

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURES		
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CONFLICT OF INTEREST		
<p>RATIONALE: This policy helps the Department of Health and Human Services make sure that the private or outside economic, social, or political activities of department employees, volunteers, contractors, and board members do not interfere, or have the appearance of interfering, with their duties and responsibilities as agents of the state or raise a reasonable question about the potential for such interference.</p> <p><i>Related Policies, Applicable Standards, Statutes: Utah Code 67-16-9; Utah Code 63G-24-301</i></p>		
Original Effective: July 2, 2022	Revision: September 30, 2025	Next Review Due: September 30, 2030

I. DESCRIPTION

This policy provides guidance and procedures for conflicts of interest. This policy supersedes any previous department policy governing this subject matter. It does not supplant any existing federal, state, or department laws/policies to which the department shall adhere.

II. DEFINITIONS

The following terms are defined for this policy as:

- A. **AEM:** Adobe Experience Manager; used to create, manage, publish, and update digital forms.
- B. **Agency management:** The designated officer, such as a supervisor, manager, or other official, who has the responsibility and authority to approve overtime and excess hours.

- C. **Board member:** Includes any nonemployee serving on a panel, board, council, committee, or commission in an advisory capacity to the department.
- D. **Conflict of interest:** A situation where a DHHS employee or board member's private or outside economic, social, political, or volunteer interests interfere (or have the appearance of interfering) with that employee's or board member's duties and responsibilities as an agent of the state.
- E. **Contractor:** An individual or entity that enters into a contract with DHHS to provide goods or services and is not a DHHS employee.
- F. **DHHS or department:** The Utah Department of Health and Human Services and collectively all its operational units.
- G. **DHRM:** The Division of Human Resource Management (DHRM) field office assigned to the Department of Health and Human Services.
- H. **OU:** Operational units within DHHS, including divisions, offices, or standalone operations whose director reports to the executive director, a deputy director, or an assistant deputy director. The Utah State Hospital and Utah State Developmental Center are considered OUs.
- I. **Potential conflict of interest:** Any situation where an employee or board member's private or outside economic, social, political, or volunteer activities rise to the level where there is a "substantial likelihood" that a conflict of interest could take place or exist.
- J. **Substantial interest:** The ownership, either legally or equitably, by an employee, volunteer, or board member, their spouse, or their children, of at least 10% of the outstanding capital stock of a corporation or at least 10% in any other business entity.
- K. **Supervisor:** An employee who has a direct report(s) and provides regular supervision and performance evaluation of an employee.
- L. **Volunteer:** A person who donates service to DHHS without pay or other compensation except actual and reasonable expenses incurred, as approved by the supervising agency.

III. POLICY

- A. General principles for all personnel
 - 1. No employee, contractor, volunteer, or board member shall accept employment, have substantial interest in a business of any kind, or participate in any activities, including volunteer activities, that are conflicts of interest.

2. Responsibility to comply with all applicable statute, orders, rules, and this policy rests with individual employees, contractors, volunteers, and board members.
3. The department shall take into consideration all relevant information that can help in the decision of whether a conflict or potential conflict of interest exists.
4. No employee, contractor, volunteer, or board member shall disclose information acquired by reason of department position for personal or another's private gain or benefit.

B. Policy for employees

1. Employees seeking to engage in employment outside their OU or activities that could be a conflict of interest or a potential conflict of interest shall supply relevant information regarding the activity or employment sought to be approved, as well as information regarding their work for the department.
2. Employees with an outside activity shall provide sufficient information to mitigate potential conflicts of interest, including the following disclosures:
 - a) The employee shall confirm that they will not refer a person receiving services from DHHS to the outside employer;
 - b) The employee shall disclose their employment with DHHS to the outside employer and inform the outside employer that they are prohibited from working with clients the employee currently or previously served as a DHHS employee;
 - c) For any person the employee serves in their capacity as a DHHS employee, the employee shall not provide services to the person or share information they receive from DHHS in their capacity at the outside employer; and
 - d) The employee shall attest that they have successfully completed confidentiality training required in both settings.
3. Agency management may direct an employee to modify or cease any outside employment or activity that may be a conflict of interest or potential conflict of interest, even if previously approved on a conflict of interest form.
4. Factors determining if a conflict of interest exists may include, but are not limited to, any one of these factors by itself constituting a conflict:
 - a) Being engaged in work for an outside employer during the same hours one is scheduled to be working for the department;

- b) Using, or attempting to use, department position to secure special privileges or exemptions for self or others;
- c) Accepting employment that would impair independence of judgment in the performance of public duties in a department position;
- d) Engaging in a business venture or working for an organization that is conducting business with the department or state;
- e) Engaging in any sort of dual relationship outside of an employee's OU across state government (for example, employment, contractor, or foster home);
- f) Using the department's resources or materials for purposes other than those required in the position held with the department;
- g) Finding oneself incapable of performing at full capacity in a department position because of fatigue, anxiety, or other impairments caused by outside employment; and
- h) Using state position or influence of power, authority, or confidential information received in a position, or on state time, with state equipment, property, or supplies for private gain.

C. Policy for volunteers and contractors: Volunteers and contractors shall submit the conflict of interest form at the end of this policy within one calendar week of their start date to the agency management they will report to for their tasks with DHHS.

D. Policy for board members

1. Board members shall submit the conflict of interest form at the end of this policy within one calendar week of their start date to the agency management they will report to for their tasks with DHHS.
2. Board members are governed by Utah Code 67-16 and 63G-24.
3. A board member shall not receive or agree to receive compensation for assisting a person or business in a transaction involving an agency unless the board member discloses the name and address of the board member and the agencies involved and provides a brief description of the transaction.
4. A board member shall not participate or receive compensation in respect to a transaction between the state and a business entity to which the board member is also an officer, director, or employee or owns a substantial interest, unless disclosure is made.

5. Potential conflicts of interest include any direct and immediate interest or relationship, including financial interest, with persons or businesses regulated by or directly affected by decisions of the board, or persons or organizations that may present requests or issues before the board. The interest of a spouse or other members of the immediate family or household or the interest of another person that is constructively controlled by the member is included in potential conflicts of interest.
6. Board members shall manage records that are "private," "controlled," or "protected," as defined under GRAMA in a manner that protects their confidentiality.

IV. PROCEDURE

- A. General procedures for all personnel
 1. Employees, contractors, volunteers, and board members shall complete the DHHS conflict of interest form upon hire or appointment, and annually by April 1, whether they engage in outside activities or not, and before engaging in any outside employment or any volunteer activity that could result in a conflict of interest or potential conflict of interest.
 2. DHHS employees, volunteers, and board members shall complete and submit a conflict of interest form before engaging in a department procurement request.
 3. The department shall file approved or denied conflict of interest forms in the employee's personnel file for employees, and the OU shall maintain them for nonemployees.
 4. Whenever an employee's, volunteer's, contractor's, or board member's position with regard to outside employment or activities changes, they shall file a new conflict of interest form before the change takes place, or within 30 days of such change if it is not possible to submit the conflict of interest form beforehand.
 5. The direct supervisor, if applicable, and the OU director shall review and resolve the conflict, if possible. DHRM may assist the OU, if necessary.
 6. Appeals regarding denial of outside activities shall follow these steps:
 - a) An employee who disagrees with a direct supervisor's denial of outside activities may appeal to the OU director for

reconsideration within 10 working days of the receipt of the denial; and

b) Appeals from an OU director decision may be made to the DHHS executive director or deputy director within 10 working days of the receipt of the decision. The decision of the executive director or deputy director is final.

7. OU directors or their designees shall provide training on conflict of interest approvals and potential conflicts specific to their OU. This shall be an annual training for all relevant personnel and provided to new supervisors during the onboarding process.

B. Procedures for employees

1. Employees shall submit the electronic conflict of interest form through the DHHS Forms (AEM) icon on their desktop.
2. Direct supervisors shall review their employees' conflict of interest forms to determine if outside activity constitutes a conflict of interest or potential conflict of interest within a reasonable time, but not more than 45 days.
3. Employees shall be informed of this policy by their supervisors and in new employee orientation.
4. Direct supervisors shall elevate potential or questionable conflicts of interest to their OU director, which shall be discussed or resolved in a meeting.
5. The department shall remind employees and their supervisors to complete the conflict of interest form at least annually, at the beginning of the new performance year.

C. Procedures for volunteers and board members

1. Volunteers and board members shall complete the conflict of interest form found at the end of this policy.
2. OUs shall incorporate conflict of interest form completion into their onboarding procedures for volunteers and board members.
3. Agency management shall notify volunteers and board members to complete conflict of interest forms and actively monitor compliance.

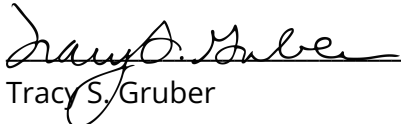
D. Procedures for contractors

1. Contractors shall complete the conflict of interest form found at the end of this policy.
2. Contractors shall submit a completed conflict of interest form to their agency management before becoming involved in activities that could be a conflict of interest.

3. Contractors who are not engaged in an activity that could be a conflict of interest or a potential conflict of interest shall submit a conflict of interest form attesting of this fact yearly by April 1 to their agency management.
4. OUs shall incorporate conflict of interest form completion into their onboarding procedures for contractors.

V. EXCEPTIONS

- A. The executive director may make exceptions to this policy, in accordance with procedures outlined in DHHS Policy 01-01.


Tracy S. Gruber
Executive Director

September 30, 2025

Date

**DEPARTMENT OF HEALTH AND HUMAN SERVICES CONFLICT OF INTEREST CLEARANCE
FORM FOR NONEMPLOYEES**

Section 1: Nonemployee declaration

Nonemployee name: _____

Nonemployee email: _____

Role (for example, board member, volunteer, contractor): _____

Operational unit/board/commission: _____

Description of duties/responsibilities in this role:

What type of potential conflict are you declaring?

- Outside activity
- Relationship
- Other (please provide more information)
- No conflict

Please provide additional information if you think it is relevant:

Did you receive or have you agreed to receive compensation from another person or business entity that may have a transaction(s) involving an agency, division, or Department of Health and Human Services?

- Yes
- No

If yes, please provide additional detail if you think it is relevant:

Where potential or possible conflicts of interest may exist, I will take the following steps to make sure no conflict occurs:

Signature

Date

Signatures attest reading and understanding this policy and related state regulations.

Section 2: Supervisor onboarding nonemployee

I have read the above and **agree**/ **disagree** (check the appropriate box) that it appears no conflict or potential conflict of interest exists. Comments or restrictions to make sure such a conflict cannot occur are listed below:

Signature (include job title)

Date

Section 3: Operational unit director

I have read the above and **agree**/ **disagree** (check the appropriate box) that it appears no conflict or potential conflict of interest exists. Comments or restrictions to make sure such a conflict cannot occur are listed below:

Signature

Date

Section 4: DHHS executive director (if necessary)

I have read the above and **agree**/ **disagree** (check the appropriate box) that it appears no conflict or potential conflict of interest exists. Comments or restrictions to make sure such a conflict cannot occur are listed below:

Signature

Date

Original: Nonemployee's file

Copy: Operational unit file