State of New Mexico

Michelle Lujan Grisham
Governor

CODE OF CONDUCT

The Governor is committed to establishing and maintaining a high level of ethical conduct among executive branch officers and employees. Each officer and employee must each maintain an individual commitment to high standards of conduct. In performing their duties, officers and employees must behave in a manner that is consistent with their roles as public servants of the citizens of New Mexico.

Pursuant to the Governmental Conduct Act ("GCA") (NMSA 1978, Chapter 10, Article 16), the Governor adopts this Code of Conduct for all officers and employees in the executive service, including employees of the Office of the Governor.[1] In addition to the requirements set forth in this Code of Conduct, all officers and employees shall familiarize themselves with and adhere to the requirements of the GCA and any other applicable rules or laws governing their conduct, including but not limited to the Financial Disclosure Act (NMSA 1978, Chapter 10, Article 16A), the Gift Act (NMSA 1978, Chapter 10, Article 16B), the Lobbyist Regulation Act (NMSA 1978, Chapter 2, Article 11), the Personnel Act (NMSA 1978, Chapter 10, Article 9), and the Procurement Code (NMSA 1978, Chapter 13, Article 1). Please also consult the Office of the Attorney General's Governmental Conduct Act Compliance Guide, which may be found here: https://www.nmag.gov/resources/publications/. To the extent the Governmental Conduct Act or other law applicable to executive branch officers or employees provides more stringent requirements, such law shall take precedence over this Code of Conduct. Each agency may implement a Code of Conduct that is more stringent than this Code of Conduct, using this Code as the base standard for all employees.

In any instance in which an officer or employee is not certain what the standard of conduct should be, the employee should consult the Human Resources and/or Legal Department. Any violations of this Code of Conduct must be immediately reported to the Human Resources and/or Legal Department, which will then determine the appropriate course of action. Retaliation against reporting staff is strictly prohibited and will be subject to disciplinary action.

1. Public Trust

a. You shall treat your government position as a public trust and should avoid any activity or association that is, or reasonably appears to be, a violation of the public

[1] All terms in this Code of Conduct shall have the same meaning prescribed by the GCA, unless context clearly dictates otherwise.

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trust. You shall use your position and the powers and resources of public office only to advance the public interest and not to obtain personal benefits of pursue private interests.

b. You shall conduct yourself in a manner that justifies the confidence placed in you by the people of New Mexico by at all times maintaining the integrity of public office and ethically discharging the high responsibilities of public office.

c. You shall not use or disclose confidential information obtained by virtue of your employment for your own or another person's private gain.

2. <u>Conflicts of Interest: Current Officers and Employees</u>

a. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, you shall make reasonable efforts to avoid undue influence, abuse of your public office, and the appearance of impropriety.

b. You shall not take any official act for the primary purpose of enhancing your financial interest or financial position. You shall disqualify yourself from decisions or official actions directly affecting your financial interests.

c. You shall not use or disclose confidential information acquired by virtue of your position for private gain.

d. You shall not acquire during your period of public employment a financial interest if you believe or should have reason to believe that the new financial interest will be directly affected by your official acts.

e. You shall not engage in any other employment or activity that might reasonably be expected to create an impression or suspicion among the public that the officer or employee is acting against this Code or that creates a conflict of interest, interferes with your duties to the public, compromises your ability to discharge your duties to the public, might reasonably be expected to impair your objectivity and independence of judgment in the exercise of your official duties, or otherwise adversely affects the performance of your duties.

f. You shall disclose in writing to their supervisor, or in the absence of a direct supervisor, to the Secretary of State, all employment other than employment with the State.

g. You shall disclose in writing any current outside employment within five (5) days of your receipt of this Code of Conduct and you shall disclose any anticipated outside employment before it begins.

h. An executive agency shall not enter into contracts for services, construction, or items of tangible property:

i. With a public officer or employee of the State:

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ii. With the family of a public officer or employee; or

iii. With a business in which a public officer or employee or his or her family has a substantial interest;

unless the public officer or employee has disclosed through public notice the interest and the contract is awarded in compliance with the Procurement Code (NMSA 1978, Chapter 13, Article 1). Under these circumstances, the potential contractor shall not be eligible for a sole source or small purchase contract.

3. **Conflicts of Interest: Former Officers and Employees**

a. An executive agency shall not enter into contracts with, or take any action favorably affecting, any person or business:

i. That is represented personally in the matter by a person who has been a public officer or employee of the State within the previous year and the contract or action is a direct result of an official act by the former public officer or employee; or

ii. That is assisted in the transaction by a former public officer or employee of the State whose official action, while in state employment, directly resulted in the agency entering the contract or taking the action.

b. A former officer or employee shall not represent a person or business in dealings with the government on a matter in which the former officer or employee participated personally and substantially while a public officer or employee.

c. For a period of one (1) year after leaving government employment, a former officer or employee shall not receive any pay for representing a person or business before the government agency at which the former officer or employee served or worked.

4. **Gifts**

a. You shall not request, solicit, receive, agree to receive, or offer to a legislator or public officer or official, directly or indirectly, any money, thing of value, or a promise of money or thing of value that is conditioned upon or given in exchange for the promised performance of an official act.

b. You shall not accept gifts, compensation, money or any other thing of value from persons affected by the state action, where it is known or reasonably should be known that the purpose of the donor in giving the gift, compensation, money or other thing of value is to influence you in the performance of your official duties.

c. Officers and employees, or other family members, shall not accept any gift exceeding **$250** in value from a "restricted donor." A "restricted donor" is a person who:

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i. Is, or is seeking to be, a party to any sale, purchase, lease, or contract with the agency in which the officer or employee holds office or is employed.

ii. Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the officer or employee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region;

iii. Is personally, or is the agent of a person who is, the subject of or party to a matter that is pending before a regulatory agency and over which the officer or employee has discretionary authority as part of the officer or employee's official duties or employment within the regulatory agency; or

iv. Is a lobbyist or a client of a lobbyist with respect to matters within the officer or employee's jurisdiction.

d. Officers and employees, or their family members, shall not accept gifts totaling more than **$1,000** in one (1) calendar year from a lobbyist, lobbyist' s employer, or government contractor.

e. You shall not request or receive an honorarium for a speech or service rendered that relates to the performance of public duties. For the purposes of this Code of Conduct, "honorarium" means payment of money, or any other thing of value in excess of one hundred dollars ($100), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making the speech or rendering the service, or payment or compensation for services rendered in the normal course of a private business pursuit.

5. Political Activities

a. You must comply with the requirements governing political activity found in the New Mexico Administrative Code, state law, and federal law, if applicable, including, but not limited to, the federal Hatch Act, 5 U.S.C. Sections 1501 to 1508.

b. You must also consider whether any political activity may involve other provisions of this Code of Conduct, the New Mexico Administrative Code, state law, and federal law, including, but not limited to, use of state time and equipment, conflicts of interest, prohibitions on accepting gifts, and confidentiality.

6. Use of State Information Technology Resources

a. You shall use State information technology ("IT") resources only to conduct State business, except for occasional and incidental personal use of IT resources

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that does not interfere with your duties and is not inconsistent with the policies expressed in this Code of Conduct. "IT resources" means computer hardware, software, databases, electronic message systems, communications equipment, computer networks, telecommunications circuits and any information used to support programs or operations generated by, transmitted within, or stored on any electronic media.

b. You shall not intentionally violate any software licensure agreement entered into by the State of New Mexico, the executive branch, or any other State agency.

c. You shall not access or attempt to access IT resources for which you do not have authorization by means of user accounts, valid passwords, file permissions, or other legitimate access and authentication methods. "Access" means the ability to read, change, or enter data using a computer or an information system.

d. You shall not use IT resources to reveal information protected by state or federal privacy or confidentiality laws, regulations, rules, policies, procedures, or contract terms.

e. You shall not use IT resources to download or distribute pirated software or data, including music or video files. "Pirated software" means licensable software for which a license has not been purchased or legally obtained.

f. You shall not use IT resources to knowingly propagate any type of code intended to damage, destroy, or delete a computer system, network, file, or data.

g. You shall not use IT resources to knowingly disable or overload any computer system or network or to circumvent any system intended to protect the privacy or security of IT resources.

h. You shall not access, display, distribute, edit, or record pornographic or offensive material using IT resources except to fulfill legitimate job responsibilities and with the written permission of your supervisor. The unsolicited receipt of pornographic or offensive material, such as might be received though e-mail, shall not constitute a violation of this provision. "Pornographic or offensive materials" means image s, documents, or sounds that are: (1) discriminatory or harassing; (2) obviously defamatory or libelous; (3) obscene or pornographic; or (4) threatening to an individual's physical or mental well-being.

i. You shall not use IT resources to override or circumvent any security mechanisms belonging to the State or to any other government agency, organization, company or individual. "Security mechanism" means a firewall, proxy, Internet address-screening or filtering program, or other system installed to prevent the disruption or denial of services or the unauthorized use, damage, destruction, or modification of data and software.

j. You shall not use IT resources to knowingly visit websites that are likely to compromise network security.

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k. You shall not use IT resources to encourage, aid, or engage in any illegal activity.

7. Consequences for Violating this Code of Conduct

a. This Code of Conduct governs the conduct of all officers and employees within the executive service, including employees of the Office of the Governor.

b. Any violation of this Code of Conduct shall constitute cause for dismissal, demotion, or suspension.

c. In addition, violating some provisions of this Code of Conduct may subject you to potential civil enforcement actions and criminal penalties under the law.

APPROVED:

Michelle Lujan Grisham

Governor Michelle Lujan Grisham
State of New Mexico

10/18/23

Date

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