

**District 2 Public Health
Policy # 228
Code of Ethics and Conflict of Interest
Effective September 1, 2015**

1.0 PURPOSE

This policy is intended to assist County Board of Health (CBOH) employees in maintaining the highest standards of ethics, and to provide guidelines that CBOH Employees must follow to avoid an ethics violation, a conflict of interest, or the appearance of conflict.

1.1 AUTHORITY – The County Board of Health (CBOH) Code of Ethics and Conflict of Interest Policy is published under the authority of CBOH and in compliance with the following:

1.1.1 Official Code of Georgia Annotated (OCGA), Sections:

1.1.1.1 O.C.G.A. § 45-10-1 et seq.;

1.1.1.2 O.C.G.A. § 21-5-1, et seq.;

1.1.2 Governor's Executive Order establishing an Ethics in Government Policy for Executive Branch Officers and Employees, 10 January 2011;

1.1.3 CBOH Ethics in Procurement Policy.

2.0 SCOPE

This policy applies to all CBOH employees.

3.0 POLICY

The District Health Director/Appointing Authority may suspend, demote, or terminate the employment of any Employee who violates this policy.

4.0 DEFINITIONS

- 4.1 Agency:** Any agency, authority, department, board, bureau, commission, corporation, committee, office, or instrumentality of the State of Georgia.
- 4.2 Commissioner:** The Commissioner of the Department of Public Health
- 4.3 Family Member:** A spouse, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half brother or half sister.
- 4.4 Gifts:** Money, advances, personal services, gratuities, loans, extensions of credit, forgiveness of debts, memberships, subscriptions, travel, meals, charitable donations, promises, discounts, forbearance, or things of value that are not generally available to members of the public, whether or not intended to influence or reward an Employee; provided, however, that a meal with a value of less than \$25 shall not be considered a gift.
- 4.5 Honorarium:** Payment to a professional person for services for which no fee is required, such as payment in connection with giving a speech or talk. Honorarium excludes such things as a certificate, plaque, or other token of appreciation, which has nominal value and may be accepted as a ceremonial courtesy. Gift cards or other payments of less than \$50 in value given for participation in public health related research studies or surveys shall not be considered to be honoraria. Questions as to whether or not a specific situation constitutes a conflict of interest are to be directed to the District Health Director.
- 4.6 Lobbyist:** Shall have the meaning set forth in O.C.G.A. Section 21-5-70(5).
- 4.7 Part time:** Employed for less than thirty hours per week for a continuous period of fewer than twenty-six weeks.
- 4.8 Public Official:** Any person elected or appointed to a state office and having the administrative and discretionary authority to receive and expend public funds and perform certain duties that impact the public.
- 4.9 Substantial interest:** The direct or indirect ownership of more than twenty-five percent of the assets or stock of any business.
- 4.10 Transacting business:** To sell or lease any personal property, real property, or services on one's behalf, or on behalf of any third party as an agent, broker, dealer, or representative.

- 4.11 Vendor:** Any person who sells to or contracts with the Department to provide any goods or services.

5.0 RESPONSIBILITIES

- 5.1** Human Resources Section shall advise and assist the District Health Director/Appointing Authority on appropriate disciplinary actions in cases of ethical violations.
- 5.2** DPH Inspector General shall, upon request by the District Health Director/Appointing Authority investigate the facts in cases of a claim or criminal misconduct, fraud or abuse and prepare a report of his findings if indicated.
- 5.3** The District Administrator or District Program Manager/Deputy Director, as designated by the District Health Director, shall serve as the Ethics Officer. The Ethics Officer shall advise and assist the District Health Director/Appointing Authority in educating CBOH employees about their ethical obligations, in interpreting the law and CBOH policies pertaining to ethics, and in deciding whether to refer alleged ethics violations to the local county attorney or Inspector General for further investigation.

6.0 PROCEDURES

6.1 CODE OF ETHICS

- 6.1.1 In fulfilling their designated duties and responsibilities, Employees shall:
- 6.1.1.1 Uphold the Constitution, laws, and legal regulations of the United States and the State.
 - 6.1.1.2 Give a full day's labor for a full day's pay and perform duties with earnest effort and best thought.
 - 6.1.1.3 Never discriminate unfairly by extending special favors or privileges, whether for remuneration or not and never accept, for personal gain or for a Family Member, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
 - 6.1.1.4 Make no private promises of any kind binding upon the duties of office, since a government Employee has no private word which can be binding on public duty.

- 6.1.1.5 Refrain from engaging in business with the state, either direct or indirectly, which is inconsistent with the conscientious performance of governmental duties.
- 6.1.1.6 Never use confidential information in the performance of governmental duties as a means of making a profit.
- 6.1.1.7 Expose corruption.
- 6.1.1.8 Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- 6.1.1.9 Uphold these principles, ever conscious that public office is a public trust.

6.2 TRANSACTING BUSINESS

6.2.1 CBOH Employees

- 6.2.1.1 CBOH Employees shall refrain from transacting business with the CBOH. However, CBOH Employees may conduct business with other Agencies as long as the business transaction does not result in a benefit for the CBOH.
- 6.2.1.2 A business in which CBOH Employees maintain a substantial interest may not transact business with the CBOH.
- 6.2.1.3 The transactions identified in O.C.G.A. Section 45-10-25 as exempt from the statutory prohibition on transactions with state agencies shall be exempt from this policy as well.

6.2.2 "Revolving Door" Transactions With Former CBOH

- 6.2.2.1 A CBOH Employee shall not knowingly authorize, recommend, approve, or participate in any business transaction between CBOH and a person who had been employed by CBOH in the previous twelve months, or an entity for whom such a previous employee acts as officer, director, employee, consultant, shareholder, or owner.
- 6.2.2.2 If a CBOH employee discovers that the CBOH has engaged in such a business transaction, then that fact shall be reported immediately to the Ethics Officer.

6.2.2.3 Upon request made in advance of the transaction, the District Health Director/Appointing Authority may waive this prohibition if it appears that the interests and mission of the CBOH would be better served by approving the transaction, and that the former employee has not attempted to take advantage of his or her former position.

6.3 FAMILY MEMBERS

6.3.1 A Family Member of a Public Official or Employee shall not transact business with the CBOH, nor shall a business in which a Family Member of a Public Official or Employee maintains a substantial interest transact business with the CBOH.

6.3.2 Family Members may conduct business with other Agencies only if the business transaction does not result in a benefit for the CBOH.

6.4 DISCIPLINARY ACTIONS AND OTHER REMEDIAL ACTIONS

6.4.1 In addition to any penalties which may be imposed by other authorities, the CBOH may suspend, demote, or terminate the employment of any Employee who violates this policy.

6.5 OTHER CONFLICTS OF INTEREST

6.5.1 Employees are prohibited from accepting gifts from any person with whom the Employee interacts on official CBOH business.

6.5.2 Employees may accept perishable items, such as a basket of fruit, so long as they are promptly placed in a common area for sharing among other employees and visitors. This also applies to perishable incentives or rewards (such as candy) which are unrelated to, but accompany, a CBOH purchase.

6.5.3 Employees may accept a gift on behalf of the CBOH when ceremonial courtesies require such an acceptance. Upon acceptance, the Employee should transfer the gift to the CBOH or the alternative to a charitable organization on behalf of the CBOH.

6.5.4 If a Vendor has a personal relationship with the Employee, a gift that is unconnected with the Employee's duties at the CBOH is not necessarily prohibited. However, regardless of the personal relationship between a Vendor and an Employee, a gift is strictly forbidden where it is being given under circumstances where a member of the public might reasonably infer that it was intended to influence the Employee in the performance of his or her official duties.

6.6 HONORARIA

CBOH Employees may not accept honoraria.

6.7 SERVICE ON BOARDS

6.7.1 Employees should avoid serving as a corporate officer or director of for-profit or publicly held organizations. Notwithstanding the foregoing, each circumstance may be assessed on a case-by-case basis to determine if an actual conflict of interest exists which would determine whether the Employee could provide such service.

6.7.2 Employees may provide pro bono services to non-profit organizations as long as such services do not take away from the Employee's ability to perform his or her duties effectively and with objectivity.

6.8 NEPOTISM

6.8.1 An Employee shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a Family Member to a position within the CBOH. Because the CBOH desires to assist supervisors in making equitable decisions regarding work assignments, promotions, performance evaluations, disciplinary actions, and all other actions which have a direct impact on an individual's employment, the CBOH shall impose the following restrictions:

6.8.2 Family Members of individuals currently employed by the CBOH may be hired only if they will not be working directly for or supervising a Family Member.

6.8.3 If Family Members are currently employed, they cannot be transferred into a direct reporting relationship.

6.8.4 If the Family Member relationship is established after employment and there is a direct reporting relationship, the manager shall make the determination as to which Employee shall be subject to transfer, if such transfer does not adversely affect the business needs of the CBOH. This policy shall in no means violate state and federal laws regarding discrimination on the basis of marital status.

6.9 LOBBYISTS

If any vendor who submits bids or responses to request for proposals has engaged a lobbyist, then Employees working with that vendor must verify that the lobbyist engaged by the vendor has registered with the State Ethics Commission and made the appropriate disclosures.

6.10 EXPENSES FOR CONFERENCES AND MEETINGS

6.10.1 As a rule, all expenses for an Employee to participate in conferences, meetings, and other activities on behalf of CBOH shall be paid by CBOH (unless covered by DPH). Expenses include food, beverages, travel, lodging, and registration fees.

6.10.2 With the prior approval of the Ethics Officer, an outside entity may pay or waive registration fees and travel expenses related to a conference, meeting, or other activity related to official or professional duties, if the entity is (a) a state or federal government agency, (b) a non-profit entity that does not have a contractual relationship with CBOH and is unlikely to seek such a relationship, or (c) an entity that has been given funds by CBOH, another government entity, or a non-profit entity for the specific purpose of defraying the travel expenses of participants to a conference or meeting related to the official duties of CBOH.

6.10.3 Expense that are paid or waived by an outside entity shall be limited to those items that are directly associated with the business or professional duties and are not attributable to personal, social or recreational activities.

6.11 GIFTS

6.11.1 If an Employee receives a gift on behalf of CBOH as specified in 6.5.3, the Employee must file a report with Ethics Officer no later than thirty days after the receipt of the gift. The report should include the name and address of the person giving the gift, the date the gift was given, the monetary value of the gift, and an explanation of the disposition of the gift.

6.12 GUIDANCE

In the event that a CBOH Employee has reason to believe that a conflict of interest might exist in a particular circumstance, the Employee should seek guidance from the Ethics Officer.

6.13 MANDATORY REPORTING

6.13.1 Any Employee who has knowledge of a possible ethics violation shall report the matter to the Ethics Officer.

6.13.2 Supervisors shall report to the Ethics Officer any suspected ethics violations observed or brought to their attention, and shall ensure that the employees under their supervision are aware of and comply with the CBOH ethical standards and policies.

6.13.3 There shall be no retaliation for reporting suspected ethics violations in good faith. Reporting suspected policy violations by others shall not jeopardize the terms or conditions of the Employee's tenure with the CBOH.

6.13.4 Anyone reporting a possible violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation.

6.13.5 Employee shall not take action against, direct others to take action against, recommend personnel action against, approve personnel action against, or threaten another CBOH employee for questioning or reporting in good faith possible violations of this policy.

6.14 ACKNOWLEDGEMENT OF POLICY

6.14.1 Each Employee shall sign an acknowledgement that he or she has received a copy of the policy; has read and understands the policy and is accountable for compliance with it; and agrees to comply with the policy;

7.0 RELATED FORMS

*Ethics Policy Acknowledgement
Designated Ethics Officer*

Approval:		
	District Health Director/Appointing Authority	Date