

GEORGIA DEPARTMENT OF HUMAN RESOURCES
Human Resource/Personnel Policy #1201

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT

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REFERENCES: 42 C.F.R, §50.101 - 105
O.C.G.A. §45-2-1 *et. seq.*; §45-10-1; §45-10-20 *et. seq.*; and §45-10-40
Governor's Executive Order - 1/13/03

All employees of the Department of Human Resources (DHR) are expected 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 must 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. While performing departmental duties, employees are required to comply with Federal and State laws, the Code of Ethics for Government Service (See Attachment #1), the Governor's Executive Order, dated January 13, 2003 (See Attachment #2), Rules of the State Personnel Board and Department policies. In accordance with the Governor's Executive Order, procedures for requesting approval for expense reimbursement by outside organizations are attached. (See Attachment #3)

DHR employees are required to report all suspected violations of Federal or State law involving DHR employees or anyone contracted to provide services to DHR. Reports shall be made to the Office of Investigative Services (OIS) immediately upon the employee becoming aware of the suspected violation. DHR employees receiving a complaint of criminal misconduct, fraud or abuse, whether by written or verbal communication will, as soon as practicable, report the complaint to the OIS. The OIS will disposition said reports in accordance with the GA. DHR Administrative Policy and Procedure Manual, Part IV. J. (1)(A).

(Section A)

**GENERAL
PROVISIONS**

1. Written guidelines which cover all phases of employee conduct are not possible. This policy provides general guidance and some specific examples, which establish a framework of principles to assist employees in performing their jobs in a professional manner.
2. The Office of Human Resource Management and Development (OHRMD) Director is designated the Ethics Officer of the Department. The Ethics Officer shall take appropriate measures to ensure that the Department's employees become familiar with applicable ethics laws and policies.

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

3. In general, the Department is not concerned as an employer with non-work time of employees. Off-duty conduct becomes a legitimate concern, however, when it affects departmental operations or reflects discredit on the Department. Such off-duty conduct may result in appropriate disciplinary action up to and including separation from employment. Publishing inappropriate or offensive material on an internet blog or other website is an example of off-duty activity that could reflect discredit on the Department.
4. Employees shall afford all constituents fair and equal opportunity to express their concerns and ideas regarding state programs and policies without regard to their political affiliation, sophistication, or influence. Recommendations and decisions made by employees in the performance of their duties shall be made without bias.
5. Employees shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer, of a relative to an office or position with an agency or with the Office of the Governor. Employees shall not participate in an action relating to the disciplining of a relative.
6. Employees shall continually monitor, evaluate and manage their personal, financial and professional affairs to ensure the absence of conflicts of interest and appearance of conflicts.
7. The Department reserves 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 based on employee/employee, employee/client, patient or customer or other relationships.

(Section B) **CONFLICT OF INTEREST**

1. A conflict of interest may exist where employees engage in activities which may financially or otherwise enhance themselves, their relatives or individuals with whom they are personally or financially involved as a result of knowledge, information or action taken in an official capacity as departmental employees. 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 duties and responsibilities.

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

- 1.1 A conflict of interest may exist where no actual profit is made by the employee; the opportunity for profit or benefit alone may create the conflict.
 - 1.2 No promise of restraint or waiver by the affected employee will be sufficient to avoid a conflict or the appearance of a conflict.
 - 1.3 A conflict of interest may arise from a circumstance or situation, and not an activity. Its elements are the opportunity for enhancement by a transaction, and opportunity to influence that transaction as an employee.
2. 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 Department.
3. Employees are to make every effort to avoid even the appearance of a conflict of interest.
 - 3.1. 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.
 - 3.2 An appearance of conflict could exist even in the absence of a true conflict of interest.
4. Employees shall disqualify themselves from participation in any official proceeding in which impartiality might reasonably be questioned due to employees' personal or financial relationships with participants in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agent of a business entity involved in the proceeding. If the employee is uncertain whether the relationship justifies disqualification, then the employee shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which, if any, the employee will be permitted to participate. If the affected employee is the person presiding, then the vice chair or such other substitute presiding officer shall make the determination.

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

5. 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.

(Section C)

USE OF 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.

1. 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.
2. Privileged or confidential information (e.g., contract bids, certain financial, personnel or client information, etc.) is to be released only by authorized DHR officials.
 - 2.1 The release of any privileged or confidential information, financial or otherwise, is not authorized to any person who does not have a legitimate need to know.
 - 2.2 Employees shall not disclose information gained in the course of, or by reason of, their official responsibilities in a way that would affect a personal financial interest for themselves, their relatives, or individuals with whom they are personally or financially involved.
3. Use of computers to obtain information concerning clients, patients, customers, other employees or third parties for non-work-related reasons is prohibited.
4. DHR is a “covered entity” under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which provides for the safeguarding of each individual’s personal health information. In response to HIPAA, the federal Department of Health and Human Services has issued a “Privacy Rule” effective April 14, 2003.
 - 4.1 In accordance with the Privacy Rule and DHR’s Privacy Policies and Procedures, employees shall receive training on those DHR Policies and Procedures relating to HIPAA’s privacy requirements. The level of training individual employees receive

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will vary, depending on the individual's job responsibilities and his/her access to and involvement with personal health information.

- 4.2 As a part of this training, all employees shall read and sign the *IMPORTANT INFORMATION ON DHR HIPAA PRIVACY POLICIES AND PROCEDURES* form, which shall be placed in the individual's official personnel file.
- 4.3 Employees shall be responsible for obtaining and maintaining the appropriate level of awareness of and compliance with the Department's Privacy Policies and Procedures. In addition to penalties prescribed by federal law, Privacy Policy violations may result in corrective or disciplinary action.
5. Discussion of confidential work-related information on an internet blog or other website without authorization is prohibited.

(Section D)

DISCLOSURE OF INFORMATION

1. All applicants/employees are **required** to disclose felony convictions on *APPLICATIONS FOR EMPLOYMENT* and convictions and/or pending charges on *STATE SECURITY QUESTIONNAIRE / LOYALTY OATH* Forms.
 - 1.1 Falsification or misrepresentation of information, including criminal history, is **prohibited** and **may** result in an offer of employment being withdrawn from an applicant or separation of an employee.
 - 1.2 **Material** falsification or misrepresentation of any information, including criminal history, **will** result in an offer of employment being withdrawn from an applicant or separation of an employee.

NOTE: "Material" refers to information which directly influences and/or impacts the hiring decision based on records, credentials and/or qualifications.

- 1.3 Applicants whose offer of employment is withdrawn or employees who are separated due to falsification or misrepresentation of information are not eligible for consideration for re-employment with DHR for a **minimum of six (6) months** from the date of withdrawal or separation, whichever is applicable.

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

2. Employees are **required** to notify their supervisor or human resource/personnel representative of any arrests and/or convictions within five calendar days of the date of arrest or conviction. A determination of appropriate action will be made on a case by case basis.

(Section E)

ACTIVITIES AND RELATIONSHIPS WITH NON- EMPLOYEES & ORGANIZATIONS

1. Employees must be alert in conducting business with non-employees to avoid even the appearance of misconduct, personal or financial gain or conflict of interest.
2. Employees must report ownership or partial ownership of a company if the company in which the employee is part owner is doing business, or seeks a business relationship with DHR, including any entity within DHR.
3. Employees are prohibited from serving for compensation as a corporate officer or director of any for-profit or publicly held company. Voluntarily, 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 and do not impair the employee's ability to discharge his or her public duties fully, faithfully, and impartially.
4. The Commissioner of the Department may not have any ongoing dual employment.
5. Employees are prohibited from membership on the Board of Directors of any organization with which the Department of Human Resources contracts.
6. Employees are prohibited from accepting personal favors or benefits under circumstances which may influence or give the appearance of influencing their official activities. Such favors and benefits may not be accepted by employees on behalf of other individuals.
7. Employees are prohibited from involvement in official activities in which a client, patient or customer is a relative, or in-law. Employees are prohibited from involvement in official activities in which a client, patient or customer is a personal acquaintance when the relationship creates a conflict or perception of conflict of interest.

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- 7.1 Employees are required to report such circumstances to their supervisors to avoid the appearance of giving unjustified preference or conflict of interest.
- 7.2 Employees are encouraged to discuss the above circumstances with their supervisors if there are any questions concerning relatives, in-laws or personal acquaintances.
- 8. Employees must conduct themselves in a positive and courteous manner at all times towards clients, patients and customers. Mistreatment of clients, patients or customers in any form is a matter of concern at all supervisory levels and will not be tolerated. Prohibited activities include, but are not limited to:
 - 8.1 Obtaining alcohol or illegal drugs for or from clients, patients or customers;
 - 8.2 A. Except as provided in paragraphs B and C below, accepting, directly or indirectly, any gift from any person with whom the employee interacts on official state business, including, without limitation, lobbyists and state vendors. If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization, and the DHR Ethics Officer must be notified of the incident.

B. Where appropriate for purposes of tradition, ceremony, or inter-governmental relations, or when acting as a representative of the Department, an employee may accept a gift on behalf of the Department. If the gift retains value after its acceptance, the employee must: (a) maintain custody of the gift no longer than reasonably necessary to arrange for the transfer of custody of the gift to the Department, or to a charitable organization on behalf of the Department; (b) file a report with the designated Ethics Officer no later than 30 days after receipt of the gift containing a description of the gift, the approximate monetary value thereof, the name and address of the person making the gift, the date the gift was made, and the disposition of the gift.

C. 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 contractor or potential contractor of the Department.
 - 8.3 Accepting any honoraria whatsoever;

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

- 8.4 Gambling, buying, selling, trading, borrowing or lending goods or money with clients, patients or customers;
- 8.5 Using relationships with, or clinical information obtained on, current or former clients, patients or customers to take unfair advantage of them, their relatives, friends or personal acquaintances;
- 8.6 Engaging in sexual relationships, physical sexual conduct, or inappropriate verbal sexual conduct with clients, patients or customers, or otherwise taking sexual advantage of them; and,
- 8.7 Engaging in rude, argumentative, hostile or otherwise unprofessional behavior toward clients, patients or customers.

(Section F)

CONDITIONS OF EMPLOYMENT

Employees must comply with the conditions of employment specified in laws, rules, policies, Code of Ethics and the Governor's Executive Order referenced previously. Examples include but are not limited to:

- 1. Dressing appropriately and presenting a neat and clean appearance. (See **Section I**)
- 2. Maintaining professional relationships with co-workers and supervisors. Maintaining a courteous, professional demeanor in the presence of clients, the general public, and other employees. Giving clear and accurate information in a professional manner. Using appropriate telephone courtesy.
- 3. Reporting for work on time. Observing appropriate call-in procedures for late arrival and/or absence. Observing provisions of the Fair Labor Standards Act. Observing policies on break and meal periods. Using work time for work-related activity.
- 4. Using leave appropriately, including submitting timely requests and providing documentation for use of leave when required.
- 5. Observing established policies on health, safety, security and sanitation. Notifying supervisors of circumstances or situations that present potential health hazards.
- 6. Complying with instructions from all supervisors and managers.

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

(Section G)
**ACTIVITIES
AND CONDUCT
DURING
WORKING
HOURS**

1. Employees are expected to maintain a professional and businesslike relationship with fellow employees. DHR will not tolerate acts or threatened acts of violence in the workplace. Reports of threats or acts of violence will be thoroughly reviewed and appropriate action will be taken. Examples of prohibited behavior are:
 - 1.1 Threatening, abusive, or profane language, behavior or written material;
 - 1.2 Argumentative behavior, whether directed toward a supervisor, client, patient, customer, co-worker or any other party while on duty or while acting under color of office;
 - 1.3 Fighting;
 - 1.4 Unprofessional behavior such as sexual-related conversations, inappropriate touching of another employee (e.g., kissing, hugging, massaging, sitting on laps), racial or ethnic jokes and slurs, and other verbal or physical conduct of an offensive nature; and,
 - 1.5 Intimate relationships between managers or supervisors and their subordinate staff members, through any line of authority, based on the significant potential for such relationships to present an actual or perceived conflict of interest. Employees who enter into such relationships are expected to notify higher management of the need for one or both of the employees in the relationship to be reassigned, so that a line relationship no longer exists between the employees.
- NOTE: Intimate relationships between co-workers are prohibited when the relationship has a demonstrated negative effect on the performance of either co-worker or the effective, efficient functioning of the work unit.**
2. DHR Employees are required to cooperate fully and truthfully and provide assistance with any type of investigation regarding alleged criminal or administrative misconduct or other personnel issues. This includes, but is not limited to, activities such as cooperating fully and truthfully in interviews, answering any and all questions related to the performance of official duties, producing requested documents or objects and/or participating in

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polygraph and/or voice stress analysis examinations.

Nevertheless, whenever a DHR employee is interviewed by an agent or representative of the DHR Office of Investigative Services (OIS) concerning an allegation or allegations of criminal misconduct, such DHR employee may not be disciplined or subject to an adverse personnel action for failure to answer questions or provide information concerning possible criminal conduct unless the employee has been given the Garrity v. New Jersey, 385 U. S. 493 (1967) warning.

3. Employees are not to engage in activities other than official business during working hours. Prohibited activities include, but are not limited to:
 - 3.1 Lending or borrowing money (occasional voluntary loans of nominal value may be acceptable);
 - 3.2 Gambling;
 - 3.3 Conducting an outside business while on duty by any means of communication, such as wearing beepers, operating fax or copier machines, computers, telephones, etc.;
 - 3.4 Being on call for other employment;
 - 3.5 Soliciting, selling products or fund raising on the work premises for personal profit or for an organization unless specifically authorized (e.g., the State Charitable Contributions Program, personal events such as retirements); and,
 - 3.6 Distributing advertisements, pamphlets, or similar literature or soliciting memberships. Training where products or services are sold is strongly discouraged.
4. Employees are not authorized to tape record conversations at work unless work-related and specifically approved by the supervisor of the organizational unit.
 - 4.1 Supervisors are not to tape record conversations, meetings, etc. unless there is a specific work-related reason for doing so.
 - 4.2 Supervisors should consult with the Office of Human Resource Management and Development prior to taping or authorizing the taping of conversations.

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- 4.3 Certain individuals, such as DHR investigators, due to the nature of their job, are authorized to tape record conversations when necessary and appropriate.
- 4.4 DHR Grievance Hearings may be taped only by the authorized official(s) conducting the hearing.
- 5. Employees are prohibited from falsifying records (e.g., time cards, sign-in/out sheets, case management and/or client, patient or customer records) or any other documents prepared during the course of business. Researchers are specifically prohibited from falsification, plagiarism, or other practices that seriously deviate from those practices that are commonly accepted within the research community for proposing, conducting, or reporting research - or any other research-related activity. See Attachment #4 for Procedures for Reporting and Investigating Allegations of Researcher Misconduct.
- 6. Employees are not authorized to carry weapons (e.g., knives, firearms or explosive devices) while at work. Exceptions include employees carrying firearms because it is related to their job and is specifically required as a condition of employment.
- 7. Possession or consumption of alcohol or illegal drugs; and/or reporting to work or being on duty with the presence of drugs or alcohol is prohibited.
- 8. In order to minimize interference with normal operations and to avoid potential hazards and liability for the Department, visitors (e.g., children, other relatives, friends or acquaintances of employees) in the workplace during work hours are discouraged. Babysitting of children by employees while on duty is prohibited. Work units may establish specific prohibitions in accordance with work-related needs.
- 9. Offices, work stations, and office furniture are State property and are reserved for work-related activities. If approved, employees may have personal items in the office or work station, if suitable for the work area and reasonable.
 - 9.1 Examples include family photographs; certificates; diplomas; and small, discreet, decorative or inspirational items intended for the comfort and enjoyment of the employee.
 - 9.2 Such items must not be offensive or inflammatory, or otherwise inconsistent with the Department's work setting.

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

9.3 Employees may be required to remove items determined to be inappropriate from work areas at any time.

(Section H)

USE OF STATE PROPERTY

1. Employees are responsible for reporting suspected criminal or administrative misconduct including fraud, waste, and abuse relating to any State program or operation. Negligent use and/or destruction of State property is prohibited.
2. Employees are not to use or permit the use of State property for other than official activities.
 - 2.1 Voice mail and fax transmittals should convey professional, business-like messages.
 - 2.2 Email, Internet and other computer tools and equipment are provided to employees for work-related reasons. Use of the Internet for non-work related reasons is, however, permitted on a basis similar to that applied to local telephone calls on state telephones, i.e., the use is infrequent, of short duration, and does not interfere with work. This privilege may, however, be withdrawn if abused. The display or transmission of sexually oriented material is prohibited. Other prohibited uses include, but are not limited to, ethnic slurs, racial or other off-color jokes or remarks, game playing, or anything that may be considered harassment or expressing disrespect for others.
 - 2.3 All information in state computers, including but not limited to e-mail transmittals, is subject to inspection by appropriate management at any time. No employee has a privacy interest in any information contained in a state computer.
3. State property includes but is not limited to:
 - 3.1 Office equipment (e.g., computers, telephones, cellular phones, copiers, fax machines, etc.),
 - 3.2 Automobiles, and
 - 3.3 Supplies of all kinds.

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

4. Employees are prohibited from making or charging long-distance telephone calls to the Department, unless work-related. Local telephone calls of infrequent, short duration may be permitted. This privilege may, however, be withdrawn if abused.
5. Employees are prohibited from using a state cellular phone for personal calls.
6. Employees are prohibited from downloading or installing personal software of any kind on state computers or cellular phones.

(Section I)

PERSONAL APPEARANCE DURING WORK HOURS

1. While the Department does not specify a Department-wide dress code, employees are expected to be clean and neat in appearance at all times. As representatives of the State, employees should present a business-like, professional image. In certain types of jobs, employees may be asked to meet specific dress code standards or required to wear uniforms. Policies may be developed by DHR organizational units as necessary or appropriate.
2. Designation of a periodic casual dress day in a DHR organizational unit is permitted. Dress on a casual day may be less formal but should always be neat, clean and suitable for the workplace. If lettered or illustrated attire is worn, it should not promote a particular political, moral, religious, personal or other opinion. Attire which is obscene, vulgar, offensive or inflammatory is prohibited.
 - 2.1 Employees can be required to change inappropriate dress or be instructed to not wear the same or similar dress in the future.
 - 2.2 Decisions on the appropriateness of dress and the procedures to be followed will be made on a case by case basis by the supervisor or other authorized official of the organizational unit after consultation with the appropriate human resource/personnel representative and the Office of Human Resource Management and Development. Issues that will be considered include, but are not limited to:
 - health and safety;
 - client, patient or customer proximity;
 - work function of the unit; and,

STANDARDS OF CONDUCT AND ETHICS IN GOVERNMENT (continued)

- complaints received.
3. Employees who do not comply with established dress code standards may be subject to disciplinary action, up to and including separation from employment.

For additional information or assistance, please contact the OHRMD – Employee Relations Section at 404/656-5796. Questions regarding the Procedures for Reporting and Investigating Allegations of Researcher Misconduct should be directed to the Director of the Office of Regulatory Services at 404/657-5700.

ATTACHMENTS:

Attachment #1 - *CODE OF ETHICS FOR GOVERNMENT SERVICE*

Attachment #2 - *GOVERNOR'S EXECUTIVE ORDER - 1/13/03*

Attachment #3 - *PROCEDURES FOR PROCESSING REQUESTS FOR APPROVAL OF
EXPENSE REIMBURSEMENT BY OUTSIDE ORGANIZATIONS*

Attachment #4 - *PROCEDURES FOR REPORTING AND INVESTIGATING ALLEGATIONS
OF RESEARCHER MISCONDUCT*
