



**State of Montana
Department of Natural Resources and Conservation**

Model Rules of Conduct

Document Type: Policy	Issuing Authority: DNRC	First Issued: 11/18/07
Number: P-DNRC-HR-41	References: 2-2-101, 2-2-103, MCA	Effective Date: 11/18/07
Approval Signature: /s/ Mary Sexton, Director		Last Revised: 11/18/07

I. Purpose and Scope

This policy is for use by the employees of the Department of Natural Resources and Conservation (DNRC). It describes the policy, adopted in compliance with 2-18-102, MCA, governing the Standards of Conduct required as an employee of the department. It will be distributed to all employees.

II. Overview

The Montana Constitution requires a Code of Ethics prohibiting conflict between public duty and private interest for state and local officials and employees. Standards of Conduct for state employees are set forth in part at §2-2-101 and §2-2-103, MCA. These sections provide:

§ 2-2-101. Statement of purpose.

The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

§ 2-2-103. Public trust -- public duty.

(1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state

(2) A public officer, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.

Your position as an employee of the DNRC is a public trust, and statutes require that you perform your job for the benefit of the people of the state. It is your responsibility to make sure you understand the standards of conduct and ethical principles which apply to you in the performance of your duties.

Standards of conduct for public employees may be grouped into four major categories. The law is summarized for each category.

III. Gifts

As a state employee you may not:

Accept a gift or meal which is of substantial value greater than \$50.00 or a substantial economic benefit tantamount to a gift that:

- would tend improperly to influence you to depart from the faithful and impartial discharge of your duties, or
- that a reasonable person would know under the circumstances is a reward for official action taken.

If such gifts are received, they should be returned with the explanation that acceptance is contrary to DNRC business practices.

A DNRC employee may accept unsolicited gifts with a value of \$50.00 or less per occasion, provided that the value of the individual gifts received from any one person, vendor, customer or claimant does not exceed \$50.00 in a calendar year.

A pattern of nonsubstantial gift/meals offers/acceptance should be reported to your immediate supervisor.

The following are excluded from the definition of a gift:

Any gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the State and that is not claimed as a charitable contribution for federal income tax purposes.

Food or drink you consume while participating in a charitable, civic, or community event related to your employment or that you are attending in an official capacity.

Educational materials directly related to official government duties.

An award publicly presented in recognition of public service.

Educational activity that does not place or appear to place you under any obligation, clearly serves the public good, and is not lavish or extravagant.

An economic benefit tantamount to a gift includes:

A loan at a rate of interest substantially lower than the commercial rate currently prevalent for similar loans; or

Compensation received for private services rendered at a rate which substantially exceeds the fair market value of the services.

IV. Self-Dealing

As a state employee you may not:

Disclose or use confidential information acquired in the course of your job for personal financial gain.

Hold a substantial financial interest in a firm which provides services or supplies materials or equipment to DNRC.

Make or attempt to influence any decision relating to any business transaction by the DNRC with a relative unless you have first made full disclosure and received written approval from the DNRC Chief Legal Counsel.

Borrow from DNRC vendors, customers, or claimants except from banks or lending, institutions.

Make payments on behalf of DNRC if all or part of the payment is for any purpose other than stated by the document supporting the payment.

Serve on boards, commissions or committees without disclosing personal or private interests which give rise to an appearance of impropriety prior to participating in official action.

Enter into personal transactions using DNRC resources.

Acquire an interest in any business which may directly and substantially benefit economically by official action by the employee's agency.

Transact substantial private business with a person whom you inspect or supervise.

Assist a person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from DNRC.

V. Unwarranted Privileges

As a state employee you may not:

Engage in any activities including lobbying on behalf of an organization of which you are a member while performing your job duties.

Participate in a proceeding when an organization of which you are an officer or director is either involved in a proceeding before your agency that is within the scope of your job duties, or attempt to influence a local, state or federal proceeding in which you represent the state.

Within 12 months following voluntary termination, obtain employment taking advantage, unavailable to others, of matters with which you were directly involved while employed by DNRC. (2-2-105 Montana Codes Annotated) (Matters include rules which you helped formulate and claims or contested cases in which you were actively involved.)

Within 6 months of termination, contract or be employed by someone who contracts with the state involving matters with which you were directly involved during your employment with the state. (This does not apply to contracts awarded to the low bidder based on a competitive process or to merchandise sold to the highest bidder at public auction. It also does not apply to you if you were terminated due to a reduction in force.)

VI. Public Property for Private Business Purposes

As a state employee you may not:

Receive two salaries as a public employee for work during overlapping hours. (Except if the duplicate pay for one job consists of accrued leave and/or compensatory time during the overlapping period to work in a declared emergency incident or in fire suppression).

Use public time, facilities, equipment, supplies, personnel, or funds for private business purposes. (This includes any campaign activity persuading or affecting a political decision, unless authorized by law. You may participate in charitable fund raising activities, if approved by your supervisor or authorized by law.)

VII. Disclosure Requirements

The law requires disclosure of certain information under specific circumstances:

You may not solicit or accept employment or engage in negotiations or meetings to consider employment with a person whom you regulate in your official duties, without first giving notice to your supervisor or department director.

If you are a member of a quasi-judicial board or commission or a board, commission or committee with rulemaking authority and have a conflict created by a personal or private interest that gives rise to the appearance of impropriety, you must disclose the interest creating the conflict prior to participating in official actions.

Prior to acting in a manner that may affect your public duty, including the award of a permit, contract, lease or license, you must disclose the nature of the private interest that creates the conflict. This disclosure must be in writing to the Secretary of State and must list the amount of private compensation you have received and other relevant information. If you perform the act involved, you must include in the record the nature of the interest you disclosed.

Prior to December 15 of even-numbered years, department directors and individuals appointed to office must file a business disclosure statement with the Commissioner of Political Practices.

VIII. Other

A wide range of state and federal laws and rules concerning employee conduct have been enacted. Some activities for which there are laws or rules include use of telephones, use of state vehicles, drug/alcohol use as it affects work, use of leave, making financial claims against the state, and prohibiting discrimination in employment and the delivery of services.

IX. Enforcement

Violations of these rules and laws may subject you to disciplinary action by DNRC and also may be violations of the Standards of Conduct. Some violations may lead to criminal prosecution.

Violation of §2-2-121, MCA, "Rules of conduct for public officers and public employees" results in a misdemeanor punishable by a fine of not less than \$50 or more than a \$1,000, a jail term of up to 6 months or both, and does not preclude a civil action filed under the section of the law. The Commissioner of Political Practices is responsible for investigating and enforcing the Standards of Conduct when complaints are received by that office. There is also an administrative appeal process through the Ethics Committee and then on to the District Court.

X. Conclusion

Remember two main principles apply to your conduct in your job: public trust and public duty. Keeping these principles in mind while on the job, you should be able to carry out your duties for the benefit of the people of the state and avoid actions which would cause you to depart from your public duty and violate the public's trust.

DNRC Expectations

We expect that every business transaction conducted by our employees will meet high ethical standards. DNRC expects that each employee will:

Comply with local, state and federal laws in the conduct of Department business;

- make every effort to learn and fully understand the laws and regulations governing his or her activity;
- exercise common-sense precautions, the most important of which is to ask questions when in doubt;
- respect computer software licensing agreements and ensure that no hardware, software, or other assets belonging to DNRC are used for personal business interests.

In summary, DNRC expects that all DNRC employees will deal with customers, lessees, fellow employees, vendors, and the general public in an honest and candid manner.

Confirmation of Receipt of Policies

Model Rules of Conduct

I Have Read And Understand The Policy That Indicates The Department Of Natural Resources Conduct Of Ethics. I Intend To Comply With Local, State And Federal Laws In The Conduct Of Department Business.

SIGNATURE OF EMPLOYEE: _____

DATE : _____

PRINT OR TYPE EMPLOYEE NAME: _____

SUPERVISORS SIGNATURE: _____

DATE: _____

History: NEW: 11/18/07 (originally #3-0015).