



HUMAN RESOURCES

Georgia Building Authority / State Properties Commission / Georgia State Financing & Investment Commission

LS-01: Standard of Conduct and Ethics in Government Policy

Purpose

This policy applies to all Georgia Building Authority (GBA), Georgia State Financing and Investment Commission (GSFIC), and State Properties Commission (SPC) employees including interns (“Employees”). All Employees are required to maintain and exercise at all times the highest moral and ethical standards in carrying out their responsibilities and functions. Employees must conduct themselves in a manner that prevents all forms of impropriety, placement of self-interest above public interest, partiality, prejudice, threats, favoritism, and undue influence.

Employees shall be alert in conducting business with employees and non-employees to avoid even the appearance of misconduct, personal or financial gain, or conflict of interest. Employees are required to comply with the Code of Ethics for Government Service as established in OCGA 45-10-1, et seq. (See Attachment #1) and the Code of Ethics for Executive Branch Employees established by Executive Order dated April 1, 2021 (See Attachment #2).

Attachments:

- Attachment 1-Code of Ethics for Government Service
- Attachment 2-Code of Ethics established for the Executive Branch Attachment
- 3-Attestation
- Attachment 4-Conflict of Interest Disclosure Form
- Attachment 5-Report of Expense Payment(s) by Outside Organization

General Provisions

Written guidelines to cover all phases of employee conduct are not possible. This policy provides general guidance and some specific examples to establish a framework of principles to assist employees in performing their jobs in a professional manner.

- Ethics Officer. The Director of Legal Services is designated the Ethics Officer. The Ethics Officer shall take appropriate measures to ensure that Employees become familiar with all applicable ethics laws and policies. The Ethics Officer is empowered to issue letters and opinions related to the application of the Governor’s Code of Ethics to specific actions taken by agencies and employees. The Ethics Offer reports directly to the Governor’s Executive Counsel on all matters related to the Code of Ethics.
- Non Work-Related Conduct. In general, this policy does not concern or apply to conduct that is not work-related. Non work-related conduct becomes a legitimate concern if it negatively affects departmental operations or discredits the GBA, GSFIC, or SPC. For example, publishing inappropriate or offensive material that clearly identifies a connection to the GBA, GSFIC, or SPC on a website would discredit the GBA, GSFIC, or SPC. Such conduct may result in disciplinary action up to and including separation from employment.
- Fair and Equal Access. Employees shall afford all members of the public fair and equal opportunity to express their concerns and ideas regarding state without regard to their political affiliation or personal attributes. Recommendations and decisions made by employees in the performance of their duties shall be made without bias.
- Nepotism. Employees shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a relative to an office or position within his or her agency, nor shall Employees participate in an action relating to the disciplining of a relative.



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- **Conflict of Interest.** Employees shall avoid conflicts of interest and make every effort to avoid the appearance of conflicts of interest.
- **Reporting.** Employees who witness or have evidence of misconduct are required to report it immediately to the Ethics Officer. The Ethics Officer shall report all conduct violating the Code of Ethics to the Governor's Executive Counsel or the Office of Inspector General. Employees whose relatives are registered lobbyists or whose relatives have direct business dealings with the GBA, GSFIC or SPC shall disclose such information to the Ethics Officer and shall recuse themselves from all matters related to the Employee's relative's business with the agency.
- **Discipline.** GBA, SPC, and GSFIC reserve the right to take appropriate disciplinary action, to decline to appoint or promote an applicant/employee, and to reassign an employee in order to avoid or eliminate the appearance of conflict of interest.

Conflict of Interest

Definition

A conflict of interest is a situation in which financial or other personal considerations have the potential to compromise or bias an employee's judgment, objectivity, or decision making. An appearance of conflict exists when a reasonable person would conclude from the circumstances that the Employee's ability to protect the public interest, or perform public duties, is compromised by personal interests. All Employees have a duty of trust to the State and its citizens, and no one is permitted to make an improper profit from the exercise of the duties and responsibilities associated with their public employment.

- A conflict of interest may exist without any action on the part of the Employee; the opportunity for profit or benefit alone creates the conflict.
- A conflict of interest may also arise where an employee engages in an outside activity which, while not necessarily incompatible or inconsistent with official duties, nevertheless is or becomes so extensive that it interferes with the proper and full-time performance of official departmental duties. Decisions regarding the existence of a conflict and its remedy are to be made by an authorized official of the Commission/Authority.

Avoiding Conflicts

Employees shall be alert in conducting business to avoid even the appearance of misconduct, personal or financial gain, or conflict of interest. Employees shall not knowingly use their positions in any manner which will result in financial or other benefit, directly or indirectly for themselves, their relatives, or individuals with whom they are personally or financially involved.

- No promise of restraint or waiver by the affected employee will be sufficient to avoid a conflict or the appearance of a conflict.
- Employees are prohibited from accepting personal favors or benefits under circumstances which may influence or give the appearance of influencing their official activities.
- Employees shall not directly or indirectly ask, accept, demand, solicit, seek or receive a financial or other benefit for themselves or for others in return for being influenced in the discharge of their official responsibilities.



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- An Employee shall recuse themselves from any situation or proceeding where the Employee's impartiality might reasonably be questioned due to their personal or financial relationship with a participant in a proceeding and said participant is a person, business entity, an owner, shareholder, partner, employee or agency of a business entity.
- If the Employee is uncertain whether the situation requires recusal, then the Employee shall disclose the relationship to the Ethics Officer. The Ethics Officer shall determine the extent to which, if any, a conflict of interest exists and whether the Employee should otherwise recuse himself or herself.
- Employees must report ownership or partial ownership of any company doing business, or seeking a business relationship with the GBA, SPC, or GSFIC.
- Employees whose relatives are lobbyists or vendors, shall disclose such information in writing in accordance with the Governor's Code of Ethics using the Conflict of Interest Disclosure Form (See Attachment #4). This disclosure from must be completed for each and every client, vendor, business relationship or issue as the Ethics Officer deems appropriate so as to exhaust the information available from the Employee regarding the scope of a potential conflict of interest. Employees are responsible for updating and supplementing the information contained within the disclosures and information the Ethics Officer of any changed or new circumstances, including potential conflicts of interest at the time they arise.

Outside Employment

- Employees are prohibited from serving as an officer or director of any non- governmental business entity or non-profit corporation except in limited circumstances. Questions regarding service as the director or officer of any such business entity or non-profit shall be referred to the Ethics Officer.
- Voluntary, pro bono services on behalf of non-profit organizations may be permitted, so long as services to such organizations would not have the potential to create a conflict of interest and do not impair the Employee's ability to discharge his or her public duties fully, faithfully, and impartially.
- Pursuant to the provisions and limitations of state law and rules, Employees may serve on the boards or commissions of governmental entities subject to GBA, GSFIC and SPC approval.

Gifts

Definition of Gift

"Gift" means any object or sum that retains a value of more than \$75.00, including intangible property, currency, gift cards, travel expenses, gratuities, subscriptions, memberships, loans, extensions of credit, forgiveness of debts, investment, or advances or deposits of money, but shall not include contributions to campaign committees, leadership committees, or anything given that accrues to the benefit of the State.

Items of minimal cost that employees receive (e.g. pencils, pens, coffee mugs, etc. received during attendance at a conference) are not considered gifts. Additionally, a meal is not considered a gift unless offered or provided by a vendor, contractor, potential vendor or contractor of the SPC, GBA, or GSFIC.

Gifts Prohibited

Except as provided below, Employees are prohibited from accepting Gifts from any lobbyist, vendor, or any other person with whom the Employee has a business relationship or interacts in the course of their employment with GBA, GSFIC or SPC. The offering, paying, solicitation, or acceptance of bribes is strictly prohibited and any Employee who is approached with or offered a bribe shall report such occurrence immediately to the Ethics Officer or law enforcement.



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Exception

Where appropriate for purposes of tradition, ceremony, or inter-governmental relations, or when acting as a representative of the SPC, GBA, or GSFIC, an Employee may accept a gift on behalf of the organization. The Employee must also notify the designated Ethics Officer so that the gift can be properly documented. If the gift is accepted in violation of the Code of Ethics and this policy, the gift may be returned to the donor, transferred to a charitable organization, or transferred to the State.

Employee Expenses Paid by Third Party or Outside Organization

With prior approval, third parties are permitted to pay the actual and reasonable expenses for travel, transportation, lodging, and registration in excess of \$75.00 when paid to permit the Employee's participation in a meeting related to official or professional duties of the Employee. The preferred practice is for the GBA, SPC, or GSFIC to pay such expenses.

Approval Process

Employees on whose behalf actual and reasonable expenses are paid must file a Request for Approval for Expense Reimbursement by Outside Organization on the form attached hereto as Attachment 5. The request shall contain a description of each expense, the monetary value thereof, the name and address of the third party paying the expense, the relationship between the third party and the GBA, SPC, and GSFIC, and the purpose, date, and location of the meeting. Completed forms shall be turned into the Ethics Officer for approval prior to the event.

Privileged or Confidential Information

Many employees are exposed to privileged or confidential information through their knowledge of official plans and programs which may be of significant interest to the public. No employee shall use information obtained as an employee of GBA, GSFIC or SPC to violate any provision of the Code of Ethics, and Employees shall protect all privileged or confidential information.

- Privileged or confidential information (e.g., contract bids, certain financial, personnel or client information, etc.) shall only be released by authorized Employees.
- Discussion or dissemination of confidential work-related information without authorization is prohibited.

Political Activities

- Employees are permitted to express their opinions on political subjects and candidates and to take an active part in political campaigns outside of working hours.
- Employees are encouraged to vote.
- Employees who wish to seek office must comply with applicable federal and state laws and notify the Ethics Officer prior to announcing or qualifying for any elected position or office. Employees are prohibited from soliciting or knowingly accepting any campaign contribution in a governmental building or office.