

Chapter Pers 24

CODE OF ETHICS

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History: Chapter Pers 24 as the chapter existed on July 31, 1964, was repealed and a new chapter Pers 24 was created effective August 1, 1964.

Pers 24.01 Policy statement. (1) Integrity in the executive, administrative and service branches of state government is not only the responsibility of executive officers, commissioners, directors and the heads of the several state departments, commissions, bureaus and agencies, but is also a responsibility of every employe. Service to the state of Wisconsin demands devotion to the public interest with undivided fidelity. The standards of conduct herein set forth to be observed by those employed by the state of Wisconsin pursuant to chapter 16, Wis. Stats., in the performance of their official duties are intended to eliminate conflicts of interest in public office, improve standards of public service and promote and strengthen the faith and confidence of the people of the state of Wisconsin in their government. It is further intended that this chapter shall serve not only as a guide for official conduct of the employes aforesaid, but also as a basis for discipline when these standards of conduct are violated.

(2) When special departmental circumstances or particular agency programs necessitate modification of the rules contained herein, either by way of amelioration or more strictness, approval of the personnel board shall be required.

(3) In the interests of uniformity and to preclude any feeling of discrimination among employes of the several state agencies, any and all departmental codes relating to this subject are superseded by the rules of this chapter except that the personnel board may explicitly approve supplemental rules and material.

(4) Nothing in these rules shall be construed to interfere with the general rule-making powers of state agencies with respect to the implementation of their programs and operations unless they are in contradiction to the provisions of this code.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.02 Definitions. (1) STATE AGENCY means and includes every state office, department, commission, board, authority, bureau, division, and other agencies of the state of Wisconsin, including state hospitals, state penal, correctional and training institutions, state universities and colleges and other state institutions, enterprises and activities, wherever located, employes of which are appointed and hold office or position pursuant to chapter 16, Wis. Stats.

(2) **OFFICER OR EMPLOYEE** means any person appointed and holding office by virtue of chapter 16, Wis. Stats.

(3) **IMMEDIATE FAMILY** means the spouse of an officer or employe or any person related to said officer or employe by consanguinity or affinity and living in the household of said officer or employe.

(4) **APPOINTING OFFICER** means the appointing authority or head of any state agency.

(5) **PERSONAL AND PRIVATE INTEREST** means an interest, including but not limited to a pecuniary interest, which pertains to a person, firm, corporation, partnership or association whereby such person, firm, corporation, partnership or association would gain a special benefit, privilege, exemption or advantage from the action of a state agency.

(6) **CONFIDENTIAL INFORMATION** means such information as is declared confidential by state or federal statute or is declared confidential by the head of the state agency concerned, pursuant to this chapter.

(7) **PERSONNEL BOARD** means the Wisconsin State Board of Personnel as it is constituted, exists and operates according to the Wisconsin Statutes and the Wisconsin Administrative Code.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.03 Officer or employe may not use position to gain advantage. No officer or employe of a state agency should use his position to secure special privileges or exemptions for himself or others.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.04 Officer or employe, as agent or attorney. (1) No officer or employe of any state agency should act as agent or attorney for the prosecution of any claim before any court, commission, board or other tribunal nor shall he aid or assist in the prosecution or support of any such claim otherwise than in the proper discharge of his official duties, nor receive any gratuity or share as interest in any such claim.

(2) Nothing in this section shall preclude an officer or employe from pursuing a claim, cause or case in his own behalf, either while he is employed by the state of Wisconsin or after he has left such employment.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.05 Confidential information. (1) No officer or employe of a state agency shall disclose confidential information gained by him by reason of his official position, except as authorized or required by law, nor shall he otherwise use such information for his personal gain or benefit.

(2) No officer or employe of a state agency shall accept employment or engage in any business or professional activity which he might reasonably expect would require him to disclose or act upon the disclosure of confidential information acquired by him by reason of his official position.

(3) Every appointing officer shall from time to time, and when appropriate, classify such information as he deems confidential within the respective agency and shall immediately make such classification known to his subordinate officers and employes.

(4) This section shall be interpreted to prevent disclosure of valuable information to persons who might use the same for their gain or advantage, and shall not be construed to prevent the usual relations between officers and employes of a state agency and the news media.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.06 Outside activity. (1) No officer or employe of a state agency shall engage in any outside activity which may be reasonably expected to impair his independence of judgment or his ability or capacity to perform his official duties.

(2) No officer or employe of a state agency shall take outside employment with enterprises which he has reason to believe may be involved in decisions to be made by or influenced by him, or which will otherwise create substantial conflict between his duty in the public interest and his private interest. If by reason of unanticipated circumstances such conflict should develop, the officer or employe should not only be permitted, but required, to disqualify himself from any decision-making involving that employer.

(3) No officer or employe shall engage in any outside employment or enterprise which the state agency determines to be in conflict with the duties of such officer or employe, or with duties, functions or responsibilities of his appointing officer or the state agency by which he is employed.

(4) Each appointing officer shall determine, prescribe and designate:

(a) Those classes of state employment or those state positions in which officers or employes under his jurisdiction shall be required to obtain prior agency approval before engaging in other and outside employment, activity or enterprise for private gain.

(b) Those classes of outside employment, activity, or enterprise for private gain or those positions which an officer or employe under his jurisdiction shall be required to disclose to the appointing officer and which may not be taken or accepted without prior agency approval.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.07 Compensation, gift, reward or gratuity. (1) No officer or employe of any state agency shall directly solicit, receive or agree to receive any compensation, gift, reward or gratuity from any source except the state of Wisconsin, for any matter or proceeding connected with or related to the duties of such officer or employe, unless otherwise provided for by law. This provision is not intended to restrict usual social amenities or to refer to unsubstantial advertising gifts. Compensation, gifts, rewards or gratuities within the meaning of this subsection which practically cannot be returned shall immediately be turned over to the department of administration and to be considered by it as state funds or state property.

(2) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by officers and employes on their own time and not directly related to their employment by the state, shall not be deemed a violation of this section, provided such activity is approved by the appointing officer.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.08 Use of state property for private purposes. (1) No officer or employe of any state agency shall, except when it is directly or incidentally related to his work, use state property or equipment for his private use or for any use other than that which serves the public interest.

(2) Each appointing officer shall specify in writing and make known those categories or permissible uses of state property or equipment by officers and employes under his jurisdiction which may be considered as a condition of work.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.09 Conflict of interest. No officer or employe of any state agency shall transact any business in his official capacity with any business entity of which he is an officer, agent or employe or in which he owns any substantial interest, except as policy may have been declared by section 946.13, Wis. Stats., or as otherwise may be specifically authorized by law.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.10 Same. (1) No officer or employe of any state agency or member of his family, except as authorized by law, shall have any proprietary interest as represented by shares, stock certificates or certificates of beneficial interest, have any creditor interest as represented by bonds, notes, bills, warrants or other evidences of indebtedness, nor incur any obligation or debt in or with any person, firm, corporation, partnership or association, the value or status of which might be affected by the action of that state agency and where said officer or employe is in a position to participate in said action or to influence the same.

(2) Each appointing officer shall forthwith:

(a) Prepare, make known, and transmit to the personnel board and to the governor a specification of the kinds and types of property and categories of obligation and debt that he considers it inappropriate for certain officers and employes, or members of their family, under his jurisdiction to hold, own, control or owe; this specification shall be reviewed by the appointing officer whenever appropriate and at least once a year; and

(b) Designate those classes of state employment and state positions in which it would be inappropriate for an officer or employe or a member of his immediate family under his jurisdiction to hold, own, control or owe items specified pursuant to (a) of this subsection, make known such designations and transmit the same to the personnel board and to the governor.

(3) Each officer and employe of any state agency who is within the designation made pursuant to subsection (2) (b) above, shall forthwith and at all times when appropriate, report the nature of any holdings or indebtedness that he or a member of his family may have as specified pursuant to subsection (2) (a) to his appointing officer; except that the appointing officer, if he has been appointed pursuant to chapter 16, Wis. Stats., shall make his report to the personnel board.

(4) The appointing officer or the personnel board in case of an appointing officer subject to these rules, in view of all the prevailing and existing circumstances, thereupon will allow said officer or employe or member of his immediate family a definite period of time in

which to dispose of said holdings in a reasonable and orderly fashion or to retire the indebtedness.

(5) All such reports made to the appointing officer or to the personnel board shall be kept confidential within its files, as shall orders and directives relating thereto, unless cause may arise for investigation or discipline is found to exist or may arise.

(6) Exemption from specification and report shall be savings or share accounts with banks, savings and loan associations and credit unions, bank checking accounts, normal and usual charge and credit accounts, insurance policies and real estate held for more than two years after acquisition.

(7) Semi-annually beginning as of December 31, 1964, and within 30 days after the end of each succeeding 6 month period, the appointing officer shall make and file a comprehensive report of his administration of this section to the personnel board and the personnel board shall report to the governor. All of said reports shall be kept confidential within its and his files unless cause for investigation is found to exist or may arise.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.11 Decorum and responsibility. Employment by the state of Wisconsin requires each officer and employe of a state agency to use good manners, to manifest dignity, and to be accurate in statement and to exercise sound judgment in his conduct of the state's business. To the end that a proper image of public employment be created and continue to exist, it is required that each appointing officer promulgate definitive standards of behavior and enforce the same within the state agency under his jurisdiction.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.

Pers 24.12 Violation. (1) Violation of the provisions of this chapter shall be just cause to discipline an officer or employe of any state agency, pursuant to section 16.24 (1) (a), Wis. Stats., by removal, suspension without pay, discharge or reduction in pay or position.

(2) The personnel board may, pursuant to section 16.05 (3), Wis. Stats., make investigation of all matters touching the enforcement and effect of the provisions of this chapter and the actions of any person in the service of the state of Wisconsin with respect to its execution.

History: Cr. Register, July, 1964, No. 103, eff. 8-1-64.