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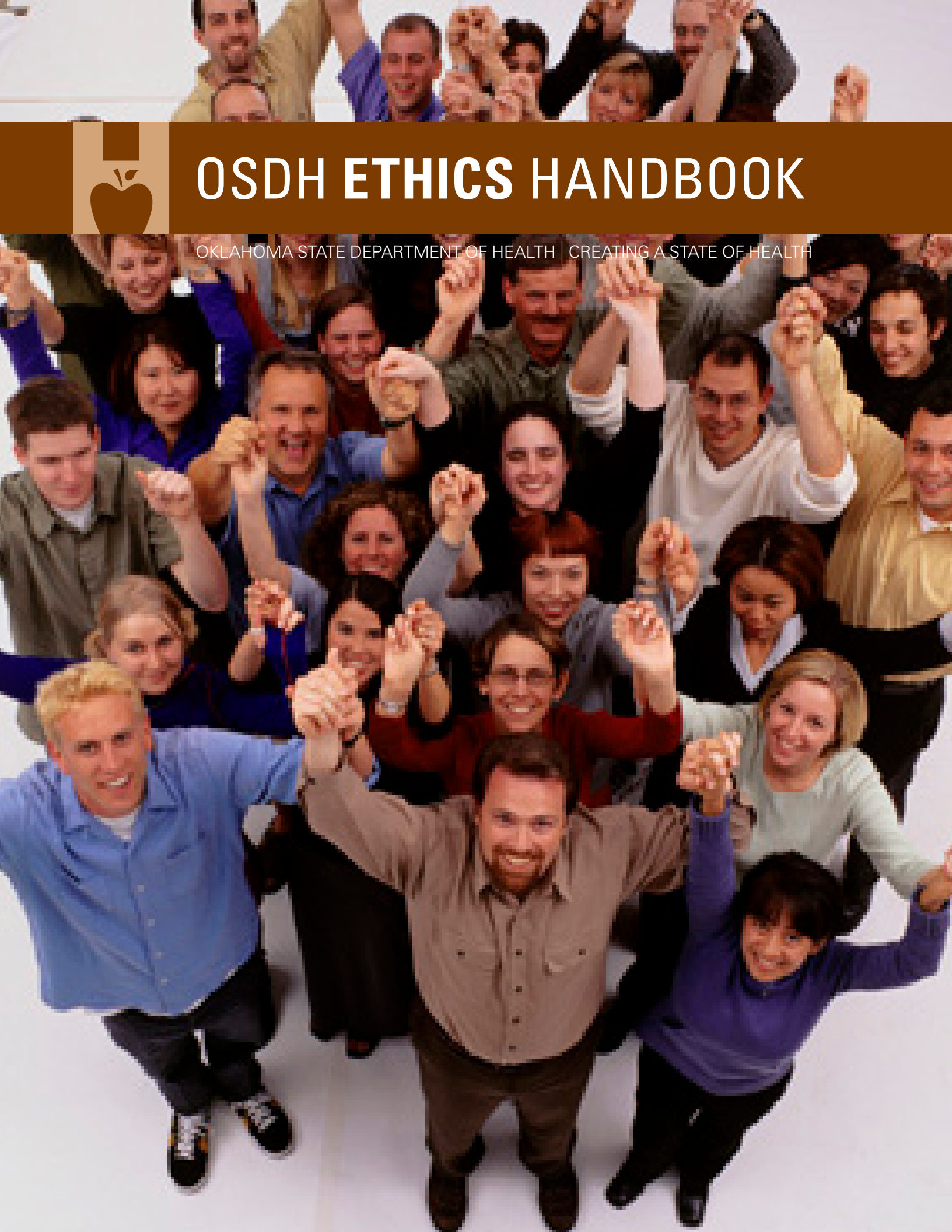
OSDH Ethics Handbook

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OSDH **ETHICS** HANDBOOK

OKLAHOMA STATE DEPARTMENT OF HEALTH | CREATING A STATE OF HEALTH

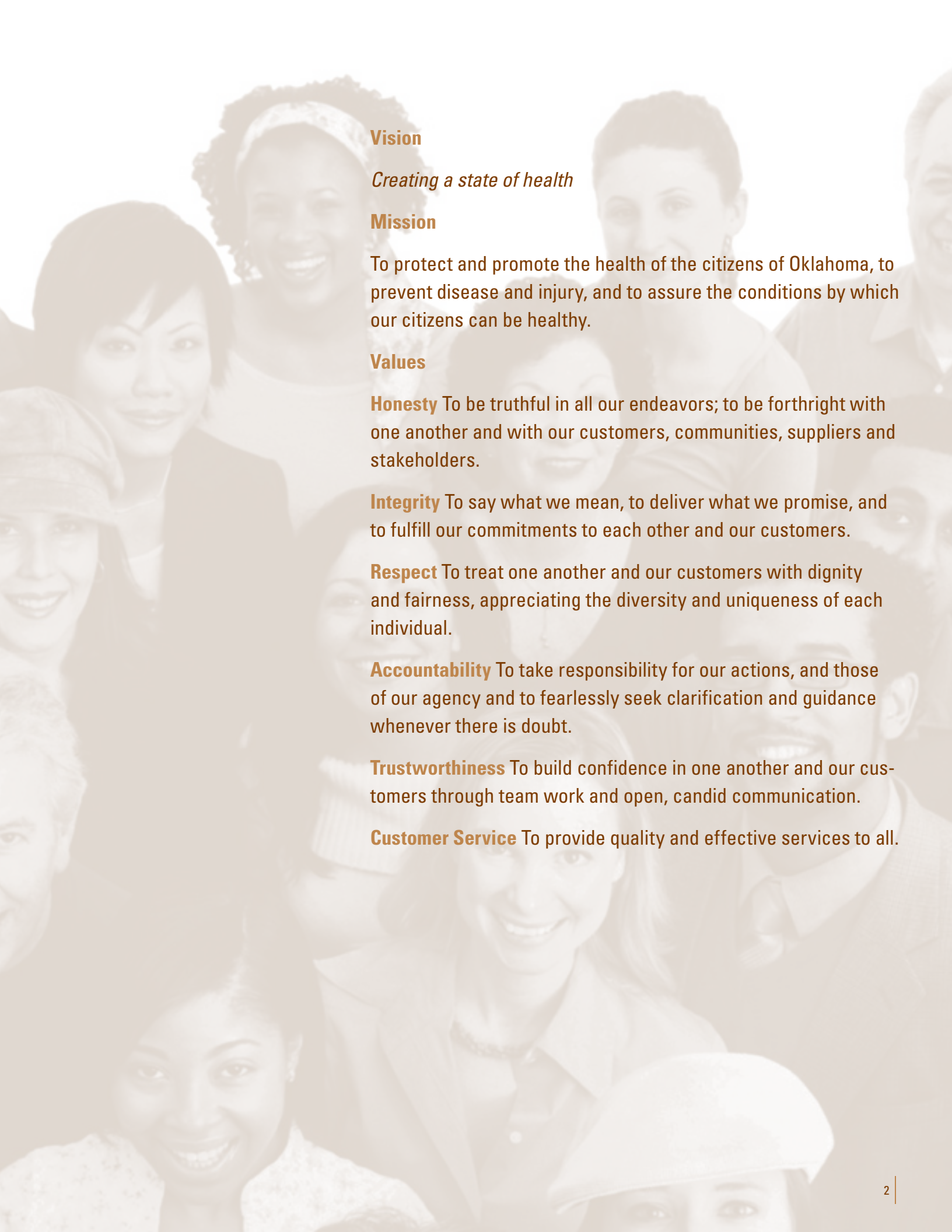




CREATING A STATE OF HEALTH

PURPOSE

As employees of the Oklahoma State Department of Health (OSDH), we are responsible for conducting our work in an ethical manner. This Ethics Handbook is dedicated to informing all employees of the Ethics Commission rules, the statutes on ethical conduct and responsibilities and to foster an environment where we understand and uphold the public trust. This trust obligates employees to: conduct the business of the Agency in accordance with the highest ethical standards; not use state employment for personal gain or private advantage; and avoid activities that conflict with the proper discharge of state duties.



Vision

Creating a state of health

Mission

To protect and promote the health of the citizens of Oklahoma, to prevent disease and injury, and to assure the conditions by which our citizens can be healthy.

Values

Honesty To be truthful in all our endeavors; to be forthright with one another and with our customers, communities, suppliers and stakeholders.

Integrity To say what we mean, to deliver what we promise, and to fulfill our commitments to each other and our customers.

Respect To treat one another and our customers with dignity and fairness, appreciating the diversity and uniqueness of each individual.

Accountability To take responsibility for our actions, and those of our agency and to fearlessly seek clarification and guidance whenever there is doubt.

Trustworthiness To build confidence in one another and our customers through team work and open, candid communication.

Customer Service To provide quality and effective services to all.

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NOTE

- The OSDH Administrative Procedures referenced in this Handbook are located on the Internal Resources and Employee Network Enterprise (IRENE), the new agency intranet, located at http://irene/Pages/Home.aspx
- The Oklahoma State Statutes referenced in this Handbook may be accessed by going to the "Oklahoma State Courts Network (OSCN)" Web site, located at **www.oscn.net**, and clicking on "Legal Research."
- Questions concerning the Ethics Handbook should be addressed to the employee's immediate supervisor or directly to the Office of Accountability Systems.



Greetings Oklahoma State Department of Health Employees:

In 2007, the Oklahoma State Department of Health showed their innovation and commitment to ethical practices by creating the OSDH Ethics Handbook. This handbook was a collaboration of the Office of Accountability Systems, whose mission it is to promote accountability and integrity in all OSDH programs by fostering and perpetuating an ethical culture throughout the Agency and the Ethical Practices Committee, which is comprised of a cross-functional team of employees from the central office and county health departments. I would like to thank Dan Durocher, JD, MBA, Director of the Office of Accountability Systems, and the Ethical Practices Committee for their leadership in building and maintaining a culture of ethics at OSDH.

OSDH has a very solid foundation for public health across the state. We do what we must to get the job done, keeping our eye on the ultimate goal while maintaining our character and ethical standards. As employees of OSDH we are committed to improving the lives of people in Oklahoma. In order to be successful we start by strengthening each other and providing a foundation of ethical principles. Our Agency's second edition of the Ethics Handbook continues to provide that foundation to assist employees in the process of ethical decision-making and raising employees' awareness about the importance of ethical behavior in all that we do. It also includes an employee code of conduct and commitment to serve the people of Oklahoma.

The benefits of every individual's commitment to ethical practices and behaviors in our daily jobs enhance the Oklahoma State Department of Health and our services to every citizen of Oklahoma. By continuing to incorporate a high level of ethical standards in all aspects of our jobs we will continue to build strong relationships with our community partners.

While this handbook cannot cover every aspect of ethical issues you might encounter while working for the Oklahoma State Department of Health, it will provide you with most of the commonly faced issues. Continue to make sound decisions in accordance with the letter and spirit of the code of conduct. Your commitment to uphold high ethical standards is much appreciated.

Respectfully,

Terry Cline, Ph.D.

Terry L. Cline, Ph.D.

Commissioner

Secretary of Health & Human Services

The Code of Conduct defines ethical standards for sound organizational governance and translates the organization's values into operational principles by spelling out essential practices, behaviors, ethics, and business standards for all individuals who are employed by and represent the Agency.

Expanding the Agency's core values into operating principles creates an organizational culture, which results in a highly functional and well-respected organization. Operating principles explain how to demonstrate the core values because they are the organization's character in action. The code of conduct describes the way in which the values are to be manifested on a daily basis.



COMMITMENT

OSDH employees and representatives are committed:

- To treat our customers and each other as we would like to be treated
- To pursue excellence through quality customer service, teamwork, leadership, open communication, and continuous improvement
- To be honest and forthright with our customers, communities, suppliers, stakeholders, and one another; to be truthful in all endeavors
- To fulfill our commitments to our customers and each other with integrity; to say what we mean, and to deliver what we promise
- To treat our customers and one another with respect, dignity and fairness, appreciating the diversity and uniqueness of each individual
- To take responsibility and account for our actions and those of our Agency; to fearlessly seek clarification, guidance, and effective services for all
- To provide quality through continuous learning opportunities and effective customer services to all with professionalism and impartiality
- To build confidence in our customers and in one another through fidelity; credibility and dependability: through team work and open, candid communication
- To seek opportunities for the advancement of knowledge and skills
- To maintain complete and total confidentiality of privileged information collected, filed or stored by the Agency
- To be mindful and trust information from customers and each other
- To adopt business practices and service delivery approaches that have proven values including best practices and evidence–based and evidence informed approaches

MISSION

To promote accountability and integrity in all Oklahoma State Department of Health programs.

The Office of Accountability Systems will do the following: (1) Receive and investigate complaints or information from any source concerning the possible existence of any activity in the State Department of Health constituting a violation of law, rules or regulations, mismanagement, gross waste of funds, abuse of authority or danger to the public health and safety; (2) Investigate complaints of retaliation, hostile work environment, workplace violence or bullying; (3) Keep confidential all actions and records relating to OAS complaints; (4) Brief the Commissioner and Board of Health as appropriate; (5) Function under the direct supervision of the Board of Health; (6) Report to the appropriate law enforcement entity whenever circumstances so warrant.

All contact with the Office of Accountability Systems will be maintained as confidential and is protected by statute. Employees are free to discuss any issue with the Director without the knowledge or consent of their supervisor.

The Office of Accountability Systems hotline may be used to report fraud, waste or abuse issues. The number is 1.866.271.7211.

(Refer to OSDH Administrative Procedures 1-30, Office of Accountability Systems Complaints.)

Process for Request of Informal Ethics Opinion or Formal Ethics Interpretation

Pursuant to sections 257:1-1-6(h) and 257:1-1-9 of the Constitutional Ethics Rules promulgated by the Oklahoma Ethics Commission (Ethics Rules), the Oklahoma Ethics Commission may, in its discretion and where appropriate, issue ethics interpretations pertaining to the provisions of the Ethics Rules. The Ethics Rules govern ethical conduct of all state employees and are codified at Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S.Supp. 2007, Ch. 62. App. ["Ethics Rules"].

In addition, as time permits and with the prior approval of the Oklahoma Ethics Commission Chair or Vice-chair, the Oklahoma Ethics Commission's Executive Director or General Counsel may issue an informal written opinion on questions that are susceptible only to a single analysis by the clear language of the Ethics Rule in question and the matter is not the subject of litigation investigation or legislation. The Oklahoma Ethics Commission will publish any such informal opinion annually on its Web site and shall keep the Requestor's identity confidential.

Employees may do either of the following:

1. Submit a Request to the Office of Accountability Systems for an ethics opinion by whatever means they choose.
2. Submit an inquiry for an ethics interpretation or determination directly to the Oklahoma Ethics Commission.

Employees who submit their requests to the Office of Accountability Systems, should mail, email or fax their requests to one of the following:

Mail

Oklahoma State Department of Health
Office of Accountability Systems

1000 N. E. 10th Street

Oklahoma City, Oklahoma 73117-1299

Fax 405.271.5902

Email: Dand@health.ok.gov

Mail

Oklahoma Ethics Commission
2300 N. Lincoln Blvd., Room B-5
Oklahoma City, Oklahoma 73105-4812
Fax 405.521.4905

Office of Accountability Systems

The Office of Accountability Systems will maintain a confidential log of all Requests for an Ethics Interpretation submitted to the Office of Accountability Systems.

If the Commission has published a redacted informal ethics opinion pursuant to Section 257:1-1-6(h) of the Rules, the Office of Accountability Systems will place the redacted informal opinion in IRENE and address it during the next Ethical Practices Committee meeting.

(Refer to Sections 257:1-1-6(h) and 257:1-1-9 of the Ethics Rules.)

Ethical Concerns & Questions

As state employees, all OSDH employees are subject to the Oklahoma Constitutional Ethics Rules ["the Rules"], i.e., Section 257: 1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2007, Ch. 62, App.

Employees are encouraged to familiarize themselves with the Rules and to raise ethical concerns and questions. In many cases, employee's ethical concerns and questions can be resolved through their supervisor, Agency management or other Agency sources. However, if the ethical questions and concerns are not resolved at that level or the employee wishes to remain anonymous, employees are encouraged to raise ethics concerns or questions to the Office of Accountability Systems.

(Refer to OSDH Administrative Procedure 1-30, Office of Accountability Systems Complaints.)

Institutional Review Board (IRB)

The Oklahoma State Department of Health is committed to providing an organizational structure in accordance with Title 45 of the Code of Federal Regulations Part 46 (45 C.F.R. Part 46) in order to establish and maintain an environment dedicated to the ethical principles safeguarding the rights and welfare of humans recruited to participate in research activities. The OSDH Institutional Review Board (IRB) has been established to comply with federal regulations to protect the rights and welfare of human research participants. The OSDH IRB members have the responsibility to assure that the risk of proposed research is justified by the potential benefits to the participants and to society, and that risks are minimized to the extent possible consistent with sound research design.

All individuals at the OSDH engaged in research involving human subjects must comply with Title 310 (Oklahoma State Department of Health), Chapter 10 (Human Subjects Protection) of the Oklahoma Administrative Code (OAC) (i.e., OAC 310:10-1-1 et seq.) Researchers should submit the IRB application form using the IRB submission application process.

(Refer to the OSDH Web page http://www.ok.gov/health/Organization/Institutional_Review_Board/index.html.)

A conflict of interest arises when an employee participates or takes part in any action or proceeding on the part of the Agency, which would result in financial gain or personal advantage to the individual or others. To ensure that a conflict of interest does not occur, employees may not:

1 Have a beneficial interest in a contract that is made by, through, or is under their supervision. ["Beneficial interest" means the right to enjoy profit, benefit, or advantage from a contract or other property].

2 Accept any compensation from any person beneficially interested in a contract that is made by, through, or is under their supervision.

3 Participate in a transaction involving the state with a partnership, association, or other person in which they own a beneficial interest.

(Refer to OSDH Administrative Procedure 6-26, Conflict of Interest.)

Definitions

Gift

"Anything of value" to the extent that consideration of equal or greater value is not received in exchange thereof.

State Employee

Means an elective or appointed officer or an employee of any governmental entity, except members of the House of Representatives or State Senate; and an employee, other than an adjunct professor, in the service of an institution of higher education comprising the Oklahoma State System of Higher Education.

Participation

Includes decision, approval, disapproval, recommendation, the rendering of advice, or vote.

(Refer to Section 257:1-1-2 et seq. 74 O.S. Supp.2007, Ch. 62. App. Ethics Rules.)

Gifts

Employees may not accept, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, and/or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the employee, or be considered part of a reward for the employee's action or inaction.

(Refer to Section 257:1-1-2 et seq. 74 O.S. Supp.2007, Ch. 62. App. Ethics Rules)

EXAMPLES: Gifts & Non Gifts

The following items are considered gifts subject to a $100 calendar year limit:

- Contractor provides you with a football ticket.
- Potential or current vendor/contractor provides gift certificate for your personal use.
- Item of value from an applicant for a vacant position or a promotion opportunity that you will have input on or final say as to outcome.

The following items are not considered gifts:

- Items exchanged at social events by coworkers.
- Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all state government employees, whether or not restricted on the basis of geographic consideration.
- The cost of food and beverages consumed at events sponsored by a civic, charitable, governmental or community organization which bears a relationship to the office and when attending in an official capacity.
- Rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public; rewards and prizes from contests or events which are not open to the public are also excepted if the state officers or state employee's entry into contests is required as part of his official duties

continued on page 9.

Examples: Gifts & Non Gifts Continued

- Tokens or awards of appreciation in the form of a plaque, trophy, desk item or similar item up to value of $200 in accordance with Section 257: 1-1-2 (2)(E) 74 O.S. Supp.2007, Ch. 2. App. Ethics Rules.
- Any books, written materials, audio tapes;, videotapes, or other informational promotional material related to the performance of a state officer's or state employee's official duties.
- Advertising or promotional items of nominal value, such as pens and note pads, and related to the performance of official duties.

Honoraria

Money or anything of economic value offered for a speech, appearance, or article in connection with an employee's official duties. Honoraria may only be accepted if approved by the Commissioner of Health or designee, providing all of the following conditions are met:

1. The person offering the honoraria is not in a contract or grants relationship with, or is not reasonably expected to seek a contract or grant from, the Agency and the intended recipient is not in a position to participate in the terms or awarding of the contract or grant.
2. The person offering the honoraria is not regulated by the Agency and the intended recipient is not in a position to participate in the regulation.
3. The person offering the honoraria is not, or is not reasonably expected to seek or oppose enactment or adoption of legislation, rules, actions, policies of the Agency and the intended recipient does not participate in these activities.
4. If the person has an economic interest —a personal financial interest in a purchase, sale, lease, contract, or other transaction or arrangement involving property or services in matters before or affecting the Agency, the honorarium may not exceed $100 in a calendar year.

If an employee is accepting money or anything of economic value offered for a speech, appearance or article that is not in connection with their official duties, then the employee must take annual leave. The four conditions must still be met to ensure there is no conflict of interest with the employee's usual official duties.

(Refer to OSDH Administrative Procedure 6-26, Conflict of Interest, and Section 257:2323-1-2 (c) 74 O.S. Supp.2007, Ch.62. App. Ethics Rules.)

EXAMPLES: Honoraria

Acceptable Honoraria

An OSDH employee on annual leave is reviewing Title X grant applications in Washington, D.C. The employee is compensated for all costs by the grantor. The employee is not reviewing grant applications involving the state of Oklahoma, but is reviewing applications from other states.

Unacceptable Honoraria

An employee is invited to speak in another state on the public health response to the Murrah Building bombing. The employee would be functioning on work time as part of regularly assigned duties. The inviting entity is paying all costs including travel, flight cost, and per diem.

An employee shall not accept payment of costs if the inviting entity is a lobbyist or lobbyist principal, doing or seeking to do business with this Agency, or has an economic interest in matters before or affecting this Agency. Travel may be accepted as an exception to a thing of value only in the event attendance is considered part of the employee's official duty.

Political Activities

The following reprint of the Ethics Commission's rules on Classified Employees' Political Activity, Solicitation of and Contributions by State Employees, is intended to remind employees of the kind of activity they cannot engage in as well as the need to be aware of these rules that limit political activities.

(Refer to OSDH Administrative Procedure 1-18, Political Activity, Section 257:10-1-4, Classified Employees' Political Activity and Section 257:10-1-5, Solicitation of and Contributions by State Employees et seq. 74 O.S. Supp.2007, Ch. 62. App. Ethics Rules.)

Political Activity

Employees' Political Activity

A Employees

No employee shall:

1 Use his or her official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof;

2 Become a candidate for an elective office in a partisan election;

3 Directly or indirectly solicit contributions or other funds for a partisan political candidate or party committee;

4 Directly or indirectly solicit, accept, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or

5 Organize, sell tickets to, promote, or actively participate in a fund raising activity of a candidate in a partisan election or of a party committee

B Retained Rights

An employee, while not at the work place or on work time, shall retain the right to:

1 Register and vote in any election;

2 Express his or her opinion as an individual privately and publicly on political subjects and candidates;

3 Display a political picture, sticker, badge or button;

4 Serve as an officer of a party committee at the national, state or local level;

5 Participate in the activities of a civic, community, social, labor or professional organization or of a similar organization;

6 Be a member of a party committee or other political action committee and participate in its activities consistent with subsection (A) of this section;

7 Attend a political convention, rally, fund raising function or other political gathering;

8 Sign a political petition as an individual;

9 Make a voluntary financial contribution to political organizations;

10 Be politically active in connection with a question, such as an amendment to the state constitution, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

11 Serve as an election judge or clerk, or in a similar position to perform duties as prescribed by state or local law; and

12 Otherwise, participate fully in public affairs, except as prohibited by law, in a manner, which does not materially, compromise the neutrality, efficiency, or integrity of his administration of state functions

C During Work Status

An employee is not authorized to engage in political activity, while on duty, or while in a uniform that identifies him as a state employee. Nor shall a state employee be permitted to engage in political activities in the assigned work areas of a state agency.

Solicitation of and Contributions by State Employees

A An elective officer or the officer's agent shall not knowingly solicit, directly or indirectly, a campaign contribution from an employee in the officer's governmental entity.

B A state officer or state employee shall not provide an advantage or disadvantage to an employee or applicant for employment concerning the applicant's or employee's:

1 Employment;

2 Conditions of employment; or

3 Application for employment; based on the employee's or applicant's contribution or promise to contribute, or failure to make a contribution to a political party or committee.

(Refer to Section 257:10-1-5, et seq. 74 O.S. Supp.2007, Ch. 62. App. Ethics Rules, Solicitation of and Contributions by State Employees, Section 360 of Title 21 of the Oklahoma Statutes carrying criminal penalties.)

Note: State employees funded with Federal funds are prohibited from running for partisan political office and from fund raising activities (this would also include administrative staff funded with Indirect funds and included in the Indirect Cost Pools).

Prohibited Political Use of State Resources

No person, state employee or otherwise, can use public funds, property, time or personnel to assist or participate in a fund-raiser or to produce or publish material designed or timed to influence state elections. A public meeting room or auditorium may be used if the normal fee is charged, the facility is not required for public purposes, and the facility is made available on a first-come-first-served basis to candidates, political parties or ballot measure committees. A state employee who participates in such activities shall not do so while wearing a state uniform or during the hours the employee is officially in work status for a governmental entity. No newsletter or other mass mailing of promotional material on behalf of an elective officer may be printed or distributed at the public's expense from the date the officer files a declaration of candidacy through the date of the election for the office. Nor can any communication designed to influence an election for state office, ballot measure or legislation be distributed or posted in a facility ordinarily used for the conduct of state business. This includes work email. Exceptions to this rule are activities that are part of the ordinary conduct of the governmental entity of for nonpartisan voter registration.

(Refer to Section 257:1-1-3 et seq. 74 O.S. Supp.2007, Ch. 62. App. Ethics Rules. Use of Public Funds, Property, Time, and Personnel to Influence State Elections.)

Non-Prohibited Personal Use of State Resources

As a general rule, employees shall not use state resources for private benefit or to benefit another person(s) except as part of the employee's official duties. The employees are encouraged to read the Administrative Procedures referenced above.

The employee may make occasional but limited use of state resources, as long as these conditions are met:

A There is insignificant or no cost to the state

B The use of state resources does not interfere with the performance of official duties

C The use is brief in duration and does not disrupt or distract from the conduct of state business due to volume or frequency

D The use does not compromise the security or integrity of state information or software

E The use promotes organizational effectiveness or enhances an employee's job-related work skills. Only the Commissioner of Health or designee(s) may authorize such use. Organizational effectiveness relates to the Agency's mission and encompasses activities that enhance or augment the Agency's ability to perform its mission

F If an employee is on an overnight trip, travel to obtain personal supplies is allowed

(Refer to OSDH Administrative Procedure 1-25, Misuse of Department Equipment and Property, OSDH Administrative Procedure 2-1, Acceptable Use of Computer Resources, OSDH Administrative Procedure 3-3, State Owned Cell Phone/Blackberry Use.)

Hiring Practices

Agency employees are prohibited from directly or indirectly soliciting, receiving or agreeing to receive anything of value for oneself or others for agreeing to employ or influence the hiring of another person in any position as a state employee.

The following section shows acceptable and unacceptable examples of hiring practices. Consideration of ethical standards regarding references, filling a position, promotion, transfers, Affirmative Action Plans may occur in these instances.

(Refer to Oklahoma Personnel Act, 74 O.S.2001, §§ 840-1.1 et seq.)

EXAMPLES: Hiring Practices

References

Acceptable Example

Work performance by previous employers, supervisors, co-workers or personal references from associates, friends, pastors, etc.

Unacceptable Example

A phone call from current State Representative or State Senator reminding the supervisor, director, service chief, deputy commissioner or Commissioner of Health that they are calling in a favor for a friend.

Weight of References Example

A supervisor receives a reference from a Deputy and/or Chief who appears on the organizational chart; this may mean there is an implied weight. A reference received from a Deputy may prompt the following question: "Will the supervisor be so inclined to value the Deputy's reference higher than some of the others?"

Filling a Position

Acceptable Example

Utilized an interview process that included an interview panel whose members were unbiased and did not personally know any of the applicants. Selected the applicant based on the same interview questions that were asked of each applicant, including questions on experience, education, and knowledge.

Unacceptable Example

Did not have an interview panel and interviewed alone with no questions prepared.

Promotion

Acceptable Example

Utilized an interview process that included an interview panel whose members were unbiased and did not personally know any of the applicants. Selected the applicant based on the same interview questions that were asked of each applicant, including questions on experience, education, and knowledge.

Unacceptable Example

Did not have an interview panel and promoted a person because the county administrator, deputy commissioner, or someone that the interviewer knows personally recommended them.

Transfers

Acceptable Example

Utilized an interview process that included an interview panel whose members were unbiased and did not personally know any of the applicants. Selected the applicant based on the same interview questions that were asked of each applicant, including questions on experience, education, and knowledge.

Continued on page 13

Examples: Hiring Practices Continued

Unacceptable Example

Did not have an interview panel and the interviewer selected the person that he or she personally liked best.

Affirmative Action Plan

Acceptable Example:
Impartial Employment Inquiry

The Commissioner of Health has delegated to the Civil Rights Administrator responsibility for implementing the Department's Affirmative Action Plan Program. In the performance of this delegated responsibility, the Civil Rights Administrator is responsible for identifying job classifications that are underrepresented by minorities and females. If a program or service has an announced vacant position or anticipates having a vacant position that is underrepresented by a minority group or females, the Civil Impartial Employment Inquiry Rights Administrator may contact the appropriate staff to inform them of the under representation and the Agency's established goal(s) to remedy the under representation given the opportunity.

Employment of Related Persons

To ensure the Agency hires people based on the best qualifications and abilities and to avoid nepotism, or the appearance of nepotism, employees shall not be placed in a position where they would have the authority to supervise, appoint, promote, remove or discipline an employee who is a relative or deemed to be a significant other.

Should the Agency learn that employees have become relatives or significant others, the Agency shall attempt to locate appropriate assignments consistent with the requirements of this policy. Employees should inform their supervisor if they believe they have been placed in a position, or the Agency is considering placing them in a position, which is not consistent with this policy.

(Refer to OSDH Administrative Procedure 6-20, Hiring Relatives, or contact your supervisor if you have any questions.)

Post Employment

When an individual is no longer employed by the Agency and has either retired, resigned, or been terminated, they should not participate or provide assistance in transactions or business of the Agency that was once one of their official duties or responsibilities within two years of previous employment or associate with the Agency unless the individual is rehired on a temporary appointment. An individual may be rehired into a temporary appointment after a 30-day break in service. In addition, an individual may not contract with the Agency within 12 months following termination of employment.

(Refer to OSDH Administrative Procedure 6-26, Conflict of Interest, Section 257:1-1-1 et seq. 74 O.S. Supp.2007, Ch. 62.App.Ethics Rules.)

Outside Employment

Employees may engage in and receive compensation for outside employment provided that:

- The job duties of their outside employment are unrelated to the job duties of their state employment and do not conflict with the Agency goals/objectives. The employee did not create the job, duties, contract, or grant for services in his or her official capacity.
- Performance of the services would neither impair independence of judgment in the job duties with the Agency nor require disclosure of confidential information.
- They do not engage in the Agency's regulatory or contractual matters with the outside employer.
- Any employee wishing to engage in any outside employment must submit an ODH Form 84, Request for Outside Employment, through established supervisory channels and their Deputy Commissioner to the Office of Human Resources.
- Primary and secondary employers are informed.
- Hours are not concurrent. Must take annual leave, etc. if during regular working hours.

Hiring Practices

Examples: Hiring Practices Continued

Approval may be withdrawn or require reapplication for approval at any time (as determined by the Deputy Commissioner) for any situation, which may or appears to be in conflict with this policy/procedure.

(Refer to OSDH Ethics Opinion Nos. 02 - 02 and 05-02, OSDH Administrative Procedures 6-6, Request for Outside Employment.)

Confidentiality & Privacy

Health Insurance Portability & Accountability Act

Complaints or questions concerning this Federal law should be directed to the Oklahoma State Department of Health Privacy Officer

Privacy Officer

Oklahoma State Department of Health
1000 N.E. Tenth Street
Oklahoma City, OK 73117-1299

ph 405.271.5585
email privacyofficer@health.ok.gov

Secretary of Health & Human Services

U.S. Department of Health & Human Services
200 Independence Avenue, SW
Washington, D. C. 20201

ph 202.619.0257
(toll free) 1.877.696.6775

Confidential Information

The Agency receives and creates many records that are confidential. It is the responsibility of each employee of the Agency to maintain complete and total confidentiality of privileged patient/client information collected, filed, or stored by the Agency.

Employees shall not:

1 Disclose confidential information whose access is restricted by statute, court order, legally adopted rule and regulation, or any non-programmatic reason, including their own personal gain or benefit, or the gain or benefit of another.

2 Disclose confidential information to an unauthorized person.

3 Accept employment or engage in business that might reasonably be expected to induce or to require them to make an unauthorized disclosure of confidential information.

Confidential information means:

A Specific information, rather than generalized knowledge, that is not available to the general public on request, or,

B Information made confidential by law.

(Refer to Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule; 45 CFR Part 160 and 164; OSDH Administrative Procedure 1- 38 Protection of Health Information: Confidentiality, Privacy, and Release of Information.)

Internal Violations Policy

Employees of the Agency who become aware of violations of HIPAA privacy rules that are occurring within the Agency must report the violation to their supervisor. Supervisors are required to take immediate steps to correct the violation. The steps may include, but are not limited to:

1. Correcting any physical situation that is permitting the violation, such as changing the placement of a computer's screen that is visible to unauthorized persons.
2. Use of the Agency's Progressive Discipline procedure.
3. Notification of the Privacy Officer, 405.271.5585, privacyofficer@health.ok.gov.
4. Other reasonable and appropriate steps required ensuring the violation is corrected.

(Refer to Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule; 45 CFR Part 160 and 164; OSDH Administrative Procedure 1-38 Protection of Health Information: Confidentiality, Privacy, and Release of Information.)

External Violations Policy

Employees of the Agency who become aware of violations of HIPAA privacy rules by outside providers or organizations which occur during the delivery of service to the Agency or its clients, must report the violation to their supervisor. Supervisors are directed to forward the complaint to the Privacy Officer, privacyofficer@health.ok.gov.

Employees of the Agency who become aware of violations of HIPAA privacy rules by outside providers or organizations not related to delivery of service to the Agency or its clients, such as when the employee is seeking medical services from a private provider, have the same rights to report the violation as members of the public. These rights include filing a complaint with the provider or organization or filing a complaint directly with the Secretary of the Department of Health and Human Services.

(Refer to Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule; 45 CFR Part 160 and 164 OSDH Administrative Procedure 1-38 Protection of Health Information: Confidentiality, Privacy, and Release of Information.) Open Records Act/Disclosure of Public Records

Open Records Act/Disclosure of Public Records

Each agency has a responsibility to furnish records to any public citizen in a reasonable and timely fashion.

1. Employees shall not intentionally conceal a record if they know the record is required to be released under the Open Records Act and are under a personal obligation to provide the record.
2. The Open Records Act generally does not apply to confidential records. These include any record that has been deemed confidential by statute.

You can give access to records that are confidential, if the copies of the record with those portions that make the record confidential are removed. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions.

(Refer to Open Records Act, 51 O.S. Supp.2007, § 24A.5(1).)

Unlawful Harassment

Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, and physical conduct of a sexual nature whenever:

1 Submission to the conduct is made explicitly or implicitly a term or condition of an individual's employment; or

2 Submission to or rejection of the conduct by an individual is used as the basis for an employment decision affecting such individual; or

3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(Refer to OSDH Administrative Procedure 1-2, Policy Against Unlawful Harassment; 29 C.F.R. §1604.11.)

Hostile Work Environment

A hostile work environment exists when an employee experiences workplace harassment and fears going to work because of the offensive, intimidating, or oppressive atmosphere generated by the harasser.

A hostile work environment may also be defined as when a boss or manager begins to engage in a manner designed to make you quit in retaliation for your actions. Suppose you report safety violations at work, get injured at work, attempt to join a union, complain to upper level management about a problem at work, or act as a whistleblower in any respect. Then, the company's response is to do all manner of things to make you quit, like writing you up for work rules you didn't break, reducing your hours, scheduling you for hours that are in total conflict with what you can do, or reducing your salary. The company's reaction can be viewed as creating a hostile work environment, one that makes it impossible to work and is an attempt to make you quit so that the employer does not have to pay unemployment benefits.

The anti-discrimination statutes governing hostile work environment are not a general civility code. Thus, federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not extremely serious. Rather, the conduct

EXAMPLES: Prohibited Conduct

Because unlawful sexual harassment is very fact specific, it can occur as a result of almost an infinite variety of conducts. Some examples include, but are not limited to:

- Unwelcome physical contact with sexual overtones, such as touching, pinching, patting,grabbing, repeatedly "brushing" against someone, or impeding the movement of another person.
- Unwelcome, inappropriate, or repeated sexual advances, flirtations, or propositions.
- Offensive visual contact such as staring, leering, getures or displaying objects, pictures, cartoons, posters, calendars, graffiti, or other material that is obscene, pornographic, or other wise derogatory toward individuals, whether men, women, minorities, the elderly, the disabled or foreigners.
- Verbal conduct such as racial slurs, sexual invitations, sexual jokes or derogatory comments about individuals, whether men, women, minorities, the elderly, the disabled, or foreigners.
- Derogatory or otherwise inappropriate, suggestive, or obscene written comments in notes,letters, invitations, or email regarding individuals, whether men, women, minorities, the elderly, the disabled or foreigners.

If for any reason an employee is unwilling or unable to report the alleged unlawful harassment to the OSDH Civil Rights Administrator, you may report it to any OSDH Supervisor, regardless of whether the supervisor is in your chain of command.

must be so objectively offensive as to alter the conditions of the individual's employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment. Issues of this nature should be reported to the Office of Accountability Systems. If appropriate, the matter will be forwarded to the Civil Rights Administrator.

Bullying

Bullying is a form of abuse. It involves repeated acts over time attempting to create or enforce one person's (or group's) power over another person (or group), thus an "imbalance of power". The "imbalance of power" may be social power and/or physical power. The victim of bullying is sometimes referred to as a target. Bullying types of behavior are often rooted in a would-be bully's inability to empathize with those whom he or she would target.

Bullying consists of three basic types of abuse – emotional, verbal and physical. It typically involves subtle methods of coercion such as psychological manipulation.

Bullying ranges from simple one on one bullying to more complex bullying in which the bully may have one or more 'lieutenants' who may seem to be willing to assist the primary bully in his bullying activities. Bullying in school and the workplace is also referred to as peer abuse.

Bullying can occur in any context in which human beings interact with each other.

Issues of this nature should be reported to the Office of Accountability Systems.

Substance Abuse & Reasonable Suspicion Drug & Alcohol

All Agency employees are required to report to work in an appropriate condition, unimpaired by the effects of or the misuse of any substances, including alcohol.

The unlawful use of controlled substances, including alcohol, on Agency premises, or while conducting Agency business, is prohibited.

(Refer to OSDH Administrative Procedure 6-31, Reasonable Suspicion Drug and Alcohol Testing.)

Open Meeting Act

Employees are expected to comply with the Oklahoma Open Meeting Act if they are participating in a public body such as a board, council, committee, advisory group, task force or study group and their committees or subcommittees are supported in whole or in part by public funds. Failure to comply with the Open Meeting Act could result in prosecution punishable by a fine up to $500 or imprisonment in a county jail for up to one (1) year or both.

If the employee is uncertain as to whether a meeting is subject to the Open Meeting Act, a written request for legal interpretation should be sent through the appropriate Deputy Commissioner to the Agency's Office of General Counsel.

(Refer to OSDH Administrative Procedures 1-21, Open Meeting Act, and Open Meeting Act, 25 O.S.2001, §§ 301 et seq.)

Ethics Commission: Statement of Financial Interest

The Oklahoma Ethics Commission requires certain qualified employees to make annual financial disclosures. This is to ensure government is administered on behalf of the people of Oklahoma and that fair and equitable treatment is given to all government decisions. See Ethics Commission policy to determine if you should file.

(Refer to Personal Financial Disclosure, Section 257:15-1-1 et seq., 74 O.S.Supp.2007, Ch. 62. App. Ethics Rules.)

Travel

Pursuant to the State Travel Reimbursement Act, employees are reimbursed for all legitimate travel expenses incurred while engaged in the transaction of official business. "Legitimate travel expenses" are defined by statute and Oklahoma law provides for severe penalties in cases of falsified travel vouchers. Sections 500.1-500.20 of Title 74 of Oklahoma Statutes provide the statutory authorization and limitations.

False or fraudulent claims for reimbursement will result in discipline up to and including discharge.

(Refer to OSDH Administrative Procedure 3-5, Travel, and State Travel Reimbursement Act, 74. O.S.2001, §§ 500.1 et seq.)

Out-of-State Travel

All out-of-state travel must have prior approval documented on an ODH Form 81 regardless of whether OSDH is reimbursing the travel expense. Out-of-state travel to be reimbursed by another entity would be processed on an OSDH Form 81 and under "Justification for Trip" it would note the justification and the entity reimbursing/paying for employee's travel expenses, and under "Estimated Cost" it would indicate "zero" for any expenses being covered by another entity.

(Refer to OSDH Administrative Procedure 3-5, Travel, and State Travel Reimbursement Act, 74. O.S.2001, §§ 500.1 et seq.)

EXAMPLES: Out-of-State-Travel

Employee has been requested to attend a conference, and the organization will pay for airfare and the conference registration. The airfare, travel, and registration costs would be listed as zero; and estimated expenses for per diem, lodging and miscellaneous expenses would be listed.

Unless transportation is furnished in the performance of official duties, it is limited to $100 if given by an organization lobbyist or lobbyist principal, a person doing or seeking to do business with OSDH, or a person with an economic interest in matters before or affecting OSDH.

Overnight Travel

The standard for purposes of requesting overnight reimbursement is that the employee must be in travel status for more than eighteen (18) hours, must not live or have their official duty station within sixty (60) map miles of destination, and must have stayed overnight. Any exemption requires advance approval from the Office of State Finance or, in an emergency, a formal justification should to be sent with the Travel Voucher.

(Refer to OSDH Administrative Procedure 3-5, Travel, and State Travel Reimbursement Act, 74. O.S.2001, §§ 500.1 et seq.)

Reimbursement

Section 500.16 A of Title 74 of the Oklahoma Statutes allows forty-five (45) days for reimbursement of a proper travel voucher.

(Refer to OSDH Administrative Procedure 3-5, Travel, and State Travel Reimbursement Act, 74. O.S.2001, §§ 500.1 et seq.)

Filing a Travel Voucher

Pursuant to current OSDH Administrative Procedure 3-5 (Travel), all claims for reimbursement of travel expenses shall be submitted on the authorized travel voucher and shall be signed by the traveler and by the approving official with knowledge of the travel prior to forwarding to the Accounting Services for final approval. Travel vouchers must be filed within 60 days from the end of the month in which the travel occurred. Travel vouchers not filed within this period must be submitted to the Deputy Commissioner with justification for payment approval.

(Refer to OSDH Administrative Procedure 3-5, Travel, and State Travel Reimbursement Act, 74. O.S.2001, §§ 500.1 et seq.)

Time Reports/Time & Effort

Employees are required to accurately report time worked and leave taken in the Time and Effort system. The Time and Effort system will print a monthly or bi-weekly Time & Effort Sheet and Employee Time report. Falsifying time reports could result in disciplinary action up to and including discharge. Time should be recorded accurately to reflect time actually worked. All time worked must be recorded. An employee's supervisor must approve all workweek adjustment such as overtime/comp time/flextime changes prior to their use.

(Refer to OSDH Administrative Procedure 6-9a, Time & Effort Form Sheets Merit Rules 530: 10-11-2, and Section 530:10-15-2.)

Continued on page 19

EXAMPLES: Time Reports/Time & Effort

(Based on normal working hours of a.m.-5p.m. with one (1) hour for lunch)

- An employee attends a local workshop from 8 a.m. – 3 p.m. The workshop allowed one (1) hour for lunch. Employee does not return to work. Time worked would be recorded as 6 hours.
- Employee takes a 2-hour lunch to run errands. Time worked would be recorded as 7 hours.
- Employee arrives for work at 8:35 a.m. He/she takes an hour for lunch and leaves at 5 p.m. Time worked would be recorded as 7 1/3 hours.

In each of the examples above, a full-time employee would be required to either take leave to make up the 8 hours for the day or utilize an adjusted work week upon approval from their supervisor.

Exception to the Above Rules:

Workweek adjustment: two hours leave taken early in the week followed by forty-one hours actually worked. The employee would go back and change the two hours of leave to one hour in the T & E systems to balance the weekly work hours.

State Purchasing/Contracting

Any item purchased using state funds must be necessary and reasonable for proper and efficient performance and administration of state business.

All purchases should be made through established Agency purchasing processes with the Procurement Service or an authorized P-Card holder.

Purchases should be made through contract vendors when available. Employees should avoid any private or professional activity that would create a conflict between personal interest and interests of OSDH.

(Refer to Central Purchasing Act, 74 O.S.2001 §§ 85 et seq., Central Purchase Rules, OAC 580:15 and Section 257:20-1-10 et seq. 74 O.S. Supp.2007, Ch. 62. App. Ethics Rules)

EXAMPLES: State Purchasing/Contracting

Improper Purchasing Activity

- Employee uses personal funds to purchase a wireless keyboard and mouse from a local electronics store for use in the office and requests reimbursement. (Employee cannot be reimbursed because proper purchasing procedures prior to making the acquisition, were not followed).
- A program processes a requisition to purchase light refreshments for their staff meetings. (Light refreshments would only be appropriate when the meeting is for the benefit of the public. Since only Agency staff would be participating in the meeting, serving light refreshments would not be considered as a benefit to the public).
- Employee seeking conference location signs a contract with a hotel for meeting and sleeping rooms. (An employee who is not a Certified Procurement Officer (CPO) cannot obligate the Agency for purchases or contracts on his or her own. Employee has no authority to obligate the Agency).

Improper Contracting Activity

A program has issued an invitation to bid (ITB) for a project, and a potential bidder contacts an employee to seek additional information. The employee provides the bidder with information that was not shared at the bidder's conference. (To release information to one or a few potential bidders as opposed to all potential bidders could give an unfair advantage to those receiving the information).

Note: From the time an ITB is issued, all communications with a potential bidder must flow through Procurement.

State Officers'/Employees' Private Interests in Public Contracts

As a general rule, state officers, including public members [members of boards and commissions whether compensated or uncompensated], and state employees or any business enterprise in which state officers or employees hold a substantial financial interest (5% or annual dividend of $1,000 or more) are prohibited from contracting with the governmental entities they serve.

(Refer to Private Interests in public contacts; Section 257:20-1-10 et seq. 74 O.S. Supp.2007, Ch. 62. App. Ethics Rules.)

County Purchasing & Contracting

The county purchasing act, Title 19 O.S. §1500-1507, binds all units of county government, including the county health department. This act establishes a very specific routine for acquisition of all items, supplies, services, and equipment required for maintenance and operation of county governmental units. No purchase can be made without securing a purchase order prior to the purchase of that item. While the county health department administrator will be one of the purchasing agents, he or she will also designate a purchasing officer for each county health department. If a purchase exceeds a maximum amount, the purchase must be made through a formal bid process.

(Refer to County Purchasing Act, Title 19 O.S. §1500-1507.)



EXAMPLES: County Purchasing/Contracting

Improper Purchasing

Employee attends a continuing education conference and while at the conference, purchases a set of audiotapes, CDs or books and requests reimbursement after returning to his or her home county. Employee should submit a request for the desired items to the county health department administrator or the purchasing officer once he or she returns home.

Employee purchases craft items at the local Wal-Mart on the weekend to use with client families. Employee submits the receipt to the clerk the next week. The employee should have submitted a request for needed items to the county health department administrator or the purchasing officer prior to the time the items were needed so the purchase could be made through the proper procedure.

- If you have any questions or concerns of an ethical nature related to purchases or performing contract-monitoring duties, please contact OSDH Procurement, Internal Audit or Office of General Counsel.

Acknowledgements

This is now the second edition of the Handbook. References have been updated and some new materiel added based on issues that have been addressed over the past several years. This handbook has been the work of many different people including the Ethical Practices Committee. All have shown the desire for the Oklahoma State Department of Health to be the ethical leader in state government.

Many thanks to all for their unceasing efforts to accomplish this task.

I acknowledge that on the date indicated below, I received a copy of the Ethics Handbook of the Oklahoma State Department of Health and that I have been asked to read and familiarize myself with its contents.

Nothing in the Ethics Handbook is intended to conflict with or supersede binding legal authority or Agency policy as set forth in the Oklahoma State Department of Health Administrative Procedures Manual. This Ethics Handbook is intended to provide general information and provide references to applicable Oklahoma State Department of Health Administrative Procedures, State statutes and rules in effect at the time of publication that address routine employment issues. It is not intended to be a comprehensive or detailed summary of the Oklahoma State Department of Health Administrative Procedures.

It is the responsibility of employees to familiarize themselves with the Oklahoma State Department of Health Administrative Procedures Manual, which is directed toward the overall responsibilities and methods of administrative activities within the Agency.

Detailed information about many of the subjects in the Ethics Handbook can be obtained from your supervisor or the Office of Human Resources. The Oklahoma State Department of Health Administrative Procedures Manual can be accessed in the Agency's Public Folders, under "Administrative Procedures Manual."

Date _____

Print Name of Employee _____

Employee Signature _____

Note: Complete this page and return the signed copy to:
Office of Human Resources,
Personnel Services.

Mail

Oklahoma State Department of Health
Office of Human Resources
1000 N.E. 10th Street
Personnel Services
Oklahoma City, Oklahoma 73117

Fax 405.271.3539

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Designed by Sara Ramsey and Marylee Braun-Wright