



POLICY

POLICY NUMBER

680.600

Page 1 of 11

TITLE

Ethical and Professional Standards of Conduct

EFFECTIVE DATE:

January 18, 2011

AUTHORITY:

General authority of the Director of the Department of Veterans Affairs, hereinafter referred to as Department, to manage and direct the Department, RCW 43.60A.040, .050, and .060.

PURPOSE:

To prescribe required standards of conduct.

APPLICABILITY:

All employees, work studies, contractors, and volunteers, hereinafter referred to as affected employees, within the Department.

DEFINITIONS:

Nominal value: Value is small, minimal, or insignificant.

Employee/Relatives: Shall include persons related by blood, marriage or legal adoption (spouse, mother, father, daughter, son, grandchildren, brother, sister, niece, nephew, aunt, uncle, cousin, etc.) to either the employee or the employee's spouse. Also included are relatives of individuals who share the same household, cohabitants (persons who are not married but share the same household), domestic partners and persons who share a close personal or business relationship outside the Department.

Affected Employees: All WDVA employees, work studies, contractors and volunteers.

POLICY:

I. Responsibilities

A. Affected employees are required to maintain high ethical

APPROVED
Executive Ethics Board

Date: 9-9-11

- and professional standards and treat each other, residents, and customers with fairness, integrity, dignity and respect at all times while on duty or on Department property.
- B. Affected employees of the Department are responsible to promote a spirit of respect that reflects a commitment to tolerance and diverse points of view. Affected employees are expected to refrain from discriminatory behaviors.
- 1) Discriminatory behaviors include, but are not limited to, verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation or gender expression/identity, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that:
- Have the purpose or effect of creating an intimidating, hostile or offensive work environment;
 - Have the purpose or effect of unreasonably interfering with an individual's work performance; or
 - Otherwise adversely affects an individual's employment opportunities.
- 2) Examples of prohibited behavior include slurs, negative stereotyping, hostile acts, and written or graphic material aimed at denigrating individuals because of race, color, religion, gender, sexual orientation or gender expression/identity, national origin, age, or disability that is communicated, posted or circulated in the workplace.
- C. Affected employees are expected to adhere to Department policies and conduct themselves in a manner that keeps the workplace free from harassment and bullying, including, but not limited to, verbal abuse, threatening, or engaging in humiliating or offensive behavior or actions directed toward peers, co-workers, supervisors or subordinates. Examples of bullying behaviors include finger pointing, slamming things down, throwing objects, yelling, screaming, cursing, giving the 'silent treatment', gossiping, etc.
- D. Affected employees are expected to work diligently to perform assigned duties and to strive to meet the objectives, goals, and mission of the organization. Employment responsibilities are to be carried out in a manner that promotes and protects the Department's best interests.
- E. By virtue of their leadership status, managers and supervisors serve as role models, and set the tone for

APPROVED
Executive Ethics Board

Date: 9-9-11

workplace behavior. This added ethical responsibility requires supervisors and managers to:

- Provide leadership and vision and serve as role models and effective stewards of the Department's finances, assets, resources and business processes;
- Avoid actual or apparent conflicts of interest involving personal and professional relationships;
- Avoid interactions and transactions with employees in their chain of support that may give the appearance of preferential treatment and/or favoritism, including but not limited to, borrowing money from a subordinate, and going out to lunch on a regular basis with one person or group to the exclusion of others;
- Work to promote, by personal example, ethical behavior among employees;
- Communicate to employees the requirements of this policy and strive to ensure that the standards of professional conduct are met;
- Create realistic expectations and clearly indicate that integrity is not to be compromised in order to achieve results;
- Create an environment encouraging employees and others to report policy and law violations promptly, and which protects such persons from retaliation.
- Failure to fulfill the aforementioned responsibilities may result in disciplinary action, up to and including dismissal.

F. All employees shall immediately report incidents of discriminatory behavior or harassment to their immediate supervisor or manager for prompt and timely investigation and resolution. However, if they are uncomfortable, for any reason, to address the problem with their supervisor(s), they may contact any Human Resource representative (available at all Homes and within Central Office), any Department of Veterans Affairs manager, or a member of the Department's Executive Team (including the Chief of Homes Operations, the Human Resources Director, Chief Financial Officer,

APPROVED
Executive Ethics Board

Date: 9-9-11

Communications Director, Deputy Director and/or the Director of the Department) by calling 1-800-562-0132.

If an employee is uncomfortable reporting an incident of discriminatory or harassing behavior within the Department of Veterans Affairs, they may contact the Department of Personnel, or they may file a complaint with the Human Rights Commission (HRC) or the Equal Employment Opportunity Commission (EEOC).

Regardless of where you report, it is important that all incidents of discrimination and/or harassment be reported to ensure they are investigated and appropriate action is taken to maintain a healthy and respectful workplace. This includes incidents that directly impact the employee or incidents that the employee witnesses.

- G. Managers and supervisors shall promptly address discriminatory behavior and/or harassment that they observe or become aware of, or that is reported to them. The appropriate appointing authority and human resource representative will be notified and consulted with prior to initiating an investigation. Investigations will be handled promptly and fairly.

Retaliation against employees, work studies, contractors, customers, volunteers and/or other persons conducting business with the Department who report discrimination or harassment is forbidden.

- H. Affected employees must obey the laws of Washington State at all times and shall perform their responsibilities with honesty and integrity. Affected employees convicted of a felony violation or gross misdemeanor of the Revised Code of Washington shall report such conviction to their Appointing Authority within 72 hours, or prior to their next scheduled work shift, whichever occurs first.
- I. Affected employees must report any court-imposed sanctions or conditions that affect their ability to perform assigned duties to their appointing authority within 72 hours or prior to their next scheduled work shift, whichever occurs first.
- J. Affected employees who may have unsupervised access to vulnerable clients in the State's Veterans Homes must

APPROVED
Executive Ethics Board

Date: 9-9-11

comply with RCW 43.43.830 and RCW 43.43.842. Conviction of a crime on the attached list may preclude continued employment or service with the Department (see attached list), and may result in disciplinary action, up to and including dismissal. Affected employees convicted of a crime on this list must report the conviction to their Appointing Authority within 72 hours, or before their next scheduled work shift, whichever is first. An employee's failure to report their conviction may result in disciplinary action, up to and including dismissal.

II. Activities which conflict with public duties are prohibited.

- A. Affected employees are prohibited from participating in any activity that conflicts with the proper discharge of their duties/responsibilities with the Department.
- B. An activity is considered to be in conflict if the individual:
 - 1. Has an interest -- financial or otherwise, direct or indirect in the activity;
 - 2. Engages in a business or transaction or professional activity directly related to his/her duties; or
 - 3. Incurs an obligation of any nature that conflicts with his/her duties.

III. Certain financial/business transactions are prohibited.

- A. Affected employees must not engage in any financial, business or professional transaction on behalf of the Department or with Department clients unless authorized to do so, in writing, by the appropriate Appointing Authority. Employees may make official purchases using Department charge cards/accounts in accordance with normal procedures where approval from the Department Head or other authorizing person has been received.
- B. Affected employees must not receive any personal benefit, directly or indirectly, from any contract, sale, lease, or purchase made or donation received by the Department.
- C. Affected employees must not accept, directly or indirectly, compensation, gratuity or reward from clients, vendors, co-workers or the general public for performing or not

APPROVED
Executive Ethics Board

Date: 9-9-11

performing their duties with the Department.

- D. Employees, volunteers and contractors performing the duties of Veterans Benefit Specialist, Veterans Benefit Assistant, or any other position in which the employee is assisting a client with a claim for compensation or pension shall not accept, directly or indirectly, compensation, gratuity, reward or gifts from clients, vendors, co-workers or the general public for performing services on behalf of the department, pursuant to Title 38, United States Code, Section 5905. All employees performing the duties outlined above shall sign a "Declaration of Ethical Duty for WDVA Service Officers and Contractors" prior to performing work on behalf of the department.

IV. Gifts

- A. Affected employees must not receive, accept, take, seek or solicit, directly or indirectly, anything of economic value such as a gift, gratuity, or favor from any person doing business, seeking to do business or receiving service from this or any other state agency. The Appointing Authority must approve exceptions in writing.
- B. Affected employees may accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, or other items of nominal value.

V. Outside employment and compensation may be prohibited.

- A. Outside employment includes, but is not limited to: private employment, ownership or interest in a private business, employment as a consultant or advisor, employment in another State agency or service as a contractor with the State.
- B. Affected employees who engage in outside employment must notify the appropriate Appointing Authority in advance of accepting the outside employment (Report of Outside Employment form attached). Such notification must be "renewed" anytime there is a change in hours, duties, compensation or employer.
- C. If the Appointing Authority determines that the outside employment conflicts with the performance of the employee's duties, the Appointing Authority shall notify the

APPROVED
Executive Ethics Board

Date: 9-9-11

employee of his/her rights and obligations under State laws.

D. Outside employment is considered to be in conflict with the employee's duties and responsibilities if:

1. The employment prevents or interferes with the performance of his/her duties; or
2. There is reason to believe that the purpose is to influence the performance of his/her duties; or
3. The employment, business, or professional activity would require or induce disclosure of confidential information acquired during the performance of his/her duties; or
4. The outside employer contracts to provide services to the Department or its clients, unless the duties are clearly unrelated to the services provided under contract with the Department, or the responsibilities do not provide an opportunity for the employee to influence the relationship between the contractor and the Department.

VI. Former employees

- A. In accordance with RCW 42.52.080, former State employees may be prohibited from accepting certain types of employment or assisting others in certain transactions with the State. Such employees seeking employment with the State should reference applicable retirement laws enacted by the legislature and seek legal advice.

VII. Confidential information must be protected

- A. Affected employees may not disclose confidential information gained during the performance of their duties with the Department. Failure to maintain confidentiality may result in discipline, up to and including dismissal.

VIII. Affected employees may not participate in political activities while on duty or on Department property.

- A. Affected employees may not solicit support for, accept contributions for or participate in the election of a political

APPROVED
Executive Ethics Board

Date: 9-9-11

candidate, any political committee activities, or any political cause during working hours or on State premises.

B. Supervisors may not solicit or accept political contributions from anyone under their supervision at any time.

IX. A violation of the State's ethics laws is grounds for disciplinary action.

A. In accordance with RCW 42.52.350 and 42.52.360, reported violations of the State's ethics laws are investigated by the State Executive Ethics Board.

B. If the State Executive Ethics Board finds that a violation has occurred, the Board may impose sanctions in accordance with RCW 42.52.360. The Department retains the right to take appropriate corrective/disciplinary action.

X. Sanctions

A. Violations of any provision of this policy may result in corrective/disciplinary action up to and including termination of employment, or work study/volunteer/contract status.

REVIEW: This policy shall be reviewed every five years and updated as needed.

REFERENCES: 42 CFR §483.13; Title 38 USC Section 5905; Chapter 42.52; RCW 42.17.; Chapter 42.20; RCW 43.43.830; RCW 43.43.842; Executive Order 92-04; AG Publication, Ethical Standards for State Officers and State Employees; DVA Policy 680.400

SUPERSESSON Department Policy 680.600 dated May 1, 2009.

ATTACHMENTS: A) Disqualifying Crimes, B) Report of Outside Employment Form

John E. Lee, Director

Date

APPROVED
Executive Ethics Board

Date: 9-9-11

Attachment A

DSHS SECRETARY'S LIST OF CRIMES AND NEGATIVE ACTIONS

FOR USE BY ADSA Residential Care Services for Nursing Homes, Boarding Homes & Adult Family Homes

Crimes:

A person who has a crime listed below is denied unsupervised access to vulnerable adults, juveniles, and children.

If "(5 or more years)" or "(3 or more years)" appears after a crime, the person cannot be in a position to be left alone with a vulnerable adult unless 5 or more years or unless 3 or more years has passed since the date of the conviction.

After 5 or 3 years has passed, an overall assessment of the person's character, competence, and suitability to have unsupervised access will determine denial.

Abandonment of a child
 Abandonment of a dependent person
 Abuse or neglect of a child
 Arson 1
 Assault 1
 Assault 2
 Assault 3
 Assault 4/simple assault (3 or more years)
 Assault of a child
 Burglary 1
 Child buying or selling
 Child molestation
 Commercial sexual abuse of a minor/Patronizing a juvenile prostitute
 Communication with a minor for immoral purposes
 Criminal mistreatment
 Custodial assault
 Custodial interference
 Custodial sexual misconduct
 Dealing in depictions of minor engaged in sexual explicit conduct
 Extortion
 Forgery (5 or more years)
 Incest
 Indecent exposure/Public indecency (Felony)
 Indecent liberties
 Kidnapping
 Malicious harassment
 Manslaughter
 Murder/Aggravated murder
 Promoting pornography
 Promoting prostitution 1
 Prostitution (3 or more years)

Rape
 Rape of child
 Registered sex offender
 Robbery
 Selling or distributing erotic material to a minor
 Sexual exploitation of minors
 Sexual misconduct with a minor
 Theft 1
 Theft 2 (5 or more years)
 Theft 3 (3 or more years)
 Unlawful imprisonment
 Vehicular homicide (negligent homicide)
 Violation of child abuse restraining order
 Voyeurism

Negative Actions are considered under individual program law and rule and may lead to denial of unsupervised access to vulnerable adults.

A **negative action** is an administrative or civil action taken against an individual and may include:

- A finding that an individual abused, neglected, exploited, or abandoned a vulnerable adult, juvenile or child issued by an agency, an Administrative Law Judge, or a court of law. A finding by an agency is not a negative action if the individual was not given the opportunity to request an administrative hearing to contest the finding
- Termination, revocation, suspension, or denial of a license, certification, and/or State or Federal contract
- Relinquishment of a license, certification, or contract in lieu of an agency negative action
- Revocation, suspension, denial or restriction placed on a professional license
- Department of Health disciplining authority finding
- A protection order issued under chapter 74.34 RCW. (A conviction for violation of a protection order issued under chapter 74.34 RCW is evidence that a protection order was issued).

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APPROVED
 Executive Ethics Board

Date: 9-9-11

ATTACHMENT B
DEPARTMENT OF VETERANS AFFAIRS

REPORT OF OUTSIDE EMPLOYMENT

Name	Department	Unit / Location
Job Title	Hours Worked Per Week (DVA)	Date of Hire (DVA)
<p>THIS IS NOTICE OF MY INTENT TO ENGAGE IN OUTSIDE EMPLOYMENT. I HAVE READ AND UNDERSTAND POLICY 680.600, ETHICAL AND PROFESSIONAL STANDARDS OF CONDUCT. I UNDERSTAND THAT THIS NOTICE WILL BE FILED IN MY PERSONNEL FILE. I UNDERSTAND THAT I MUST SUBMIT ANOTHER REPORT OF OUTSIDE EMPLOYMENT IF THERE IS A CHANGE IN MY DUTIES, HOURS, COMPENSATION OR EMPLOYER.</p>		
Name of Outside Employer	Address of Outside Employer	
Job Title	Hours Per Week	Start Date
Description of Duties:		
<p>1. Is the employer a client of any division of DVA? Yes ___ No ___</p> <p>2. Does the employer do business with DVA or any of its divisions? Yes ___ No ___</p> <p>3. Does the job involve activities which are part of your duties with DVA? Yes ___ No ___</p> <p>4. If "yes", explain: _____</p> <p>_____</p>		
Employee's Signature _____		Date _____
Supervisor's Review/Recommendation:		
<p>I have reviewed this proposal and find that there <input type="checkbox"/> is, <input type="checkbox"/> is not a conflict with the employee's current duties.</p>		
Appointing Authority's Review:		
<p>Outside Employment is: <input type="checkbox"/> Approved, <input type="checkbox"/> Disapproved. (If disapproved, information related to your rights and obligations under state laws are attached.)</p>		
Appointing Authority's Signature _____		Date _____
<p>Copies Furnished: Human Resources – Original Employee – Copy Employee's Supervisor – Copy</p>		

APPROVED
 Executive Ethics Board
 Date: 9.9.11



Declaration of Ethical Duty for WDVA Service Officers and Contractors

I understand that the services I provide to clients under my authority as an accredited service officer are free of charge to the client and that no fee, compensation, nor gifts will be solicited nor accepted for services rendered. I understand that accepting any type of compensation or gift for my services as a WDVA service officer will result in loss of my accreditation and other administrative/disciplinary actions, to include termination of employment/contract.

Signature of Service Officer

Date

APPROVED
Executive Ethics Board

Date: 9-9-11