

 <p style="text-align: center;"><b>County of Sacramento</b>  <b>Department of Health Services</b>  <b>Division of Behavioral Health Services</b>  <b>Policy and Procedure</b></p>	Policy Issuer (Unit/Program)	BHS-CMH-YDF
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Title: Conflict of Interest, Incompatible Activities	Functional Area: Personnel	
Approved By:		
Matthew Quinley, LCSW Health Program Manager	Christopher Eldridge, LMFT Mental Health Program Coordinator	

**Background/Context:**

The Department of Health Services (DHS), Division of Behavioral Health Services (DBHS), Juvenile Justice Institutions Mental Health Team (JJIMHT) is committed to ensuring the highest standards of personal integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in public institutions.

DHS, through its health and social services delivery systems, is mandated and has delegated authority to grant resources, provide protective and health services and, under specific circumstances, the statutory requirement to petition civil courts to restrict, limit or terminate individual privileges and/or rights, including parental rights. Due to the nature of their employment duties, DHS employees are in inherently unequal relationships with those served, either through direct service delivery or indirectly by having access to information and special knowledge about the youth, adults and families served.

All DHS employees are expected to act in a manner ensuring the authority delegated them is exercised appropriately. While DHS does not wish to pry into the private lives of or to discourage the private industry of employees, it is incumbent on the DHS to intercede when an employee's outside activities appear to be incompatible or in conflict with the employer's duties or the interests of the DHS.

**Definitions:**

Employee: includes all civil service employees, temporary employees, consultants, volunteers and exempt officers in the DHS.

Conflict of Interest: generally defined as any activity or relationship which is, or may appear to be, in conflict with the employee's County employment or the Department's interests.

Economic Interest: defined as any fee, monetary or financial gain, loans, barter agreements, or benefit, directly or indirectly from or by reason of, any dealings with or service for familial or self-interest. This includes but is not limited to investments, business

positions, interests in real property and reportable sources of income of the person and his/her family members.

Private Interest: any tangible benefit accruing directly to the one with a conflict of interest or indirectly through associates, related organizations, friends or family members. Tangible benefits can include direct financial rewards, improved employment, social positioning, public recognition, advocacy and publicity, business referrals or political influence.

Income: a payment received including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, loan, forgiveness or payment of indebtedness or contribution to an insurance or pension program paid and including and community property interest in income of a spouse.

Relative: for the purpose of this policy, is any person who is related to the employee up to three generations previous, whether by blood or marriage.

**Purpose:**

The objective of this policy and procedure is to clarify the definition of conflict of interest, to serve as a guide to assist JJIMHT employees, contractors and volunteers to avoid conflict of interest and outlines a process for employees to identify relationships and affiliations that must be disclosed as potential conflicts of interest.

**Details:**

California Government Code Section 1126(a): A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his/her duties as a local agency officer or employee or with the duties, functions or responsibilities of his/her appointing power or the agency by which he/she is employed.

It is impossible for the Department to be aware of all existing or possible conflict of interests; the following are guidelines for employees.

1. Multiple Relationships
  - A. Employees should avoid any conduct that would lead a reasonable person to conclude that the employee might be biased or motivated by personal relationships in the performance of their duties.
  - B. Whenever feasible, employees should avoid professional relationships when a pre-existing non-professional relationship is present.
  - C. Employees who are paid conservators, In-Home Support Services (IHSS) care providers and/or foster care providers should disclose this information to their manager to ensure the dual roles are not in conflict with any County, Departmental or Division policy to prevent the perception of impropriety.

- D. Employees of the Senior and Adult Services Division cannot be IHSS providers nor have any contact with a case in which they have a relationship whether friendship or familial with the IHSS provider.
2. Private Interests
- A. Employees should not allow their private interests, whether personal or financial to conflict or appear to conflict with their professional duties and responsibilities.
- B. Employees should avoid professional matters where they have a private financial or personal interest. If a situation does arise where such a conflict may exist, employees should consult their Division Manager and take steps to eliminate any potential or real conflict.
- C. Employees should not solicit other County employees, whether subordinates or peers, or other County business partners or utilize any County resources, physical offices during or outside of business hours, electronic communication, information technology systems or meetings where the employee represents the County, to promote an employee's private outside activities.
- D. Employees must not use or access confidential information or non-confidential information by virtue of county employment for personal gain or advantage, or for the personal gain or advantage of another person.
3. Employee Relationships with Individuals Served by the Department
- A. Employees are not knowingly to solicit, buy or sell goods or services, of any kind to participants in programs offered by the employee's Division or any entity that provides allied services to that Division.
- B. Employees who are also landlords and business owners are not to handle cases of individuals for whom they are renting property or with whom they are conducting business. Employees are not to use their position to coerce their current or potential tenants or business clients.
- C. It is the responsibility of the employee to be proactive by considering and identifying areas of potential conflict prior to making commitments in a matter of private, financial or personal interest.
- D. An employee may not accomplish indirectly through another person that which he/she is prohibited from doing for personal gain or advantage or for the private gain or advantage of another. Employees placed in this position are encouraged to come forward, with no concerns of retaliation or pressure, to speak with a supervisor or manager regarding this type of concern.
- E. Employees are not to use their position or authority to advantage their relatives, friends or provide unauthorized services or information to prospective bidders on any contract which would provide such bidders with an undue competitive advantage.
- This does not preclude an employee from assisting their relative in applying for assistance or helping to resolve problems in a neutral fashion on the employee's own time.
- F. Employees shall not engage in sexual activities with current or former clients and shall not accept as clients persons with whom they have previously engaged in sexual activities.

4. Economic Interest
  - A. Employees may not own a financial interest in, or be employed by, any agency, non-profit corporation or any other business providing services under contract with DHS for which the employee is in a position to influence decisions related to purchases or contracts for services, or gain access to information which could provide an advantage to the person in present or future relationships with DHS.
  - B. Employees may not make referrals of persons the employee serves in a public capacity to him/herself for services in an off-duty capacity or to the practice of any agency, business or association with which he/she has an employment or financial relationship.
  - C. Employees shall not engage in outside activities on County work time which results in the employee not devoting his/her full-time attention and efforts to his/her duties during work.
  - D. An employee involved in selecting a vendor for DHS may not subsequently become employed by the successful bidder as outside employment concurrent with his/her County employment, or acquire a financial interest in that enterprise while the vendor's contract or services are in effect.
  - E. An employee may not work for, or own a financial interest in, an organization that is supported by funds approved or administered by the employee's division.
5. Employing Relatives
  - A. Employing relatives in positions in which a supervisory relationship exists is strongly discouraged.
  - B. Such relationships may be permitted only with the advance approval of the supervisor's Division Manager.
6. Gifts
  - A. Employees shall not solicit, receive, accept or pass on to other persons, any gift (money, service, gratuity, favor, entertainment, hospitality, loan or any other item of value) from anyone doing or seeking to do business of any kind with DHS, or whose activities are subject to regulation, inspection, supervision, licensing or certification by DHS.
  - B. Employees shall not engage in circumstances from which it reasonably could be substantiated or clearly appears that accepting a gift was intended to influence the employee in his/her official duties or was intended as a reward for any official action performed by the employee.
  - C. Employees are not to accept, directly or indirectly, any gift(s) in excess of \$50 annually from anyone doing business with or seeking to do business with DHS or whose activities are regulated or controlled by DHS.
  - D. All favors must be courteously declined and gifts accepted must be returned, except for inexpensive advertising items bearing the names of firms, such as pencils, pens, calendars, notepads, mugs or other items of little material value.
  - E. Perishables, candy, fruit basket, pastries, etc. of value shall be given to a charity or shared with others in the office and the person who sent the item(s) should be informed of this action.
7. Employee Responsibilities

- A. Employees must be knowledgeable of the guidelines and conditions that determine incompatible activities in order to serve the best interests of DHS and the public.
  - B. An employee who engages or wishes to engage in any employment or activity which he/she believes might be in violation of this policy and procedure, or might otherwise be considered inappropriate or in violation of the applicable government codes, must receive a written determination from his/her Division Manager that such employment or activity is not incompatible with the employee's duties within the department.
  - C. An employee is to advise his/her supervisor immediately of any attempt by any person to influence favorable action, preferential treatment, collusion or sharing of privileged information by the department.
8. Penalties for Conflict of Interest, Incompatible Activities
- A. An employee may be subject to a disciplinary action or related personnel action for a violation of prohibited incompatible activities. The severity of the action taken will depend in part upon the gravity of the violation, any adverse consequences to the department caused by such action, the potential for harm to the department or the seriousness of the particular activity.
  - B. Employees have the right to appeal through his/her supervisory channel the application of this policy to his/her individual situation.

**Reference(s)/Attachment(s):**

DHS-7-8-Incompatible Activities

**Related Policies:**

BHS-CMH-YDF-09-01-Countywide Personnel Policies and Procedures

BHS-CMH-YDF-08-02-DBHS Compliance Program

BHS-CMH-YDF-09-12-Performance Evaluations

**Contact Information:**

Christopher Eldridge, LMFT, Mental Health Program Coordinator, (916)876-9339,  
[eldridgec@saccounty.net](mailto:eldridgec@saccounty.net)