



POLICY AND PROCEDURE STATEMENT

ADM 5.2.0 Code of Ethics

Purpose: This Policy and Procedure Statement provides guidance and expectations regarding code of ethics and employee conduct in accordance with BOT core values, ethics rules, and laws.

Effective Date: April 1, 2021	Superseded Policy: 5.1.0 Employee Department
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References: 47 O.S. § 759; 74 O.S. § 840; Oklahoma Ethics Commission State Constitutional Provisions, Statutes and Rules; 40 O.A.C. 1-1-3

Related Forms:

Approved By: Joshua Smith

****Violations of this policy are cause for disciplinary action up to and including termination.***

Definitions

"Business decisions" - Shall mean decisions related to the full spectrum of BOT activities (e.g., buying, hiring, selling, contracting, licensing, leasing) or otherwise involving the expenditure of BOT funds or the use of BOT resources.

"Employment decisions" - Shall mean the full spectrum of employment or volunteer related actions, including but not limited to decisions related to hiring, supervision, direction of work, promotion, compensation, work/volunteer hours, performance evaluation, termination and all other terms and conditions of employment or volunteer related actions.

"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;

"Nepotism" - favoritism in the workplace based on kinship, which ordinarily consists of making employment or other business decisions based on a family relationship;

"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;

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

Code of Ethics

Any employee who feels harassed or discriminated against or is aware of any violation of law or BOT policies should notify the Director. If the issue implicates the Director, then the Chairman or Vice-Chairman of the Board should be notified. BOT will investigate all reported instances of questionable or unethical behavior. In every instance where improper behavior is found to have occurred, the agency will take appropriate action and may document the event in the personnel file.

The Board will not tolerate retaliation against employees who raise genuine ethics concerns in good faith.

The Board will not tolerate misconduct. Board employees are directly accountable for their actions to the Director. Misconduct shall include, but not be limited to, the following and shall apply to any event being attended or in transit when such personnel are representing the agency:

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 BOT 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 BOT to support its legitimate interests at all times.
11. Board employees who are arrested, cited, or come under investigation for any criminal offense, other than a misdemeanor traffic violation occurring in a vehicle that is not State property, shall report this fact to the Director as soon as possible.
 - a. A citation for Driving Under the Influence must be reported whether the vehicle being driven at the time of the citation was State property or not.

; and

Employees shall not

1. Board employees shall not use language or engage in acts that demean, harass, or intimidate another person.
2. No Board employee shall report to work or be on duty when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.
3. Prior to reporting for duty, Board employees must report to the Director the use of any substance that may impair their ability to perform their duties.
4. Board employees shall not, on behalf of the Board, unless expressly authorized by the Director, make any statements, speeches, or appearances that could be reasonably interpreted to represent the views of the Agency.
5. Supervise or be subject to the supervision of another employee who is a member of his/her immediate family or household.
6. Own or have a substantial interest in a supplier or contractor.
7. Have a material financial interest or potential gain in any BOT transaction.
8. Place agency business with a vendor owned or controlled by a BOT 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 BOT.
8. Use information gained through their position for personal gain of the employee or others.
9. Disclose confidential and nonpublic information with respect to BOT, 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.
10. Develop any relationship or activity that impairs his/her ability to make objective and fair decisions when performing duties.
11. Engage in unauthorized use, copying, distribution or alteration of software or other intellectual property.
12. 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 BOT-requested support to nonprofit organizations or incidental use.
13. 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.
14. 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 BOT employee or OMES through a contract involving property or services, unless specifically authorized by this policy. The BOT Director may grant exceptions to this prohibition in accordance with Ethics Rule 4.9.
15. 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.

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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;
- (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;
- (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.

Nepotism

- (A) It is the general policy of the Board to not discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or family status. Notwithstanding this general policy, BOT retains the right to refuse to appoint a person to a position wherein his/her relationship to another employee has the potential for creating an adverse impact on supervision, safety, security, morale, or involves a potential conflict of interest.
- (B) If an individual is not responsible for the day-to-day supervision of an employee considered a "family member", but is in the chain of supervision in which the supervisor would review the member's PMP, that supervisor shall not participate in any review of the PMP and such PMP shall be passed up to the next level of supervision for review and approval.
- (C) Employment of a family member within the agency is permitted. However, any employee shall not be appointed to or employed in a position with direct supervision of a family member.
- (D) Employees that are family members shall not carry out "Business decisions", "Receipt of Funds", or "Employment decisions" without additional staff present and participating.

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

END OF POLICY AND PROCEDURE STATEMENT