



Martin Luther King, Jr.  
OUTPATIENT CENTER

POLICY AND PROCEDURE

<b>DIVISION:</b>	ADMINISTRATION	<b>NUMBER:</b>	04-005
<b>SUBJECT:</b>	<b>CONFLICT OF INTEREST</b>		
<b>SECTION:</b>	HUMAN RESOURCES	<b>PAGE:</b>	1 OF: 2
<b>REVIEWED BY:</b>	HR ADMINISTRATORS P&P COMMITTEE, AND ADMINISTRATION	<b>EFFECTIVE DATE:</b>	10/01/07
<b>TO BE PERFORMED BY:</b>	ALL WORKFORCE MEMBERS	<b>REVIEWED DATE:</b>	03/12/15
		<b>REVISED DATE:</b>	04/25/17

**PURPOSE**

To govern activities which may be in conflict with and which may adversely affect a workforce member’s job duties and responsibilities for the Department of Health Services (DHS).

**POLICY**

Under State law, no County workforce member may make, participate in the making or in any way attempt to use his/her official position to influence any governmental decision in which he has a financial interest. A workforce member has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the workforce member or a member of his/her immediate family or on:

1. Any business entity in which the workforce member has a direct or indirect interest worth \$2,000 or more;
2. Any real property in which the workforce member has a direct or indirect interest worth \$2,000 or more;
3. Any source of income to the workforce member aggregating \$500 or more in value provided to, received by or promised to the workforce member within 12 months prior to the time when the decision is made;
4. Any business entity in which the workforce member is a director, officer, partner, trustee, employee or holds any position of management; or,
5. Any donor of, or any intermediary or agent for a donor of, a gift(s) aggregating \$360 (to be increased biennially based on the Consumer Price Index, per State law) or more in value provided to, received by or promised to the workforce member within 12 months prior to the time when the decision is made.

Exception: Honoraria (money given to a workforce member for guest speaking engagements) may be accepted if it has been approved by the Department Head or designee, in writing, prior to the engagement. Honoraria may be donated to a departmental program/unit to enhance provision of services.

**PROCEDURE**

Workforce members are prohibited from:

- Being involved in the decision to transfer or refer a paying patient to a private facility in which the workforce member has financial interest.
- Engaging or have any interest in any business or transaction, or incur any obligation which conflicts with or appears to conflict with or impairs his/her independent judgment in the discharge of his/her official duties.
- Accepting gifts, money, favors or other considerations for work he/she would be required or expected to perform in the regular course of his/her duties, which includes activities with persons or vendors doing business with the County.
- Using County equipment for other than County purposes, this includes, but is not limited to telephones, photocopiers, fax machines, Internet, and e-mail.
- Disclosing confidential information acquired or made available to him/her in the course of his/her employment with the County, or using such information for speculation or personal gain.

- Providing expert witness service that takes a position against the County in a legal action where the County is a party to the action.
1. All workforce members whose position or job responsibilities that are listed on the Departments' Conflict of Interest and Disclosure Code must complete a Statement of Economic Interests, disclosing those financial interests specified by the code.
  2. It is the workforce member's responsibility to disclose and report all potential conflict of interest situations, document the circumstances, and secure from the appropriate division head, consultation and approval for the procedure to be followed which will be designed to protect the Department, the workforce member and the public.
  3. Workforce members must report any potential conflict of interest situations or activities in accordance with DHS Policy 740, "Outside Employment/Incompatible Activity, Conflict of Interest and State of California Conflict of Interest and Disclosure Code, and Dual Compensation."

**HUMAN RESOURCES RESPONSIBILITY**

DHS Human Resources Managers shall establish procedures to include notification and written acknowledgement of this policy to incoming employees and to all employees on an annual basis. The Human Resources Performance Management Division is responsible for evaluating requests for disciplinary action, conducting investigations, providing consultation and initiating appropriate disciplinary action when requested by management.

Any workforce member found to be in violation of any provision of this policy will be subject to disciplinary action, including written warnings, reprimands, suspension, discharge or termination of services or contract.

**SUPERVISOR/MANAGER RESPONSIBILITY**

Supervisors/Managers are responsible for reviewing this policy with all workforce members under their purview at least annually.

Supervisors/Managers shall work together with workforce members to evaluate and determine if conflict of interest exists and to take appropriate corrective action.

**DEFINITION:** Workforce or Workforce member

Workforce member is defined as employees, volunteers, trainees, affiliates, students, and any other persons who perform work under the control of DHS, whether or not they are paid by the County.

**NOTED AND APPROVED:**

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Cynthia M. Oliver, Chief Executive Officer

Date

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Ellen Rothman, M.D., Chief Medical Director

Date

\_\_\_\_\_  
Lessie Barber, Nursing Director

Date

Signature(s) on File.

