

## TEXAS DEPARTMENT OF TRANSPORTATION ETHICS POLICY

### I. OVERVIEW

The Texas Department of Transportation adopts the following ethics policy pursuant to Section 572.051(c) of the Texas Government Code.

This policy prescribes the standards of ethical conduct for all TxDOT employees. It does not supersede any applicable federal or state law or administrative rule. All employees must familiarize themselves with this policy.

All employees must abide by applicable federal and state laws, administrative rules, and TxDOT employee conduct policies, including this ethics policy. An employee who violates any provision of this or any other employee conduct policy is subject to disciplinary action up to and including termination. An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action.

### II. STANDARDS OF CONDUCT

#### A. An employee shall not:

(1) engage in any activity that would create a conflict of interest or even the appearance of a conflict.

(2) purchase equipment, buildings, or any other property owned or formerly owned by the department, including buildings to be moved in connection with right-of-way acquisitions.

(3) make a personal investment in any enterprise that would create a substantial conflict between the employee's private interest and public duties.

(4) transact any department business with any business entity in which the employee is an officer, agent, member, or owner of a controlling interest.

(5) engage in outside business or professional activities or accept employment in private enterprises if the activities:

- interfere with the employee's working hours or efficiency;
- create a conflict between the employee's private interests and public duties;
- use or appear to use information obtained in connection with the employee's official duties; or
- could be expected to impair the employee's independence of judgment in the performance of the employee's duties.

(6) accept or agree to accept door prizes, gifts, benefits, or favors for the employee or others from any person, company, organization, or other entity that:

- could influence or reasonably appear to influence the employee in performing the employee's duties;
- does any kind of business with the department;
- could reasonably be expected to do business with the department in the future;
- is regulated by the department in any way, including auditing, monitoring, inspecting, testing, supervising, permitting, licensing, or measuring; or
- offers the prize or gift via a drawing or other contest at a trade show, conference, meeting, or other event the employee attends as a representative of the department.

However, employees other than those listed below may:

- accept ordinary working meals,
- accept token items distributed generally as a normal means of advertising if the total estimated value of the gift is less than \$25, and
- partake of food and drink at dining or hospitality rooms or similar facilities in conjunction with a department-approved conference, meeting, or other event, provided there are no restrictions on visitors.

The above exceptions do not apply to:

- regulatory employees if the gift, benefit, or favor is offered by a licensee/permittee, a potential licensee/permittee, or a trade group whose members are licensed or issued permits by the relevant division; or
- employees who are involved in the procurement process if the gift, benefit, or favor is offered by anyone who could reasonably be expected to have an interest in or benefit from the resulting contract.

Exceptions to this policy must have the prior approval of the Executive Director as requested by a member of the Administration or DE/DD/OD through the General Counsel.

Definitions:

Ordinary: Provided on an occasional basis, reciprocated to the extent practical, and not lavish or extravagant.

Working meal: Breakfast, lunch, or supper consumed while conducting the department's official business. This includes a meal at a banquet or a conference attended as a department employee on official department business. A working meal does not include alcohol.

Regulatory employee: An employee or anyone in the supervisory chain of command of an employee of:

- the Motor Carrier Division,
- the Right of Way Division,
- the Motor Vehicle Division,
- the Vehicle Titles and Registration Division, or
- a district Right of Way Section if the employee's duties involve the regulation of outdoor advertising.

Procurement process: The process of preparing, advertising, and awarding a contract, beginning with drafting the specifications or request for proposals and ending with the final award of the contract.

(7) accept an honorarium other than reimbursement for food, travel, or lodging for appearing at an official, department-related event (such as a conference, workshop, seminar, or symposium), or a meal served at the event. An honorarium is a payment in the form of money or other thing of value offered in exchange for services rendered voluntarily, and is not a gift, benefit, or favor under Paragraph (6).

(8) have any monetary interest, whether direct or indirect, in any contract or subcontract in connection with a department project.

(9) have any financial or other personal interest in any real property acquired for a department project, unless the interest is openly disclosed in the public records of the department, and the employee does not participate in the acquisition on behalf of the State.

(10) copyright or patent any work the employee produces or develops as part of his or her employment with the department when the work is related to a department goal, project, or concern.

(11) disclose confidential or sensitive department business information without authorization.

(12) use either the employee's status as a TxDOT employee or a badge or other state issued item to obtain any benefit, including financial gain or a privilege, or to avoid the consequences of an illegal act.

(13) use department resources, including work time, for other than official department business. Exceptions to this policy may be granted by TxDOT as reflected in the Human Resources Manual.

(14) knowingly make false or misleading statements, oral or written, in the course of official state business.

(15) engage in any political activity while on state time or use department resources for any political activity.

(16) favor any individual or entity on the basis of any personal friendship or financial or social relationship.

B. All employees shall:

(1) perform their official duties in a lawful, professional, and ethical manner;

(2) practice responsible stewardship of department resources; and

(3) report to the appropriate authority any conduct or activity that they believe to be in violation of this ethics policy.