



Code of Ethics Learner Course Guide

FY 2013-2014

To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.



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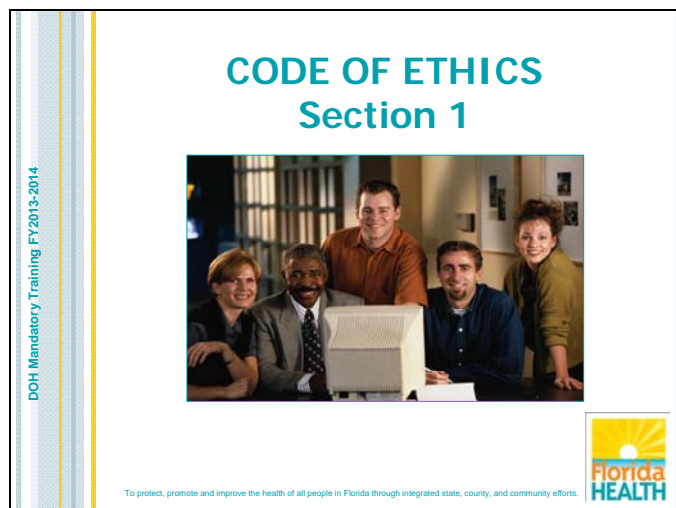


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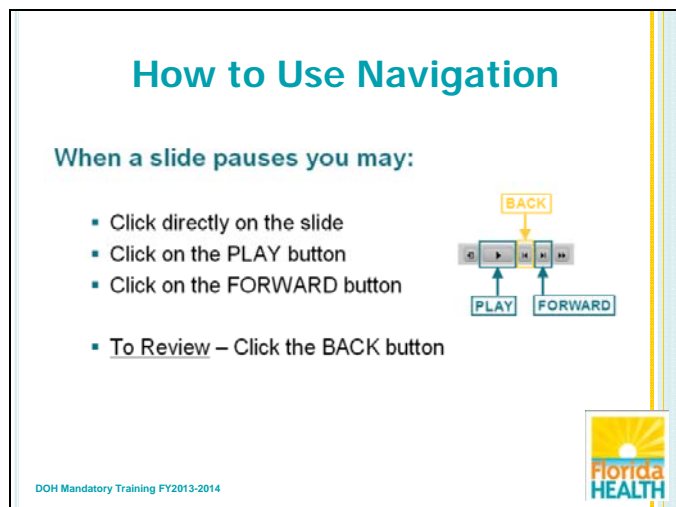
Section 1

Slide 1 - Introduction



Welcome to the Florida Department of Health's mandatory training, "Code of Ethics, Section 1."

Slide 2 - Navigation Instructions



In order to make your training experience as easy as possible, we are providing these navigation instructions.

When a slide pauses you can do one of three things to advance the presentation:

- You may click directly on the slide
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If you need to review a previous slide you may click the BACK button.

Please keep these instructions in mind as you proceed with this training.

You will need to advance the slide now.

Slide 3 – Training Goal

Training Goal

Ensure that Department of Health employees embrace a strong code of ethics by understanding & practicing the Department's Code of Ethics policy, DOHP 30-2.



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The goal of this training is to help ensure that Department of Health employees embrace a strong code of ethics by understanding and practicing the Department's Code of Ethics policy, DOHP 30-2.

Slide 4 – Section 1 Objectives

Section 1 Objectives

1. Understand the importance of DOH Code of Ethics
2. Define conflict of interest
3. Identify unacceptable gifts & honorariums
4. Recognize what is not considered a gift

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At the end of section 1, you will be able to:

- Understand the importance of the Department of Health's Code of Ethics policy
- Define *conflict of interest*
- Identify unacceptable gifts and honorariums and
- Recognize what is not considered a gift

Slide 5 – Section 1 Objectives

Section 1 Objectives

5. Recognize prohibited sources
6. Know when you can accept anything from prohibited sources
7. Define secondary employment
8. Know when secondary employment is permitted

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You will also be able to:

- Recognize prohibited sources
- Know when you can and cannot accept anything from prohibited sources
- Define secondary employment, which includes outside employment and dual employment
- Know when secondary employment is and is not permitted.

Slide 6 – What are the implications of unethical conduct?

What are the implications of unethical conduct?



- Why is the DOH code of ethics policy important?
- What is conflict of interest?

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Take a moment to consider the implications of unethical conduct. If you don't comply with the Code of Ethics policy, it will have serious consequences that can jeopardize your future career in the Department. It is important that you identify situations to which provisions of the Code of Ethics policy apply, and act in accordance with the policy in those situations.

The next two slides will answer the questions:

- Why is the DOH code of ethics policy important? and
- What is conflict of interest?

Slide 7 – Why is DOH Code of Ethics policy important?**Why is DOH Code of Ethics policy important?**

- Review & comply with Code of Ethics policy
- Violations will result in corrective action
- Avoid any conduct that might undermine the public trust
- Make objective, fair & impartial decisions
- Perform work assignments in a manner consistent with the Code of Ethics policy

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Employees are expected to review and comply with the DOH Code of Ethics policy.

Violations will result in corrective action in accordance with the Department's disciplinary standards.

Employees must avoid any conduct that might undermine the public trust, regardless of whether it is in the context of business, financial or social relationships.

Employees must make objective, fair, and impartial decisions, and must perform work assignments in a manner consistent with the Code of Ethics policy.

Slide 8 – What is conflict of interest?**What is conflict of interest?**

- A situation in which an employee's private interest interferes with a public interest or duty
- Might exist when an employee:
 - Has outside job or dual employment
 - Is involved in the ownership of, or employed by an organization that is subject to license or regulation by the Department

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Conflict of interest is a situation in which an employee's private interest interferes with a public interest or duty.

Conflict of interest might exist when an employee has an outside job or dual employment or when an employee is involved in the ownership of, or is employed by, an organization that is subject to license or regulation by the Department.

This section will help you to be able to avoid a situation which can cause conflict of interest.


Slide 9 – Gifts & Honorariums

Gifts & Honorariums



- What is a gift or honorarium?
- Can you accept a gift or honorarium?
- What is a prohibited source?
- When can you accept something from a prohibited source?

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One of the concerns that many employees have is whether to accept or reject a gift. Whenever gifts are offered, conflict of interest may be an issue. The next 7 slides will answer:

- What is considered a gift or an honorarium?
- How do you know whether you can accept it or not?
- What is a prohibited source? and
- Under what conditions can you accept something from a prohibited source?

This subject is important, because accepting a gift may be a serious violation of the Code of Ethics policy. You must be able to recognize and identify situations to avoid.

Slide 10 – Gifts & Honorariums

Gifts & Honorariums


Gift

- Something given to & accepted by a donee or by another on the donee's behalf, directly or indirectly
- Something which is paid or given to another, for or on behalf of, a donee, directly or indirectly

Honorarium

- Payment of money or anything of value for speaking appearances or articles
- An expense related to an honorarium event, paid to a person or the person's spouse

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First, some definitions. For the purposes of ethics in government and financial disclosure required by law, a gift is something given to and accepted by a donee, who is the receiver of the gift, or by another on the donee's behalf, or something which is paid or given to another for or on behalf of a donee, directly or indirectly.

An honorarium is the payment of money or anything of value for speaking appearances or published articles, or an expense related to an honorarium event paid to a person or the person's spouse.

Slide 11 – Gifts

Gifts

- Real property
- Tangible or intangible personal property
- Transportation
- Food or beverages
- Entrance fees, admission fees, or tickets to events, performances, or facilities
- Plants, flowers or floral arrangements

See DOHP 30-2 for a more complete list

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Gifts include, but are not limited to:

- Real property or the use of real property
- Tangible or intangible personal property, or the use of it
- Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking
- Food or beverages
- Entrance fees, admission fees, or tickets to events, performances, or facilities, and
- Plants, flowers or floral arrangements

See DOHP 30-2 for a more complete list.

Slide 12 – Not Considered Gifts

Not Considered Gifts

- Awards, plaques, certificates
- Honorary memberships
- Transportation provided for officially approved governmental business
- Gifts that are generally available to the public at large
- Personal use of frequent flyer miles and/or hotel bonus or reward points

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You should always be careful about accepting any gifts or honorariums, but there are situations that do not create a conflict of interest.

Here are some of the more common things that you are allowed to accept:

- An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service
- Honorary membership in a service or fraternal organization presented merely as a courtesy by such organization
- Transportation and expenses provided to a public officer or employee by an agency in relation to officially approved governmental business, unless the agency or

- organization is a prohibited source
- Gifts that are generally available for free, or at no cost, to the public at large, and
- Personal use of the frequent flyer miles and/or hotel bonus or reward points generated by your state-reimbursed travel

Slide 13 – Honorariums

Honorariums

- Employees are prohibited from accepting honorariums when the subject falls within
 - The scope & mission of the Department
 - The scope of the employee's official duties
- Honorariums received under these conditions may be donated to a state approved charity or CHD
- Any payment for honorarium event related expenses must receive prior approval

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Employees are prohibited from accepting honorariums or any other thing of value for speaking appearances or articles authored by the employee, when the subject falls within the scope and mission of the Department and within the scope of the employee's official duties.

This is regardless of whether the speech is given or the article was written during working or non-working hours.

Honorariums received under these conditions may be donated to a state approved charity or county health department under the Department's donation policy.

Employees receiving any payment for honorarium event related expenses must receive prior approval for such payment from the Department's ethics officer.

Slide 14 – Prohibited Sources**Prohibited Sources**

- Individual, group or organization with monetary interest in a matter pending before the Department
- Decline any gifts or honorariums from:
 - An entity providing goods or services or doing business with the Department under the contract or agreement
 - Lobbyist or principal of a lobbyist, including meals

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You may not accept gifts from prohibited sources. A prohibited source is defined as an individual, group or organization that has a monetary interest in a matter pending before the Department.

You must decline any gifts or honorariums from an entity providing goods or services or doing business with the Department under contract or agreement.

You must decline any gifts or honorariums, including meals or gifts, from a lobbyist or the principal of a lobbyist.

A lobbyist is defined as a person who tries to influence public officials on behalf of or against proposed legislation.

Slide 15 – If declining would publicly embarrass the giver...**If declining would publicly embarrass the giver...**

The gift or honorarium should be donated in the giver's name to a state approved charity, as approved under the Florida State Employees' Charitable Campaign, FSECC.

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If declining a gift would publicly embarrass the giver, the gift or honorarium should be donated in the giver's name to a state approved charity, as approved under the Florida State Employees' Charitable Campaign, or FSECC.

Slide 16 – Exceptions to Prohibited Sources

Exceptions to Prohibited Sources

- Gifts from your relatives
- On-site consumption of food or refreshments at event
- Gifts accepted on behalf of a governmental entity or charitable organization
- Gifts that are generally available to the public at large for free



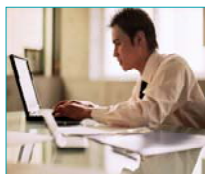
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There are items or opportunities from prohibited sources that you are permitted to accept but only under very specific conditions.

- First, gifts from your relatives. (The Code of Ethics policy 30-2 defines what is considered a relative)
- On-site consumption of food or refreshments during the time of a reception, meeting, or conference when attendance is appropriate to exercise official duties
- Gifts accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the ethics officer has approved such gifts, and their acceptance is processed in accordance with the Department's policy on donations, and
- Gifts that are generally available to the public at large for free or no cost to the public

Slide 17 – Secondary Employment

Secondary Employment



- What is secondary employment?
- What is dual & outside employment?
- What are the conditions under which secondary employment is allowed?



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Now we will talk about secondary employment in which conflict of interest may occur.

You are not allowed to accept another job without approval. On the other hand, you should also know when secondary employment is permitted.

In the next 4 slides, we will answer the following questions:

- What is it secondary employment?
- What are dual and outside employment?
- What are the conditions under which secondary employment is allowed?

Slide 18 – Secondary Employment

Secondary Employment

- Two types of Secondary Employment
 - Dual Employment
 - Outside Employment
- Must not interfere with your job for the Department
- Do not perform your second job while on the Department's clock
- Do not use Department space or equipment to perform your second job

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There are two types of secondary employment: dual employment and outside employment. We will define both in a moment.

With either dual or outside employment, there are certain rules that you must follow, which are:

- The secondary job must not interfere with your job for the Department
- It should not be performed while on the Department's clock, and
- You may not use Department space or equipment to perform your second job

Slide 19 – Dual Employment

Dual Employment

- A second job inside state government
- Employment in more than a total of one full-time established position
- Compensation of an employee simultaneously from any appropriation other than appropriations for salaries or by more than one state agency
- Prior approval is required for any dual employment or dual compensation

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Dual employment is a second job inside State Government. Forms of dual employment include:

- Employment in more than a total of one full-time established position, and
- Compensation of an employee simultaneously from any appropriation other than appropriations for salaries or by more than one state agency.

Prior approval from the Department's Ethics Officer is required for any dual employment or dual compensation.

Slide 20 – Outside Employment

Outside Employment

- Employment with local governments, state universities, or private sector employers simultaneous to the employee's primary employment
 - **Must not** constitute a real or apparent conflict of interest
 - **Must not** interfere with your ability & availability to perform your job responsibilities
- Outside Employment Request form must be completed & immediate supervisor notified

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The other type of secondary employment is called outside employment.

Outside employment is employment with local governments, state universities, or private sector employers simultaneous to the employee's primary employment. Any outside employment must not constitute a real or apparent conflict of interest. It must not interfere with your ability and availability to perform your job responsibilities with the Department, including scheduled work time and overtime requirements.

To request Outside Employment, an Outside Employment Request form should be completed and your immediate supervisor should be notified.

Slide 21 – Additional Considerations

Additional Considerations

- Children's Medical Services physicians cannot
 - Enter into contracts with the Department on behalf of any entity with which they are employed or have a contractual relationship
 - Compromise the ability of Department clients to choose between physicians associated by contract or employment with the Department & private physicians
- Teaching public health courses is secondary employment

Contact the Department's Ethics Officer for further information

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Additional considerations for secondary employment include those of Children's Medical Services physicians and of University-teaching practices. Children's Medical Services physicians cannot enter into contracts with the Department on behalf of any entity with which they are employed or have a contractual relationship, or compromise the ability of Department clients to choose between physicians associated by contract or employment with the Department and private physicians.

In addition, teaching public health courses in the University system is considered a second job.

Contact the Department's Ethics Officer for further information.

Slide 22 – Conclusion**Section 1 Conclusion**

- Avoid any conflict of interest
- Recognize situations in which you can accept or must reject a gift or honorarium
- Know your secondary employment options
- Read & comply with the Department's Code of Ethics policy

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We will conclude section 1 with a brief overview:

- You must avoid any conduct in which conflict of interest may occur
- Recognize situations in which you can accept or must reject a gift or honorarium
- Know your secondary employment options and comply with the policy, and
- You must read and comply with the Department's Code of Ethics policy

Slide 23 – End Slide**End of Code of Ethics Training
Section 1**

Please return to course
& complete Section 2

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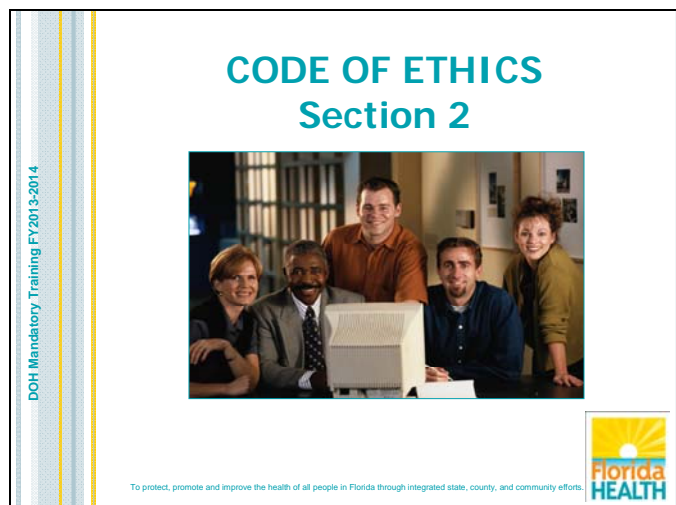
To protect, promote and improve the health of all people in Florida through integrated state, county, and community efforts.



This concludes the Code of Ethics Training section 1. Please return to the course and complete section 2.

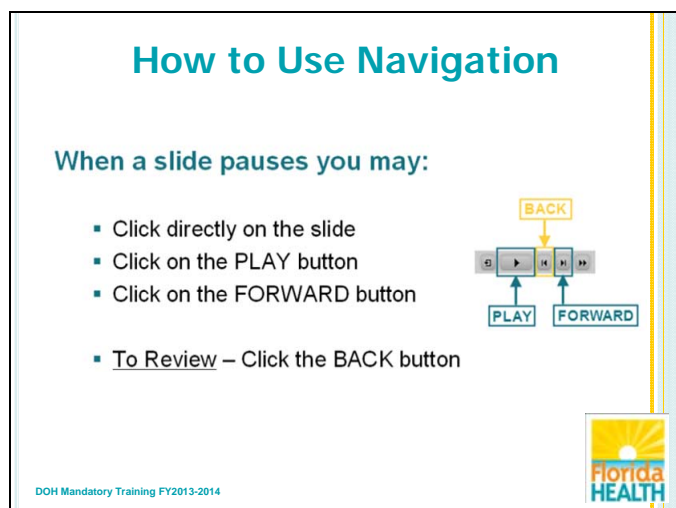
Section 2

Slide 1 – Introduction



Welcome to the Florida Department of Health's mandatory training, "Code of Ethics, Section 2."

Slide 2 – Navigation Slide



In order to make your training experience as easy as possible during the course of this self-paced DOH Mandatory Training course, we are providing these navigation instructions. When a slide pauses you can do one of three things to advance the presentation:

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You will need to advance the slide now.

Slide 3 – Section 2 Objectives

Section 2 Objectives

Describe the following terms and/or procedures:

1. Regulatory membership & participation
2. Prohibited referrals
3. Political activities
4. Solicitation
5. Nepotism

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At the end of Section 2, you will be able to describe the following Code of Ethics terms and/or procedures:

- Regulatory Responsibility in the Department
- Board membership and participation
- Prohibited Referrals
- Political Activities
- Solicitation, and
- Nepotism

Slide 4 – Section 2 Objectives

Section 2 Objectives

Describe the following terms and/or procedures:

7. Financial Disclosure
8. Specified Employees
9. Government in the Sunshine
10. Open Meetings
11. Public Records Requests
12. Records Retention

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You will also be able to understand Department of Health terms and/or procedures regarding the following:

- Financial Disclosure
- Specified Employees
- Government in the Sunshine
- Open Meetings
- Public Records Requests, and
- Records Retention

Slide 5 – Regulatory Responsibilities, Board Membership/Participation, Prohibited Referrals

Regulatory Responsibilities, Board Membership/Participation, Prohibited Referrals



- What is regulatory responsibility?
- What should I know about membership or participation on boards?
- What are prohibited referrals?

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Let us begin with regulatory responsibilities, board membership and participation, and prohibited referrals.

We will answer the following questions:

- What is regulatory responsibility?
- What should I know about membership or participation on boards?
- What are prohibited referrals?

Slide 6 – Regulatory Responsibility

Regulatory Responsibility

Duties or responsibilities which involve:

- Determination of whether an entity is in compliance with federal, state or local statutes or regulations
- Direct responsibility for the approval of purchases by the Department for an entity
- Custody, supervision, care or treatment of:
 - Prisoners
 - Inmates
 - Patients
 - Clients or other persons committed to a state institution

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Regulatory responsibilities are duties or responsibilities assigned to an employee by management which involve any of the following:

- Determination of whether or not an entity is in compliance with federal, state or local statutes or regulations
- Direct responsibility for the approval of purchases by the Department for an entity

Regulatory responsibilities also include the custody, supervision, care or treatment of the following:

- Prisoners
- Inmates
- Patients and
- Clients or other persons committed to a state institution

Slide 7 – If You Have Regulatory Responsibilities...

If You Have Regulatory Responsibilities...

Inform supervisor within 5 business days if you:

- Submit an application for employment with a DOH regulated entity
- Receive an offer of employment or contractual arrangement for remuneration from a regulated entity
- Receive a gift from a regulated entity
- Obtain a financial interest in a regulated entity

Your supervisor may remove you from regulatory responsibilities until matters are resolved



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If you have regulatory responsibilities in the Department as part of your position description, you must inform your supervisor within five business days if you do any of the following:

- Submit an application for employment with an entity regulated by the Department
- Receive an offer of employment or contractual arrangement for remuneration from a regulated entity
- Receive a gift from a regulated entity or
- Obtain a financial interest in a regulated entity

Your supervisor may remove you from regulatory responsibilities until the above matters are resolved.

Slide 8 – Membership/Participation on Boards

Membership/Participation on Boards

- Public interest is served when Department employees participate in public health-related boards
 - *Example: Healthy Start, Rural Health Network, Child Service Council*
- Decisions by Public health boards may have a direct or indirect impact on the Department
 - May result or appear to result in a conflict of interest
 - *Example: board decisions on funding, grants & policies*



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The Department believes the public interest is served when Department employees actively participate on local boards associated with public health.

These include, but are not limited to:

- Healthy Start
- Rural Health Network and the
- Child Service Council

Public health board decisions may have a direct or indirect impact upon the agency, and may result or appear to result in a conflict of interest. Examples of this include board decisions on funding, grants, and policies.

Slide 9 - Membership/Participation on Boards

Membership/Participation on Boards

- Ensure participation **does not**:
 - Violate law or Code of Ethics policy
 - Create conflict of interest or the appearance of conflict of interest with employment with the Department
- Avoid signing contracts involving the Department as a representative of the board
- Refer to Code of Ethics policy to ensure participation does not create a conflict of interest

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Employees participating on these boards have the responsibility to ensure that their participation does not:

- Violate law, Code of Ethics policy, or
- Create a conflict of interest or the appearance of a conflict of interest with their employment with the Department

Additionally, employees should avoid signing any contracts involving the Department of Health as a representative of the board. Refer to the Code of Ethics policy to guide your decisions to ensure participation does not create a conflict.

Slide 10 - Membership/Participation on Boards

Membership/Participation on Boards

- Determine if a board on which you serve must comply with the Sunshine, Public Meeting & Open Records Laws
 - Confer with your supervisor & servicing human resource office about requirements for advisory board participation compliance
- Acceptance of a board appointment may include personal financial responsibilities & liabilities.**

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You should be concerned about whether a board on which you serve must comply with the Sunshine, Public Meeting, and Open Records Laws. There are exceptions for participating on advisory boards for regulated entities. Confer with your supervisor and servicing human resource office as to the requirements for compliance with such exceptions. Remember, acceptance of a board appointment may include personal financial responsibilities and liabilities.

Slide 11 – Prohibited Referrals

Prohibited Referrals

- **Employees may not** use their position with the Department to influence a referral
- **Employees may not** accept a referral from the Department to an employee or a member of the employee's business entity that has an "investment interest"

Exemptions to this policy may be made through the Department's Ethics Officer



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To ensure the integrity of the Department, employees may not use their position with the Department to influence a referral, and may not otherwise accept a referral from the Department to a business entity in which the employee or a member of the employee's immediate family has an investment interest. Immediate family includes:

- Spouse
- Child
- Child's spouse
- Grandchild
- Grandchild's spouse
- Parent
- Parent-in-law, or
- Sibling

Requests for exemptions to this policy may be made through the Department of Health's Ethics Officer.

Slide 12 – Prohibited Referral: Example

Prohibited Referral: Example

While acting as a purchasing agent for the Department or in another official capacity, you are prohibited from:

- Purchasing, renting or leasing any realty, goods or services on behalf of the Department from a business entity in which you, your spouse, or child own more than 5% interest, or
- For which you serve as an officer or director



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Here is an example of a prohibited referral to a family member:

While acting as a purchasing agent for the Department, or acting in an official capacity, you are prohibited from purchasing, renting or leasing any realty, goods or services on behalf of the Department from a business entity in which you, your spouse or child own more than 5% interest, or for which you serve as an officer or director.

Slide 13 - Prohibited Referral: Example

Prohibited Referral: Example

A physician may not refer a Department client to a medical facility in which they or their immediate family owns or has a financial interest.

Requests for exemptions to this policy may be made through the Department's Ethics Officer



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Here's another example.

A physician may not refer a Department client to a medical facility in which they or their immediate family owns or has a financial interest. Requests for exemptions to this policy may be made through the Department of Health's Ethics Officer.

Slide 14 – Political Issues

Political Issues



- What political activities are you allowed to participate in?
- How do you inform the Department that you want to run for political office?



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Now, we will move on to political issues. We will answer the following questions:

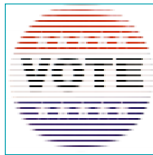
- What political activities are you allowed to participate in?
- How do you inform the Department that you want to run for political office?

Slide 15 – Acceptable Political Activities

Acceptable Political Activities

Outside of the work area & during off-duty hours, you can:

- Wear a badge or button
- Take an active part in political campaigns
- Display bumper stickers & posters



You are encouraged to vote and are entitled to administrative leave in accordance with state rules



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Employees are permitted to express their opinions on political subjects and candidates, but only outside of the work area and during off-duty hours. Under these conditions you can:

- Wear a badge or button
- Take an active part in political campaigns and
- Display bumper stickers and posters

Employees are encouraged to vote and are entitled to administrative leave in accordance with state rules.

Slide 16 – Prohibited Political Activities

Prohibited Political Activities

You cannot:

- Display political posters at the work site
- Solicit or accept a campaign contribution in a governmental building or office
- Favor or discriminate because of political opinions or affiliation



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You cannot:

- Display posters on political subjects, issues, or campaigns at the work site
- Solicit or accept a campaign contribution in a governmental building or office and
- Favor or discriminate with respect to state employment because of political opinions or affiliation

Slide 17 – Prohibited Political Activities

Prohibited Political Activities

You cannot:

- Use official authority or influence for the purpose of influencing a vote or political action
- Coerce employees to pay, lend, or contribute anything of value to a political party or committee

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In addition, you cannot use official authority or influence to secure an appointment to a position, an increase in pay, or other advantage in employment for the purpose of influencing a vote or political action or coerce employees to pay, lend, or contribute anything of value to a political party or committee. Under the Hatch act, employees in positions funded wholly or in part by Federal funds are not eligible for candidacy for partisan elective offices.

Slide 18 – Request to Run or Apply Requirements

Request to Run or Apply Requirements

You must:

- Submit a request to your supervisor
- Identify public office sought
- Summarize the following:
 - Duties & hours of work
 - Effects the duties will have on employee's regular duties
 - Amount of remuneration employee would receive if elected

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If you are interested in running for a political office, running for re-election, or are a political incumbent applying for a job with the Department, you must submit a request to your supervisor so that the request can be routed through the approval process.

- The written request must identify the public office sought and whether it is a partisan office
- It must summarize the duties and the hours of work involved in holding the office
- What effects, if any, the office or campaign duties will have on the employee's regular duties with the state, and
- The amount of remuneration, if any, that the employee would receive if elected

The approval process helps ensure that the candidacy does not involve a conflict of interest, and that the activity does not

interfere with the employee's state employment.

Slide 19 – Solicitation, Nepotism & Financial Disclosure

Solicitation, Nepotism & Financial Disclosure

Solicitation

- Make an appeal, request, or apply undue influence for contributions including monetary, materials or service

Nepotism

- Employment of relatives

Financial disclosure

- Regulations apply to many positions in the Department

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Next we will describe the Department's ethical policies on solicitation, nepotism, and financial disclosure. Solicitation is to make an appeal, request, or to apply undue influence for contributions including monetary, materials or service. Nepotism is the employment of relatives.

Financial disclosure regulations apply to many positions in the Department.

Slide 20 – Permissible Solicitation

Permissible Solicitation

Employees may:

- Solicit on behalf of children's school fundraisers before & after the normal work hours or during lunch
- Place non-offensive personal items for sale on bulletin boards and break rooms
- Participate in Department-approved activities relating to the Florida State Employees' Charitable Campaign (FSECC)

All solicitation for charitable organizations must be conducted during this annual campaign.

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Employees may:

- Solicit on behalf of children's school fundraisers before and after the normal work hours or during lunch
- Place non-offensive personal items for sale on employee bulletin boards and in employee break rooms as long as no state property, equipment, or services are used
- Participate in Department-approved activities relating to the Florida State Employees' Charitable Campaign or FSECC

All solicitation for charitable organizations must be conducted during this annual campaign.

Slide 21 – Soliciting Donations on Behalf of Clients

Soliciting Donations on Behalf of Clients

- Handled by volunteer coordinators or other staff who do not have any authority to make decisions that would benefit donor
- Processed in accordance with the Department's donation policy
- Established clear audit trail
- Approved by Department's ethics officer if donations are from prohibited sources

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Employees may solicit donations on behalf of clients, but only under limited conditions. Solicitation and acceptance of contributions for clients or on behalf of the Department from prohibited sources must be handled by volunteer coordinators or other staff who do not have any authority to make decisions that would benefit the donor.

Such contributions must be processed in accordance with the Department's donation policy and there must be a clear audit trail. The Department's ethics officer must approve all donations from prohibited sources. Questions regarding whether the donor is a prohibited source must be directed to the Department's local legal representative or ethics officer.

Slide 22 – Prohibited Solicitation

Prohibited Solicitation

- Do not solicit any gift or honorarium, regardless of value, if it is for personal benefit
 - Examples: Soliciting food or gifts such as cash donations, door prizes, or gift baskets, from local companies for agency or public events
- Do not use state facilities or state time to solicit for any personal or charitable purpose except for Department-approved activities related to FSECC

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Employees may not solicit any gift or honorarium, regardless of value, if it is for personal benefit. Examples include, but are not limited to:

- Soliciting food or gifts such as cash donations, door prizes, or gift baskets, from local companies for agency or public events

Employees may not use state facilities or state time to solicit for any personal or charitable purpose, except for Department-approved activities related to FSECC.

Slide 23 – Employment of Relatives: Nepotism

Employment of Relatives: Nepotism

Relative

- Individual who is related to a public officer or employee
- Examples: father, mother, son, daughter, or other family relationship

A public official or employee may not appoint, employ, or promote their relatives, nor can they participate in the appointment, employment, or promotion of their relatives.




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Now we will consider employment of relatives, or nepotism. A relative is defined as an individual who is related to a public officer or employee. This includes, but is not limited to, your father, mother, son, daughter, or other family relationship. See the Code of Ethics policy for a more comprehensive list of relatives.

A public official or employee may not appoint, employ, or promote their relatives, nor can they participate in the appointment, employment, or promotion of their relatives.

Slide 24 – Employment of Relatives: Nepotism

Employment of Relatives: Nepotism



- Employees who marry while employed must comply with these provisions
- Relatives may be employed in the same organizational unit
 - If in the best interest of the Department
 - With prior written approval



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Department employees who marry each other while employed by the Department must comply with these provisions. Relatives may be employed in the same organizational unit if it is in the best interest of the Department, but only with prior written approval. An organizational unit is defined as the lowest functional operational component of the Department.

Slide 25 – Financial Disclosure

Financial Disclosure



- Who must comply?
- What are the disclosure requirements?

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Now, we will look at the regulations for financial disclosure. A conflict of interest may occur when employees are in decision-making positions that affect their personal financial interests. This is why specified employees are required to publicly disclose their financial interests. We will answer the questions, “Who must comply with financial disclosure requirements?” and “What are the financial disclosure requirements?”

Slide 26 – Who must comply?

Who must comply?

All “Specified State Employees” must comply:

- State Surgeon General or Secretary
- Assistant Secretary
- Deputy Secretary
- Executive Director
- Assistant Executive Director
- Deputy Executive Director of State Department, Commission, Board or Council

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The Commission on Ethics has designated certain positions as “Specified State Employees,” which include, unless otherwise provided:

- The State Surgeon General or each appointed secretary
- Assistant secretary
- Deputy secretary
- Executive director
- Assistant executive director or
- Deputy executive director of each state department, commission, board, or council

Slide 27 – Who must comply?

Who must comply?

All “Specified State Employees” must comply:

- Division Director
- Assistant Division Director
- Deputy Director
- Bureau Chief
- Assistant Bureau Chief
- Person having the power normally conferred upon such persons

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Other specified state employees include the following:

- A division director
- Assistant division director
- Deputy director
- Bureau chief, and
- Assistant bureau chief of any state department or division or
- Any person having the power normally conferred upon such persons, by whatever title

Slide 28 – What are the disclosure requirements?

What are the disclosure requirements?

- By July 1 of each year, specified employees must submit a financial disclosure form to the Commission on Ethics
- Each newly appointed employee has 30 days from their hire date to file
- Financial disclosure
 - Reminds employees of their obligation to the public
 - Helps Floridians monitor the decisions by those who spend their tax dollars

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By July 1 of each year, specified employees must submit a financial disclosure form to the Commission on Ethics. Each newly appointed employee has 30 days from their hire date to file. Financial disclosure helps to remind employees of their obligation to the public, and it helps Floridians monitor the decisions by those who spend their tax dollars.

Slide 29 – Open Meetings, Public Records, Records Retention

Open Meetings, Public Records, Records Retention



- What does “Government in the Sunshine” mean?
- How may the public request records?
- What are the regulations for records retention?

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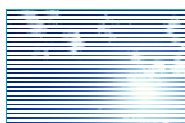
Now we will review the Code of Ethics policies on open meetings, public records and record retention. We will answer the questions:

- What does “Government in the Sunshine” mean?
- How may the public request records?
- What are the regulations for records retention?

Slide 30 – Government in the Sunshine

Government in the Sunshine

- An ethical government requires accountability
- Accountability depends upon open access to information
- When the public is denied the right to know, accountability may be sacrificed



Florida Constitution guarantees all Floridians a right of access to government meetings & records.

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An ethical government requires accountability, and accountability depends upon open access to information. When the public is denied the right to know, governmental accountability may be sacrificed. The Florida Constitution guarantees all Floridians a right of access to government meetings and records.

Slide 31 – Government in the Sunshine

Government in the Sunshine

- The Department is committed to an open government
- Code of Ethics policy is governed by the “Government-in-the-Sunshine Law”

The policy does not guarantee access to all information, as some information must remain confidential.



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The Department of Health is committed to a public policy of open government. The Department's Code of Ethics policy is governed by the “Government-in-the-Sunshine Law” but the law does not guarantee public access to all information. Some information must remain confidential.

Slide 32 – Open Meetings

Open Meetings

- Access to governmental proceedings at state & local level
- Equally applicable to elected and appointed boards
- Applied to any gathering of two or more members of the same board to discuss any matter which will foreseeably come before that board for action



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The law provides a right of access to governmental proceedings at both the state and local level. The law is equally applicable to elected and appointed boards. It has been applied to any gathering of two or more members of the same board to discuss any matter which will foreseeably come before that board for action.

Slide 33 – Open Meetings

Open Meetings

Open meetings requirements:

- Meetings must be open to the public
- Reasonable notice must be given
- Minutes must be taken

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There are three basic open meetings requirements:

- Meetings of public boards or commissions must be open to the public
- Reasonable notices of such meetings must be given and
- Minutes of the meetings must be taken

Slide 34 – Open Meetings

Open Meetings

- Meetings covered include
 - Employee grievance committees
 - Advisory councils
 - Interviews with more than two interviewers
 - Purchasing or bid evaluation committees
 - Collective bargaining negotiations
- Questions?
 - *Government-in-the-Sunshine Manual*
 - Department's legal counsel

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Meetings covered under the law include, but are not limited to:

- Employee grievance committees
- Advisory councils
- Interviews with more than two interviewers
- Purchasing or bid evaluation committees, and
- Collective bargaining negotiations

If you have any questions regarding open meetings, refer to the *Government-in-the-Sunshine Manual* or the Department's legal counsel.

Slide 35 – Public Records Request

Public Records Request

- Anyone may make a written or oral public records request
- Record custodians may not impose unreasonable restrictions on accessing or copying records
- Custodians cannot refuse to permit the inspection or copying of records on grounds that the request is excessive or lacks particularity

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According to Florida Statutes:

- Anyone may make a written or oral public records request without showing any special interest or purpose
- Record custodians may not impose unreasonable restrictions on accessing or copying records
- Custodians cannot refuse to permit inspection or copying of records on grounds that the request is excessive or lacks particularity

Slide 36 – Public Records Request

Public Records Request

- There are regulations regarding
 - Charging reasonable costs to the requestor
 - Exemptions from public records requirements
- If a custodian determines a record is exempt, state the basis for the refusal
- Reasons include disclosure of a client's health record or revealing a Social Security Number
- Confidential information must be removed from the document

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There are regulations regarding charging reasonable costs to the requestor, and there are exemptions from public records requirements. If a record custodian determines record is exempt from disclosure, she or he must state the basis for the refusal to disclose. Reasons for this can include, but are not limited to:

- Disclosure of a client's health record or revealing a person's Social Security Number

In these cases, the confidential information must be removed from the document prior to disclosure.

Slide 37 – Records Retention

Records Retention



- You are responsible for maintaining records you create
- Keep records in an orderly fashion in case a public records request is made




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Remember, you are responsible for maintaining the records you create. This includes electronic records such as e-mail. Make sure you keep records in an orderly fashion so if a public records request is made, the records can be located quickly.

Slide 38 – Records Retention

Records Retention

- Ensure confidential records are in secured locations or locked
- When sending confidential records to storage, clearly mark boxes "Confidential"
- Records retention schedules available
- Never destroy a record without prior approval



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If you are responsible for confidential records, you must ensure these are in secured locations or locked at all times. When sending confidential records to storage, clearly mark boxes "confidential." Records Retention Schedules can be found in the Department's Records Management policy or by calling your local records liaison officer. You should never destroy a record without prior approval from the proper authority.

Slide 39 – Questions?

Questions?

If you have questions about the Code of Ethics policy, or to enquire about a possible exception to the policy, contact:

- Servicing human resource office or
- Department of Health Ethics Officer at (850) 245-4005

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If you have questions about the Code of Ethics Policy, or to learn more about possible exceptions to the policy, please contact your servicing human resources office, or the Department's ethics officer at 850-245-4005.

Slide 40 – End Slide

End of Code of Ethics Training Section 2

Please continue to the course and
take the post-test.

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To protect, promote and improve the health of all people in Florida through integrated state, county, and community efforts.



This concludes the Code of Ethics training, presentation. Please return to the course and take the post-test.