

## **PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following Department rule:

### **Code of Ethics**

This rule is amended to synchronize department policy with that of the state Ethics Commission. In the amendment of this rule, consideration was given to: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by November 4, 2013 to Susan Bowler, Implementation Director for Policy and Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 ([Susan.Bowler@dcyf.ri.gov](mailto:Susan.Bowler@dcyf.ri.gov)).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by 25 persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

# Code of Ethics

Rhode Island Department of Children, Youth and Families

**Policy: 100.0160**

**Effective Date: February 11, 1991**      **Revised Date: ~~March 1, 2011~~ 2013**      **Version: 23**

The Department of Children, Youth and Families complies with Rhode Island General Law 36-14, which mandates that public officials and staff adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and do not use their position for private gain or advantage. All staff comply with standards outlined by the RI Ethics Commission regarding nepotism and favoritism, gifts, municipal and state property, use of confidential information, transactions with subordinates, outside employment, revolving door, awarding of contracts and acting as an agent before any public agency, board or commission.

## Related Procedure

[Code of Ethics](#)

## Related Policy

[Confidentiality](#)

[Confidentiality: Access to Information Contained in Departmental Service Records](#)

## Code of Ethics

### Procedure from Policy 100.0160: Code of Ethics

- A. Staff do not participate in any official action, decision or deliberation that affects his or her family members, business associates, outside employers or any business he or she represents. Staff do not hire, evaluate, supervise or participate in employment decisions affecting family members.
1. Family members include a spouse and any dependent children of any public official or public employee as well as a person who is related to any public official or public employee, whether by blood, adoption or marriage. Family members also include: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother and half-sister.
  2. Business associates include any person with whom staff has joined to achieve a common financial objective.
- B. Staff, his or her family members and business associates do not accept anything of value based on the understanding that the gift will influence judgment or official action. Staff:
1. ~~Never accept cash, debt forbearance or debt forgiveness of any amount;~~
  2. ~~May~~ accept other gifts having a value of \$25 per instance and \$75 per year as long as these gifts are not intended to influence his or her judgment or official action.
- C. Public property, vehicles, equipment and supplies are utilized only to serve a public purpose in conformance with each staff's official duties.
- D. Confidential information acquired in the course of official duties is not disclosed or utilized for financial gain. In all circumstances, staff comply with DCYF Policy 100.0000, Confidentiality and DCYF Policy 100.0005, Confidentiality: Access to Information Contained in Departmental Service Records.
- ~~E.~~ Staff complies with RI Ethics Commission rules regarding out of state travel.
- ~~E.F.~~ Staff do not accept outside employment that impairs independence of judgment in the conduct of official business or that would require disclosure or utilization of confidential information acquired in the course of official duties.
- G. Staff do not receive compensation to represent any person or organization before any board, commission or government entity over which he or she exercises fiscal or jurisdictional control unless he or she is acting as a representative of a duly certified bargaining unit, or the representation takes place in a state court of public record, or he or she is asking the governmental entity to carry out a mandatory duty that does not involve any discretion.
- ~~G.H.~~ Staff do not enter into any contract with state or local government unless that contract is awarded through an open and public bidding process that includes prior public notice and subsequent disclosure.
1. This prohibition also applies to family members, business associates and to any business that staff or their family members or business associates have a ten percent (10%) equity interest or a \$5000 or greater cash value interest.
  2. Procurement officials do not accept goods or services for personal use for less than fair market values from vendors or prospective vendors within a twenty four (24) month period.

- H.I. Except as described by the RI Ethics Commission, staff do not engage in financial transactions with subordinates, including private employment, loans, monetary, political or charitable contributions with any staff, contractor or consultant over whom he/she exercises supervisory responsibility.
- I.J. Staff direct any questions or concerns about the application of the RI Code of Ethics in the performance of his or her duties to the DCYF Ethics Officer, the Chief of Staff or staff seeks an Advisory Opinion from the RI Ethics Commission.
- J.K. Paragraphs A – I are consistent with American Correctional Association Standards 3-JDF-1C-21 and 3-JTS-1C-23.