

DEPARTMENT OF HUMAN SERVICES  
JUVENILE JUSTICE SERVICES  
POLICY AND PROCEDURES

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| Policy No.: 01-02             | Effective: 05/87 | Revision Date: 05/26/2021 |
| Subject: Staff Code of Ethics |                  |                           |

**I. Policy Statement**

- A. Staff of the Division shall adhere to the regulations set forth in this *Staff Code of Ethics*, as well as complying with all other applicable sections of the Division's Policy and Procedure Manual.
- B. It's the responsibility of each staff to be knowledgeable about, and comply with, the provisions of this *Staff Code of Ethics*, the Division's Policy and Procedure, and all standards, practices, operations. Procedures and applicable public law with respect to the administration and management of the Division. Any staff who has questions about any law, policy or procedure, should contact their supervisor in order to obtain clarification.
- C. Staff Who violate this *Staff Code of Ethics* may be subject to disciplinary action, up to and including termination. The action taken will depend on the seriousness of the offense, the staff's past record, and consequences of the violation.
- D. As a general principle, staff both when on duty, and in some circumstances when off duty, are expected to not engage in conduct which adversely affects the efficient operation of the Division, could reasonably cause the public to lose confidence in the Division, or affects the staff's ability to adequately perform or discharge their professional duties. Staff who engage in such prohibited conduct may be subject to disciplinary actions.

**II. Rationale**

- A. Consistent with Utah Law and the Department of Human Resource Management rules, Department of Human Services rules and Division rules, the standards and procedures identified herein are designed to give notice to and define the rights and responsibilities of staff with regard to conduct; to assist in assuring consistent application of standards and procedures; to provide for an objective definition of acceptable conduct; to assure compliance with public law and to assist in the effective and efficient management of the Division.
- B. Staff shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position.

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- C. Unsatisfactory performance and/or conduct may be demonstrated by a lack of knowledge of the application of law required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the staff's grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other conditions deserving official attention; or absence without leave.

### **III. Definitions**

“Abuse of sick leave” shall constitute use of sick leave for any other purpose than that for which it is intended

“DHRM” is the Department of Human Resource Management.

“Division” is the State of Utah, Division of Juvenile Justice Services.

“Staff” is any person or persons employed by the Division on a full-time or part-time basis.

“Inappropriate personal relationship” is a relationship with an individual receiving services from the Division, or their immediate family members, including but not limited to, cohabitation, dating, engaging in sexual activities or sharing personal information that compromises a professional relationship.

'Immediate family' is an individual who a minor considers part of their family."

“Impairment” is the inability to competently perform assigned duties and responsibilities due to the consumption of alcohol or a controlled substance, which results in the presence of the controlled substance in the staff's body or in the intoxication of the staff.

“Supervisor” is a staff member who oversees and coordinates the activities of other staff and has the responsibility for performance evaluations of subordinates.

“Social Media” are websites and applications that enable users to create and share ideas, provide input, interact, and collaborate online. Examples of social media may include, but are not limited to blogs, vlogs, Facebook, Twitter, Tumblr, Tik Tok, Snapchat and Instagram.

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**IV. Procedures**

**A. Professional Conduct and Interactions with the Public and Allied Agencies**

1. Standards of conduct

Staff interacting with the public or with allied agencies shall adhere to the following standards of conduct:

- a. Staff shall not engage in conduct which undermines the efficiency of the Division, caused the public to lose confidence in the Division, or brings discredit upon the staff member, the State of Utah, the Department of Human Services, or the Division.
- b. Staff shall not engage in any act or conduct, which violates federal, state or local laws or ordinances.
- c. Staff shall treat all persons with dignity and respect. Staff shall not ridicule, mock, taunt, or belittle any person or group of persons; nor willfully embarrass, humiliate or shame any person.
- d. Staff shall be respectful, courteous and civil with the public and each other and shall not use vulgar, indecent, or profane language in the workplace or in any public place.
- e. Because the public health, safety and welfare may be adversely affected thereby, staff shall not engage in, aid, or encourage any form of sit-down, slow-down, or other form of work stoppage or strike affecting any of the Division's facilities or programs, for any reason, at any time.

2. Abuse of Position

The following apply to circumstances in which staff interact with the public or with allied agencies:

- a. Staff shall not use their official position, nor display their official identification cards, for the purpose of:
  - i. Personal financial gain.
  - ii. Obtaining privileges not otherwise available to them and not necessary for the performance of duty.
  - iii. Avoiding consequences of illegal acts, including citations for traffic violations.
- b. Staff shall not use their official positions to seek, nor accept if offered as a result of such official position, any free or reduced admission to places of amusement, sporting events or other activities, free meals, transportation, or any other favors or gratuities for personal use, gain or gratification.

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- c. Staff shall not sell, barter, trade or otherwise profit by the release of information or knowledge gained primarily as a consequence of their experience as an employee of the Division. All written material submitted to professional journals or other publications which contain or are based upon such information or knowledge must be approved by the Division Director prior to submission to the publisher.
  - d. Staff who accept invitations to address professional associations or similar organizations at conferences, conventions or events where the responsibility is clearly to present information regarding any dimension of operations of the Division must have prior approval from their Program Director (PD).
  - e. Staff may be permitted to accept a per diem award, honorarium or similar compensation for providing a service to any group or organization outside of State government only if:
    - i. The Division Director has given prior authorization.
    - ii. Such services, including preparation, are performed while the staff is on their own time and not being compensated by the State.
  - f. Staff shall not accept gifts, compensation, or other forms of reward regardless of dollar limit as outlined in (DHS Policy 02-03 Code of Ethics).
3. Commercial Testimonials
- a. Staff shall not permit their names or photographs to be used to endorse any product or service, which in any way is connected with official duties, without permission of the Division Director.
  - b. Staff shall not allow their names or photographs to be used in any commercial testimonial that alludes to their position or employment with the Division without permission of the Division Director.
4. Outside Compensation
- Staff Shall not accept compensation from any person or entity other than the State of Utah, for their performance of State duties except in cases of:
- a. Awards for meritorious public contribution publicly awarded.
  - b. Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by staff, with the approval of the director or deputy director, on their own time, for which they are not compensated by the State, and which is not prohibited by these regulations.

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5. Associating with Unlawful Activities

Staff Shall not knowingly visit, enter or frequent a house or other establishment wherein the laws of the United States, the State or local jurisdiction are regularly violated, except when required to do so in furtherance of official duties.

6. Financial Irresponsibility

a. As a general principle, the Division does not assert an interest in and will not interfere with the off-duty, purely-private financial responsibilities of its staff. However, otherwise private conduct of staff which rises to the level of financial irresponsibility so great as to interfere with staff's ability to perform their duties, does become a legitimate concern of the Division and may become a basis for disciplinary action.

7. Political Activity (Hatch Act UCA 67-19-19)

This section is intended to protect staff and the State from political exploitation and shall be interpreted to allow individual staff the broadest personal political participation as is consistent with competently performing their duties as employees of the State.

a. As a general principle, the Division does not assert an interest in and will not interfere with the off-duty, purely-private financial responsibilities of its staff. However, otherwise private conduct of staff which rises to the level of financial irresponsibility so great as to interfere with staff's ability to perform their duties, does become a legitimate concern of the Division and may become a basis for disciplinary action.

b. Staff may voluntarily participate in political activity subject to the following provisions:

i. Any staff elected to any partisan or full-time, non-partisan political office shall be granted a leave of absence without pay for the times when the member will receive monetary compensation for service in that political office; staff shall not engage in political activity during their scheduled hours of State employment; and staff shall not solicit political contributions from other staff during hours of employment.

ii. When a staff's principal employment is in connection with an activity which is financed in whole or in part by federal loans or grants (even if their salary is not paid by the federal program), they must comply with the Hatch Act (5 U.S.C. Sec. 1501-1508) and may not:

a) Be a candidate for public office in a partisan election.

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- b) Use their position and authority to influence or affect the outcome of an election or nomination.
    - c) Directly or indirectly coerce other staff to make contributions for political purposes.
  - iii. Any staff who is considering running for a partisan office shall submit a statement of intent to become a candidate to the Division Director **prior** to filing for candidacy.
    - a) The Division Director shall consult with the Executive Director and DHRM to make a determination whether the staff's intent to become a candidate is covered under the Hatch Act.
    - b) If a determination is made that the staff's position is covered by the Hatch Act, the staff may not run for a partisan political office.
    - c) If the staff is notified that their position is covered under the Hatch Act and still files for candidacy, the staff shall be subject to dismissal.
  - c. Any staff who learns of a violation of this section shall report it in writing to their immediate supervisor. The supervisor shall investigate and determine the validity of the allegation and assess the extent to which the activity was in violation of this section.
  - d. Staff in violation of this section may be disciplined up to termination of their employment.
  - e. Nothing in this section shall preclude a staff from making voluntary contributions to the party or candidate of the staff's choice.
- 8. Social Media
  - a. Staff shall not post, transmit or otherwise disseminate any information or knowledge gained primarily as a consequence of their experience as an employee of the Division, without permission of the Division Director.
  - b. While on duty, staff are prohibited from accessing personal social media from Department/Division owned computers, laptops or equipment or posting on social media using personal devices except in cases where it is part of their official job duties.
  - c. Staff may express themselves as private citizens on social media and are expected to not post any material which adversely affects the efficiency or day to day operations of the Division, could reasonably cause the public to lose confidence in the Division, or affect the staff's ability to effectively perform or discharge their professional duties. Staff who engage in such prohibited conduct may be subject to disciplinary action up to and including termination.

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**B. Professional Conduct with minors in the Care, Custody or Control of the Division**

1. Standards of Conduct

The following apply in circumstances in which staff interact with minors, or the families of minors, who are presently receiving services from, or are in the care, custody or control of the Division. This includes those who were previously in such a status with the Division and are in continuing jurisdiction of any human service or correction agency, until they have reached the age for majority (18) plus (6) months, or for a period of one (1) year after completion of Division services or release from the Division's custody, whichever is later.

- a. Staff shall treat all minors and their families with dignity and respect in all interactions.
- b. Staff shall not develop personal relationships with juveniles or their families. Appropriate relationships are encouraged (e.g., mentoring and tutoring). Any such relationships shall be approved in advance and in writing by the Assistant Program Director (APD) and case manager (when applicable) involved with the minor's case.
- c. Staff shall not compromise security of any Division facility or program as a result of communication or interaction with minors or their families.
- d. Staff shall maintain appropriate and respectful verbal and physical interpersonal boundaries with, and between, minors. Staff shall not engage in overt or subtle threats of harm, threats of sexual assault, disclosure of personal information, unreasonable invasion of privacy, voyeurism, discussion of matters of a sexual nature, correspondence or written communication of a sexual or overly personal nature, or applying pressure or coercion to engage in inappropriate behavior. Any such prohibited interactions may result in disciplinary action up to and including termination.
- e. Staff shall not loan or accept loans, gifts, gratuities, or other favors from Division volunteers or any minor or family member who is currently in custody, within one (1) year of release from custody, or before the minor is 18 years and six (6) months old, whichever is later.
- f. Staff shall not purchase items from, or sell items to minors or their immediate families.
- g. Employees shall not bring in items for minors in JJS programs without prior approval from the APD.
- h. Staff shall not discuss with any minor the actions or decisions of another staff.

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- i. Staff shall not discuss with minors, personal information about any staff. In addition, staff shall not discuss information about the operations of the Division which are not appropriate to be shared with minors. Staff shall use proper caution at all times concerning what they are saying, to whom they are saying it, and who can overhear what they are saying.
  - j. Staff shall not take minors out of a Division program or facility for any reason, except when directly required as part of their job duties.
    - i. Staff shall not transport youth or their families in personal vehicles, except in rare occasions with APD approval.
  - k. Staff shall bring their concerns to the attention of their supervisor if they have reason to believe that any of the following situations have arisen or might arise:
    - i. Any staff member developing any inappropriate relationships with minors or their families or their friends.
    - ii. Any staff member being subject to a conflict of interest due to a past or current personal relationship(s) with any minors or a minor's family.
    - iii. Any staff member being involved in a situation in which the staff member may be obtaining personal financial gain through the staff member's interactions with minors or their families.
    - iv. Any staff member potentially displaying impairment of professional judgment as a result of personal loyalties, beliefs, or values.
  - l. Staff shall not provide minors in the care, custody, or control of the Division with access to social media, unless specifically approved in writing by the PD.
2. Prohibited Relationships of Staff with minors:
- a. Staff shall not engage in any conduct which establishes, maintains or promotes a relationship of the staff with a minor or a minor's immediate family, which is not directly required as part of the staff's duties, and which will result in personal benefit or gain for the staff, or otherwise compromises a staff's professional role.
  - b. Such prohibited conduct includes, but is not limited to:
    - i. A minor or any member of a minor's immediate family living in a staff's personal residence, or any rental property owned or controlled by the staff.
    - ii. Any business dealing or arrangements between staff and a minor's immediate family.



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- iii. Staff sponsoring a minor for special activities such as home visits, outings other than Division sponsored and approved activities.
  - iv. Staff supervising, sponsoring or employing a minor for personal financial gain or benefit of the staff (e.g., work projects on personal property with or without pay, home visits, etc.) absent prior authorization from the supervisor.
  - v. Staff cohabiting or residing in the same residence with a minor within one (1) year of the minor's release from custody or before the minor is 18 years and six (6) months old, whichever is later.
  - vi. Staff are prohibited from interacting with a minor through social media or similar information technology methods, unless it is a part of their official job duties or approved in writing by the PD.
  - vii. Staff shall not share their own personal contact information (phone number, email or other) with minors receiving JJS services unless as part of their official job duties.
  - c. PD's must approve any other exception to this subsection in writing.
3. Respect of Civil/Legal Rights and Impartial Attitude
- a. All staff must conduct themselves impartially toward all persons interacting with the Division. Staff shall respect and protect the civil and legal rights of all minors and their families receiving services from the Division.
  - b. The Division recognizes and requires staff to respect the principle that by law all persons interacting with the Division are guaranteed equal protection under the law. Staff are prohibited from exhibiting partiality for or against a person interacting with the Division because of race, color, ethnicity, national origin, religion, creed, sex, gender, sexual orientation, gender identity/expression, disability, advanced age, or based on an individual's association with a person or group with one or more of these actual or perceived characteristics.
  - c. Staff are strictly prohibited from engaging in any form of harassment or other discriminatory treatment of minors or their families, including harassment and discrimination based on any of the characteristics described in paragraph "b".

**C. Professional Conduct in the Workplace**

- 1. Standards of Conduct
  - a. Staff shall perform their duties as required or directed by law, Division rule, policy, Division operations manuals, or by order of the supervisor.

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Staff shall promptly perform, as directed, all lawful duties required or directed by competent authority. Staff shall not knowingly issue any order which is in violation of any statute, ordinance, or Division policy/operation or rule. Obedience to any unlawful order is never a defense for an unlawful action; therefore, staff are not required to obey an order which is contrary to any law.

- b. Staff shall apply themselves to their assigned duties during the full schedule of time for which they are being compensated.
- c. Staff shall meet standards established in their individual performance plan and report conditions or circumstances that would prevent them from performing their job effectively or completing their assigned tasks. Staff shall bring to their supervisor's attention unclear instructions or procedures.
- d. The hours of all staff of the Division shall be regulated by the facility/program APD or PD who has the authority to call staff to return to duty at any time, regardless of the hours assigned to those staff. The PD, APD or other supervisor shall assign regular hours of duty for each staff.

2. Dereliction of Duty

- a. Dereliction of duty by any staff is prohibited and shall be grounds for disciplinary action, up to and including dismissal.
- b. Dereliction of duty shall include, but is not limited to:
  - i. Failure to obey lawful orders or willful repeated violation of any rule, regulation, or policy of the Division.
  - ii. Failure of staff with supervisory responsibilities to take timely action when a subordinate staff member's violation of laws or Division policy, rule or regulation comes to their attention.
  - iii. Failure to make a proper report or refusing to give a supervisor information, regarding any violation of law, Division policy, rule or regulation investigated, observed, or reported.
  - iv. Failure to report facts, information or evidence relative to a criminal offense, abuse, neglect or exploitation of a minor in the Division's care, custody, or control.
  - v. Sleeping on duty in any position while on compensated work time.
  - vi. Using sick leave in place of annual leave or comp time when the staff (or dependent family member) is not actually ill.
  - vii. Being tardy or "Absent Without Official Leave," including failure to report for duty at the time and place of duty or leaving a place of duty or assignment without authorization.

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- viii. An employee fails to contact management prior to the beginning of the scheduled workday if the employee is to be absent.
  - ix. Failure to maintain an approved work schedule.
  - x. Failure to support fellow workers or perform response duties in emergency situations or incidents that require physical interventions.
  - xi. Failure to comply with training requirements.
  - xii. Neglect of duty or substandard performance.
  - xiii. Displaying reluctance or competence to properly perform assigned duties or failing to assume responsibility.
  - xiv. Failure to intervene and stop prohibited physical force used by other staff or failure to report these incidents immediately to a supervisor.
3. Fitness for Duty
- a. Staff who are on duty or are reporting for duty, who display behavior that indicates they may have a medical condition or mental state that could result in direct threat to the health or safety of self or others, or who have health problems that have had a substantial injurious impact on a staff's job performance, may be required to undergo a Fitness for Duty Evaluation per DHRM Rule 477-1-1.
  - b. Staff shall maintain themselves in good physical condition, sufficient to ensure that the ability to perform their job is not impaired. Staff shall meet and complete the physical crisis intervention training requirements adopted by the Division.
4. Remaining on Assignment until Relieved
- a. Staff shall remain on their assignment and on duty until properly relieved by another staff, until dismissed by competent authority, or until completion of the assigned shift.
  - b. If not properly relieved by another staff at the completion of assigned shift, the staff shall not leave their post uncovered.
  - c. The staff, if not relieved, shall contact their immediate supervisor for instructions.
5. Prudent Use of Division Resources (Property & Equipment)
- a. Staff are expected to make prudent use of Division resources, including State funds, equipment, buildings and supplies.
  - b. Staff are responsible for the proper care of Division property and equipment assigned to them.

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- c. Staff shall notify their immediate supervisor of any defects or hazardous conditions existing in any Division equipment or property, and the notice of any significant defect or major hazardous condition should be submitted in writing if the supervisor is not available at the time.
  - d. Staff who intentionally or carelessly cause loss or damage to property may be required to pay for the loss or damage and may be subject to disciplinary action.
  - e. Staff shall not appropriate for their own use any Division property, evidence, or found/recovered property.
  - f. Staff are required to surrender all Division property issued to them upon separation from the Division.
  - g. Donations (money, services or property) from the community shall be considered to be property of the Division, not property of any staff.
  - h. Staff shall not use State vehicles for unauthorized or personal use.
  - i. Staff shall comply with DHS regulations concerning the use of Division information technology resources (DHS policy 06-04 Appropriate Use of IT Resources).
6. Use of Alcoholic Beverages or Intoxicants
- a. Staff, while on duty, are prohibited from consuming alcoholic beverages or otherwise using non-prescribed intoxicants and are prohibited from being intoxicated.
  - b. Staff shall not report to work under the influence of alcohol or other prescribed or non-prescribed intoxicants.
  - c. Either on or off duty, staff shall not consume alcohol or other intoxicants while on the premises of any Division facility or premises used by any Division program, nor on the premises of any State property where such consumption is prohibited by law.
  - d. Staff shall not consume alcohol while operating or riding as a passenger in a State-owned or leased motor vehicle, nor operate a State-owned or leased motor vehicle while under the influence of an alcoholic beverage or other prescribed or non-prescribed intoxicant.
  - e. Any off-duty staff who are called to respond for an emergency situation who have been using intoxicants shall inform the caller at the time of the request and ask to be excused from responding to the emergency. However, claiming to have been using intoxicants when none have been used in this circumstance, as a means of avoiding responding when called for an emergency, shall be considered dereliction of duty.

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7. Use or Possession of Drugs
  - a. Staff on duty shall not possess or use any controlled substance as defined in UCA 58-37-4, except when prescribed in the treatment of a staff by a licensed healthcare professional.
  - b. Staff shall not consume or use legal controlled substances or be under the influence of legal controlled substances, including prescription medication, while on compensated work time while treating minors, if such use or consumption will substantially impair the employee's judgment or job performance.
  - c. Staff shall not bring prescribed medications into any Division program, facility or vehicle, except in areas authorized by the APD (except for medications which are brought to the premises for purposes of being administered to minors in the care of the Division).
  - d. Staff shall not unlawfully cultivate, manufacture, dispense, possess or distribute any controlled substance or alcohol during working hours, on State property or while operating any vehicles.
  
8. Supervisor Response for Suspected Intoxication
  - a. Any supervisor who has reasonable suspicion that a staff is impaired, while on duty, as a result of the consumption of alcohol or a controlled substance, shall relieve the staff from their duties, place them in an office apart from other staff and contact Human Resources (HR) to request that a reasonable suspicion test be administered to the staff.
  - b. The odor of an alcoholic beverage on a staff's breath shall be reasonable grounds for a supervisor to relieve staff from duty and call for a test. The supervisor may also rely on other observations of impairment, such as slurred speech, changes in demeanor common to intoxication, staggering or other affected ambulation. The supervisor shall document and report to HR all observations concerning the appearance, behavior, speech or breath/body odors of the staff that leads them to believe the staff is impaired.
  - c. The supervisor shall follow the instructions provided by HR to have the reasonable suspicion test administered.
  - d. A staff who refuses to submit to a reasonable suspicion test shall be considered as a positive test result and will be subject to disciplinary action up to and including dismissal.
  - e. The staff will be placed on administrative leave with pay pending the results of the reasonable suspicion test.

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- f. A confirmed positive test of intoxication sufficient to impair job performance shall result in the dismissal of the staff absent extraordinary circumstances.
9. Endangering Conduct by Staff
- a. Staff are prohibited from engaging in any act or conduct, which constitutes a threat to the safety, welfare or health of self or others, or which substantially threatens the safety, security, or control of the Division's facilities or contracted programs.
  - b. Such prohibited conduct includes but is not limited to any of the following which have an endangering effect under the circumstances:
    - i. Improper use of equipment, material or supplies.
    - ii. Creating or contributing to unsanitary or unsafe conditions.
    - iii. The unauthorized use or possession of firearms, explosive or incendiary devices, or specific parts of the same, on Division property, in contracted programs or while on duty.
    - iv. The transporting, use or possession of any minor's property, materials or supplies, including letters (except as authorized within a staff's duties and provided such items are being managed consistent with established practice and procedures).
    - v. The unauthorized use, possession or duplication of any locking or restraining device or key.
    - vi. The unauthorized use or the misuse of official Division identification, including, but not limited to, picture identification.
10. Interference with Division Business
- a. Staff are prohibited from engaging in any act or conduct which interferes with Division business or work activities, or substantially distracts or disrupts any staff or volunteers in the performance of duties.
  - b. Such prohibited conduct includes, but is not limited to:
    - i. The unauthorized use of State-owned or managed property or facilities.
    - ii. Engaging in any activity or business on Division property or while on duty, when the activity or business is not directly in furtherance of duties for the Division, or is conducted for the benefit of either the staff personally or as an agent of any other agency or organization, without prior authorization from a supervisor.

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- iii. The removal or altering of any posted information without prior authorization or the distribution or posting in Division facilities of any written or printed material without prior authorization.
- iv. Staff engaging in any conduct which constitutes a conflict of interest as outlined in UCA 67-16-9 and Department of Human Services Policy 02-02 Conflict of Interest.
- v. Refusing to comply with an official review, inquiry, or administrative investigation.

11. Unlawful Conduct

- a. Staff shall not engage in any conduct which constitutes unlawful conduct under federal, state or local laws. Such prohibited conduct includes, but is not limited to:
  - i. The misuse or unauthorized possession or use of State property or the property of any person, including the theft, distribution, destruction or damage of such property.
  - ii. The unauthorized use or distribution, including the falsification, modification, or destruction, of any State record or document.
  - iii. Knowingly falsifying, signing or submitting a false report or entering any inaccurate, incomplete, false or improper information on the books, records or register of the Division.
  - iv. The unauthorized distribution or disclosure of confidential, private or privileged information.
  - v. Violating any State or federal laws (including the Government Records Access and Management Act, known as "GRAMA") that specify when and how minor clients, other agencies, and the public may inspect or copy the Division's records, including minor client records.
  - vi. Unlawful conduct which adversely affects the workplace, that directs staff or any other person to commit any act which constitutes a wrongful practice, including threatening, coercing or harassing any person, or the giving or receiving of money or any other goods, services or considerations in exchange for personal gain except where such practices are lawfully provided.
  - vii. Appropriating for personal or illegal use, any Division property, technology, evidence, or found/recovered property.
  - viii. Incurring a liability chargeable against the Division, without proper authorization.

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- ix. Participating in gambling, gambling fraud, gambling promotion, possessing a gambling device or record, or operating confidence games in violation of Utah Law or another jurisdiction. (See Utah Criminal Code 76-10-1101)
- b. If staff is under investigation for unlawful conduct by any law enforcement agency, the Division shall not be precluded from engaging in an administrative investigation or imposing disciplinary sanctions up to and including dismissal.
- c. Participation in unlawful conduct or knowingly permitting any unlawful conduct upon or in any facility, building, or other real property owned, rented, under the control of, or licensed by the State of Utah, whether in whole or part, is prohibited and may result in disciplinary action up to and including dismissal.
- d. The arrest or conviction of a staff for any criminal act shall be reported to the APD consistent with JJS Policy 01-08 Criminal Background Checks.

12. Conflicts of Interest

- a. Outside employment and conflicts of interest.  
The Department of Human Services Policy regarding Outside Employment – Conflict of Interest and “Public Officers & Employees Ethics Act” UCA, Chapter 16, Section 67.16.1-15 mandate the following conditions for outside employment:
  - i. No staff of the Division shall accept any employment, volunteer responsibilities or have substantial interest in a business of any kind that results in a significant potential for conflict of interest.
  - ii. All full-time staff, part-time staff, Division board members and volunteers shall annually complete a DHS Conflict-of-Interest form.
  - iii. Full-time staff who are employed or seeking employment with contracted providers for the Division shall complete the DHS Declaration of Outside Compensation form (DHS Policy 02-02 Conflict of Interest).
  - iv. When a staff accepts new outside employment or there is a change to outside employment activities, a new form shall be filed at least seven (7) days prior to the change.
  - v. Outside employment may only be permitted if the following conditions are satisfied: The outside employment shall not exceed 24 hours per week, the staff does not have the authority or ability to refer minors or their families to the outside employer, and Division scheduling needs have priority over outside employment.



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- vi. PD's, APD's, supervisors, and case managers are not permitted to work in outside employment for any DHS contracted provider. Exceptions may be considered for the completion of graduate practicum hours and clinical practice hours required for licensure by the Division of Occupational and Professional Licensing.
- b. Conflicts of interest other than outside employment. Staff shall avoid conduct and situations, other than outside employment, which constitute a conflict of interest. There are several factors which determine if there is a conflict of interest or a significant potential for such. Any one of the following factors by itself may constitute a conflict:
  - i. Being engaged in a volunteer or other service for any outside employer during the same hours one is scheduled to be working for the Division.
  - ii. Enrollment in an educational program that interferes with Division scheduling needs.
  - iii. Disclosing information acquired by reason of Division position for personal or another's private gain or benefit.
  - iv. Using, or attempting to use, a Division position to secure special privileges or exemptions for self or others.
  - v. Accepting employment or volunteer responsibilities which would impair independent judgment in the performance of public duties in Division positions.
  - vi. Finding oneself incapable of performing at full capacity in the Division position because of fatigue, anxiety, or other impairments caused by outside employment, volunteer or educational activities.
  - vii. Utilizing the Division's resources and materials for purposes other than those required in the position held with the Division.
  - viii. Involvement in an outside activity, which may require improper disclosure or use of confidential information.
- c. When staff are required by the responsibilities of their Division position to take an action or make a decision which could be interpreted as a conflict of interest, the staff shall declare the potential conflict and be excused by the administrative authority from so acting.

**D. Professional Conduct with Co-workers and Volunteers**

1. Standards of Conduct

- a. Staff shall be respectful, courteous and civil with other Division staff and volunteers and shall not use vulgar, indecent, or profane language when interacting with them.

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- b. Workplace Harassment is a violation of federal law under Title VII of the Civil Rights Act of 1964, Utah law, Utah Governor's Executive Order 2006-0012: Prohibiting Unlawful Harassment, and Rule R477-15, Workplace Harassment Prevention, of State DHRM Rules. Staff shall not engage in inappropriate or unprofessional sexual behavior in the workplace or in interactions with other staff or volunteers, which results in a hostile work environment, harassment, humiliation or intimidation. Such conduct may result in disciplinary action up to and including termination of employment.
2. Conduct Toward Supervisors, Subordinates and Associates
- a. Staff shall treat each other with respect. They shall be courteous and civil at all times in their relationships with one another. Staff are prohibited from engaging in harassment, humiliation or intimidation of any individual because of race, color, ethnicity, national origin, religion, creed, sex, gender, sexual orientation, gender identity/expression, disability, advanced age, or based on an individual's association with a person or group with one or more of these actual or perceived characteristics.
  - b. Staff shall not engage in behavior that violates Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, which prohibits discrimination in employment on the basis of race, color, creed, religion, sex, or national origin.
  - c. Staff shall not engage in behavior that violates the Age Discrimination Act of 1975 (Pub. L. 94-134) as amended, which prohibits discrimination on the basis of age.
  - d. Staff shall not engage in behavior that violates The Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability.
  - e. Staff shall not engage in inappropriate behavior that results in a hostile work environment, harassment, humiliation, or intimidation.
  - f. Supervisors shall not place themselves under significant financial obligation to staff under their supervision. Also, staff shall not place themselves in significant financial obligation to their supervisor. (This provision does not prohibit insignificant obligations, such as one person paying for an inexpensive shared meal, with the understanding that the other person will pay for a similar meal in the future).

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**E. Enforcement of Rules and Regulations**

1. Staff Responsibility
  - a. Division staff are responsible for reading the information contained in this Policy and all other applicable Division and Department policies and procedures to ensure knowledge and understanding of the rules, regulations and standards of conduct to which staff are required to adhere, and by which staff are required to function.
  - b. Staff shall be subject to disciplinary or other corrective action, including possible termination of employment, if it is found that they have participated in an act, conspired to commit an act, served as an accessory or accomplice in the commission of any act, or failed to report any act which violates this policy, other Division or Department policies and procedures or laws of the State of Utah or the United States.
  - c. Staff shall report in writing to the supervisor incidents or occurrences involving a violation of the rules, regulations and requirements set forth in this Code.
  
2. Division Responsibility
  - a. It shall be the responsibility of the Division's administrative staff and supervisors to actively train and support Division staff regarding this policy, and to enforce and adhere to the requirements of this policy and all other Division and Department Policies and Procedures.
  - b. Training and tracking systems will be used to increase, ensure, and document staff understanding of these requirements.
  
3. Disciplinary Proceedings for Violations of this Code of Ethics  
Disciplinary or other corrective action – including dismissal – for violations of this Code of Ethics, shall be taken in accordance with the policies and procedures of this Division and procedures outlined in the DHRM's rules.

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**V. Continuous Renewal**

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Division of Juvenile Justice Services Executive Management Team, and is approved upon the signature of the director.



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Brett M. Peterson, Director  
Division of Juvenile Justice Services

05/26/2021

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Signature Date