

**UTAH DIVISION OF JUVENILE JUSTICE AND YOUTH SERVICES  
POLICY AND PROCEDURES**

**Policy: 01-02**

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**CODE OF ETHICS**

**RATIONALE:** Consistent with Utah law, the Division of Human Resource Management (DHRM) rules, and Department of Health and Human Services (DHHS) policies and Division policies, 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 ensuring consistent application of standards and procedures; to provide for an objective definition of acceptable conduct; to ensure compliance with public law; and to assist in the effective and efficient management of the Division.

*Related Policies, Applicable Standards, Statutes: Title VII of the Civil Rights Act of 1964; Rehabilitation Act of 1973; 5 U.S.C. Sec. 1501-1508. The Hatch Act; Utah Code 67.16. Utah Public Officers' and Employee' Ethics Act; 63A-17-904. Political activity of employees; 58-37-4. Schedules of controlled substances; 67-16-9. Conflict of interests prohibited; 76-10-1101. Definitions*  
*DHRM rules DHRM Rule 477-8-16. Fitness for Duty Evaluations; R477-7-4. Sick Leave; R477-9-3. Conflict of Interest; R477-15. Workplace Harassment Prevention;*  
*DHHS Policy 01-02 Records Management and Access; 01-12 Appropriate Vehicle Use; 02-03 Code of Ethics and Conduct; 02-28 Conflict of Interest; 02-34 Employee Background Check Processing; 07-10 Appropriate Use of IT Resources;*  
*JJYS Policy 01-13 SAVE; 01-15 Donations; 02-03 Mandatory Training; 05-07 Physical Intervention Continuum; 06-01 Creation, Storage, and Retention of Juvenile Records*

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**I. DESCRIPTION**

It's the responsibility of the Division of Juvenile Justice and Youth Services (JJYS) staff to be knowledgeable about, and comply with, the provisions of DHRM rules, DHHS Code of Ethics and Conduct, JJYS Code of Ethics, the Division's policy and procedures, standards, practices, and operations. A staff member who has questions about a law, rule, policy, or procedure, should contact their supervisor in order to obtain clarification.

## II. DEFINITIONS

The following terms are defined for this policy as:

- A. **Abuse of sick leave:** Use of sick leave for a purpose other than that for which it is intended.
- B. **DHRM:** Division of Human Resource Management
- C. **Division:** State of Utah, Division of Juvenile Justice and Youth Services
- D. **Immediate family:** An individual a minor considers part of their family.
- E. **Impairment:** 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.
- F. **Inappropriate personal relationship:** 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.
- G. **Personal Information:** Includes non-work phone numbers, address, email, social media accounts, and contacts not associated with work. An employee's personal information, such as but not limited to, information about an employee's family, financial information, medical, or intimate information about their partner, family, or relationships.
- H. **Social Media:** A website or application that enables users to create and share content. Examples of social media may include, but are not limited to, blogs, vlogs, Tik Tok, and YouTube.
- I. **Social Network:** A website or application that enables users to communicate with one another by posting information, comments, and messages. Examples of social networks may include, but are not limited to, Facebook, Tumblr, X, and Instagram.
- J. **Staff:** A person employed by the Division on a full-time or part-time basis.
- K. **Supervisor:** A staff member who oversees and coordinates the activities of other staff and has the responsibility for performance evaluations of subordinates.

## III. POLICY

- A. Division employees shall adhere to the regulations set forth in the Division policy 01-02 Staff Code of Ethics and comply with all other sections of the Division's Policy and Procedures.
- B. Staff who violate the JJYS 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.

- C. As a general principle, staff, both when on duty and in some circumstances when off duty, shall not engage in conduct which could adversely affect the efficient operation of the Division, could reasonably cause the public to lose confidence in the Division, or impact the staff's ability to adequately perform or discharge their professional duties. Staff who engage in such prohibited conduct may be subject to disciplinary action, up to and including termination.
- D. Staff shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position.
- E. Unsatisfactory performance or conduct may be demonstrated by:
  - 1. A failure to comply with or perform the application of law required to be enforced;
  - 2. An unwillingness or inability to perform assigned tasks;
  - 3. An unwillingness or inability to complete mandatory training;
  - 4. The failure to conform to work standards established for the staff's position;
  - 5. The failure to take appropriate action on the occasion of a crime, disorder, or other conditions deserving official attention; or
  - 6. Absence without approved leave.

#### **IV. PROCEDURE**

- 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, causes the public to lose confidence in the Division, or brings discredit upon the staff member, the State of Utah, DHHS, 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 another person.
    - d) Staff shall be respectful, courteous, and civil with the public, each other and shall not use vulgar, indecent, or profane language in the workplace or in any public place.
    - e) Staff shall not refer to any person by using derogatory language in a manner that conveys bias against, disrespect

towards, or hatred of employees or minors within JJYS.

- f) Because the public health, safety, and welfare may be adversely affected, 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:
  - 1) Personal financial gain;
  - 2) Obtaining privileges not otherwise available to them and not necessary for the performance of duty; or
  - 3) 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, unless these are available to all State of Utah employees.
- 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 shall receive 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 if:
  - 1) The Division Director has given prior authorization; or
  - 2) 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 the dollar limit as outlined in DHRM rule R477-9-3. Conflict of Interest.

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; or
- b) Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by staff, with the approval of the Division 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.

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 as part of official duties.

6. Financial Irresponsibility

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 63A-17-904)

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

- a) Staff elected to 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.
  - b) 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:
    - 1) Be a candidate for public office in a partisan election;
    - 2) Use their position and authority to influence or affect the outcome of an election or nomination; or
    - 3) Directly or indirectly coerce other staff to make contributions for political purposes.
  - c) Staff 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.
    - 1) 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.
    - 2) 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.
    - 3) 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.
    - 4) Staff who learn 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.
    - 5) Staff in violation of this section may be disciplined up to termination of their employment.
    - 6) 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 and Social Networks
- a) Staff shall not post, transmit or otherwise disseminate 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 networks 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) While on duty, staff may access social media for programming purposes or with authorization from the APD. Staff shall not create content or comment on content while using state equipment and without authorization of the APD.
- d) Staff may express themselves as private citizens on social media and social networks and shall 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.

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 of majority (18 years plus six months), or for a period of one year after completion of Division services or release from the Division's custody, whichever is later. Staff shall:

- a) Treat minors and their families with dignity and respect in all interactions;
- b) Model positive behavior when interacting with minors and inform minors that threats of violence, actual violence, or disrespectful or suggestive comments or gestures towards a minor involved with JJYS services will not be tolerated;
- c) Division facilities shall provide a safe and non-discriminatory environment. Employees, contractors, or volunteers of the facility shall not prohibit or discourage and shall not exclude participation in any daily programming of minors solely on the basis of an

- individual's status in a protected class;
- d) Not develop personal relationships with minors or their families. Appropriate relationships as part of assigned job duties are encouraged (e.g., mentoring and tutoring). Any such relationship 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;
  - e) Not compromise security of a Division facility or program as a result of communication or interaction with a minor or their family;
  - f) 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. Such prohibited interactions may result in disciplinary action up to and including termination;
  - g) Not loan or accept loans, gifts, gratuities, or other favors from Division volunteers or any minor or family member;
  - h) Not purchase items from or sell items to minors or their immediate families;
  - i) Not bring in items for minors in JJYS programs without prior approval from the APD;
  - j) Respect and maintain the privacy of minors and protect their private information, including information about health, religious affiliation, sexual orientation, or gender identity, consistent with state law and regulations.
    - 1) Such information shall not be shared with other minors unless a minor indicates otherwise.
    - 2) Such information shall be shared with other division employees when determined to be therapeutically or medically necessary to ensure the minor's safety. Minors shall be informed that such information may be shared with other division employees (01-13 SAVE Policy).
    - 3) Such information may be shared as required by law.
  - k) Address discriminating or harassing behavior when they become aware that a minor is being subjected to harassment by employees, volunteers, contractors, or other minors and complete an incident report. If the



attempt to educate is not effective, staff shall notify their supervisor;

- l) Not discuss with a minor the actions or decisions of another staff;
  - m) Not discuss with a minor personal information about other staff. In addition, staff shall not discuss information with a minor about the operations of the Division that could negatively impact programming or safe and secure operations. Staff shall use caution at all times about what they say, to whom they say it, and who can overhear what is said;
  - n) Not take minors out of a Division program or facility, except when directly required as part of their job duties;
  - o) Not transport minors or their families in personal vehicles, except in rare occasions with APD approval.
  - p) Shall bring concerns to the attention of their supervisor if they have reason to believe that any of the following situations have arisen or might arise:
    - 1) A staff member developing an inappropriate relationship with a minor or a minor's family or friends;
    - 2) A staff member being subject to a conflict of interest due to a past or current personal relationship with a minor or a minor's family;
    - 3) A staff member being involved in a situation in which the staff member may obtain personal financial gain through the staff member's interactions with a minor or their family; or
    - 4) A staff member potentially displaying impairment of professional judgment as a result of personal loyalties, beliefs, or values.
  - q) Not gamble or barter or allow others to gamble or barter with minors or their families; or
  - r) Not provide minors in the care, custody, or control of the Division with access to social media or social networks, unless specifically approved in writing by the PD.
2. Prohibited Relationships:
- 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:
    - 1) 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;
    - 2) A business dealing or arrangement between staff and a minor's immediate family;
    - 3) Staff sponsoring a minor for special activities such as home visits, outings other than Division sponsored and approved activities;
    - 4) Staff supervising, sponsoring, or employing a minor for the personal benefit or financial gain of the staff (e.g., work projects on personal property with or without pay, home visits);
    - 5) Staff cohabiting or residing in the same residence with a minor;
    - 6) Staff shall not interact with a minor through social media and social networks or similar information technology methods, unless it is a part of their official job duties and approved in writing by the PD; or
    - 7) Staff shall not share their personal contact information (e.g., phone number, email, social media contact, social network contact, or other) with a minor receiving JJYS services.
  - c) Written approval by the PD is required for an exception to subsection V.B.2.
3. Respect of Civil and Legal Rights and Impartial Attitude
- a) 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 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.

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.  
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 member.

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 includes, but is not limited to:
  - 1) Failure to obey lawful orders or willful repeated violation of any rule, regulation, or policy of the Division.
  - 2) 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.
  - 3) 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.

- 4) 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.
- 5) Sleeping on duty in any position while on compensated work time.
- 6) Using sick leave in place of annual leave or comp time when the staff (or dependent family member) is not actually ill.
- 7) Being tardy or absent without approved leave, including failure to report for duty at the time and place of duty or leaving a place of duty or assignment without authorization.
- 8) Failure to contact management prior to the beginning of the scheduled workday if the employee is to be absent.
- 9) Failure to maintain an approved work schedule.
- 10) Failure to support fellow workers or perform response duties in emergency situations or incidents that require physical interventions.
- 11) Failure to comply with training requirements.
- 12) Neglect of duty or substandard performance.
- 13) Displaying reluctance or incompetence to properly perform assigned duties or failing to assume responsibility.
- 14) Failure to intervene and stop prohibited physical force used by other staff or failure to report these incidents immediately to a supervisor (05-07 Physical Intervention Continuum).

### 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 477-8-16. Fitness for Duty Evaluations.
- b) Staff shall maintain themselves in good physical condition, sufficient to ensure that their ability to perform their job is not impaired. Staff shall meet and successfully complete the physical crisis intervention training requirements adopted by the Division (05-07 Physical Intervention Continuum; 02-03 Mandatory Training).

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 a supervisor or APD, or until completion of the assigned shift.
  - b) If staff leave prior to the end of a scheduled shift, staff shall notify supervisor or APD for permission prior to leaving.
  - c) If not properly relieved by another staff at the completion of assigned shift, the staff shall not leave their post uncovered.
  - d) The staff, if not relieved, shall contact their supervisor or the supervisor on duty for instructions.
5. Prudent Use of Division Resources
  - 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.
  - 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. Keeping unauthorized state property may result in law enforcement being contacted.
  - g) Donations (money, services, or property) from the community shall be considered to be property of the Division, not property of any staff (01-15 Donations).
  - h) Staff shall not use state vehicles for unauthorized or personal use (DHHS policy 01-12 Appropriate Vehicle Use).
  - i) Staff shall comply with DHHS regulations concerning the use of Division information technology resources (DHHS policy 07-10 Appropriate Use of IT Resources).
6. Use of Alcoholic Beverages or Intoxicants

- a) Staff 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.

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. Schedules of controlled substances, 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 a controlled substance or alcohol during working hours, on State property or while operating any vehicles.

8. Supervisor Response for Suspected Intoxication
  - a) A 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 movement. The supervisor shall document and report to HR all observations concerning the appearance, behavior, speech or breath, and 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 administer the reasonable suspicion test.
  - 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 shall be placed on administrative leave with pay pending the results of the reasonable suspicion test.
  - f) A confirmed positive test of intoxication sufficient to impair job performance may be subject to disciplinary action up to and including dismissal.
9. Endangering Conduct by Staff
  - a) Staff are prohibited from engaging in any act or conduct that 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:
    - 1) Improper use of equipment, material, or supplies;
    - 2) Creating or contributing to unsanitary or unsafe conditions;
    - 3) 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;

- 4) 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);
- 5) The unauthorized use, possession, or duplication of any locking or restraining device or key; or
- 6) 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:
  - 1) The unauthorized use of state-owned or managed property or facilities;
  - 2) 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;
  - 3) 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;
  - 4) Staff engaging in any conduct which constitutes a conflict of interest as outlined in UCA 67-16-9. Conflict of interests prohibited and DHHS Policy 02-28 Conflict of Interest.
  - 5) Refusing to comply with an official review, inquiry, or administrative investigation.

#### 11. Unlawful Conduct

- a) Staff shall not engage in unlawful conduct under federal,



state, or local laws. Such prohibited conduct includes, but is not limited to:

- 1) 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;
  - 2) The unauthorized use or distribution, including the falsification, modification, or destruction of any state record or document;
  - 3) Knowingly falsifying, signing, or submitting a false report or entering inaccurate, incomplete, false, or improper information on the books, records, or register of the Division;
  - 4) The unauthorized distribution or disclosure of confidential, private, or privileged information; This includes accessing information not essential to performing job duties or for personal reasons.
  - 5) Violating 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 (JJYS policy 06-01 Creation, Storage, and Retention of Juvenile Records; DHHS policy 01-02 Records Management and Access);
  - 6) Unlawful conduct which adversely affects the workplace, that directs staff or any other person to commit an act which constitutes a wrongful practice, including threatening, coercing, or harassing a 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;
  - 7) Appropriating for personal or illegal use, Division property, technology, evidence, or found or recovered property;
  - 8) Incurring a liability chargeable against the Division without proper authorization;
  - 9) 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. Definitions)
- b) If staff is under investigation for unlawful conduct by a 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 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) Staff shall report to the APD within 10 calendar days when they have been cited, arrested, or convicted of a criminal act (DHHS Policy 02-34 Employee Background Check Processing).

## 12. Conflicts of Interest

- a) Outside employment and conflicts of interest. DHHS policy 02-28 Conflict of Interest and UCA 67.16. Utah Public Officers' and Employee' Ethics Act require the following conditions for outside employment:
  - 1) Staff shall not accept employment, volunteer responsibilities, or have substantial interest in a business of any kind that results in a significant potential for conflict of interest.
  - 2) Staff shall complete a DHHS Conflict-of-Interest form annually by July 1 (DHHS Policy 02-28 Conflict of Interest).
  - 3) Full-time staff who are employed or seeking employment with contracted providers for the Division shall complete the DHHS Conflict of Interest form (DHHS Policy 02-28 Conflict of Interest).
  - 4) When a staff accepts new outside employment or there is a change to outside employment activities, a new Conflict of Interest form shall be filed at least seven days prior to the change.
  - 5) Outside employment may 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.
  - 6) PD's, APD's, supervisors, and case managers are not permitted to work in outside employment for

any DHHS contracted provider. Exceptions may be considered for the completion of graduate practicum hours and clinical practice hours required for licensure by the Division of Professional Licensing.

b) Conflicts of interest other than outside employment. Staff shall avoid conduct and situations, other than outside employment, which may 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:

- 1) Being engaged in a volunteer or other service for an outside employer during the same hours one is scheduled to be working for the Division;
- 2) Enrollment in an educational program that interferes with Division scheduling needs;
- 3) Disclosing information acquired by reason of Division position for personal or another's private gain or benefit;
- 4) Using, or attempting to use, a Division position to secure special privileges or exemptions for self or others;
- 5) Accepting employment or volunteer responsibilities which would impair independent judgment in the performance of public duties in Division positions;
- 6) 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;
- 7) Using the Division's resources and materials for purposes other than those required by the position held with the Division; or
- 8) 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 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.
  - 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 DHRM Rule R477-15. Workplace Harassment Prevention.
    - 1) Staff shall not engage in sexual behavior in the workplace.
    - 2) Staff shall not engage in interactions with other staff or volunteers, which results in a hostile work environment, harassment, humiliation, or intimidation.
  - c) 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 or 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. 90-202) as amended, which prohibits discrimination on the basis of age.
  - d) Staff shall not engage in behavior that violates The Rehabilitation Act of 1973 (Pub. L. 93-112), which prohibits discrimination on the basis of disability.
  - e) 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).

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 DHHS 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 an act, or failed to report an act which violates this policy, other Division or DHHS 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 policy.

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 DHHS policies and procedures.
- b) Training and tracking systems shall 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 policy and DHHS 02-03 Code of Ethics and Conduct, shall be taken in accordance with the policies and procedures of this Division and procedures outlined in the DHRM's rules.

**V. Continuous Renewal**

This policy shall be reviewed every three 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 and Youth Services Executive Management Team, and is approved upon the signature of the director.



Brett Peterson, Director  
Division of Juvenile Justice & Youth Services

12/12/2024

Date