



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles



Subject

Conflict of Interest

Section – Policy Number:

0-2.4

Supersedes:

0-2.4 (12/08)
0-2.4 (12/06)
I-D-1.4 (1/96)

Effective Date:

02/01/2021

Date of Last Review/Revision:

None

Related Standards and References:

- [ORS Chapter 244](#) (Government Ethics)
- [Oregon Government Ethics Commission Advisory Opinions](#)
- Oregon Government Ethics Commission: [A Guide for Public Officials](#)
- Department of Administrative Services, Chief Human Resources Office (DAS-CHRO) 50.010.01 ([Discrimination and Harassment-Free Workplace](#)); 50-010-03 [Maintaining a Professional Workplace](#)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-6G-06 (Political Practices); 4-JCF-6D-01 (Personnel Manual)
- [OYA policy](#): 0-2.0 Principles of Conduct
 - 0-2.1 Professional Standards
 - 0-2.2 Relationships with Youth 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:

- None

Policy Owner:

Human Resources Manager

Approved:

Joseph O'Leary, Director

I. PURPOSE:

The purpose of this policy is to define and describe activities that potentially would create a conflict of interest for staff or could be perceived as a conflict of interest. The policy also describes the related notification process.

II. POLICY DEFINITIONS:

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 aligned with the OYA mission of the agency and could affect the perception or reputation of the agency. A conflict of interest could

interfere with an individual's ability to perform their 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 or non-profit organization with which a public official or a relative of the public official is associated 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.
- (b) 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 could be perceived to be not 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.

Public official: An OYA staff person or volunteer, including staff in temporary positions.

Relative: Relatives include the public official's spouse; domestic partner; children siblings; spouses of siblings; parents or 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:**

As state employees and keepers of the public trust, all OYA staff have the responsibility to work in compliance with all state and OYA policies, administrative rules, and federal laws. OYA staff who fail to comply with state and OYA policies, administrative rules, and federal laws may be subject to progressive discipline, up to and including dismissal from state service.

A conflict of interest may occur when OYA staff have relationships that are or are perceived to be not in the best interest of OYA, or engage in activities outside their role as an OYA employee that could reflect negatively on OYA. A conflict of interest could interfere with a person's ability to perform their duties and responsibilities objectively.

This policy applies to all OYA staff. Volunteer coordinators must ensure OYA volunteers are aware of this policy.

Staff must notify their supervisors when there are conflicts of interest or potential conflicts of interest.

IV. GENERAL STANDARDS:

A. Notification and Review

1. Staff must notify, in writing, their supervisor/manager of any conflict of interest or potential conflict of interest as soon as the staff knows a conflict of interest or a potential conflict of interest exists. This includes situations that could be perceived as a conflict of interest.
2. When the staff is sure a conflict of interest exists, they must remove themselves from participation in the activity or situation to avoid the conflict of interest.
3. The supervisor will forward the staff's written notification to the Human Resources Office to determine if a conflict of interest exists.
4. The Human Resources Office may direct staff to refrain from engaging in the conduct causing the potential conflict of interest while the matter is under review.
5. If the Human Resources Office, in consultation with the appropriate assistant director, determines an actual conflict of interest exists, they will notify the staff of any changes of activity they must adopt in order to be conflict-free.

B. Human Resources Office must ensure a YA 8130 Conflict of Interest Notification and Review form is completed and retained in the staff's official personnel file.

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

1. Personal or business relationships with youth or youth families.
See OYA policy 0-2.2 Relationship with Youth and Their Families.
2. Serving as an officer or board member of any business or enterprise that OYA licenses or regulates, or contracts with. A staff may, however, serve in an unpaid advisory or consultant capacity to such businesses or enterprises.
3. Development of a close personal relationship between a management staff and a subordinate staff, or when a power differential is actual or perceived between staff. Close personal relationships are defined in OYA policy 0-3.0 Harassment-free Workplace as dating, sharing living accommodations, or intimate and sexual relationships.

- a) Prior to entering into such a relationship, the management staff must immediately notify the appropriate assistant director, deputy director, or director, and the Human Resources Office of the conflict of interest. (See OYA policy 0-3.0 Harassment-free Workplace)
 - b) Failure to immediately report such relationships may result in disciplinary action up to and including dismissal from OYA service.
4. Employment outside 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.
- D. Staff may be employed or engaged in private business outside OYA within the following parameters.
1. Staff must not engage in private business interests or other employment activities during their OYA work time.
 2. 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 a youth in OYA custody or to a youth's relative.
 7. If a staff's private business client or client's relative becomes involved with OYA, the staff will immediately report this fact to their 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 OYA if an exception has been granted by the appropriate assistant director in consultation with the Human Resources Office.
 - a) An exception to allow staff to engage in such activity may be approved if the staff's position with 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 Office.
- E. OYA staff must not participate in or attempt to influence any personnel action taken by 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.
- F. 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 PROTOCOL REQUIRED: NO