sales and Solicitation in State Buildings. It read: “Generally, the rules do not allow solicitation of goods or services for profit by employees or the public in state buildings.”

Q. Is there any policy that states employees cannot sign the work they do for ODOT, such as maps and graphic art they produce as part of their job?

A. The Ethics Committee decided that, if there is a good business reason to have employees sign their work, it would be permissible. The tests for deciding if there is a good business case are accountability, follow up, and need to know author to track data, etc. If there is no good business case, we should not allow it. Work produced by ODOT employees is a product of ODOT, not the individual employee.

In a consultation with the Department of Justice, the following general advice was given: There is no statute regarding signing of employee’s work products, however, the expectation is that work products are the property of the employer. The employer compensated the individual to do the work and therefore owns it. DOJ also said it may be an employer’s policy decision whether or not to allow employees to sign the work, attribute it to a work unit, attribute it to the department, or give no attribution at all. ODOT does not have a written policy regarding the issue, just precedent-setting practices currently being used by certain sections and managers.

Reprographics products are often required to be identified in order to trace whether done by ODOT, DAS or an outside entity. According to management in SSB Business Services Section, the unit name and not the individual employee’s name is on some products. Art work hanging in most offices, including the halls of headquarters buildings do not display the name and title of the employee that took the picture, developed and produced it. Articles in our communications publications, like Inside ODOT do carry the name of the author because they are responsible for the information they present. This allows further clarification when needed by the article’s author.
Transition in Safe Haven – Message from Lori Gaither

I have made the decision to make a transition in my ODOT career. I have taken a position in the Bridge Delivery Unit. I began there on July 1st and I am very excited about the potential for the work here.

It has been my distinct pleasure to serve as your Ethic’s Officer for the past six years. I have learned a great deal during my tenure, not just about laws and rules, but also about the quality and heart of the people who work here. I am proud of the employees of ODOT and your commitment to being excellent stewards of the public trust. I am proud of the work we have all done together to make ODOT the model in Oregon for state government ethics programs.

During the next six months, Safe Haven will be managed by Anita Davis. Anita was an employee of ODOT for 18 years, working at DMV, Traffic Safety and Human Resources. For the past six years, she has been at the Department of Human Services as a Training and Development Specialist. Anita has had an ongoing interest and involvement in organizational ethics. She was an employee in ODOT’s Human Resources/Organization Development Section during the time the initial ethics focus began with “Pride in Public Service.” During her time at DHS, she developed and delivered a training course for DHS leadership called “Being an Ethical Leader.” She also worked on a committee that solicited wide input in developing policy principles and infrastructure design for an ethics component at DHS. Please welcome Anita. She is glad to be back at ODOT and anxious to serve in this capacity.

“‘Worrying about what’s right is always more important than worrying about who’s right.’”

Anonymous
Step 1: Clarify the situation.
- What’s happening? Who’s affected?
- Whose responsibility is it?
- Gather data from whoever has it.
- Identify key issues and concerns.
- Use PLUS to clarify observations.

Step 2: Consider Options.
- Generate many options.
- Consider ODOT values and PLUS.
- Ask questions and involve others.
- Consider the economic value: Costs, benefits, and risks of each option.
- Pause and review, then...

Step 3: Commit to Action.
- Select the best option.
- Write down the decision.
- Outline the action steps.
- Inform all who need to know.
- Use PLUS to guide and monitor the implementation.
- Listen to feedback.

P – POLICIES & PROCEDURES
Consistent with ODOT’s policies, procedures and guidelines.

L – LAWS AND REGULATIONS
Acceptable under applicable laws, rules and regulations.

U – UNIVERSAL VALUES
Conform to ODOT’s mission, values and concern for public perception.

S – SELF STANDARDS
Satisfy my personal definition of right, good and fair.

ODOT SAFE HAVEN
quarterly category summary report
Dates from: 01/01/2004 to 03/31/2004

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<th>Categories</th>
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<td>Appropriate Use of State Resources</td>
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<tr>
<td>Conflict of Interest/ Accept Gift</td>
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<td>0</td>
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<tr>
<td>Other</td>
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<tr>
<td>Policies &amp; Procedures</td>
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<td>1</td>
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<td>Report of Alleged Misconduct</td>
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<td>1</td>
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<tr>
<td><strong>Total cases:</strong></td>
<td><strong>75</strong></td>
<td><strong>9</strong></td>
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Safe Haven is an element of the Ethics Program of ODOT. Safe Haven provides a process for employees to safely raise questions about ethics. The primary purpose of the ODOT Safe Haven program is to help employees make proper decisions when faced with ethical issues and conflicting values that cannot be resolved through the normal channels.

Designated by ODOT Design Services 503.986.3706 or 503.986.3694
http://www.odot.state.or.us/staff/public/REP/Design.htm