



**GEORGIA DEPARTMENT OF HUMAN SERVICES
Human Resources Policy #1201**

CONDUCT STANDARDS AND ETHICS IN GOVERNMENT

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References: O.C.G.A. §45-2-1 et. seq. — Eligibility and Qualifications for Office
O.C.G.A. §45-10-1 — Code of Ethics in Government Service
O.C.G.A. §45-10-20 et. seq.; — Conflicts of Interest
O.C.G.A. and §45-10-40 — Codes of Ethics and Conflicts of Interest
Governor's Executive Order — January 14, 2019

All employees of the Department of Human Services (DHS) 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 (Attachment #1), the Governor's Executive Order, dated January 14, 2019 (Attachment #2), Rules of the State Personnel Board and Departmental policies. In accordance with the Governor's Executive Order, attached to this policy is the Outside Organization Expense Reimbursement Request (Attachment #3).

DHS employees are required to report all suspected violations of Federal or State law involving DHS employees, or anyone contracted to provide services to DHS. Reports should be made to the Office of Inspector General (OIG) immediately upon the employee becoming aware of the suspected violation. DHS 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 OIG.

SECTION A: GENERAL PROVISIONS

1. Written guidelines which cover all types of employee conduct is not possible. This policy provides general guidance and examples, which establishes a framework of principles to assist employees in performing their jobs in a professional manner.

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2. The Office of Human Resources (OHR) Director is the department's designated Ethics Officer. The Ethics Officer shall take appropriate measures to ensure that all employees become familiar with applicable ethics laws and policies.
3. In general, DHS 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 agency. Such off-duty conduct may result in appropriate disciplinary action up to and including separation from employment. Publishing or posting inappropriate, offensive, confidential or sensitive work-related information or material regarding clients, colleagues, supervisors or other work related contacts on the internet or any social network site (such as MySpace, Facebook, Twitter, Instagram, YouTube, blog, etc.) or other website without authorization is prohibited and an example of off-duty activity that could reflect discredit on DHS.
4. Employees are also prohibited from publishing or posting Federal Tax Information (FTI) to the internet or social media.
5. 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.
6. 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.
7. Employees shall continually monitor, evaluate, and manage their personal, financial, and professional affairs to ensure the absence of conflicts of interest and the appearance of conflicts.
8. An employee's failure to comply with any directives regarding mandatory training may result in formal disciplinary action, up to and including termination.
9. DHS 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 a coworker, employee, client, customer or other relationship.

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 DHS employees. All employees have a duty of

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trust to the State and its citizens, and no one is permitted to make an improper profit from the exercise of duties and responsibilities.

- a. 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.
 - b. No promise of restraint or waiver by the affected employee will be sufficient to avoid a conflict or the appearance of a conflict.
 - c. 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 DHS official.
 3. Employees are to make every effort to avoid even the appearance of a conflict of interest.
 - a. 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.
 - b. 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.
 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.

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SECTION C: PRIVILEGED OR CONFIDENTIAL INFORMATION USAGE

1. 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.
2. 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.
3. Privileged or confidential information (e.g. contract bids, certain financial, personnel or client information, etc.) is to be released only by authorized DHS officials.
4. 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.
 - a. 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.
 - b. Use of computers to obtain information concerning clients, patients, customers, other employees or third parties for non-work-related reasons is prohibited.
5. DHS 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.
 - a. In accordance with the Privacy Rule and DHS’s Privacy Policies and Procedures, employees shall receive training on those DHS Policies and Procedures relating to HIPAA’s privacy requirements. The level of training individual employees receive will vary, depending on the individual’s job responsibilities and their access to and involvement with personal health information.
 - b. As a part of this training, all employees shall read and sign the Important Information on DHS HIPAA Privacy Policies and Procedures form, which shall be placed in the individual’s official personnel file.
 - c. 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.

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6. Employees are prohibited from posting, publishing, or discussing any form of confidential or sensitive work-related information on an internet blog or other website without proper authorization.

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 the State Security Questionnaire/Loyalty Oath Form.
 - a. Falsification or misrepresentation of information, including criminal history, is prohibited and may result in an offer of employment being withdrawn from an applicant or employee separation.
 - b. Material falsification or misrepresentation of any information, including criminal history, will result in an offer of employment being withdrawn from an applicant or employee separation.

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

- c. 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 DHS for a minimum of six (6) months from the date of withdrawal or separation, whichever is applicable.
2. Employees are required to notify their supervisor and/or human resources representative of any arrests and/or convictions within five (5) 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: OUTSIDE ACTIVITIES AND RELATIONSHIPS

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 DHS, including any entity within DHS.
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.

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4. The DHS Commissioner may not have any ongoing dual employment.
5. Employees are prohibited from membership on the Board of Directors of any organization with which DHS 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 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 perceived conflict of interest.
 - a. Employees are required to report such circumstances to their supervisors to avoid the appearance of giving unjustified preference or a conflict of interest.
 - b. 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 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:
 - a. Obtaining alcohol or illegal drugs for or from clients or customer.
 - b. Except as provided in paragraphs c and d 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, must be returned to the donor or transferred to a charitable organization, and the DHS Ethics Officer must be notified of the incident.
 - c. Where appropriate for purposes of tradition, ceremony, or intergovernmental relations, or when acting as a DHS representative, an employee may accept a gift on behalf of the agency. 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 DHS, or to a charitable organization on behalf of DHS; (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.

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- l. Gift means anything of value exceeding \$75, including lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money, or anything that retains value after acceptance.
- d. Items of minimal cost that employees receive (e.g. pencils, pens, coffee mugs, etc. received during attendance at a conference) are not considered gifts.
- e. Accepting any honoraria whatsoever.
- f. Gambling, buying, selling, trading, borrowing, or lending goods or money with clients or customers.
- g. Using relationships with or clinical information obtained on, current or former clients or customers to take unfair advantage of them, their relatives, friends, or personal acquaintances.
- h. Engaging in sexual relationships, whether physical or verbal, with clients or customers, or otherwise taking sexual advantage of them; and,
- i. Engaging in rude, argumentative, hostile, or otherwise unprofessional behavior toward clients or customers.

SECTION F: EMPLOYMENT CONDITIONS

1. 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:
 - a. Dressing appropriately and presenting a neat and clean appearance, as outlined in Section I of this policy.
 - b. Maintaining professional relationships with coworkers and supervisors.
 - c. Maintaining a courteous and professional demeanor, in the presence of clients, the general public, and other employees.
 - d. Giving clear and accurate information in a professional manner, whether using the telephone or in person.
 - e. Reporting for work on time.
 - f. Following the appropriate call-in procedures for late arrival and/or absence.
 - g. Following the provisions of the Fair Labor Standards Act.

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- h. Following policies on break and meal periods.
- i. Using work time for work-related activity.
- j. Using leave appropriately, including submitting timely requests and providing documentation for use of leave, when required.
- k. Following established policies on health, safety, security, and sanitation. Notifying supervisors of circumstances or situations that present potential health hazards.
- l. Complying with instructions from all supervisors and managers.

SECTION G: ACTIVITIES AND CONDUCT DURING WORKING HOURS

1. Employees are expected to maintain a professional and businesslike relationship with fellow employees. DHS 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. Prohibited behaviors include but are not limited to:
 - a. Threatening, abusive, or profane language and behavior or written material,
 - b. Argumentative behavior, whether directed toward a supervisor, client, customer, coworker, or any other party, while on duty or while acting in an official capacity,
 - c. Fighting,
 - d. Unprofessional behavior such as sexually related conversations, inappropriate touching of another employee (e.g. kissing, hugging, massaging, sitting on laps), ethnic slurs, racial or other derogatory jokes or remarks and other verbal or physical conduct of an offensive nature; and,
 - e. Intimate relationships between 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.
 - l. Intimate relationships between coworkers are prohibited when the relationship has a demonstrated a negative impact on the performance of either coworker or the effective, efficient functioning of the work unit.
2. DHS employees are required to cooperate fully and truthfully and aid 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

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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 polygraph and/or voice stress analysis examinations. Nevertheless, whenever a DHS employee is interviewed by an agent or representative of the DHS OIG concerning an allegation or allegations of criminal misconduct, such DHS 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:
 - a. Lending or borrowing money (occasional voluntary loans of nominal value may be acceptable),
 - b. Gambling,
 - c. Conducting an outside business while on duty by any means of communication, such as operating fax or copier machines, computers, telephones, etc.,
 - d. Being on call for secondary employment,
 - e. Soliciting, selling products, or fundraising 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,
 - f. 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 record conversations at work unless work-related and specifically approved by the organizational unit supervisor.
 - a. Supervisors are not to record conversations, meetings, etc. unless there is a specific work-related reason for doing so.
 - b. Supervisors should consult with OHR prior to recording or authorizing the recording of conversations.
 - c. Certain individuals, such as DHS investigators, due to the nature of their job, are authorized to record conversations, when necessary and appropriate.
 - d. DHS Grievance Hearings may be recorded only by the authorized official(s) conducting the hearing.

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5. Employees are prohibited from falsifying records (e.g. timesheets, sign-in/out sheets, case management and/or client, or customer records) or any other documents prepared during the course of business.
6. Employees are not authorized to carry weapons (e.g. knives, firearms, or explosive devices) while at work.
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 DHS 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, workstations, and office furniture are State property and are reserved for work-related activities. If approved, employees may have personal items in the office or workstation, if suitable for the work area and reasonable.
 - a. Examples include family photographs, certificates, diplomas, and small, discreet, decorative, or inspirational items intended for the comfort and enjoyment of the employee.
 - b. Such items must not be offensive or inflammatory, or otherwise inconsistent with the DHS work setting.
 - c. Employees may be required to remove items determined to be inappropriate from work areas at any time.

SECTION H: STATE PROPERTY USAGE

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 anything other than official activities.
 - a. Voicemail and fax transmittals should convey professional, businesslike messages.
 - b. 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, when the use is infrequent, of short duration,

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and does not interfere with work. This privilege may, however, be withdrawn if abused. The display or transmission of sexually related material is prohibited. Other prohibited uses include, but are not limited to, ethnic slurs, racial or other derogatory jokes or remarks, game playing, or anything that may be considered harassment or expressing disrespect for others.

- c. All information in state computers and other state-owned tools and equipment such as cell phones, and any other technology, including but not limited to emails, text messages, etc. are subject to inspection by appropriate management at any time. No employee has a privacy interest in any information contained in a state computer or other state-owned tools and equipment.
3. State property includes but is not limited to:
 - a. Office equipment (e.g. computers, telephones, cell phones, printers/copiers, fax machines, etc.),
 - b. Automobiles, and
 - c. Supplies of all kinds.
 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 state cell 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: DRESS CODE

1. Employees are expected to be clean and neat in appearance at all time during work hours. As representatives of the State, employees during work hours should present a businesslike, professional image. In certain types of jobs, employees may be asked to meet specific dress code standards or be required to wear uniforms. Policies may be developed by DHS organizational units' as necessary or appropriate.
2. Below are the three (3) categories of dress in the workplace.
 - a. **Business Professional** is the standard of dress expected among all employees. Suits, or sports coats, ties, white or colored dress shirts are appropriate attire for men. Suits, dresses, blouses, white or colored dress shirts, skirts, are appropriate for women. Depending on the nature of the employee's job, some flexibility may be required.

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- b. **Business Casual** is a less formal version of business professional, 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.
 - c. **Casual** is a more relaxed form of business casual, while still remaining professional.
3. Employees can be required to change inappropriate dress or be instructed to not wear the same or similar dress in the future. Should it be necessary for the employee to return home to change clothes, the employee will be required to use either personal leave, compensatory time, annual leave, or leave without pay (LWOP) during the period of absence.
 4. Decisions on the appropriateness of dress and the procedures to be followed will be made on a case by case basis by the employee's supervisor, after consultation with their designated human resources representative. Issues that will be considered include but are not limited to client or customer proximity, work function of the unit, and complaints received.
 5. Employees who do not comply with established dress code standards may be subject to disciplinary action, up to and including separation from employment.
 6. For specific details on appropriate and inappropriate dress see Attachment #4 – Dress Code Guidelines.

For additional information or assistance, please contact your local Human Resource Office, or email DHS-Policies@dhs.ga.gov.