

OREGON STATE HOSPITAL

PORTLAND – SALEM

POLICIES AND PROCEDURES

SECTION 5: Human Resource Management

POLICY: 5.014

SUBJECT: Conflict of Interest

POINT PERSON: BILLY MARTIN
HUMAN RESOURCES MANAGER

APPROVED: GREGORY P. ROBERTS
SUPERINTENDENT



DATE: January 4, 2012

I. Policy

Oregon State Hospital has adopted DHS Policy DHS-060-002, Conflict of Interest, and DHS Procedure DHS060-002-001. (See attached)

Replaces OSH Policy and Procedure 5.014, *Conflict of Interest*, dated 2/27/2009.



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Administrative Services

Policy Title:	Conflict of Interest				
Policy Number:	DHS-060-002	Version:	2.0	Effective Date:	11/01/2006

Approved By: *DHS Chief Administrative Officer* Approved Date: *11/01/2006*

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Overview

Description: The policy covers professional relationships, client and patient relationships, outside employment, board or commission memberships, expert witness activities, honoraria, gifts, and the use of information gained from employment with DHS for personal gain. All potential conflict-of-interest situations are unique and will be reviewed on a case-by-case basis by the appropriate DHS appointing authority.

Purpose/Rationale: To provide all DHS staff members policy expectations concerning their positions within the Department and their responsibilities to report any potential conflict of interest to the appropriate appointing authority for a review and determination.

Applicability: All DHS staff members, including employees, volunteers, trainees, and interns.

Failure to Comply: Failure to comply with this policy may result in disciplinary action up to and including dismissal from state service.

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Policy

The Department of Human Services has the responsibility to ensure that all DHS

staff members engage in activities that are consistent with the DHS mission and values in delivering DHS programs and services. All DHS staff members must perform their job duties to the best of their ability. In situations in which DHS staff members are engaged in activities that could constitute a conflict of interest, the Department has the responsibility to review each situation and determine whether a conflict exists.

The following situations require a review and determination by the assigned appointing authority:

- Professional relationships
- Client and patient relationships
- Outside employment
- Board or commission memberships
- Expert-witness activities
- Honoraria
- Gifts
- Use of information for personal gain

1. Professional Relationships

DHS staff members may not use their positions in connection with any clients, patients, family members of clients or patients, vendors, providers, contractors, or co-workers to:

- a. Gain favors or other personal consideration.
- b. Grant favors or unwarranted benefits.
- c. Establish personal relationships with clients or patients for whom the DHS staff member has case responsibility or provides services.

2. Client or Patient Relationships

DHS staff members shall notify and receive approval from their appropriate appointing authority before providing services that could create a conflict of interest concerning their employment with DHS. Such situations include the following:

- a. Working with DHS clients, patients, or inmate workers with whom they have or have had personal or family relationships.
- b. Personal relationships with other individuals who are DHS clients or patients.
- c. Working for DHS clients or patients as:
 - A. Foster parents, relative caregivers, respite providers, adoptive

- parents, or guardians for children in DHS custody
- B. Child care providers
- C. Home care providers
- D. Employees of an agency that contracts with DHS
- E. Authorized representatives or payees for DHS clients or patients

3. **Outside Employment**

DHS staff members shall notify and receive approval from their appointing authority before receiving compensation from public or private agencies, businesses, individuals, organizations, or other groups. The appointing authority shall ensure that the DHS staff members:

- a. Are not compensated for services that are considered part of their DHS job duties.
- b. Do not use state equipment or copyrighted publications obtained with public funds for outside employment-related activities.
- c. Work for compensation outside their regular DHS employment only when the outside work does not:
 - A. Interfere with their ability to perform their DHS job duties.
 - B. Interfere with or reflect negatively on the work performed by DHS.
 - C. Involve any unethical practices that would impact their ability to perform their DHS job duties.

4. **Board or Commission Memberships**

In some situations, DHS staff members are required to be part of specific boards or commissions as part of their DHS job duties. In these situations, no appointing authority approval is required.

For any other paid or unpaid board or commission membership the DHS staff members shall notify and receive approval from their appointing authority prior to serving on the board or commission. This would include any public or private agencies, businesses, organizations, or other groups. The appointing authority shall ensure the following:

- a. The DHS staff member's job duties does not conflict with the membership.
- b. The DHS staff member notifies the board or commission that their board or commission position does not represent DHS.

5. Expert Witness Activities

- a. DHS staff members may provide expert-witness testimony as part of their assigned DHS job duties. Any compensation received as a result of providing expert-witness testimony shall be turned over to DHS.
- b. DHS staff members shall notify and receive approval from their appointing authority before providing any expert-witness testimony outside their assigned DHS job duties, if the testimony is related to their assigned DHS job duties. They may accept compensation for their expert testimony only if their preparation for and presentation of the testimony are entirely on their own time, they use no state resources in their preparation and participation, and they make clear that their preparation and participation are not as DHS staff members or as agents of the State of Oregon.

6. Honoraria

DHS staff members shall notify and receive approval from their appointing authority before participating in any activities for which honoraria may be offered. The DHS staff members 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, they use no state resources in their preparation and presentation, and they make clear that their preparation and participation are not as DHS staff members or as agents of the State of Oregon.

7. Gifts

DHS staff members may not accept gifts related to the performance of their DHS job duties. DHS staff members who are offered gifts, gratuities, or favors related to the performance of their job duties shall report the offers to their appointing authority. The appointing authority shall review and determine whether a conflict exists that would prevent acceptance of the offered gifts, gratuities, or favors.

- a. DHS staff members may not solicit or accept gifts of monetary value from clients, patients, members of the public, or vendors/contractors unless the gifts are unrelated to their DHS job duties.
- b. DHS staff members may not solicit or accept gifts that imply forgiveness of a debt or creating an expectation of special service or benefits unless the gifts are unrelated to their DHS job duties.
- c. DHS staff members shall not solicit or accept gifts that would generate income or revenue for clients or patients unless the gifts are unrelated to their DHS job duties.

DHS staff members shall request approval from their appointing authority before accepting gifts that customarily would be viewed as a courteous gesture of thanks, as signs of appreciation, or as official awards for service or performance.

8. Use of Information for Personal Gain

DHS staff members may not:

- a. Sell, buy, trade, negotiate, or accept any services or items from clients or patients except when doing so is in accordance with the clients or patients' treatment or service plans.
- b. Use information about clients or patients that was gained during employment with DHS to further the staff member's personal gain.
- c. DHS staff members shall request a review and determination from their appointing authority before using information about clients or patients 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.
- d. DHS staff members may not 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.)

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Procedure(s)

- [Conflict of Interest Policy Addendum for CAF Employees](#)
- [DHS-060-002-01, Conflict of Interest Procedure](#)
- [DHS-060-002-02, Conflict of Interest Procedure for CAF Employees regarding Respite Care, Relative Caregiver, Employee Foster Parent, Adoptive Parent, and Legal Guardian](#)

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Form(s)

- None

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Reference(s)

- [ORS Chapter 244](#)

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Definition(s)

- See [Common Terms](#) for Human Resource policies
- See [Common Terms](#) for department-wide support services policies

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Contact

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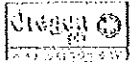
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Policy History

- **Version 2.0:**
 - ▷ 11/01/2006: This revision provides clarity of potential conflict of interest situations and when to report the potential conflict.
- **Version 1.0:**
 - ▷ 03/27/2002 - Initial Release

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DHS Procedure
Oregon Department of Human Services

Administrative Services

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Procedure Title:	Conflict of Interest			
Procedure Number:	DHS-060-002-01	Version:	2.0	Effective Date: 12/08/2006

Approved By: *DHS Chief Administrative Officer* Approved Date: *12/08/2006*

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Procedure

Step	Responsible Party	Action
1.	Employee	Submit written declaration of potential conflict of interest to immediate supervisor.
2.	Supervisor	Sign and route declaration to the Office of Human Resources.
3.	Human Resources	Evaluates conflict and determines if there is a conflict. Notifies supervisor and employee of decision. Files declaration in a conflict of interest file.
Appeals of Denial		
1.	Employee	After receiving denial the employee asks for a review from the Senior Human Resources Manager.
2.	Senior Human Resources Manager	Completes review of the denial and provides written decision to the employee.

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Policy

- [DHS-060-002, Conflict of Interest Policy](#)
- [Conflict of Interest Policy Addendum for CAF Employees](#)

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Form(s)

- [DHS 0104, Conflict of Interest - Review and Determination](#)

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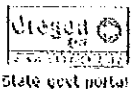
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Procedure History

- **Version 2.0:**
 - ▷ 12/8/2006 - Appeal process added to procedure.
- **Version 1.0:**
 - ▷ 03/27/2002 - Initial Release

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