

## HUMAN RESOURCES DIVISION

### HUMAN RESOURCE POLICY

#### HR-POLICY-15.0, CODE OF BUSINESS ETHICS AND CONDUCT

ISSUE DATE: JUNE 1, 2019

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**1.0 PURPOSE:** The Code of Business Ethics and Conduct (Code) communicates what is expected of all workforce members and contracted staff working at the Department of Medical Assistance Services (DMAS). It is a set of principles designed to alert employees and other workforce members about the conduct expected of them in the workplace. The Code provides guidance pertaining specifically to the quality of service, compliance with laws and regulations, policies and procedures, avoiding conflicts of interest, health and safety, human resources, interpersonal interactions, the protection and use of information, state property, and assets.

#### **2.0 ACRONYMS/DEFINITIONS:**

- Code—DMAS Code of Business Ethics and Conduct
- DHRM—Department of Human Resource Management
- DMAS—Department of Medical Assistance Services
- EMT—Executive Management Team
- HR—Human Resources Division
- OCS—Office of Compliance and Security
- OSIG—Office of the State Inspector General
- PHI—Protected Health Information
- Workforce Members—all classified and wage employees, student interns, temporary agency workers, contractors and consultants.

**3.0 COVERAGE:** This policy applies to all workforce members working at the Department of Medical Assistance Services (DMAS) including classified and wage employees, student interns, and temporary agency workers and contractors without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, veteran status, or other protected status or political affiliation.

#### **4.0 ROLES/RESPONSIBILITIES:**

- 4.1 EMPLOYEES**—All workforce members covered by the DMAS Code of Business Ethics and Conduct Policy are expected to follow the Code, as well as all laws, regulations, and published DHRM and DMAS policies and procedures. Proper business conduct includes appropriate interpersonal interactions and treating fellow workforce members

in a professional, courteous, respectful manner at all times at all levels. Failure to follow the Code, laws, regulations, policies and procedures may result in disciplinary action up to and including termination.

**4.2 TEMPORARY AGENCY WORKERS & CONTRACTORS**—Individuals working at DMAS through a temporary agency or as contractors must also follow all applicable aspects of the DMAS Code of Business Ethics and Conduct Policy.

**4.3 DIVISION DIRECTORS/MANAGERS/SUPERVISORS**—In addition to the expectations applicable to all employees and workforce members, members of management must demonstrate and actively promote a commitment to ethical, appropriate, professional respectful and legal behavior that is consistent with DMAS values. Managers and supervisors must:

- Ensure that employees under their supervision are aware of and follow all laws, regulations, DHRM and internal DMAS policies; know the procedures for reporting suspected or actual violations; and, encourage others to ask questions and to report actual or suspected violations without fear of retaliation.
- Never tolerate verbal or physical harassment (including sexual harassment), intimidation, bullying or threats of violence.
- Make all employment and promotion decisions without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, veteran status, or other protected status or political affiliation.
- Continually strive to build confidence and professionalism in every employee and colleague.
- Work to maintain open lines of communication so that the views of each employee and colleague may be considered and their opinions given proper consideration and respect.
- Apply the Code, laws, regulations, and policies fairly and consistently with all employees regardless of position level in the workplace.
- Review and evaluate each employee's performance periodically in an objective, fair, consistent, and uniform manner.
- Provide reasonable training opportunities to assist employees in building and maintaining professional skills.
- Keep information confidential regarding current and former employees, including information related to salary, performance, medical history, current health status, finances, and any information contained in state personnel files.

When an employee has a question regarding compliance with a law, regulation or policy, managers and supervisors must maintain the employee's confidentiality and each is responsible for taking steps to ensure the employee does not fear or experience retaliation. Managers and supervisors are also responsible for collecting accurate information regarding the employee's report and pursuing the correct process so that reports of violations or suspected violations can be further investigated. Managers and supervisors are also responsible for informing the employee regarding follow-up findings and discussing possible corrective action with the Division Director of Human Resources as needed.

**4.4 HUMAN RESOURCES**—Human Resources is responsible for distribution of this policy. The DMAS Division Director of Human Resources with the Agency Director and

members of the Executive Management Team (EMT) are responsible for interpretation and revision of this policy and training on the Code for all employees. Any disciplinary/corrective actions issued for violating this policy must be coordinated through the Division Director of Human Resources or his/her designee. Human Resources will provide guidance regarding the need for and appropriate level of corrective action.

**5.0 POLICY:** The Department of Medical Assistance Services (DMAS) is committed to providing the highest quality of service to its members, employees, vendors and other business associates and to living our mission and values of Service, Collaboration, Trust, Adaptability, and Problem Solving. Our goal is to provide service with integrity, responsibility and transparency in our dealings with internal and external customers, business partners, the decision makers to whom we are accountable. We are committed to serving the public while complying with all applicable state and federal laws, regulations, policies and guidelines. DMAS reserves the right to update/revise this policy as needed at any time at management's sole discretion.

**5.1 QUALITY OF SERVICE—**In order to ensure the highest quality of service, DMAS will employ properly qualified staff with the experience and expertise necessary to carry out their duties. Employees at all levels are expected to exemplify the Agency values. We will operate with a high degree of excellent customer service, demonstrate integrity, respect, responsiveness and competency in our actions and communications, foster an atmosphere of effective collaboration and trust with our customers and stakeholders, encourage innovation and require accountability.

**5.2 COMPLIANCE WITH LAWS/REGULATIONS/POLICIES—**Employees and other workforce members at all levels are expected to conduct business in full compliance with all applicable laws and regulations and with state and Agency policies. DMAS expects all employees, regardless of position, to be generally familiar with the applicable laws, regulations, and policies governing our areas of responsibility. Specifically, employees must:

- Maintain a high level of integrity in business conduct and avoid any conduct that could reasonably be expected to reflect adversely upon DMAS or state government.
- Conduct business ethically, truthfully, and competently and in compliance with all applicable laws, regulations and state and DMAS policies.
- Never discriminate against anyone based on race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, veteran status, disability or other protected status or political affiliation.
- Never accept money or anything of value from any provider, contractor, or recipient in order to influence any contract decision or any other action.
- Ensure that all Agency records, reports, statements, communications, and representations are accurate, complete, and truthful and that they comply with applicable laws, regulations and policies.
- Promptly report, on a confidential basis, to a member of management or to the DMAS Division of Human Resources, any violations or suspected violations of law, regulations, or policy, including this Code.
- Never tolerate any retaliation or other negative action against anyone who reports in good faith a concern or suspected violation.

**5.3 CONFLICTS OF INTEREST**—Employees are expected to act in the best interests of the Agency and to never misuse their positions at DMAS for personal gain. The Agency seeks to minimize any potential for conflicts of interest. Conflicts can undermine an employee's ability to act in the best interests of the Agency and, at the very least, call into question the trustworthiness of employees and possibly the Agency. Conflicts of interest may include:

- An employee or his/her family member accepting money or anything (meals, gifts, entertainment, transportation, etc.) of more than nominal value from any provider, contractor, or recipient, whether or not the stated purpose is to influence a contract decision, referral to a third party, or any other action the employee might take that could benefit the other party.
- An employee or his/her family member having any personal business interest (investment, ownership, or employment) that could be affected positively or negatively by actions the employee could take in his/her official capacity at DMAS.

Some employees are required to report annually, to the Secretary of the Commonwealth, any information that could be a possible conflict of interest. This is reported in a Statement of Economic Interests in the Virginia Ethics Council's Disclosure System. Employees not required to submit a Statement of Economic Interests must report to their Division Director or supervisor, and to the Division Director of Human Resources, any occurrence or situation that could be perceived as creating a conflict of interest for them. It is in the employee's best interests to make this report in writing for documentation purposes. In addition to these general guidelines, the Agency has specific rules intended to guard against conflicts of interest. These include the following:

- Employees must not accept outside employment, whether paid or unpaid, that is unknown to and not approved by the appropriate Division Director and Human Resources.
- Hiring supervisors must not hire or have a business relationship with a relative without making it known in advance to Human Resources and to the immediate supervisor.
- Employees must not be involved in business dealings on behalf of DMAS with any firm in which the employee has a family relationship that may constitute a conflict of interest.
- Employees must not invest in any organization that is a potential supplier, provider or contractor of DMAS without prior written approval. Requests for approvals must be submitted to the Agency Director's Office and Human Resources.
- Employees are required to report the existence of a conflict of interest to their immediate manager or supervisor and the Division Director of Human Resources.
- Additional reporting of business dealings on the Statement of Economic Interests form is required of some employees.

**5.4 CIVILITY IN THE WORKPLACE**—As stipulated in the Department of Human Resource Management's Policy 2.35, Civility in the Workplace, DMAS does not tolerate violent or inappropriate behavior at any time in the workplace. Prohibited conduct includes, but is not limited to making threatening remarks, causing physical injury to someone else, intentionally damaging someone else's property or acting aggressively in a way that causes someone else to fear injury. Everyone should use good judgment and promptly inform a member of management or Human Resources if behavior that could be

dangerous or violent is observed. All workforce members are responsible for abiding by all state and DMAS policies and procedures relating to prohibiting workplace violence and proper reporting procedures. Employees are accountable for adhering to DHRM's Policy 2.35—Civility in the Workplace. Please see the referenced policy for prohibited actions. Employees must refer to DMAS complaint procedures to register a formal complaint for review and investigation.

**5.5 HARASSMENT**—DMAS promotes a workplace free from harassment of any kind. Harassment is behavior that disrupts another employee in his or her work because of the employee's race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, veteran status or other protected status or political affiliation.

All workforce members at DMAS have the right to be free from improper or offensive conduct at work. Unwelcome, insulting, bullying or offensive remarks or actions have no place in the Agency and will not be tolerated. All workforce members are expected to treat fellow workforce members in an appropriate professional, courteous, respectful manner at all times. To maintain an atmosphere free of harassment and bullying, everyone has the following responsibilities:

- Understand and abide by all federal and state regulations and DMAS policies and procedures relating to workplace harassment, violence and bullying.
- Exercise good judgment in professional and interpersonal relationships with co-workers and other workforce members.

Sexual harassment can occur under many different circumstances. Sexual harassment is a form of sex discrimination under federal law. In general, sexual harassment occurs when:

- Requests for dates, sexual favors, or other verbal or physical conduct of a sexual nature serve as the basis for employment decisions.
- An intimidating, offensive, or hostile work environment results from unwelcome sexual advances, offensive jokes, or other insulting verbal, non-verbal and physical behavior.

All workforce members are accountable for adhering to DHRM Policy 2.35—Civility in the Workplace. Please see the referenced policy for prohibited actions and refer to DMAS' complaint procedures.

**5.6 HEALTH AND SAFETY**—DMAS promotes a safe and healthy workplace. DMAS provides training on health and safe work practices to reduce hazards. In addition, all employees must:

- Comply with all safety and health requirements established by DMAS and by federal, state, and local laws.
- Comply with all applicable environmental laws.
- Promptly report any accidents involving an employee or visitor resulting in injury or illness.



- Never participate in or permit the manufacture, sale, possession, distribution, or use of illegal drugs or the use of alcohol or abuse of controlled substances at work.
- Follow the Agency rules concerning smoking during work hours.
- Never participate in or permit gambling of any kind in the workplace.
- Report to Human Resources any practice or condition that may violate any safety or health-related rule, regulation, policy or standard.

**5.7 PROTECTION/USE OF INFORMATION, PROPERTY, AND ASSETS**—An important responsibility of the Agency is to properly use and care for all resources entrusted to it by Virginia taxpayers. Agency property and resources should be used primarily for business purposes. These resources include the public funds for which we are responsible, the property and equipment that we use, and sensitive and private information that we use and have access to in the course of carrying out our duties. Employees must:

- Be responsible and accountable for the proper expenditure of funds and for the proper use of state property and time.
- Follow documented DMAS internal control procedures in handling and recording all funds, property and resources. Employees are accountable for adhering to DMAS Policy 10.0 – Use of Internet and Electronic Communication Systems.
- Maintain and inventory supplies and fixed assets and keep them secure.
- Protect confidential and proprietary organizational information and never use or reveal such information except in the proper performance of duties in accordance with existing DMAS, state and federal privacy and security laws and policies.
- Comply with all applicable laws and regulations and with Agency policy in the handling of Protected Health Information (PHI).
- Never communicate or transfer any information or documents to unauthorized persons.
- Never permit the making of unauthorized copies of computer software or the use of unauthorized personal software on DMAS or other state-owned computer equipment.
- Report any observed misuse of property or time to management.

**5.8 NON-RETALIATION POLICY**—No disciplinary action or retaliation will be taken against any employee who, in good faith, reports to Human Resources or to the State Hotline, a perceived issue, concern, or violation of the Code. The "in good faith" requirement means an employee actually believes or perceives the information reported to be true. Individuals who raise concerns or who help the Agency resolve reported matters are protected against retaliation. Taking any action to retaliate against someone who reports, in good faith, a suspected violation of the Code is a violation of the Code and may result in disciplinary action. Anyone who uses the ethics and compliance program to spread falsehoods, threaten others, or damage another person's reputation will be subject to disciplinary action under the state's Standards of Conduct Policy 1.60.

## **6.0 PROCEDURES/INSTRUCTIONS:**

**6.1 REPORTING VIOLATIONS**—Employees who become aware of a violation of the Code must report the suspected violation to an appropriate person; failure to do so is a violation

of the Code and may result in disciplinary action under the state's Standards of Conduct Policy 1.60. For this purpose, there are multiple options. Employees may:

- Talk to someone in Human Resources. Human Resources staff members are familiar with the laws, regulations and policies that relate to the Code and will maintain confidentiality as needed.
- Speak with a supervisor or someone in management.
- Call the state Fraud, Waste and Abuse Hotline at **1-800-723-1615**. The Office of the State Inspector General (OSIG) administers the State Hotline to provide state employees and citizens an anonymous and confidential method to report suspected fraud, waste, abuse or corruption in Virginia Executive Branch agencies and institutions. Calls to the Hotline are not traceable or recorded and callers are never asked to provide their names. The operators of the Hotline are trained to assist in resolving questions and reporting concerns. No disciplinary action or retaliation will be taken against anyone for specifically calling the Hotline. All calls made to the Hotline will be investigated and responded to promptly. All allegations of wrongdoing will be carefully investigated before any action is taken. The rights of all staff, including anyone who is the subject of a Hotline call, will be respected and protected. The following types of complaints should be reported:
  - Illegal or fraudulent conduct
  - Waste of funds
  - Abuse of state property, time or resources
  - Gross mismanagement
  - Gross neglect of duty

OSIG coordinates State Hotline investigations with various state agencies. Depending on the nature of the report, OSIG staff, Agency internal auditors, or other appropriate investigative personnel may conduct investigations that come through the State Hotline.

At DMAS, Internal Audit investigates OSIG State Hotline referrals and coordinates its investigations with DMAS Human Resources when the subject of the investigation relates to state employees, Standards of Conduct, Commonwealth or Agency Human Resource policy, etc. OSIG investigative reports are not published on the OSIG website due to the sensitive nature of investigative reports; however, redacted copies of reports may be released upon request.

## **7.0 PROCESS INPUTS/OUTPUTS: N/A**

## **8.0 REFERENCES:**

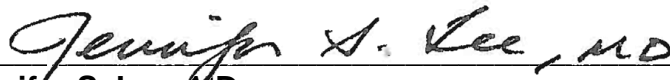
- Department of Human Resource Management Policy 1.60, Standards of Conduct
- Department of Human Resource Management Policy 2.35, Civility in the Workplace
- Department of Human Resource Management Policy Guide – Civility in the Workplace Policy 2.35 Prohibited Conduct/Behaviors
- Department of Medical Assistance Services Policy 10.0, Use of Internet and Electronic Communication Systems

## **9.0 FORMS/TEMPLATES:**

- Employee Acknowledgement Form – Code of Business Ethics and Conduct

## **10.0 DOCUMENT APPROVALS:**

**AGENCY DIRECTOR:**

  
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Jennifer S. Lee, MD

**LAST REVIEWED:**

June 1, 2019

**ISSUE DATE:**

June 1, 2019



## **HR POLICY 15.0—Code of Business Ethics and Conduct**

### **Certification and Acknowledgement**

I have received and read the DMAS Code of Business Ethics and Conduct Policy HR Policy 15.0 (Code). I understand that the Code applies to my employment and that following all laws, regulations, DMAS and DHRM policies, and the Code is a condition of my employment. If I have any matters to report under the Code, I will seek advice from my supervisor or Human Resources. Alternatively, I may call the Fraud, Waste and Abuse State Employee Hotline.

I realize that it is my responsibility to comply with the procedures and policies set forth in the Code. My signature reflects that I have received and read the Code of Business Ethics and Conduct, HR Policy 15.0.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Position Title: \_\_\_\_\_

Date: \_\_\_\_\_