

# Employee Ethics, Standards of Conduct, and Conflict of Interest

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-Approved  
UBOH 01/28/2009  
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## Audience

This policy applies to all Health District employees.

## Policy

It is the Health District's policy that the highest level of ethics be maintained by employees in accomplishing their duties while serving our customers and the residents of Galveston County.

## General Conduct

Health District employees must avoid any action that might result in or give the appearance of:

- using their public positions for private gain;
- giving unlawful preferential treatment to anyone;
- losing objectivity or impartiality;
- making a governmental decision outside of official channels;
- adversely affecting the public's confidence in government; or
- doing personal activities while on Health District business and paid duty.

Health District employees must **not**:

- participate in gambling, betting, or lotteries on Health District property;
- intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that they know is unlawful;
- make a terrorist threat, or threat of retaliation, against another employee, supervisor, or manager;
- intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing their conduct is unlawful;
- acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by information to which they have access in their official capacities and which has not been made public;
- speculate or aid another to speculate on the basis of information to which they have access in their official capacities and which has not been made public;
- coerce another public servant in the performance of his/her official duty or to violate a known legal duty;
- privately address a communication to any public servant who exercises or will exercise official discretion in an adjudicatory proceeding (court or administrative) in order to influence the outcome on a basis other than as allowed by law;

- influence a witness or prospective witness in an official proceeding to lie, withhold evidence, or fail to appear at the proceeding;
- harm or threaten to harm another person by any unlawful act in retaliation for the person being a public servant, witness, or informant;
- use Health District property for political activity; or
- review, inspect, or determine eligibility of relative seeking governmental benefits. Employees are expected to defer relative to another worker or seek supervisory review and approval of the final determination of service eligibility.

### **Personal Interests, Employment, and Business Activity**

Health District employees must **not**:

- have any interest or engage in any business activity or employment that conflicts or interferes with the performance of their duties for the Health District;
- have, either directly or indirectly, any financial or other personal interest in any contract or subcontract in connection with a Health District project if authorized in their official capacity to take part in negotiating, making, accepting, or approving such contract or subcontract or performing any duty for the Health District in connection with such contract or subcontract;
- accept other employment or engage in business or professional activities that could require or cause them to reveal confidential information acquired through their official position;
- accept other employment or compensation that could hinder their independence of judgment in the performance of their official duties;
- make personal investments that create or could reasonably be expected to create a substantial conflict between their personal interests and the public interest;
- use official information that is not available to the public for the purpose of furthering their own private interests;
- take part in any personal or business financial transaction that relies on information obtained through their official position; or
- misapply anything of value belonging to the Health District that has come into their custody or possession by virtue of their employment.

### **Acceptance of Honoraria**

Section 36.07 of the Texas Penal Code provides in part:

- (a) A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

Therefore, Health District employees must not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties. This does not

prohibit an employee from accepting transportation, meals, and lodging expenses in connection with a conference or similar event when allowed by law.

A Health District employee may accept an honorarium if the employee is asked to provide services which are not requested because of the employee's official status. In such cases, the employee must receive advance approval take appropriate leave, and not use Health District resources in performing the services (e.g., a Health District employee is asked to speak at a conference solely because of his/her recognition as an expert in a particular field and not because of his/her official Health District position).

### **Acceptance of Gifts, Benefits and Favors**

Health District employees must **not**:

- solicit, accept, or agree to accept any benefit, gift, favor, or service that might influence them in the performance of their duties;
- solicit, accept, or agree to accept any benefit, gift, favor, or service that they know is being offered for the purpose of influencing their official conduct or for having performed official duties in favor of another;
- solicit, accept, or agree to accept any benefit, gift, or favor from a person or business who is regulated by the Health District;
- offer, confer, or agree to confer on another person or solicit, accept, or agree to accept from another person or business any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion or for a violation of a duty imposed by law on an employee;
- solicit, accept, or agree to accept any benefit from a person or business against whom the Health District has litigation pending or contemplated;
- solicit, accept, or agree to accept any benefit from a person or business interested in any contract, purchase, payment, claim, or transaction involving the exercise of the employee's discretion; or
- solicit, accept, or agree to accept any benefit from a person or business interested in any Health District matter before the employee.

Health District employees who are or will be witnesses in an official proceeding must **not** solicit, accept, or agree to accept any benefit on the understanding that the employee will lie, withhold evidence, or fail to appear at the hearing.

### **Use of Health District Vehicles**

When using a company vehicle, Health District employees will:

- only use the vehicle for official Health District business;
- not drive the vehicle under the influence of alcohol or illegal drugs;
- not drive the vehicle when taking medication that impairs their ability to drive safely;

- not use the vehicle to transport intoxicating alcohol, dangerous or illegal drugs, or firearms;
- not smoke in the vehicle; and
- comply with other specifics listed in the *Safety and Risk Management* policy.

### **Standards of Conduct and Conflict of Interest**

Health District employees must adhere to the following regulation which is from Section 572.051 of the Government Code, titled *Standards of Conduct and Conflict of Interest*:

A Health District employee should not:

- accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
- accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
- accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
- make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
- intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

### **Political Contributions**

No funds or assets of the Health District may be contributed to any political party or organization or to any individual who either holds public office or is a candidate for public office. The direct or indirect use of any funds or other assets of the District for political contributions in any form, whether in cash or other property, services, or the use of facilities, is strictly prohibited. The District also cannot be involved with any committee or other organization that raises funds for political purposes. This rule applies both inside and outside the United States, except in those cases permitted by law and expressly authorized by the Galveston County United Board of Health and/or County Judge.

Following are examples of prohibited activities:

- Contributions by an employee that are reimbursed through expense accounts or in other ways.

- Purchase by the District of tickets for political fund raising events.
- Contributions in kind, such as lending employees to political parties or using District assets in political campaigns.
- Indirect contributions by the District through suppliers, funding sources or agents.

### **Government Officials**

The District is legally prohibited from offering, promising, or bestowing money, gifts, loans, rewards, services, jobs, use of facilities, lavish or extensive entertainment, or other favors to a governmental official, employee, or potential employee with a view toward influencing or inducing such official or employee to use his/her influence to effect an action or decision.

This includes any employee of a federal, state or local government agency.

No employee of Galveston County Health District will offer, give, or promise to offer or give, directly or indirectly, any money, gratuities or other thing of value to any governmental employee with current or possible responsibility on an award of the District. A gratuity includes any gift, favor, entertainment or other item having monetary value. This phrase includes services, conference fees, vendor promotional training, transportation, lodging and meals, as well as discounts and loans not available to the general public.

### **Commercial Bribery**

Health District employees must:

- not make a payment either directly or indirectly or as a kickback to influence someone else,;
- not accept anything of value from someone who wants to do business with the District; and
- report the matter to his/her supervisor immediately if he/she is asked to make or accept a payment or gift in any form prohibited by this policy.

### **Political Activity**

The Hatch Act and the Intergovernmental Personnel Act of 1970 preclude federal funds from being used for partisan political purposes of any kind by any person involved in the administration of federally assisted programs.

Employees of Galveston County Health District are precluded, during periods of compensated time, from lobbying, preparing political publications or materials, making partisan political speeches or engaging in related lobbying activities intended to influence legislation or to promote a political party or candidate.

## **Employee Responsibilities**

It is the employee's responsibility to:

- review Health District policies and procedures;
- request clarification when necessary;
- adhere to the policies;
- notify his/her supervisor of any actions that are or have the appearance of being unethical;
- defer relative to another worker or seek supervisory review and approval of the final determination of service eligibility; and
- submit a written request for dual employment through his/her supervisor to the Human Resource Director for executive management review.

## **Supervisor Responsibilities**

It is the supervisor's responsibility to:

- understand and follow this policy;
- inform existing employees about this policy;
- refer employee's written request for dual employment to the Human Resource Director for executive management review;
- counsel an employee who needs guidance or redirection; and
- take or recommend appropriate disciplinary action when necessary.

## **Exceptions**

An employee requesting a review of an activity must submit a letter at least ten- business days in advance of the start of the activity to the Human Resource Director for approval by the Chief Executive Officer and/or Chief Operating Officer. Certain activities deemed as employee betterment activities will be considered.

## **Violation**

Violation of this policy may result in appropriate corrective disciplinary action, up to and including suspension, probation, and dismissal; and/or, in some instances, a referral to federal, state and/or local law enforcement agencies.

## **Laws**

It is the intent of this policy to be in compliance with OMB Circular A-110, Section 572.051 of the Government Code, the Texas Penal Code, the Intergovernmental Personnel Act of 1970, and the Hatch Act.