

UTAH DEPARTMENT OF HUMAN SERVICES POLICY AND PROCEDURES		
Reference: 02-03	Effective Date: April 2, 1992 Revision Date: January 4, 2013	Page 1 of 7
SUBJECT: CODE OF ETHICS		
RATIONALE: The purpose of this policy is to promote ethical behavior by Department employees, volunteers, and board members. This Code goes beyond specific laws and regulations, and recognizes that Department employees, volunteers, and board members have an obligation to protect the rights of clients, the public and other employees, while exhibiting exemplary behavior as representatives of the state.		

I. POLICY

- A. This Code of Ethics applies to all work-related activities of Department employees, volunteers, and board members, and is not intended to govern their private lives. However, when their non-work related activities clearly affect the ability of the Department to provide credible, professional services with the community, employees, volunteers, and board members are expected to conform to this Code and relevant professional standards and to comply with all applicable laws, including statutes, rules and policies. Employees are governed by this policy in addition to any Department agency's or other policies under which they work.
- B. Employees may not engage in conduct on or off the job that is so egregious that it compromises the ability of the employee or agency to fulfill professional responsibilities, calls into question the employee's ability to do his or her job duties competently, or have a tendency to destroy public respect for government employees and would lead to a weakening of the public confidence and trust in the agency for whom the employee works.
- C. Employees, volunteers, and members of division policy boards shall comply with and abide by all provisions of Utah Code 67-16-1 et. seq., Utah Public Officers' and Employees' Ethics Act, Governor's Executive Order: January 26, 2010, Establishing an Ethics Policy for Executive Branch Agencies and Employees, Department of Human Resource Management Rules R477-9, Employee Conduct, as well as all provisions of this policy.
- D. A Declaration of Outside Compensation form shall be completed, notarized, and distributed as required by employees who receive or have agreed to receive compensation from another person or business entity that may have transactions involving an agency, division, or office, or is regulated by an agency, division, or office of the Department of Human Services. (See the Department's Conflict of Interest Policy, 02-02, for the form.)
- E. Conduct that violates professional standards or laws may be unethical and an employee may be subject to discipline or other administrative action, even if the conduct is not specifically listed in this Code.

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II. FOSTERING GOOD CLIENT RELATIONS AND PUBLIC TRUST

A. Relationships with Clients and the Public

1. In relationships with clients and the public, employees shall:
 - a. Respect and protect the civil and legal rights of clients.
 - b. Respect personal and professional boundaries. This precludes, but is not limited to, engaging in business transactions, dating, or engaging in personal or sexual activities or illegal activities with clients. It also prohibits exploiting relationships with Department clients for personal advantage, or soliciting Department clients for private practice or outside employment or business dealings.
 - c. Treat clients and the public with respect and in a professional manner and not abuse them emotionally, physically, sexually or verbally by engaging in any language or activity which is demeaning, belittling, or otherwise offensive, inappropriate, or in violation of agency policies.
 - d. Avoid relationships or commitments that would knowingly conflict with the best interests of clients, the agency, or the Department.
2. In relationships with clients and the public, employees shall not:
 - a. Use their positions or information acquired through their positions, to coerce or otherwise influence clients or the public to provide favors for themselves or others.
 - b. Jeopardize the health or safety of clients.

B. Management and Protection of Client Records and Department Information

1. In managing client records and information, employees shall:
 - a. Respect and protect the appropriate confidentiality and privacy of records and information concerning clients. Employees shall not use such client information for personal purposes.
 - b. Tape or record client activities only as permitted by law or policy, including DHS Policy 05-04.
 - c. Not knowingly violate any state or federal laws (including the Government Records Access and Management Act, also known as "GRAMA") that specify when and how clients, other agencies and the public may inspect or copy the

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Department's records, including client records.

- d. Not falsify or wrongfully destroy any record, report, or claim, or knowingly enter or cause to be entered any false or improper information in Department records.

2. In protecting client and Department records and information, employees shall:

- a. Take client records or information out of the worksite only with supervisory approval.
- b. Comply with all agency specific policies regarding the protection and confidentiality of client and Department information.
- c. Password protect all electronic files in computers, on jump drives, or other electronic devices.
- d. Lock up client or other confidential information wherever it is maintained, including at employees' homes, such as in desks, filing cabinets, offices, etc.
- e. Not leave confidential information lying on desks, fax machines, inside cars, or other areas that are not secure.
- f. Not put confidential client or Department information on portable USB devices, CDs, or other portable media unless properly password protected and/or encrypted.
- g. Email confidential client or Department information outside of the state network only with proper authorization and password protection.
- h. Follow the Department of Technology's Security Incident Checklist if confidential client records or Department information is lost, stolen, or breached. (See the attached Checklist.)

C. Communications with Clients and the Public

In communications with clients and the public, employees shall:

- 1. Comply with the Department's Public Information Policy, 01-06, when initiating or receiving contacts with reporters or other members of the news media, and exercise care to avoid any conflicts of interest between their own views and interests and those of the Department.
- 2. Not purposely withhold from clients, accurate and complete information regarding the extent and nature of the Department services available to them.

3. Not discuss confidential information, including client names, providers, facilities, other employees, or information proprietary to other companies or persons, except as necessary to do their work.

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III. RELATIONSHIPS WITH OTHER EMPLOYEES

A. Work Relationships

In work relationships, employees shall:

1. Treat each other respectfully and professionally.
2. Use non-abusive, polite and decent language; this prohibits any language or activity that is demeaning, belittling, or offensive.
3. Respect the religious values and cultural differences of colleagues.
4. Avoid slanderous or malicious gossip.

B. Supervisory Relationships

Supervisors or other administrators shall:

1. Treat subordinates with respect and dignity.
2. Encourage and facilitate the professional development of employees.
3. Not exploit other employees for personal favors or gain.
4. Not use their position of authority to harass, stalk, discriminate, or become involved in sexual relationships with another employee.

IV. PERSONAL WORK ETHICS

A. Laws, Rules, and Regulations

Employees shall obey applicable civil or criminal laws, regulations, rules or policies governing their work or professional activities, including agencies' codes of ethics or conduct which may be even more stringent than the Department's Code of Ethics.

B. Professional Competence

To maintain and exercise professional competence, employees shall:

1. Represent truthfully to employer, clients, and prospective clients their professional credentials and licensure, education, training, and experience.

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2. Report through appropriate channels any known or suspected improper treatment of employees or clients such as: abuse, discrimination, stalking, or harassment.
3. Not engage in conduct on or off the job that compromises the ability of the employee or agency to fulfill professional responsibilities, including abuse, neglect, or exploitation of a child, disabled or vulnerable adult, or others.

C. Performance of Duties

During the performance of duties, employees shall:

1. Use Department resources only for intended purposes.
2. Maintain appropriate, approved work schedules.
3. Not engage in any activity that could be considered a dereliction of duty, including, but not limited to, absence without leave, abuse of leave, neglect of standard performance, reluctance or negligence to perform assigned duties, inattention to duty, neglect of responsibilities, or leaving the work area unattended or inappropriately attended.
4. Not participate in, condone, conceal or be associated with dishonesty, fraud, misrepresentation or theft.
5. Not consume alcohol or use illegal substances or be under the influence of alcohol or illegal substances while on compensated work time or while treating clients or while on-call or on State property or while operating any vehicle. (For purposes of this policy, employee drug levels that exceed the standards adopted in 49 C.F.R. constitute "use.")
6. Not consume or use legal controlled substances or be under the influence of legal controlled substances while on compensated work time or while treating clients or while on-call or on State property or while operating any vehicle, if such use or consumption will substantially impair the employee's judgment or job performance.
7. Not unlawfully cultivate, manufacture, dispense, possess or distribute any controlled substance or alcohol during working hours, on State property, or while operating any vehicles while on duty.

V. PROCEDURES

A. Code of Ethics Acknowledgement and Confidential Access and Confidentiality Directive

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1. Employees, volunteers, and board members will be informed of the Code of Ethics policy and the Confidential Access and Confidentiality Directive by their supervisors and/or in New Employee Orientation.
2. Upon hire or appointment and as necessary thereafter, employees, volunteers, and board members shall sign the Code of Ethics Acknowledgement and the Confidential Access and Confidentiality Directive of the Code of Ethics policy.
3. The completed form is to be forwarded to the DHS Field Office of the Department of Human Resource Management for placement in the personnel file.
4. A copy of the completed form may also be kept at the agency.

B. Reporting Violations

1. Employees shall immediately report all violations of this Code through appropriate channels.
2. Management may consult with the DHS Field Office of the Department of Human Resource Management to determine how to respond to violations of this Code.
3. If a Code violation appears to involve potential liability for the Department, management shall also consult with the Bureau of Administrative Support Risk Management staff for advice or assistance.

C. Violations of Code

1. Depending on the circumstances, the violation and the degree of the employee's culpability, the Department may take one or more of the following agency actions:
 - Corrective action
 - Disciplinary action
 - Legal action, including criminal prosecution.
2. Department management may consult with the DHS Field Office of the Department of Human Resource Management regarding the most appropriate action to take in response to a violation of this Code by an employee, volunteer, or board member.

3. If an employee's violation of this Code results in either personal gain to that employee or personal harm or loss to a client, the State, or another employee, disciplinary action is generally warranted.
4. If the employee's supervisor decides not to take disciplinary action, the supervisor

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shall document the violation, the gravity of the violation and the extent of the resulting gain or losses, and the reasons why disciplinary action was not warranted in

the particular situation.

5. A supervisor may terminate the service of a volunteer if he/she violates this policy. The Department of Human Services may take appropriate action with a board member who is deemed to be in violation of this policy.
6. When a violation results in a corrective or disciplinary action, the employee's supervisor shall place documentation of the violation and the resulting action in the employee's official personnel file, consistent with DHRM rules.

Palmer DePaulis

Palmer DePaulis, Executive Director
Department of Human Services

DATE: 1/4/2013

UTAH DEPARTMENT OF HUMAN SERVICES

CODE OF ETHICS ACKNOWLEDGEMENT

I am aware of and agree to abide by the Department of Human Services' Code of Ethics, Policy 02-03, and have had an opportunity to ask any questions I have regarding the policy. I either know or I have been informed where I can review the policy in its entirety. I understand it is my responsibility to remain informed of the content of and any changes to the policy. **I also understand that if my conduct violates the policy, I may be subject to disciplinary action, including separation from state employment.**

The Code of Ethics is available online at www.dhs.utah.gov, Policies, Policies and Procedures, Section 2, "Personnel" in the DHS Policy Manual.

CONFIDENTIAL ACCESS AND CONFIDENTIALITY DIRECTIVE

This directive provides each Utah Department of Human Services (DHS) employee, volunteer, and board member with Department guidelines regarding confidential information. Each supervisor is responsible to supplement this directive as necessary and attach the supplement as part of this directive. Each supervisor is also responsible to train individual employees, volunteers, and board members in specific confidential information handling procedures within the organizational unit. This directive places responsibility on the employee, volunteer, and board member to become familiar with the confidentiality requirements of the employing agency.

INSTRUCTIONS:

The employee, volunteer, or board member will read and initial each of the provisions of this directive, acknowledging that each provision has been reviewed and discussed with the supervisor.

DIRECTIVE:

1. ___ As an employee, volunteer, or board member of the Department, you may have access to confidential information. This access may be part of your direct job duties. It also includes access incidental to your primary job duties. Confidential information is protected by federal and state law. Confidential information may take many forms, including paper, electronic, and verbal. Confidential information includes medical, personnel, financial and demographic information about individuals, clients, providers, facilities, Department employees, and information proprietary to other companies and agencies or persons.
2. ___ You may access and use confidential information only for which you have a need to know to do your work.
3. ___ You may not discuss confidential information, including the names of clients, providers and facilities, Department employees, and information proprietary to other companies or persons, except as necessary to do your work, and you must take reasonable measures to safeguard confidential information from improper disclosure.
4. ___ You may not in any way divulge, copy, release, sell, loan, review, alter or destroy any confidential information except as properly authorized by your supervisor.

5. _____ This document may not cover all restrictions on your access to or use of confidential information. Your employing agency, and other rules or laws or Department policies may also apply to the confidential information held by the Department. Your employing agency may provide specific training concerning confidential information to which you have access.

6. _____ You are responsible to know the policies, rules, and laws governing information to which you have access, including information provided to you by other programs within the Department, and if you have any questions about the confidentiality of information or the appropriateness of its disclosure, you are responsible to ask your immediate supervisor.

7. _____ You must safeguard and not disclose any personal access code, password or other authorization that allows you to access confidential information.

8. _____ Any good faith report about suspect activities will be held in confidence to the extent permitted by law, including the name of the individual reporting the activities. You have certain rights to disclose information contrary to this document under the Utah Protection of Public Employees Act found at Utah Code 67-21-1. You must read it before disclosing any confidential information.

9. _____ A breach of this confidentiality directive may result in corrective or disciplinary action, up to and including termination of employment, as well as possible civil and criminal liability for you and the Department. Your obligations under federal or state law and this agreement continue after termination of your employment.

10. _____ This directive may be reviewed and renewed each year by signing and dating a new document, or, if the document is not renewed, it shall remain in effect until the employee, volunteer, or board member terminates employment or services with the Department.

Employee Signature/Date

Print name: _____

Supervisor Signature/Date

Print name: _____

Employee Identification Number: _____ Agency Name: _____

cc. Distribution:

_____ Original to personnel file
_____ Copy to employee/volunteer/board member

Revised: 1/4/2013



INFORMATION SECURITY for the ENTERPRISE

DTS
Enterprise Information
Security Office

Security Incident Checklist

Step 1 – Make a Preliminary Assessment of the Incident

- When and where did the security Incident occur?
- What devices or paperwork were lost, stolen or breached?
- If devices were stolen, were they immediately reported to law enforcement?
- If devices or media were stolen or lost, were they encrypted? If so, to what level? (for example: full disk, folder(s), or file(s))
- What potential data might be involved?
 - An individual's name
 - Social Security Number
 - Credit Card Information
 - Financial Data
 - Driver's License Number
 - State Identification Card Number
 - Health Information
 - Any other specific information that might identify an individual
- Can the data be used for fraudulent or other purposes?
- Is there other information at risk?
- How many individuals were affected by the security Incident?

Step 2 – Contact Appropriate People within the State

- IT Director makes the following Security contacts:
 - Chief Information Security Officer, can be reached at (801) 538-3470 or incidents@utah.gov.
- CISO makes the following contact:
 - Attorney General's Office
Note: Richard Hamp is the point of contact for the Attorney General's Office and can be contacted at (801) 281-1222
- IT Director/CISO makes the following contacts:
 - Agency Executive Director/Commissioner
 - Chief Information Officer (CIO), can be reached at (801) 538-3298
- Attorney General's Office makes the following contacts:
 - Agency A.G. representative
 - Department of Public Safety
 - Local/Federal Law Enforcement
- Agency Executive makes the following contacts:
 - Governor's Office
 - Governor's Press Officer
 -

Step 3 – Further Evaluate the Scope of the Incident (CISO/A.G. Investigator/CIO)

- Does there appear to be evidence of suspicious behavior or negligence by an employee, contractor or an outside entity?
- Was there criminal intent? If so, does Public Safety need to conduct interviews?
- Does the agency's Human Resource representatives need to be involved?
- Should the agency's employees be briefed on the situation?
- Has a key person within the agency been identified to monitor the progress and communicate actions to the appropriate people identified in Step 2 of this checklist?

Step 4 – Determine Need to Notify Public (Governor's Office/Agency Executive)

- Do state employees need to be informed of the incident?
- Should the public be notified of the incident? If so, consider the following:
 - Develop talking points
 - Key Message
 - Frequently Asked Questions
 - Next steps
 - Press Release
 - Press Conference
 - Contact other states
 - Any National Associations that could assist in communicating the information to the public
- If law enforcement was involved, did the agency consult with them to determine the timing of what and when details of the security Incident could be released to the public?
- Has an individual been designated as the contact person for releasing information?
- Have the communication messages regarding the security Incident been coordinated between the employees, legislators, and the public?
- When does the agency need to notify affected citizens?

Step 5 – Communication to Individuals Potentially Impacted by the Incident (Governor's Office/Agency Executive)

- How are affected individuals going to be notified of the possibility of identity theft?
- Has a notification letter been prepared announcing the incident to the affected individuals?
- Should a fact sheet be provided to the individuals and legislators with the following key elements?
 - Outline the incident
 - Explain the actions currently being taken by the agency
 - Include the contact information (e.g. the toll free number and web site)
 - Any other pertinent information
- Does a toll free number need to be established to address questions from the individuals?
- Does a call center need to be established to handle the calls? (for example: DTS Help Desk)
- Should questions and answers be developed and shared with the individual?
- Would a web site be beneficial to share information with the individual on the incident and next steps?
- What types of services need to be purchased for affected individuals in order to mitigate the data breach?
- Does a contract need to be setup with one of the credit bureaus (e.g. Equifax, Experian or TransUnion) to provide free credit monitoring for affected individuals?

- How often should the credit bureau track statistics and report any identity thefts to your agency?
- If a contract is established with one of the credit bureaus, how will the information be communicated to the individuals?
- Does a reminder letter on the credit services need to be sent to the citizens? When the credit bureau is unable to locate a credit file for an individual, should a notification be sent?

Step 6 – Close out the Security Incident (All)

- Was the checklist sufficient for this incident?
- Does the checklist need to be modified?
- Do new sample documents need to be developed and added to the checklist?
- Do new security procedures need to be implemented?
- Does access to the affected data need to be restricted?

Effective: 2/23/10

Governor's Executive Order Establishing an Ethics Policy for Executive Branch Agencies and Executive Branch Employees

Issued: January 26, 2010

EXECUTIVE ORDER

Establishing an Ethics Policy for Executive Branch Agencies and Employees

WHEREAS, State employees hold themselves to high ethical standards and act with integrity in their positions of public trust;

WHEREAS, confidence in government increases when State employees make decisions based upon the best interests of the public at large, without influence by those who may seek special favors and without regard to personal gain;

WHEREAS, public confidence is enhanced when State employees avoid situations and transactions that create the appearance of impropriety;

WHEREAS, compliance with a strong ethics policy protects public employees from any perception of wrongdoing; and,

WHEREAS, the Utah State law governing ethical standards of public employees can and should be improved;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by the authority vested in me by the Constitution and laws of this State do hereby order that the Executive Branch and all Executive Branch employees are subject to the following restrictions:

1. Application

- a. This order applies to all Executive Branch department or agency employees and replaces and supersedes any prior Executive Order establishing an Ethics Policy for Executive Branch Agencies and Employees. This order may be adopted by independently elected officers and their employees. This order does not apply to any Legislative Branch employee or Judicial Branch employee.
- b. Each Executive Branch department or agency shall amend their existing policy to be consistent with the restrictions set forth below.

2. Prohibition Against the Receipt of Gifts

- a. Subject to the exceptions set forth below, an employee covered by this order is prohibited from accepting a gift or other compensation, either directly or indirectly, that might be intended to influence or reward the individual in the performance of official business. This prohibition shall apply notwithstanding Utah Code Ann. Section 67-16-5, which provides that gifts up to \$50 may be allowed in certain circumstances. Additionally, this order does not abrogate any restriction imposed by the Utah Procurement Code contained in Title 63G, Chapter 6, Utah Code Annotated.

- b. For purposes of this order, the term "gift" does not include:
- i. campaign contributions received in accordance with Title 20A, Chapter 11, Utah Code Annotated;
 - ii. food, refreshments, or meals of limited value;
 - iii. an item presented on behalf of a foreign government that becomes the property of the State;
 - iv. opportunities, discounts, rewards and prizes open to the general public or all employees of the State of Utah;
 - v. plaques or mementos recognizing service;
 - vi. trinkets or mementos of nominal value;
 - vii. gifts from family members, extended family members, or other employees of the State of Utah;
 - viii. gifts from personal friends where it is clear that the gift is motivated by personal friendship and not by the employee's position with the State;
 - ix. small efforts of common courtesy or other services of nominal monetary value;
 - x. funeral flowers or memorials;
 - xi. bequests, inheritances and other transfers at death;
 - xii. attendance or participation at events sponsored by other governmental entities;
 - xiii. attendance or participation at widely attended events that are related to governmental duties; and
 - xiv. travel to and from widely attended events related to governmental duties where acceptance of such travel would result in financial savings to the State of Utah.
- c. If an employee receives a gift, either directly or indirectly, that cannot be accepted, the employee may return the gift, pay its market value, or donate the gift to the State of Utah. If the gift is perishable or not practical to return, the gift may, with approval of the Department or Agency head, be shared with co-workers or given to charity.

3. Prohibition Against Nepotism in Hiring and Contracting

- a. An employee covered by this order may not take part in any hiring or employment decision relating to a family member. If a hiring or employment matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter. This prohibition shall apply notwithstanding the exceptions contained in Utah Code Ann. Section 52-3-1.

- b. An employee covered by this order may not take part in any contracting decision: (i) relating to a family member; or (ii) relating to any entity in which a family member is an officer, director or partner, or in which a family member owns or controls 10% or more of the stock of such entity. If a contracting matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.
- c. For the purposes of this order, the term "family member" shall mean an employee's spouse, siblings, step-siblings, siblings-in-law, parents, step-parents, parents-in-law, children, step-children, children-in-law, and any person living in the same household as the employee.

4. Prohibition Against Lobbying Executive Branch Department or Agency Employees

- a. An employee covered by this order may not knowingly permit a former employee, previously subject to this order during the course of his/her employment in the Executive Branch, to lobby the current employee unless a two year period has passed since the former employee's employment was terminated.
- b. For purposes of this order, the terms "to lobby" and "lobbying" shall mean to receive compensation or other remuneration for attempting to influence executive action as defined in Utah Code Ann. Section 36-11-102(2).

5. Penalties

An employee covered by this order who violates this order is subject to appropriate discipline as provided in Utah Administrative Rule R477-11 and as determined by the Executive Branch department or agency head or the Governor's Chief of Staff.

IN WITNESS WHEREOF, I have here unto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol Building in Salt Lake City, Utah, this 26th day of January 2010.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Greg Bell
Lieutenant Governor