



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part 0 – Mission, Values, Principles



Subject

#### Conflict of Interest

Section – Policy Number:

0-2.4

Supersedes:

0-2.4 (12/06)

I-D-1.4 (1/96)

Effective Date:

12/22/2008

Date of Last

Revision:

07/30/2010

#### Related Standards and References:

- [ORS Chapter 244](#) (Government Ethics)
- [Oregon Government Ethics Commission Advisory Opinions](#)
- Oregon Government Ethics Commission: [A Guide for Public Officials](#)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 3-JTS-1A-29 (Political Practices); 3-JTS-1C-23 (Code of Ethics)
- OYA policy: 0-2.0 (Principles of Conduct)
  - 0-2.1 (Professional Standards)
  - 0-2.2 (Relationships with Offenders and Their Families)
  - 0-3.0 (Harassment-free Workplace)
  - I-A-1.0 (Lobbying)
  - I-D-3.11 (Political Activity)
- OYA form: YA 8130 (Conflict of Interest Notification & Review)

#### Related Procedures:

- OYA General Field Procedure: Conflict of Interest

#### Interpretation:

Director's Office  
Human Resources Section

#### Approved:

Colette S. Peters, Director

## I. PURPOSE:

The purpose of this policy is to define and describe activities that would create a conflict of interest for staff and the related notification process.

## II. POLICY DEFINITIONS:

**Actual conflict of interest:** Any action, decision, or recommendation by a public official in official capacity, the effect of which **is** the private economic gain or detriment of the official, relative, or business of the official or relative. Any relationship that is not, or appears not to be, in the best interest of OYA. A

conflict of interest could interfere with an individual's ability to perform his or her duties and responsibilities objectively.

**Business:** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

**Business with which the person is associated:**

- (a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year;
- (b) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;
- (c) Any publicly held corporation of which the person or the person's relative is a director or officer.

**Member of the household:** Any person who resides with the public official.

**Potential conflict of interest:** Any action, decision, or recommendation by a public official in official capacity, the effect of which **could** be the private economic gain or detriment of the official, relative, or business of the official or relative. Any relationship that is or appears to be not in the best interest of the OYA. A conflict of interest could interfere with an individual's ability to perform his or her duties and responsibilities objectively.

**Public official:** Any person who serves the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, irrespective of whether the person is compensated for such services; including both permanent and temporary employees.

**Relative:** Relatives include the public official's spouse; domestic partner; any children of the public official or of the public official's spouse; siblings; spouses of siblings; parents of the public official or of the public official's spouse; any individual for whom the public official has a legal support obligation; or any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

### III. POLICY:

Oregon government ethics law restricts some choices, decisions, or actions a public official may make. OYA staff are considered public officials under the ethics law. As public officials, OYA staff are prohibited from using or attempting

to use their positions to gain a financial benefit or to avoid financial cost for themselves, their relatives, or their private businesses if the opportunity is available only because of the position they hold as OYA staff.

A conflict of interest may occur when OYA staff have relationships that are or appear to be not in the best interest of the OYA. A conflict of interest could interfere with an individual's ability to perform his or her duties and responsibilities objectively.

Staff will notify their supervisors of actual conflicts of interest or potential conflicts of interest.

#### **IV. GENERAL STANDARDS:**

##### **A. Conflict of interest**

1. Staff must notify, in writing, their supervisor/manager of any actual conflict of interest or potential conflict of interest as soon as the staff knows an actual conflict of interest or a potential conflict of interest exists.

OYA form YA 8130 (Conflict of Interest Notification & Review) will be used to document the notification.

2. Actual conflict of interest: When the staff knows an actual conflict of interest exists, they must remove themselves from participation in that activity or situation to avoid the conflict of interest.

3. Potential conflict of interest

- a) The supervisor will forward the staff's written notification to the appropriate Assistant Director who will consult with the Human Resources Section to determine if a conflict of interest exists.

- b) The Assistant Director may direct staff to refrain from engaging in the conduct causing the potential conflict of interest while the matter is under review.

- c) If the Assistant Director in consultation with the Human Resources Section determines an actual conflict of interest exists, he/she will notify the staff of any changes of activity they must adopt in order to be conflict-free.

4. The staff's supervisor will ensure the written notification of actual conflict of interest or potential conflict of interest is sent to the Human Resources Section for retention in the staff's official personnel file.

5. Conflicts of interest include but are not limited to:

- a) Personal or business relationships with offenders or offenders' families.

See OYA policy 0-2.2 (Relationship with Offenders and Their Families).

- b) Serving as an officer or board member of any business or enterprise that the OYA licenses or regulates, or contracts with.

A staff may, however, serve in an unpaid advisory or consultant capacity to such businesses or enterprises.

- c) Development of a close personal relationship between a management staff and a staff who reports directly or indirectly to them. Close personal relationships are defined in OYA policy 0-3.0 (Harassment-free Workplace) as dating, sharing living accommodations, or intimate and sexual relationships, regardless of gender.

- (1) If such a relationship does develop, the management staff must immediately notify, the appropriate Assistant Director, or Director/Deputy Director, and the Human Resources Manager of the conflict of interest. (See OYA policy 0-3.0 Harassment-free Workplace)

- (2) Failure to make such relationships immediately known may result in disciplinary action up to and including dismissal from OYA service.

- d) Employment outside the OYA or association with a private business if such employment or association creates a conflict of interest or interferes with the ability of the employee to effectively perform the duties of their position.

See section B for guidelines on staff employment or private business outside the OYA.

## B. Staff employment or business outside the OYA

Staff may be employed or engaged in private business outside the OYA within the following parameters.

1. Staff must not engage in private business interests or other employment activities during their OYA work time.
2. The OYA's supplies, facilities, equipment, records, or any other public resources must not be used to engage in private business interests.

3. An OYA staff member's position as a public official must not be used to take official action that could have financial impact on a private business with which the staff member, their relative, or member of their household are associated.
  4. Confidential information gained as an OYA staff must not be used to obtain a financial benefit for the staff member, their relative, or member of their household, or a business with which any are associated.
  5. An OYA supervisor/manager must not have a private business relationship with a subordinate OYA staff member within their chain of command. For purposes of this policy, a private business relationship involves lending money; or being a partner, associate, consultant, or advisor in business matters.
  6. A staff who is employed in a private business may not provide direct services in that business to an offender in OYA custody or to an offender's relative.
  7. If a staff's private business client or client's relative becomes involved with the OYA, the staff will immediately report this fact to his/her supervisor/manager and suspend private services until the OYA involvement in the case is determined.
  8. Staff will neither refer a client nor advise other staff to refer clients to a private business that employs the staff, the staff's relative, or member of the staff's household.
  9. Staff may only be a foster parent or employed by a contractor currently engaged with the OYA if an exception has been granted by the appropriate Assistant Director.
    - a) The appropriate Assistant Director may grant an exception to allow staff to engage in such activity if the staff's position with the OYA does not influence referral, regulation, or funding of such activity.
    - b) Documentation of the exception approval must be retained in the staff's official personnel file in the Human Resources Section.
- C. OYA staff must not participate in or attempt to influence any personnel action taken by the OYA that would impact the employment of a relative or member of the OYA staff's household.
1. Should a situation occur which would place one relative or member of the household in a position of authority over another, the involved staff members must notify their supervisors of the situation by following the conflict of interest notification process described in section A of this policy.

2. The involved staffs' supervisors must develop a plan of action to remove the conflict of interest.
3. The plan of action must be submitted to the appropriate Assistant Director for approval.
4. A copy of the approved plan will be placed in the personnel file of each affected staff.

D. Policy Awareness

1. New staff will be made aware of this policy during new employee orientation.
2. Supervisors will review this policy with their staff annually.

**V. LOCAL OPERATING PROCEDURE or PROTOCOL REQUIRED: NO**