

Pers 24.04 Standards of conduct. This chapter shall not prevent an employe from accepting outside employment or following a pursuit which in no way interferes or conflicts with the full and faithful discharge of his or her duties to this state.

(1) A conflict of interest on the part of a state employe exists whenever:

(a) The employe's action or failure to act propitiously could reasonably be expected to directly or indirectly produce or assist in producing a private benefit for the employe or the employe's immediate family or an organization with which the employe is associated; or

(b) The matter is one in which the employe in his or her private capacity or a member of the employe's immediate family or an organization with which the employe is associated, as defined in s. Pers 24.03 (3), Wis. Adm. Code, has a substantial interest.

(2) The state must, by necessity, specifically prohibit those activities that will cause a conflict of interest to the employe or to the state of Wisconsin. Therefore:

(a) No employe may use or attempt to use his or her public position or state property, including property leased by this state, or use the prestige or influence of a state position to influence or gain financial or other benefits, advantages or privileges for the private benefit of the employe, the employe's immediate family or an organization with which the employe is associated.

1. Any salary or other compensation received by the employe from this state for his or her services does not constitute "financial gain" as the term is used in this rule.

2. Use of state telephones for essential personal local calls does not constitute "benefit" as the term is used in this rule.

(b) No employe may solicit or accept from any person or organization, directly or indirectly, money or anything of value if it could reasonably be expected to influence such employe's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such employe.

1. No employe who is assigned or acts as an official representative of the state in the presentation of papers, talks, demonstrations or making appearances shall solicit or accept fees, honoraria or reimbursement of expenses for personal gain. Any fees, honoraria, or reimbursement of expenses which may be offered in connection therewith shall be paid to the employe's employing agency.

2. Fees and honoraria paid for papers, talks, demonstrations or appearances made by an employe on the employe's own time and not directly part of the employe's official duties, shall not be a violation of this rule. Employes shall notify their appointing authority prior to accepting fees and honoraria for papers, talks, demonstrations, or appearances to insure no conflict of interest exists.

(c) No employe may intentionally use or disclose information gained in the course of or by reason of the employe's official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other per-

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son or organization, if the information has not been communicated to the public or is not public information. However, no reprisal may be taken against an employe for the lawful disclosure of information which the employe reasonably believes evidences:

1. A violation of any law, rule, or regulation, or

2. Mismanagement, a gross waste of funds, an abuse of authority, enforcement of unreasonable agency work rules, or a substantial and specific danger to public health or safety.

(d) No employe, member of an employe's immediate family, nor any organization with which the employe or a member of the employe's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from state funds unless the employe has first made written disclosure of the nature and extent of such relationship or interest to the appointing authority of the agency with which the employe is associated and obtained the appointing authority's written approval. The appointing authority shall approve an employe's interest in a lease or contract unless he or she determines that the employe's personal interest in the agreement will conflict substantially and materially with the employe's discharge of his or her private public responsibilities. This paragraph does not affect the application of s. 946.13, Stats.

(e) No employe shall effectively recommend or decide to hire or promote another person when the person affected is a member of the employe's immediate family, unless that person has been certified from an open or promotional competitive register.

(f) No employe shall give preferential or favored treatment in the supervision or management of another employe who is a member of his or her immediate family.

(3) The administrator may waive this section whenever its literal application would be adverse to the state's best interest or would work an unreasonable hardship on the employe. If this section is waived, the administrator shall do so by setting forth in writing as a matter of public record an explanation of his or her finding that the waiver is in the state's interest.

(4) Nothing in this section prohibits an employe from making decisions concerning salaries, salary-related benefits or reimbursement of actual and necessary expenses when the action does not result in preferential or favored treatment of a member of the employe's immediate family.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; renum. from 24.03, Register, December, 1976, No. 252, eff. 1-1-77; (intro.) renum. from Pers 24.03 (1) and am., r. and recr. (1), renum. (2) and (3) to be (2) (b) 1. and 2. and am., (2) (c) renum. from Pers 24.05 and am., cr. (2) (d) to (f), (3) and (4), Register, February, 1981, No. 302, eff. 3-1-81.

Pers 24.05 Action to avoid possible conflict. (1) Any state employe who, in the discharge of his or her official duties, is involved or about to be involved in any matter that could result in a conflict of interest on his or her part, shall so notify his or her appointing authority by submitting a written statement describing the matter requiring action or decision,

Register, February, 1981, No. 302