

Operational Policy

Policy title:	Conflict of Interest		
Policy number:	DHS OHA 060-002		
Original date:	03/27/2002 (DHS only)	Last update:	10/01/2018 (Joint DHS OHA)
Approved:	Kris Kautz, Deputy Director OHA Don Erickson, Chief Administrative Officer DHS		

Purpose

The Department of Human Services (DHS) and Oregon Health Authority (OHA) are committed to ensuring that the activities of agency staff reflect service to the missions of the agencies and the highest ethical standards. The DHS|OHA human resources (HR) department engages with staff to ensure that agency business, the use of agency resources, and staff roles outside the agency do not present a conflict of interest. DHS|OHA HR ensures that any conflict is resolved in a way that will not impact the business or services DHS|OHA provides, or the perception or reputation of the agencies.

Description

This policy describes the circumstances under which agency staff are responsible for evaluating their activities or relationships outside DHS|OHA for the possibility of personal gain or influence using DHS|OHA resources or information.

Applicability

This policy applies to all DHS and OHA staff including employees, volunteers, trainees and interns.

As keepers of the public trust, all agency employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. It is a conflict of interest for DHS|OHA staff to:
 - a. Use information or resources accessed through their employment for personal gain, whether their own or others.
 - b. Engage in personal activities or roles that could reflect negatively on DHS|OHA.
2. DHS|OHA staff shall report any potential conflict of interest to the Human Resources Office (HR) for HR's designation of the appropriate appointing authority.
3. Conflicts of interest may occur through relationships with any individual, including:
 - a. DHS|OHA service recipients or their family members.
 - b. Vendors, providers, or contractors.

- c. Co-workers or other professional associates.
 - d. Participation or membership in community groups, boards or professional associations.
 - e. Family or other personal relationships.
4. The appropriate DHS|OHA appointing authority, as determined by HR, shall review and make a determination about potential conflicts of interest that result from any outside relationships or opportunities that involve DHS|OHA staff or business, including:
 - a. Personal or professional relationships.
 - b. DHS|OHA service recipients or their families.
 - c. Non-DHS|OHA employment.
 - d. Board or commission memberships.
 - e. Expert witness activities.
 - f. Commercial gain.
 - g. Staff who are or wish to be foster parents, respite providers, legal guardians, relative caregivers or adoptive parents for children in DHS custody.
 5. DHS|OHA staff shall not use their positions to:
 - a. Obtain favors or other personal or financial benefit.
 - b. Grant favors or unwarranted benefits.
 6. DHS|OHA staff shall not establish personal relationships with individual service recipients to whom the staff member has case responsibility or provides services.
 7. DHS|OHA staff shall receive approval from their appropriate appointing authority before providing services that could create a conflict of interest with their employment responsibilities, including:
 - a. Working with service recipients, or the service recipient's families, authorized representatives, or payees with whom the staff member has or has had personal or family relationships.
 - b. Developing personal relationships outside of DHS|OHA with service recipients, their families, authorized representatives, or payees with whom they have or have had personal or family relationships.
 - c. Becoming employed by an agency that contracts with DHS or OHA.
 - d. Working for agency service recipients as:
 - A. Foster parents, relative caregivers, respite providers, adoptive parents, or guardians, especially for children in DHS custody.
 - B. Child care providers.
 - C. Home care providers
 8. DHS|OHA staff shall receive approval from their appropriate appointing authority before receiving compensation (financial or other) from public or private agencies, businesses, individuals, or organizations. Staff shall not:
 - a. Be compensated for work that is considered part of their agency job.
 - b. Use state equipment or copyrighted material obtained with public funds for activities related to outside employment.
 9. DHS|OHA staff working for compensation outside their agency employment (moonlighting) shall not accept employment that:
 - a. Interferes with performance of their agency job duties.
 - b. Reflects negatively on the agencies.
 - c. Involve unethical practices that could impact their ability to perform their agency job duties.

10. DHS|OHA staff shall receive approval from the appropriate appointing authority before participating as a member of any public or private board or commission not required by employment. The appointing authority shall ensure that:
 - a. Membership does not conflict with DHS|OHA job duties.
 - b. Staff provide a statement to the board or commission that the membership position does not represent DHS|OHA.
11. DHS|OHA staff shall receive approval from their appointing authority before providing any expert-witness testimony outside their assigned job duties if the testimony is related to their assigned job duties.
12. Staff may accept compensation for expert testimony, speaking engagements, or activities outside their job duties if:
 - a. Their preparation for and presentation of the testimony are entirely on their own time.
 - b. They use no state resources in their preparation and participation
 - c. They make clear that their preparation and participation are not part of their job duties or as agents of the State of Oregon.
13. DHS|OHA staff shall not solicit money or other gifts related to the performance of their duties.
14. DHS|OHA staff shall consult with their appointing authority when gifts or honoraria are being offered.
 - a. Staff may retain honoraria only if their preparation for and participation in the activities for which the honoraria are offered are entirely on their own time, no state resources are used in preparation and presentation, and staff make clear that their preparation and participation are not as agents of the State of Oregon.
 - b. Staff shall not accept gifts related to the performance of their job duties and shall report to their appointing authority offers of gifts, gratuities, or favors related to the performance of their job duties.
 - c. Staff shall not accept gifts unless the gifts are unrelated to their DHS|OHA duties.
15. DHS|OHA staff shall not use information obtained through their employment for personal gain. Staff shall not:
 - a. Sell, buy, trade, negotiate, or accept any services or items from service recipients except when doing so is in accordance with the individual's treatment or service plans.
 - b. Further the staff member's personal gain using information about a service recipient that was gained during agency job duties.
 - c. Knowingly conduct or negotiate business matters with former or discharged patients for six months from the date of discharge (12 months if a therapeutic relationship existed).
16. DHS|OHA staff shall request a review and determination from their appointing authority before using information about service recipients that was gained during employment with a privately-owned living facility, treatment resource, or a private practice with an employee or family member, or affiliated facility.
17. DHS employees shall use special care to ensure that there is no conflict or appearance of conflict of interest in a child support program (CSP) case.
 - a. Staff shall not access their own CSP case file using CSP computer screens or other records available to them as employees.
 - b. Staff who have their own CSP case and access to CSP screens shall notify their supervisor of their case.

- c. Staff shall report to their manager if the staff member is assigned to or working a CSP case or a case with links to a CSP case that involves a colleague, friend, relative, acquaintance or connection.
 - d. Staff shall not knowingly access the CSP case file of a colleague, friend, relative, acquaintance or connection using CSP computer screens or other records available to them as employees.
18. DHS|OHA staff who are uncertain about whether alternative employment, relationships, opportunities or gifts may impact their ability to perform their job performance or responsibilities and create a conflict of interest shall contact their supervisor and request a determination from their appointing authority.

References

[ORS 25.260](#)

[ORS 244](#)

[OAR 137-055-1140 and 137-055-1145](#)

[The Public Officials Guide](#)

Forms referenced

MSC 0104 Conflict of Interest Determination

Related policies

Exception request process

Contact

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Policy history

Version 1 (DHS only) 03/27/2002

Version 2 (DHS only) 11/01/2006

Version 1 DHS|OHA 06/04/2018 (merged CAF addendum and Child Support Program requirements)

Keywords

Adoption, associates, boards, caregivers, child, childcare, clients, commissions, compensation conflict of interest, contractors, expert, expert witness, family, favors, foster parent, friends, gain, gifts, guardian, home care, legal guardian, moonlighting, personal, personal relationship, relationship, respite, service recipients, vendors

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