

TEXAS WORKFORCE COMMISSION ETHICS POLICY

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[Ethics \(sharepoint.com\)](#)

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1.9. Ethics Policy Introduction

Information pertaining to this Ethics Policy and ethics in general is available to TWC employees on the TWC Ethics SharePoint page at https://twcgov.sharepoint.com/sites/ogc_intra/SitePages/Ethics-Home.aspx?csf=1&web=1&e=bVEhAT.

1.9.1. Policy Statement

Our primary objective as government employees is to adhere to the laws of the State, rather than pursuing our own personal interests. As individuals serving the public, we are required to maintain a high standard of conduct. TWC expects employees to accept the responsibility that comes with being a public servant. TWC employees are to perform their official duties in a lawful, professional, and ethical manner befitting the state and the agency, maintaining the public trust, and making certain that state business is conducted in an honest and ethical manner.

1.9.2. Minimal Requirements

The TWC Ethics Policy establishes minimal requirements that are not all-inclusive. The absence of a specific rule covering an act discrediting an employee or the agency does not mean that the act is permissible or would not call for disciplinary action, including immediate termination, when considered necessary. This Ethics Policy incorporates standards of ethical conduct, guidance from statutory law, TWC work rules, TWC Travel Policy, TWC computer and information security policies and other relevant sources.

1.9.3. Ethics Program- Questions and Advice

The Chief Ethics Officer and Ethics Advisor at TWC are ready to assist with inquiries and investigations related to state ethics regulations and the organization's internal standards, protocols, and policies. The TWC General Counsel serves as the Chief Ethics Officer. An attorney in the Office of General Counsel serves as the Ethics Advisor. The Ethics Advisor is listed on the OGC Ethics SharePoint page. TWC employees are encouraged to seek advice about the TWC Ethics Policy or any other matter that may pertain to agency ethics.

Disciplinary action will not be taken against an employee who accurately and reasonably engages in conduct in good faith reliance upon the advice of his or her supervisor, the Chief Ethics Officer, or the Ethics Advisor, provided the employee, in seeking such advice, has made full disclosure of all of the relevant facts.

1.9.4. Disciplinary Action

Agency employees shall report any conduct or activity that the employee

believes to be in violation of the Ethics Policy to TWC management, as appropriate, the Chief Ethics Officer, and/or the Director of Fraud Deterrence and Compliance Management. Employees of the agency who breach the regulations outlined in the Ethics Policy may face disciplinary measures, up to and including termination from their position. Additionally, any employee who violates the Ethics Policy is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

1.10. Standards of Conduct and Conflict of Interest

1.10.1. Introduction

State law mandates that no state officer or employee shall have a direct or indirect interest in, or engage in, any business transaction or professional activity, or incur any obligation that conflicts with the proper discharge of that individual's duties for the state. In general, TWC expects each employee to use sound reasoning and his or her best judgment to act ethically. Where a situation is not specifically covered in this Ethics Policy and the employee is faced with an ethical dilemma that TWC did not anticipate and address in this policy, the employee should consult with a supervisor, the Chief Ethics Officer, or the Ethics Advisor for guidance.

1.10.2. Standards of Conduct

The following standards of conduct apply to every employee:

1. Employees shall endeavor to avoid any conduct creating the appearance of violating the law or the ethical standards in this policy. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.
2. Employees shall protect and conserve state property and shall not use it for other than authorized activities. Incidental use may be allowed only in accordance with this policy or other TWC policies.
3. Employees shall act impartially and exhibit positive, nondiscriminatory behavior toward coworkers, customers, and the public.
4. Employees shall adhere to all laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, or disability.
5. Employees shall disclose waste, fraud, abuse, corruption, and ethical concerns as required by and consistent with TWC's policy on reporting fraud, theft, waste, and abuse in section 1.19 of the TWC Personnel Manual.

6. Employees shall not accept or solicit any gift, favor, or service that might reasonably tend to influence the performance of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct.

7. Employees shall not disclose confidential information (information that is excepted from public disclosure by law or TWC rule under the Texas Public Information Act, or information that has been ordered sealed by a court) that was acquired by the employee through employment with TWC; nor shall the employee engage in other employment, including self-employment, for compensation or engage in a business, charity, nonprofit organization, professional, or volunteer activity that the employee might reasonably expect would require or induce the employee to disclose confidential information.

8. Employees shall not seek or accept other employment—including self-employment—for compensation or engage in a business, charity, nonprofit organization, professional, or volunteer activity that could reasonably be expected to impair the employee's independence of judgment in performing official duties.

9. Employees shall not make personal investments, or have a personal or financial interest, that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest.

10. Employees shall not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised official powers or performed official duties in favor of another.

11. Employees shall not knowingly make misleading statements, either oral or written, or provide false information, in the course of official business.

12. Employees shall not engage in any political activity while on state time or use state resources for any political activity.

1.10.3. Special Provisions Pertaining to TWC Purchasing, Grants, and Contracts

A special responsibility is imposed on employees who are entrusted with the disposition of state funds. State contracting and purchasing functions must be independent, free of obligation or suspicion, and completely fair and impartial, thereby avoiding even the appearance of impropriety. Specific provisions exist in Texas statutes setting forth ethical standards regarding interactions with vendors and respondents to solicitations or disclosure by an employee or official involved in state agency purchasing and contracting.

TWC staff involved in purchasing, solicitations and contracts should be familiar with these requirements. See the following for more information regarding these requirements:

- [State of Texas Contract and Procurement Manual](#); and
- [TWC's Procurement and Contract Management Handbook](#);

1.10.3.1. Communications with Vendors and Respondents in a Competitive Procurement or Solicitation

According to the State of Texas Contract Management Guide, all communication with potential respondents should be made only through the Purchasing Department or other designated staff prior to award. Please note that simply serving as an evaluator or technical advisor does not necessarily classify the evaluator or technical advisor as "other designated staff." The Purchasing Department will provide written notification to any "other designated staff" explaining the limits of allowed communication with respondents and allowable time frames. The agency program staff should not have contact with potential respondents outside of pre-solicitation conferences, which are facilitated by designated staff from the Procurement and Contract Services Department. Likewise, a respondent that contacts someone other than authorized staff about a solicitation may be disqualified.

TWC staff should forward all communications from a respondent to the designated TWC contracts, grants, or purchasing staff unless (1) the communication is from a respondent that is currently a TWC vendor; and (2) the communication relates only to an active contract.

1.10.3.2. Nondisclosure Statements

The [State of Texas Contract Management Guide](#) requires all employees who participate in the development and/or award of a request for proposals to sign a statement to certify that they have no conflicts of interest that may impair or influence their judgment. In addition, employees agree to maintain the confidentiality of information related to the procurement process.

1.10.3.3. Disclosure Statements Required

Texas Government Code § 2262.004 requires the completion of disclosure statements by personnel who make decisions on behalf of the agency or recommendations regarding:

- Contract terms or conditions on a major contract.
- Who is to be awarded a major contract.
- Preparation of a solicitation for a major contract.
- Evaluation of a bid or proposal.

The purpose of a disclosure statement is to disclose and identify any personal or financial relationships with any party associated with a contract prior to the award of that contract.

1.10.3.4. Disclosure of Potential Conflicts; Certain Contracts Prohibited Disclosure

Texas Government Code § 2261.252 requires each TWC employee or official who is involved in procurement or in contract management for TWC to (i) sign a statement to certify that they have no conflict of interest that may impair or influence their judgment; and (ii) disclose to TWC any potential conflict of interest, including a financial interest, with respect to any contract. This disclosure requirement extends from the procurement process through the term of the contract.

A state agency employee or official has a financial interest if he/she:

- owns or controls, directly or indirectly, an ownership interest of at least one percent in the person, including the right to share in profits, proceeds, or capital gains; or
- could reasonably foresee that a contract with the person could result in a financial benefit to the employee or official.

Prohibition: TWC may not enter into a contract for the purchase of goods or services with a private vendor with whom any of the following agency employees or officials have a financial interest:

- a member of the agency's governing body;
- the governing official, executive director, general counsel, chief procurement officer, or procurement director of the agency; or
- a family member related to an employee or official described above, within the second degree by affinity or consanguinity.

A financial interest prohibited by this section does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than one percent in a corporation.

1.11. Acceptance of Benefits, Gifts, and Honoraria

1.11.1. Introduction

Public servants, which by definition includes TWC employees, are generally prohibited by the Texas Penal Code from accepting certain gifts or "benefits." Violations of these laws carry criminal penalties, and complaints alleging such violations are handled by local prosecutors.

The statutory definition of "benefit" is "anything reasonably regarded as a pecuniary gain or pecuniary advantage, including the benefit of any third

party in whose welfare the employee is interested—such as a family member.” This definition does not include benefits received from another governmental entity. For examples of benefits, the Texas Ethics Commission has stated in its advisory opinions that the following gifts are benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal.

TWC employees may not accept any gift, gratuity, or entertainment whatsoever from a prohibited source. A ‘prohibited source’ includes, but is not limited to:

- a vendor or contractor that currently contracts with TWC or is likely to become interested in a contract with TWC;
- an entity or person that is interested in or is likely to become interested in a purchase, payment, claim, or other monetary transaction with TWC in which the TWC employee exercises discretion;
- an entity subject to regulation, audit, inspection, or investigation by TWC; and
- an entity or person against whom litigation is pending or contemplated by TWC or legal counsel for a party adverse to TWC.

TWC officers and employees may accept gifts, gratuities or entertainment from a lobbying firm or lobbyist in limited circumstances explained below. Please reach out to OGC Ethics prior to acceptance to discuss specifics if this situation arises.

TWC employees must remain vigilant of the potential appearance of impropriety associated with even the smallest token offered by an entity or individual. **TWC employees must consult with TWC management before accepting any benefit or gift.**

1.11.2. Exceptions to the Laws Prohibiting the Acceptance of Benefits

As public servants, TWC employees are generally prohibited by the Penal Code, or stricter applicable agency policies, from receiving any benefit. There are, however, limited exceptions to the prohibitions. A TWC employee may accept a gift, payment, or contribution as long as the gift, payment, or contribution fits into any one of the categories set forth below. However, no list is complete. TWC employees must be aware of the perceptions created by the acceptance of even token gifts from parties with whom they conduct agency business. TWC employees should avoid accepting gifts that create even the appearance of impropriety or potential conflict of interest.

TWC employees must consult with TWC management before accepting any benefit or gift.

1.11.2.1. Items worth less than \$50

An item with a value of less than \$50, including food, may be accepted from someone who is not a 'prohibited source' as previously identified.

This exception does not apply to cash, checks, gift cards or negotiable instruments. Under no circumstances can cash, checks, gift cards or negotiable instruments be accepted.

1.11.2.2. Gifts or Benefits from Friends, Relatives, or Associates

Employees may accept gifts or benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official TWC employee status, so long as the benefit is not offered in exchange for official action or decision.

1.11.2.3. Gifts, Awards, or Mementos from a Lobbyist

A TWC employee may accept a gift, award, or memento from a registered lobbyist as indicated below. Note that your name will appear on a lobbyist's activities report if an expenditure for a gift, award, or memento exceeds \$50.

- Gifts, other than awards or mementos, that together do not exceed \$500 in value during a calendar year. Gifts do not include lodging and/or transportation in connection with a pleasure trip.
- Awards and mementos worth not more than \$500, which is not an annual cap, but a cap on the value of each individual award or memento.

1.11.2.4. Food and Entertainment

Benefits in the form of food or entertainment are permissible if accepted as a 'guest' To accept something as a guest, the donor must be present.

If the person is a lobbyist, TWC staff may accept food or beverages as long as the lobbyist is present. Entertainment, up to \$500 in a year, is also acceptable from a lobbyist. The lobbyist providing the entertainment must be present for the event. Your name will appear on a lobbyist's activities report if expenditures for food, lodging, transportation, or entertainment in a day exceed \$132.60.

For most state employees, there is no applicable reporting requirement. However, Commissioners and the agency head may be required to report certain gifts on their annual personal financial statement. If a lobbyist reports the expenditures, the Commissioners or agency head may not need to report the gift. Please consult the Chief Ethics Officer with questions.

1.11.2.5. Transportation, Lodging, and Meals

A TWC employee may accept transportation, lodging, and meals in two circumstances:

- As an allowable Honoraria as described in Section 1.11.4; or
- In connection with official duties such as a fact-finding trip or in connection with an event where a TWC employee is providing more than a perfunctory service in the employee's official capacity.

In the event a third party is paying for or reimbursing the travel, lodging, or meals, this may be considered a gift to the agency, and the employee must submit both the estimated travel costs (before the trip) and actual travel costs (after the trip), along with certain details regarding the trip and the third party payor via the [Third Party Travel Payment/Reimbursement](#) form.

1.11.2.6. De Minimis Items

Goods and services of minimal value, such as coffee mugs, coasters, key rings, or other promotional items, are not prohibited benefits as long as they are unsolicited and not offered or accepted in exchange for any action or inaction on the part of a TWC employee.

Discounts offered to state employees generally, and not to any one individual in particular, are acceptable as long as the offered discount does not tend to influence the employee in the discharge of his or her particular duties and is not offered for having exercised official powers or performed official duties as a favor.

1.11.2.7. Frequent Flier Miles, Bonus Points, and Other Travel Benefits

The Texas Penal Code § 39.02 permits state employees traveling on official business to accept frequent flier miles, bonus points, food coupons, and other travel benefits for personal use.

1.11.2.8. Fee Paid for Other Services Rendered

A TWC employee may accept a payment to which the employee is lawfully entitled in a capacity other than his/her official status. In this case, the employee may accept the offer without restriction. Remember, a TWC employee may not take an honorarium for a service that the employee would not have been asked to provide but for his/her official status. Activity performed by a TWC employee outside of their official TWC capacity may constitute Outside Activity, requiring additional review and approval.

1.11.3. Bribery

Pursuant to the Texas Penal Code § 36.02, a person commits an offense if he or she intentionally or knowingly offers, gives, or agrees to give any benefit as consideration for the employee's decision, opinion, recommendation, vote, or other exercise of discretion as an employee of TWC. An employee that accepts or agrees to accept the benefit also commits an offense.

Also under the Texas Penal Code, any TWC employee who exercises any discretion as to TWC contracts is forbidden from accepting any benefit from any person interested in any TWC contract or from any person who is likely to become interested in any TWC contract in which the employee exercises discretion.

1.11.4. Honoraria

Employees may not solicit, accept, or agree to accept an honorarium. An "honorarium" is any payment or benefit, in money or property, for services that the employee would not have been requested to provide but for the employee's official position or duties. This prohibition includes a request for or acceptance of a payment made to a third party if the services are performed in exchange for such payment. For example, a TWC employee should not accept any benefit in exchange or appreciation for giving a speech as a TWC representative. However, the Texas Ethics Commission has determined that an ordinary plaque or something of minimal value like a coffee cup or key chain is not a prohibited honorarium because it is not a "benefit."

The employee may accept the direct provision of, or reimbursement for, expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event, provided the employee's participation is more than merely perfunctory or superficial. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Note, however, that Texas Government Code § 660.016 provides that a state employee may not accept money for a travel expense reimbursement from a person that the employee's employing state agency intends to audit, examine, or investigate or is auditing, examining, or investigating.

The exceptions that apply to the acceptance of an honorarium are different than those that apply to the acceptance of benefits. Please contact the Ethics Advisor or the Chief Ethics Officer for advice if you have been offered or received an honorarium.

1.11.5. Returning or Donating Prohibited Gifts or Benefits

An employee who receives an unsolicited gift or benefit he or she is prohibited from accepting may return the gift or benefit, donate the gift or benefit to a governmental entity that has the authority to accept the gift or benefit, or donate the gift or benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

A TWC employee should contact the Chief Ethics Officer to arrange the donation of a gift or benefit received by the employee to an acceptable governmental entity or charitable organization.

1.11.6. Acceptance of Gifts or Donations by TWC

Employees should exercise caution prior to accepting any gift from any outside party on behalf of TWC. Please note that gifts may take the form of virtually any tangible item or service of value, including but not limited to travel, lodging, and meals. As noted above, if a third party is paying for a TWC employee's travel, this may be considered a gift, and the [Third Party Travel Reimbursement](#) form applies. To the extent that a gift made to TWC, including an employee of TWC, has a value in excess of \$500, the Commission must acknowledge the acceptance of the gift during an open meeting held not later than the 90th day after the date the gift is accepted. Regardless of the value of a proposed gift to be made to TWC, employees are strongly encouraged to seek review, in advance, from TWC's Office of General Counsel to ensure that no conflict exists.

1.12. Restrictions on Employment

1.12.1. Outside Employment, Dual Employment, and Outside Activity

TWC employees are free to engage in paid outside employment (work in exchange for anything of value) or dual employment, as well as unpaid outside business, professional, or volunteer activities, that is not in conflict with TWC and the employee's duties. TWC employees are required to decline outside employment, dual employment, or outside activities that might affect the ability of the employee to perform their TWC duties fairly, honestly, and efficiently or give the public the perception that the employee cannot perform his or her duties fairly, honestly, and efficiently.

This section describes the restrictions on outside employment or dual employment, as well as unpaid outside business, professional, or volunteer activities (unpaid outside business, professional, or volunteer activities are defined throughout this section as 'outside activities.')

This section also sets out the review and approval process that a TWC employee must follow before accepting outside or dual employment or engaging in an outside

activity.

Approval will not be granted if the outside employment, dual employment, or outside activity:

- might be in conflict with the interests of TWC or the State of Texas;
- would interfere with the performance of official duties;
- would reasonably be regarded as official duties; or
- would require the TWC employee to use, or appear to use, information obtained through employment that is not generally available to the public.

For the avoidance of doubt, an employee may not engage in outside employment if the hours of the secondary employment have any overlap with the employee's scheduled TWC work hours.

1.12.1.1. Outside Employment and Outside Activity

A TWC employee may not maintain outside employment or outside activity with an entity that could benefit from access to confidential information the employee knows as a result of the employee's official position. For example, a TWC employee who manages a certain type of contract should not take a second job with a vendor in that same type of business, even if that vendor does not have a current contract with TWC. The employee might unintentionally disclose information that may prove helpful to the vendor in future contract bids.

If an employee is uncertain whether a volunteer activity may pose a conflict, the TWC employee is encouraged to consult with TWC management. Management and TWC employees are encouraged to contact the Chief Ethics Officer or Ethics Advisor with questions regarding outside activities or outside or dual employment.

1.12.1.2. Dual Employment

Although state law allows a state employee to work for more than one state agency, there are state and federal guidelines that may prevent dual employment in certain instances. Texas Government Code § 667.007 requires a state employee to receive approval from the agency where they currently work before accepting additional employment with another state agency. A TWC employee seeking approval of dual employment must submit TWC's Outside Employment/Dual Employment/Outside Activity Statement (see Section 1.12.1.3 below) for review.

Certain exceptions may exist. For example, exceptions are members of military reserves, persons retired from military service, or persons serving without salary as members of the governing bodies of school

districts, cities, towns, or other local governmental districts.

1.12.1.2.1. Federal Government

Employees who intend to accept a job with the federal government must submit an Outside Employment/Activity Statement, noting the amount of compensation.

1.12.1.2.2. State Government

An employee must obtain prior approval to work for TWC and another state agency. New employees who work for another state agency must also seek approval from TWC to continue their previous employment. TWC does not approve dual employment with other state agencies unless such employment can be shown to not cause TWC to incur increased financial liability under the overtime compensation requirements of the Fair Labor Standards Act (FLSA). Membership in the Texas State Guard or the Texas National Guard is not considered multiple state employment.

1.12.1.2.3. Multiple Employment Within the Same Agency

Multiple employments within the same agency are prohibited in which the sum total of percent time worked by an employee in more than one position exceeds 100% (40 hours).

1.12.1.3. Outside Employment/Dual Employment/Outside Activity Statement

TWC employees who are engaged in, or wish to engage in, outside employment, dual employment or outside business or professional activity, shall furnish a completed TWC [Form P-44](#) (or, for Vocational Rehabilitation employees, TWC [Form P-44 VR](#)), Outside Employment/Dual Employment/Outside Activity Statement to their supervisor.

A TWC Form P-44 (or P-44 VR) may be required for volunteer activity. If an employee is uncertain whether a volunteer activity may pose a conflict, the TWC employee is encouraged to consult with TWC management. Management and TWC employees are encouraged to contact the Chief Ethics Officer or Ethics Advisor with questions regarding outside activities and outside and dual employment.

1.12.1.3.1. Time Period

Unless an employee's outside employment, dual employment, or outside activities approval is revoked, approval remains in effect as long as the nature and extent of the employment or activity remains

the same, and the employee's position within the agency does not create a conflict of interest.

1.12.1.3.2. Status Change

An employee who has received approval to engage in outside employment, dual employment, or outside activities is responsible for notifying the supervisor of any changes in status since the original approval and submitting a new Outside Employment/Dual Employment/Outside Activity Statement.

1.12.1.3.3. Approval Guidelines.

The following factors will be considered when reviewing the Outside Employment/Dual Employment/Outside Activity Statement:

- the activity is not prohibited by law, rule, regulation, order, or directive;
- the activity is not conducted on TWC time and does not use TWC equipment, supplies, or materials;
- the employee will not use public or confidential information obtained through his/her employment with TWC;
- the activity does not involve an entity that contracts with TWC in which the employee or employee's spouse holds more than a ten percent interest;
- the activity does not require the employee to engage in any outside employment, dual employment, or outside activity in which the employee acts as the representative of that entity before TWC;
- the activity will not impair the employee's ability to perform official TWC duties; and
- the employee is not a paid consultant for an entity that contracts with TWC.

1.12.2. Post-Employment Restrictions—The Revolving Door

State and federal law impose restrictions on the ability of former state employees to work in the private sector while conducting business with the agencies where they were once employed. These restrictions are intended to prevent those former employees from making unfair use of special knowledge, skill, or information obtained during state employment about a particular project or activity for personal financial gain as well as from exploiting friendships or contacts with current state employees for personal financial gain. TWC recognizes that TWC employees develop portable skills and knowledge they can use in the private sector, and the employees should not be unreasonably prevented from pursuing private-sector employment. However, all former TWC employees should avoid conflicts of interest,

improprieties, or the appearance of impropriety in a post-state employment situation.

1.12.2.1. Time Limited Restriction: Two Years/Agency Actions–Revolving Door #1

An employee's state employment may, in some cases, affect the employee's future employment under the state's "revolving door" provisions. Under § 572.054(a) of the Texas Government Code, Commissioners and the Executive Director shall not communicate with the agency for two years after they leave the agency for the purpose of attempting to influence agency actions or on behalf of a person in connection with a matter that the person seeks official action. Please note that the definition of "person" is limited to an individual or business (for-profit) entity. Non-profit organizations and governmental entities do not constitute a person for the purpose of revolving door restrictions based in Chapter 572 of the Texas Government Code.

1.12.2.2. Time Limited Restriction: Contracts–Revolving Door #2

Texas Government Code § 572.069 restricts a former state officer or employee of TWC, who during the period of state service or employment, participated on behalf of a state agency in a procurement or contract negotiation involving a person, from accepting employment from that person or business entity before the second anniversary of the date the contract is signed or the procurement is terminated or withdrawn.

Additionally, Texas Government Code § 2252.901 prohibits TWC from entering into a contract for consulting or professional services or into an employment contract with any individual who has previously been employed by the agency within the last twelve months. The term "employment contract" includes a personal services contract regardless of whether performance of such a contract involves the traditional relationship of employer and employee.

1.12.2.3. Permanent Restriction: Revolving Door #3

The third "revolving door" provision, Section 572.054(b) of the Texas Government Code, applies to Commissioners, the Executive Director, and employees who held a classification of pay group A17/B17 or above at the time they left the agency. The provision prohibits the employee from ever representing a person in a "particular matter," in which the employee was involved during his/her employment.¹ This means a specific matter on

¹ TEX. GOV'T CODE § 572.054(h) ("Particular matter" means a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding.").

which the individual worked while employed by the agency, such as an investigation or a specific case. The employee may represent others before the agency on like matters, but never on that specific matter.

1.13. Political Activity

1.13.1. Introduction

Texas and federal laws applicable to TWC employees state that an employee is subject to immediate dismissal if the employee:

- uses official authority or influence or permits the use of a state-administered program to interfere with or affect election results or a candidate's nomination or to achieve any other political purpose; or
- coerces, commands, restricts, attempts to coerce or restrict, or prevents the payment, loan, or contribution of anything of value to a person or a political organization for a political purpose.

1.13.2. Prohibited Acts

A TWC employee may not:

- be a candidate for public office in a partisan election if the employee's salary is paid completely by federal funds;²
- use any state-owned or leased vehicle, equipment, telephone, materials, or time in connection with any type of political campaign; or
- wear or display political badges, buttons, or stickers while on duty if the employee has contact with customers or the public or if those activities interfere with the proper performance of duties or office operations.

State law prohibits TWC's use of appropriated money to:

- influence the outcome of any election or the passage or defeat of any legislation (this does not prevent a state employee from providing non-confidential information to legislators or other requesters if done so in conformity with normal agency procedures);
- hire employees of, or in any way support or fund, candidates for a state or federal office;
- pay the salary of a paid lobbyist or an individual who is required to register as a lobbyist (a part-time employee may serve as a lobbyist for an entity not related to the agency);
- pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of lobbyist; or
- pay the salary of any employee who violates this policy.

² 5 U.S.C. §1502(a)(3); Tex. Att'y Gen. Op. No. GA-1026 (2013).

1.13.3. Allowed Political Activity

Employees may participate in political activities and support the candidates and issues of their choice. However, this participation is prohibited during office hours and while the employees are representing TWC in any capacity.

Specifically, a TWC employee may:

- be a candidate for public office in a nonpartisan election;
- be a candidate for public office in a partisan election if the employee is not paid completely from federal funds.³ Please reach out to OGC Ethics with questions if considering candidacy in a partisan election;
- campaign for and hold elective office in political clubs and organizations;
- actively campaign for candidates for public office in partisan and nonpartisan elections (prohibited during office hours and while the employee is representing TWC in any capacity);
- lobby or testify to influence the outcome of any election or the passage or defeat of any legislation on the employee's own time and not as a representative of the TWC; or
- contribute money to political organizations or attend political fundraising functions.

1.14. Unauthorized Use of Government Time, Property, and Facilities

1.14.1. Introduction

TWC resources are intended to support agency business. Employees are generally forbidden from using government time, property, facilities, or equipment for purposes other than official business. However, an employee may use the Internet, telephone, and designated email address for limited personal purposes if such use does not result in a cost to the agency. Examples of unauthorized use include misuse of personal computers (including accessing improper websites), copiers, personal use of the agency's long-distance number, personal use of a state-owned or leased vehicle, or conducting any outside business on state time. Misuse of government property could result in disciplinary action up to and including termination.

1.14.1.1. Email and Teams Chats

The email system may be used for communicating with others on non-official business, provided such communication does not disrupt or interfere with official state business in conformance with all agency policies, is kept to a minimum duration and frequency, and is not political

³ 5 U.S.C. §1502(a)(3); Tex. Att'y Gen. Op. No. GA-1026 (2013).

or disruptive in nature. A communication would be considered political in nature if it is directed toward the success **or** failure of a political party, a candidate for a partisan political office, or a partisan political group.

Employees should remain aware that TWC can and will monitor employees' use of TWC's systems and that there is no expectation of privacy for anything sent or received through the agency's email or system or through the Teams chat feature. In addition, emails and Teams chats may be subject to disclosure under the Texas Public Information Act. Personal use of TWC information resources is a privilege, not a right, and may be revoked at any time and for any reason.

1.14.1.2. Official Records and Property

Work papers, copies of official papers, electronic records, notes, or diaries of official business are official records and are in the custody of agency employees for official purposes only. These records must be returned at the time of separation or upon demand. Disposal or destruction of records and documents must be made in accordance with the TWC Records Retention Schedule, which specifies the length of time TWC records must be retained before destruction or archival preservation.

1.15. Travel

Employees are responsible for ensuring that all travel on behalf of the agency is planned, authorized, and reimbursed in compliance with all applicable laws and the travel and reimbursement policies and procedures developed by the State of Texas Comptroller and this Agency. All travel must be planned for maximum economy and efficiency and all expenses submitted for reimbursement must be directly associated with official state business.

When traveling on official business, an agency employee may take personal time and return from the business trip later if the combination is cost neutral or saves the state travel money. The employee must detail the savings on the appropriate forms provided by the agency travel department, clearly note the off-duty and on-duty times and claim reimbursement only for the on-duty times.

The use of state travel charge cards provides a savings for the state and a benefit to TWC employees who must travel as a requirement of their official duties. State travel charge cards are only issued and may only be used for official state business. Specific criteria apply when determining eligibility for issuance of a card. The requirements include but are not limited to (1) qualifying for the charge card based on the employee's credit ratings, not

salary levels; (2) not having had a previous state card revoked; (3) not failing to return any overpayments from previous travel vouchers; and (4) not being indebted to the State of Texas.

TWC employees with state travel charge cards are responsible for submitting travel reimbursement requests and using the funds to timely pay the charges on their state charge card accounts. Inappropriate and unauthorized charges may result in the cancellation of the card and disciplinary action. Examples of inappropriate or unauthorized charges include, but are not limited to, the following:

- Meal or tip while on business at or within 50 miles of the employee's designated headquarters or the home city.
- Meal expenses incurred while not on state business.
- Alcoholic beverages.
- Excess airline baggage charges for personal belongings.
- Other tips and gratuities.
- Mileage for an employee's personal vehicle for a family trip.
- Personal purchases unrelated to business-related travel expenses