POLICY TITLE: Conflict of Interest
NUMBER: 2514
CHAPTER TITLE: Employee Conduct

EFFECTIVE DATE: January 1, 2026
PRIOR EFFECTIVE DATE: March 15, 2025

POLICY STATEMENT

Employees are expected to engage in activities that are compatible with the impartial and objective performance of their duties. Districts/divisions/offices are responsible for making their employees aware of this personnel policy at the time of employment. Violation of this personnel policy may lead to discipline up to and including termination. Certain prohibitions in this personnel policy are imposed by state law and could lead to criminal penalties upon prosecution. Employees are expected to regularly review this policy and ensure compliance with state law.

PROVISIONS / REQUIREMENTS

1. General

   a. In accordance with 105.452(5) RSMo, employees shall not use their decision-making authority for the purpose of obtaining a financial gain for themselves, a family member, or any other person.

   b. Employees shall avoid any interest, activity, or outside employment which improperly influences or gives the appearance of improperly influencing the performance of their official duties.

   c. In accordance with 226.090 RSMo, employees shall not have any monetary interest in, or act as agent for, the sale of road or bridge building material, equipment, tools, machinery or supplies, or in any contract for the construction or maintenance of state highways or bridges, or the financing thereof, or in any performance bond or workers' compensation or any other insurance furnished to the commission, or insurance furnished to any person, firm, or corporation contracting with the commission.

   d. In accordance with 229.090 RSMo, employees shall not be the sales agent in the sale to or purchase by the state, county, or road districts of road tools, culvert, or bridge materials or machinery, or have a monetary interest in any contract for the building of any bridge, culvert, or for the improvement of any public road to which the county or any road district is a party.

   e. Employees shall not participate in a proceeding or decision in which the employee's impartiality might be reasonably questioned due to the employee's personal or financial relationship with a participant in the proceeding.

f. Employees shall not enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the State of Missouri or any State Agency, which interferes with the conscientious performance of the employee's official duties.

g. In accordance with 105.452(1) RSMo, employees shall not act or refrain from acting in any capacity in which he or she is lawfully empowered to act by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to him or herself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by MoDOT.

h. In accordance with 105.452(4) RSMo, employees shall not favorably act on any matter that is so specifically designed so as to provide a special monetary benefit (i.e., being materially affected in a substantially different manner or degree than the manner or degree in which the public in general or a special class of persons will be affected) to such official or his/her spouse or dependent children.

i. Employees in job titles listed below shall comply with 105.483(5), (6), and (12) RSMo, 105.485 RSMo, and 105.487 RSMo, which require the filing of an annual personal financial disclosure statement with the Missouri Ethics Commission on or before May 1 of each year. Employees who held a job title listed below for any length of time within the required reporting period, including an interim position, are required to file a personal financial disclosure statement.

Director
Deputy Director/Chief Engineer
Assistant Chief Engineer
Chief Administrative Officer
Chief Financial Officer
Chief Safety & Operations Officer
Secretary to the Commission
Audits & Investigations Director
Business Development and Compliance Director
Financial Services Director
General Services Director
Governmental Relations Director
State Highway Safety & Traffic Engineer
Human Resources Director
Information Systems Director
Safety and Emergency Management Director
Assistant to the Chief Administrative Officer-Employee Health & Wellness
State Bridge Engineer
Chief Counsel
Assistant Chief Counsel
Communications Director
State Construction & Materials Engineer
State Design Engineer
Employee Engagement and Outreach Director
Regional Counsel
State Maintenance Director
Motor Carrier Services Director
Multimodal Operations Director
Transportation Planning Director
District Engineer

In addition to potential misdemeanor criminal penalties, individuals required to file a personal financial disclosure statement as outlined in Paragraph 1.I, may also have their salary suspended until such time as the personal financial disclosure statement is filed and shall be liable for late filing fees assessed by the Missouri Ethics Commission which comprises $10 per day for the first 30 days after May 1, and increasing to $100 per day starting the 30th day after the employee has been notified by the Missouri Ethics Commission that the employee has not filed their statement.

Employees in the above job titles are required to annually disclose service on boards, commissions, and committees pursuant to an annual review conducted by the Human Resources Division.

j. As applicable, employees serving in an executive or administrative capacity shall comply with 105.454.1 (1) – (4), RSMo. In addition, pursuant to 105.454 (5) and (6) RSMo, no employee serving in an executive or administrative capacity shall:

1) Perform any service for consideration, during one year after termination of his or her employment, by which performance he or she attempts to influence a decision of any agency of the state, in which he or she was an employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government.

2) Perform any service for any consideration for any person, firm, or corporation after termination of his or her employment in relation to any case, decision, proceeding, or application with respect to which they were directly concerned or in which they personally participated during the period of their service or employment.

In addition to loss of employment, failure to comply with these provisions could result in prosecution, and a finding of criminal violations which could result in misdemeanor or felony convictions.

k. Employees in the Divisions of Motor Carrier Services and Multimodal Operations (for the positions that conduct railroad administration activities) must comply with the following provisions:

1) In accordance with 622.120 RSMo, employees cannot be appointed to or continue employment in these divisions if they have any official relation to, own stocks or bonds in, or have any pecuniary interest in, any common carrier, railroad corporation, street railroad corporation, transportation of freight or property company, carrier, corporation or person subject to chapters 622, 387, 388, 389, 390, or 391 RSMo.

2) In accordance with 622.130.1 RSMo, employees are prohibited from soliciting, suggesting, requesting, or recommending, directly or indirectly, to any common carrier or other person, subject to the supervision of these divisions, the appointment of any person to any office, place, position, or employment.

3) In accordance with 622.130.1 RSMo, such common carrier, person, and their officers, agents and employees are also prohibited from offering or giving to any employees of these divisions any free pass, transportation, or any reduction in fare to which the public generally is not entitled or free carriage for property or any present, gift, entertainment, or gratuity of any kind.

In addition to loss of employment, failure to comply with these provisions could result in complaints filed with the Missouri Ethics Commission. Violation of these provisions by these employees could result in prosecution, and a criminal misdemeanor conviction punishable by a fine not exceeding $1,000 or imprisonment in a county jail not exceeding one year, or both.

l. Employees are required to promptly self-disclose in writing any conflict of interest that may arise while employed by the department, within the provisions of this policy, to their supervisor. Failure to report a conflict of interest voluntarily and promptly may result in disciplinary action, up to and including termination.

2. Employment Outside of the Missouri Department of Transportation (MoDOT)

a. Employees working in the professional fields of engineering, law, or land surveying are prohibited from working outside the department in their professional fields. (See Right of Way Manual for outside employment restrictions applicable to all Right of Way employees.)

b. Employees who choose to perform work outside MoDOT (self-employed, working for another employer, or volunteer work) will be held to the same performance standards for their work with MoDOT as employees who do not work outside MoDOT.

c. The department does not authorize multiple appointments/dual employment with another State of Missouri agency, except for winter operations, or an extenuating circumstance approved by the Human Resources Director.

3. Disclosure of Confidential Information

In accordance with 105.452(2) and (3) RSMo, employees shall not use or disclose confidential information obtained in the course of or by reason of their employment or official capacity in any manner for any reason for themselves, a family member, or any other person or any business with which they are associated.

4. Political Activity:

a. Employees of MoDOT:

1) **May** run for the nomination, or as a candidate for election, to a partisan or nonpartisan political office.

2) **May** campaign for and hold elective office in political clubs and organizations.

3) **May** actively campaign for candidates for public office in partisan and nonpartisan elections.

4) **May** contribute money to political organizations or attend political fundraising functions.

5) **May** serve as a poll worker.

6) **May** participate in any activity not specifically prohibited by law or regulation; and,

7) **May** receive reimbursement of individual expenses (i.e., mileage, motel, etc.) from that city/county/political subdivision to attend meetings for the city/county/political subdivision.

(The above activities may not occur during working hours or with/on state property.)

b. Employees of MoDOT:

1) **May not** be a candidate for or accept any elective or appointive office of any political subdivision for which any monetary consideration (i.e., annual or monthly payments) is prescribed.

2) **May not** use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office.

3) **May not** knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit or certificate pending before the employing department of such employee or is the subject of, or participant in, an ongoing audit, investigation or enforcement action being carried out by the employing department of such employee.

4) **May not** directly or indirectly solicit contributions from subordinates in support of a political party or candidate; and,

5) **May not** select or remove employees based on political affiliation.

5. Purchase of Department Property (real or personal) Employees of MoDOT:

a. **May** purchase tools or equipment such as automobiles, tractors, trucks, and other items declared as surplus equipment either directly or indirectly when such purchases are made at public sale (i.e., auction, sealed bid, or dealer); and,

b. **May not** purchase real property if within an established corridor without approval from the Director, Department of Transportation.

6. Employees must comply with the following provisions regarding the solicitation or acceptance of items:

   a. Employees of MoDOT shall not knowingly accept or solicit any item of any value for their personal use or benefit from:

      1) an outside person or organization for work performed as a department employee, or in connection with their official duties as a department employee; or,

      2) a lobbyist, even if it is not for work performed as a department employee, or in connection with their official duties as a department employee. A "lobbyist" is defined as any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency, or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

         a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or,
         b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or,
         c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association, or other entity; or,
         d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity.

      Under Paragraph 6. A. sections (1) and (2), this prohibition includes payment in the form of cash, check, gift card or offer to pay, promise to pay, loans, extensions of credit, forgiveness of debts, advances or deposits of money, or campaign contribution for the benefit of another. This prohibition also includes food (meals), lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, greens fees, sporting, entertainment, or social event tickets (or admissions).

   b. Employees of MoDOT shall not accept or solicit from an outside person or organization (except at a MoDOT sponsored or approved activity) "give away" items <u>unless</u> they are sample merchandise, promotional items or appreciation tokens (including light refreshments) routinely given to customers, vendor/suppliers, or to potential customers, vendors/suppliers in the ordinary course of business, provided that any such items shall not be in a form which can be readily converted to cash

and, shall have a value of not more than **$25**. (Gift cards/certificates are prohibited regardless of value because they can be easily converted to cash.)

This prohibition includes items such as food items (does not include light refreshments), beverages, or random drawings or contest prizes at hospitality events associated with conferences, association meetings, or other industry-wide meetings.

Employees below the level of the senior management team (SMT) who are invited to attend hospitality-related events related to MoDOT business, or who are invited to speak/attend events related to MoDOT business with expenses (food, lodging and transportation) covered by the inviting entity must receive advanced approval to attend from their respective SMT member.

7. Removal or Use of State Property

   a. Employees shall not remove property found on the right of way for personal ownership or use or to give/sell the property to another person or entity. (See General Services policies for surplus disposal.)
   b. Employees shall not use state owned vehicles without authorization.
   c. Employees shall not remove state property for personal ownership or use or give/sell the property regardless of the condition or the department's continued need for these items: such property could include tools, equipment, supplies, materials, scrap, broken items, discarded items, and surplus items. However, certain articles of clothing that do not have the MoDOT logo on them (e.g. MoDOT safety boots, safety glasses, safety vests, and hard hats) may become the property of the employee after use.
   d. Employees shall not park privately owned vehicles or equipment inside department buildings.
   e. Employees shall not perform work on privately owned vehicles or equipment during work hours and/or while on department property. This includes employees not using department hoists and other equipment/tools to perform routine service like changing oil or rotating tires, as well as not performing more complex work like auto body or engine repairs.

8. Use of Meeting/Conference Rooms

   Employees shall not use meeting/conference rooms before work or after work without authorization.



Ashley Halford

Human Resources Director

CROSS REFERENCES

Personal Financial Disclosure – Missouri Ethics Commission
Federal Hatch Act
36.155 RSMo
36.157 RSMo
105.452 RSMo
105.454 RSMo
105.472 RSMo
105.478 RSMo
105.483 RSMo
105.485 RSMo
105.487 RSMo
105.963 RSMo
226.090 RSMo
229.090 RSMo
Chapter 387 RSMo
Chapter 388 RSMo
Chapter 389 RSMo
Chapter 390 RSMo
Chapter 391 RSMo
Chapter 622 RSMo
622.120 RSMo
622.130 RSMo
Right of Way Manual
General Services Policies/Procedures