



DEPARTMENT OF CORRECTIONS
Employee Services



Title:	Conflicts of Interest, Nepotism, and Familiar Relationships	DOC Policy: 20.5.24
Effective:	7/21/25	Supersedes: DOC Policy 20.5.14 effective 6/13/24
Applicability:	All Employees	
Directives Cross-Reference:		
ORS:	Chapter 244 Government Ethics	
Rule:	OAR Chapter 199 Oregon Government Ethics Commission	
Policies:	DAS Policy 40.10.00 Statewide Travel Policy	
	DAS Policy 40.045.01 Transfers	
Attachments:		
Form – Report of Conflict of Interest, Nepotism, or Familiar Relationships (CD1791)		

I. PURPOSE

- A. To implement the provisions of the Oregon Government Ethics law (ORS Chapter 244).
- B. To establish standards and guidelines around personnel actions that would impact the paid employment of an employee's family member or member of an employee's household.
- C. The Department of Corrections is committed to ensuring the following are based on merit, rather than family relationships or familiar relationships:
 - 1. Selection for employment;
 - 2. Promotion;
 - 3. Salary advancement;
 - 4. Job assignments; and
 - 5. Performance evaluation.

II. DEFINITIONS

- A. Employee: Any person employed full-time, part-time, or under temporary appointment by the Department of Corrections. All employees are public officials; as defined in statute.
- B. Familiar Relationship: Person with whom intimacy or affinity is shared and is not defined otherwise within this policy.
- C. Family Member: An employee's spouse, child or stepchild, son- or daughter-in-law, parent, stepparent or parent-in-law, grandparent or step-grandparent, sibling, brother- or sister-in-law, aunt, uncle, niece, or nephew; or a domestic partner covered under the employee's Public Employees' Benefit Board benefit plan.
- D. Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of program services or coordination of program operations.

- E. Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, the Deputy Director, an Assistant Director, or an administrator and has responsibility for delivery of program services or coordination of program operations.
- F. Member of the Household: Any person who resides with the employee or candidate.
- G. Position of Authority: The exercise of supervisory, appointment, or grievance-adjustment authority over another employee.
- H. Relative:
 - 1. An employee's family member as defined in this policy; or a domestic partner covered under the employee's Public Employees' Benefit Board benefit plan;
 - 2. Any person for whom the employee has a legal support obligation; or
 - 3. Any person for whom the employee provides benefits arising from the employee's employment or from whom the employee receives benefits arising from that person's employment.

III. POLICY

A. Conflicts of Interest

1. Definition

- a. Actual Conflict of Interest: Any action, decision, or recommendation by an employee, the effect of which would be to their private financial benefit or detriment of the employee or the employee's relative, or any business with which the employee or a relative of the employee is associated unless:
 - A. An interest or membership in a particular business, industry, occupation, or other class is required by law as a prerequisite to the holding of the office or position by the employee.
 - B. Any action in the employee's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation, or other group including one of which or in which the employee or the employee's relative, or business with which the employee or the employee's relative is associated, is a member or is engaged.
 - C. Membership in or on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.
- b. Potential Conflict of Interest: Any action, decision, or recommendation by an employee, the effect of which could be to the private financial benefit or detriment of the employee or the employee's relative, or a business with which the employee or the employee's relative is associated, unless the financial benefit or detriment arises out of the following:
 - A. An interest or membership in a particular business, industry, occupation, or other class required by law as a prerequisite to the holding of the office or position by the employee.

- B. Any action in the employee's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation, or other group including one of which or in which the employee, or the employee's relative or business with which the employee or the employee's relative is associated, is a member or is engaged.
- C. Membership in or on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

c. Gifts

During a calendar year, an employee, candidate, relative, or member of the household of an employee or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50.00 from any single source that could reasonably be known to have a legislative or administrative interest.

Legislative or administrative interest is defined as an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals, or other matters subject to the formal vote or official action of a department employee.

d. Honoraria

An employee may not solicit or receive, directly or indirectly, honoraria for the employee or any member of the employee's household if the honoraria are solicited or received in connection with the official duties of the employee.

A. This does not prohibit:

- i. The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50.00 or less; or
- ii. The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

- B. This does not prevent an employee from receiving any food, beverage, travel, or lodging expenses otherwise authorized for a speaking engagement or presentation. When offering services as a speaker or as another participant, while representing Oregon in an official capacity, the employee shall only accept reimbursement of reasonable expenses as specified in the Department of Administrative Services Statewide Travel Policy 40.10.00 and applicable collective bargaining agreements.

- 2. An employee may not solicit or receive, directly or indirectly, and a person may not offer or give to any employee a pledge or promise of future employment, based on any understanding that the vote, official action, or judgment of the employee would be influenced by the pledge or promise.
- 3. An employee may not further or attempt to further their own personal gain through the use of confidential information gained in the course of or by reason of holding position as an employee or activities of the employee.
- 4. Employees shall not solicit or accept from any person, business, or organization a gift including, but not limited to, money, tangible or intangible personal property, food,

beverage, loan, promise, service, or entertainment for the benefit of the employee or the department, if it may be reasonably inferred that the person, business, or organization:

- a. Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or
 - b. Has an interest which may be substantially affected, directly or indirectly, by the performance or non-performance of an official duty.
5. Employees will not use their official position or office to solicit or receive for themselves or for any member of their household, or for any business with which they or a member of their household is associated, any employment by a contractor currently engaged in a contract with the department.
 6. Employees will not be employed by a contractor engaged in a contract providing services to the department.
 7. Employees working for a current or former department contractor shall declare this relationship in writing and forward it to their respective Senior Human Resources Business Partner for review and escalation.
 8. Reporting Conflicts
 - a. All department employees shall report conflicts of interest to their respective Senior Human Resources Business Partner by completing a Report of Conflict of Interest, Nepotism, or Familiar Relationships form (CD1791) as soon as the employee knows an actual or potential conflict exists.
 - b. The Senior Human Resources Business Partner will meet with the functional unit manager to determine if a conflict of interest exists. The functional unit manager may direct the employee to refrain from engaging in the conduct causing the conflict of interest while the matter is under review.
 - c. If the functional unit manager determines that a conflict of interest exists, they shall direct the employee to cease any activity causing the conflict. The functional unit manager may direct an immediate cessation of the activity or designate a reasonable period of time for the employee to dispose of the matter.
 - d. The Senior Human Resources Business Partner will record any reported conflict and determination in the employee's Workday profile.

B. Prohibitions per ORS 659A.309

1. It is an unlawful employment practice for an employer, solely because another member of a person's family works or has worked for that employer, to:
 - a. Refuse to hire or employ a person;
 - b. Bar or discharge a person from employment; or
 - c. Discriminate against a person in compensation or in terms, conditions, or privileges of employment.

2. An employer is not required to hire or employ and is not prohibited from barring or discharging a person if such action:
 - a. Would constitute a violation of any law of this state or of the United States, or any rule promulgated pursuant thereto, with which the employer is required to comply;
 - b. Would constitute a violation of the conditions of eligibility for receipt by the employer of financial assistance from the government of this state or the United States;
 - c. Would place the person in a position of exercising supervisory, appointment, or grievance adjustment authority over a member of the person's family or in a position of being subject to such authority which a member of the person's family exercises; or
 - d. Would cause the employer to disregard a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business.

C. Nepotism and Familiar Relationships

1. Employees are restricted from participating in personnel actions taken by the department that would impact the paid employment of a relative or member of the employee's household, or a person with whom they have a familiar relationship.
2. An employee may not appoint, employ, promote, discharge, fire, or demote a relative or member of their household from a position with the department that the employee serves or over which the employee exercises jurisdiction or control, unless the employee complies with the conflict-of-interest requirements of ORS Chapter 244.

Even if an employee discloses a conflict of interest, the employee who takes such a personnel action for a relative or member of their household could still be found in violation of the use of office provisions of ORS 244.040(1).

3. An employee may not participate in any interview, discussion, or debate regarding the appointment, employment, or promotion of a relative or member of their household or a person with whom they have a familiar relationship to, or the discharge, firing, or demotion of a relative or member of their household or a person with whom they have a familiar relationship from, a position with the department that the employee serves or over which the employee exercises jurisdiction or control.

This does not include serving as a reference, providing a recommendation, or performing other ministerial acts that are part of the normal job functions of the employee.

4. Employees may not directly supervise or have supervisory oversight of a relative or a member of their household in paid positions, or a person with whom they have a familiar relationship.

Direct supervision includes official actions that would financially impact their relative or member of their household, such as:

- a. Conducting performance reviews
- b. Approving leave or vacation time
- c. Recommending or approving pay changes

- d. Assigning shifts
 - e. Approving overtime
 - f. Authorizing or approving reimbursements or travel expenses
 - g. Authorizing worksite assignments or teleworking
5. A manager will not be transferred or assigned to a position in a section where their family member, member of their household, or person with whom they have a familiar relationship is assigned and would be reporting to that manager.
6. Reporting Relationships

- a. At the time of employment, and as needed thereafter, employees shall report to their supervisor any family member, member of their household, or person with whom they have a familiar relationship known to be employed by the department. (See Report of Conflict of Interest, Nepotism, or Familiar Relationships form CD1791.)

Pertaining to familiar relationships, reporting is required for non-management service employees only when one employee in that relationship may be in a position to beneficially impact the other, such as being invited to serve on a selection or hiring panel, accepting a lead work or supervisory assignment, or other similar circumstances.

- b. All department employees shall report relationships which present a nepotism or familiar relationship concern to their respective Senior Human Resources Business Partner, by completing a Report of Conflict of Interest, Nepotism, or Familiar Relationships form (CD1791) as soon as the employee knows an actual or potential concern exists.
- c. The Senior Human Resources Business Partner will meet with the functional unit manager to determine if a nepotism or familiar relationship concern exists.
- d. If a situation occurs which would place one family member, member of their household, or person with whom they have a familiar relationship in a position of authority over another, the functional unit manager with consultation from their Senior Human Resources Business Partner, shall develop a plan of action to remove the influence, and the plan of action shall be submitted to the appropriate Assistant Director for review and decision.
- e. The Assistant Director may change the reporting relationship of the members involved, shift responsibilities or duties, or take any other action eliminating potential relationship related conflict of interest issues.
- f. The Senior Human Resources Business Partner will record any reported conflict and determination in the Workday profile of each involved employee.

D. Secondary Employment

- 1. Employees shall not accept secondary employment outside their employment with the department if such employment creates a conflict of interest or interferes with the ability of the employee to effectively perform the duties of their position.

2. Employees may obtain employment with a private employer or engage in private income producing activity of their own, but they must keep a separation between their position within the department and their outside employment or private business interests.
3. Employees must not use their position within the department to create the opportunity for additional personal income.
4. Employees may not use a government agency's supplies, facilities, equipment, employees, records, or any other public resources to engage in their private employment or business interests.
5. Employees are not to engage in private business interests or other secondary employment activities during paid work hours for the department.
6. Confidential information gained as an employee is not to be used to obtain a financial benefit for the employee, a relative, or member of the employee's household or a business with which any are associated.
7. Any request to work for another state agency must be submitted to the functional unit's Senior Human Resources Business Partner. The Senior Human Resources Business Partner is responsible for coordinating with the potential second state agency employer to comply with DAS Statewide Policy 20.005.20 Fair Labor Standards Act, in order to avoid any potential overtime liability.
8. While on paid administrative leave, employees are not authorized to work secondary employment during their assigned work hours unless on approved time off. Employees who violate this paragraph may be charged with theft.
9. While on unpaid administrative leave, employees may seek secondary employment.

E. Political Activities

1. During working hours, employees may not:
 - a. Prepare or distribute written material, post website information, transmit emails, or make a presentation that advocates a campaign-related position.
 - b. Produce or distribute a news release or letter announcing an elected official's candidacy.
 - c. Make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee.
 - d. Direct other public employees to participate in political activities, when in the role of a supervisor.
 - e. Prepare or give recommendations to a governing body urging which way to vote on a resolution that advocates a political position.
2. Employees shall not be involved in promoting or opposing any initiative, referendum or recall petition, ballot measure, or candidate while on duty; this includes having posters, flyers, or other political paraphernalia at their workstation or other area under their control.

3. When acting in an official capacity, employees shall not solicit funds or otherwise act to influence, interfere with, or affect the results of any initiative, referendum or recall petition, ballot measure, or candidate's campaign or election.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: _____signature on file_____
Julie Vaughn, DOC Rules Coordinator

Approved: _____signature on file_____
Mike Reese, Director



REPORT OF CONFLICT OF INTEREST, NEPOTISM, OR FAMILIAR RELATIONSHIP

DOC POLICY 20.5.24

Employee: _____ Effective Date: _____

Employee No.: _____ OR _____ Classification: _____

Work Location: _____ Functional Unit: _____

Fill out this form to comply with state law and Department of Corrections policy regarding conflict of interest, nepotism, or familiar relationships.

Definitions:

1. Family member, as defined in DOC policy 20.5.24: An employee's spouse, child or stepchild, son- or daughter-in-law, parent, stepparent or parent-in-law, grandparent or step-grandparent, sibling, brother- or sister-in-law, aunt, uncle, niece, or nephew; or a domestic partner covered under the employee's Public Employees' Benefit Board benefit plan.
2. Familiar Relationship as defined in DOC policy 20.5.24: Person with whom intimacy or affinity is shared and is not defined otherwise within this policy.

All department employees shall report relationships which present a nepotism or familiar relationship concern to their respective Senior Human Resources Business Partner, by completing a Report of Conflict of Interest, Nepotism, or Familiar Relationships form (CD1791) as soon as the employee knows an actual or potential concern exists.

Name: _____ Relationship: _____
Classification: _____ Work Location: _____

Explain why you believe a conflict exists.

Employee Signature

Date