

DEPARTMENT OF VETERANS AFFAIRS ILLIANA HEALTH CARE SYSTEM
1900 East Main Street
Danville, IL 61832

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EMPLOYEE CONDUCT AND ETHICAL STANDARDS

I. PURPOSE: To provide supplementary instructions and information to the VA regulations section pertaining to “Employee Conduct and Ethical Standards.”

II. POLICY: All employees of the VA Illiana Health Care System will carry out their responsibilities by conducting themselves in a manner exhibiting honesty, integrity, impartiality and the highest of ethical behavior.

III. PROCEDURES: The following is a partial listing of certain ethical conduct requirements considered to be especially important and require the attention of all employees. This partial listing, however, does not relieve employees of their responsibility for adhering to other conduct requirements as set forth in the VA Regulations.

A. Employee/Patient Relations: Behaviors which could result in abuse, carelessness in rendering service, or a violation of instructions will not be tolerated. Specific behaviors referred to include, but are not limited to, emotional involvement with patients, sexual involvement with patients, and financial involvement with patients (including selling or buying of alcohol, drugs, and tangible or real goods or property).

1. Definitions:

a. Disorderly conduct is by an individual working in the organization intimidating others to the extent, quality and safety are compromised. These behaviors may be verbal or nonverbal and may involve the use of rude language, may be threatening, and may even involve physical contact. Anyone who works in the organization can display disruptive and inappropriate behaviors, including management, clinical and administrative staff, licensed independent practitioners, and governing body members. Essentially, then, any behavior interfering with the ability of others to effectively carry out their duties or undermine a patient’s confidence in the organization or another member of the health care team can be considered disruptive. In addition, some actions may not be considered disruptive when observed as isolated incidents could be classified as disruptive, if they are repeated over time and thus for a pattern of inappropriate conduct. Examples of disruptive behavior include the following:

- Profane or disrespectful language
- Demeaning behavior, such as name-calling
- Sexual comments or innuendo
- Inappropriate touching, sexual or otherwise
- Racial or ethnic jokes

- Outburst of anger
- Throwing of instruments, charts, or other objects
- Criticism of other caregivers in front of patients or other staff
- Comments undermining a caregiver's self-confidence in

caring for patients

- Failure to adequately address safety concerns or patient care needs expressed by another caregiver
- Intimidating behavior with the effect of suppressing input by other members of the health care team
- Retaliation against any member of the health care team who has reported an instance of violation of the organization's established code of conduct or who has participated in the investigation of such an incident, regardless of the perceived veracity of the report.

b. Emotional involvement refers to the relationship between an employee and a patient which exists outside the parameters of a therapeutic relationship known to the treatment team.

c. Any act of sexual gratification on VA property involving two or more persons who do not reside in quarters on the property, is prohibited. Acts of prostitution or solicitation for acts of prostitution on VA property is prohibited. For the purposes of this paragraph, an act of prostitution is defined as the performance or the offer or agreement to perform any sexual act for money or payment.

d. Financial involvement refers to the borrowing, lending, or acceptance of money or property (or anything of value) to/from any beneficiary or claimant of the VA.

e. Exceptions to above relationships are:

- (1) Those existing prior to or independent of the admission of the veteran to the facility, or;
- (2) When a familial relationship exists.

2. The employee will inform the supervisor immediately when he/she is aware a family member is a patient in the employee's assigned work area. Patients assigned to primary care will not have a family member assigned as part of the interdisciplinary teams. If this occurs, the interdisciplinary team will review to determine the reassignment of either the Veteran or staff member to another team.

3. The employee will not initiate or participate in any relationship with patients which could be harmful to the therapeutic environment for the specific patient or resulting in a non-therapeutic environment for other veterans in the same area.

B. Use or Sale of Alcohol or Illegal Drugs:

1. Illiana Health Care System employees are prohibited from:

a. Using alcohol or illegal drugs in any manner adversely affecting the employee's work;

b. Reporting for duty under the influence of alcohol or illegal drugs or drinking intoxicating beverages or becoming intoxicated while on duty;

c. Selling or attempting to sell alcohol or illegal drugs to anyone on VA occupied premises; and

d. Bringing into recreational, professional, or administration areas of the station, intoxicating liquors.

2. Conduct such as reporting for duty under the influence of alcohol or illegal drugs or having the odor of alcohol or illegal drugs about them or absence from duty because of use of alcohol or illegal drugs will not be tolerated and all supervisors are expected to take action promptly in the event violations occur. Supervisors who fail to observe and carry out the provisions of this policy are also subject to appropriate disciplinary action.

C. Political Activity: VA employees are permitted to actively campaign on behalf of any political party and certain candidates for elected office, but cannot use their official authority or influence to interfere with an election. This does not, however, restrict the right of employees to vote as they please or to express their personal opinion on political subjects or candidates when off duty. Further information on political activity and restrictions are set forth in Attachment A.

D. Gambling: No gambling will be allowed in administrative, professional, or recreational areas, regardless of whether employees are on or off-duty.

E. Abuse of Patients: Abuse of patients is a very serious offense and will not be condoned. Refer to MCM 11QM-05, Patient Abuse, and to MCM 11QM-4, Patient Incident Reporting Program.

F. Unauthorized Meals: Any employee who eats unauthorized meals, food nourishments, or beverages, or who takes Government-owned food items from the Illiana Health Care System is subject to appropriate disciplinary action.

G. Privacy Act of 1974: Under this Act, an employee may not collect or maintain information about any citizen (including, where applicable, employees, applicants, patients, etc.) dealing with the VA unless such information is relevant and necessary to the official purpose for which it was collected. No information which has been collected concerning a citizen may be disseminated except in the performance of official duty.

H. Health Insurance Portability and Accountability Act of 1996 – Title II, Administration Simplification, Privacy: Under this act, employees are responsible for

ensuring the protected health information (PHI) of veterans is used solely for the purpose of: treatment of the veteran, collection of due payment for services, or for facility healthcare operations (i.e., quality assurance reviews, root cause analysis reviews). Employees will not use PHI for any other purpose than the three provisions listed above and use must be consistent with duty responsibilities. In addition, it is the obligation of each employee to take appropriate measures to safeguard veteran PHI in order to prevent unauthorized disclosure.

I. Sexual Gratification on VA Property: It is prohibited to have sexual relations on government property. Refer to 38 CFR 0735 Standards of Ethical Conduct and Related Responsibilities.

J. Conflicting Financial Interests: An employee is prohibited by criminal statute, 18 U.S.C. 208 (a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person who's interests are imputed to him under predictable effect on that interest. Further information on the Conflicting Financial Interests is set forth in Attachment B.

IV. RESPONSIBILITIES:

A. Director is responsible for ensuring:

1 Local policy and procedures, consistent with the Handbook, are developed, published, and implemented, no later than February 28, 2015.

2 The following statement is signed by VHA health care professionals, as part of the VHA credentialing process, at the time a health care professional applies for appointment to the facility and at the time of reappraisal: *"I understand my professional obligations can be compromised by financial conflicts of interest; therefore, I will avoid conflicts or seek guidance in their management."*

B. Chief, Human Resources is responsible for ensuring assistance or information on conduct matters is provided to all employees, as needed or requested.

C. Service Chiefs and chairpersons of decision-making and advisory groups can (but are not required to) access the Centers for Medicare and Medicaid Service (CMS) Open Payments (Physician Payments Sunshine Act) website to view payments or other transfers of value made by industry to VHA health care practitioners who are within their area of responsibility (<http://www.cms.gov/openpayments/index.html>).

D. Supervisors are responsible for:

1. Informing and reminding employees about proper conduct and individual rules of conduct as necessary.

2. Ensuring employees understand their employee responsibilities.

3. Taking or recommending appropriate corrective action when employees violate their rules of conduct or fail to fulfill their employee responsibilities. Refer to the Disciplinary and Adverse Actions MCM #05-04.

4. Immediately report information of criminal allegations or violations occurring on VA premises to the VA Police service.

E. Employees are responsible for:

1. Understanding and adhering to the rules of conduct and their related responsibilities.

2. Discussing with their supervisor or Human Resources any questions they have regarding their conduct or responsibilities.

3. Immediately reporting any knowledge or information about actual or possible criminal behavior related to VA programs or operations to any of the following people: their supervisor, any management official, VA Police or the Inspector General's Office.

4. Employees are responsible to notify the supervisor of any prescription possibly impairing their ability to perform their duties.

V. REFERENCES:

- VHA Directive 5025; VA Handbook 5025; and Title 5, Part 735; 28 U.S.C 535
- MCM 00QM-05, Patient Abuse; MCM 05-17, Drug-Free Workplace Program; MCM 132-08, Firearms, Dangerous Weapons and Ammunition
- 5 CFR Part 2635, Ethical Conduct for Employees of Executive Branch
- Defusing Disruptive Behavior: A Workbook for Health Care Leaders, 2007, Joint Commission on Accreditation of Healthcare Organizations
- 38 CFR 1.218 - Security and law enforcement at VA facilities
- 38 CFR 0735 Standards of Ethical Conduct and Related Responsibilities

VI. RESCISSION: MCM 05-07, dated April 2012

/s/

Diana Carranza, FACHE
Acting Director

Attachment A

Guidelines for Federal Employees Covered Under the Hatch Act Amendments

The following list contains examples of both permissible and prohibited activities for covered employees. The Office of Special Counsel (OSC) is responsible for investigating reports or complaints concerning Hatch Act violations.

- May be candidates for public office in nonpartisan elections
- May register and vote as they choose
- May assist in voter registration drives
- May express opinions about candidates and issues
- May contribute money to political organizations
- May attend political fund raising functions
- May attend and be active at political rallies and meetings
- May join and be an active member of a political party or club
- May sign nominating petitions
- May campaign for or against referendum questions, constitutional amendments, municipal ordinances
- May campaign for or against candidates in partisan elections
- May distribute campaign literature in partisan elections
- May hold office in political clubs or parties
- May not use their official authority or influence to interfere with an election
- May not collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee
- May not knowingly solicit or discourage the political activity of any person who has business before the agency
- May not engage in political activity while on duty
- May not engage in political activity in any government office
- May not engage in political activity while wearing an official uniform
- May not engage in political activity while using a government vehicle
- May not solicit political contributions from the general public
- May not be candidates for public office in partisan elections
- May not wear political buttons on duty
- May not solicit or accept uncompensated volunteer services from a subordinate employee
- May not participate in partisan political activities, or display partisan political posters or banners, in the office of Federal employee labor organizations that are located on Federal premises

This list is intended to provide general information concerning permissible and prohibited activities. Before participating in any political activity that you are not sure is permissible, you should obtain advice. Further clarification can be obtained from the OSC on 1-800-85-HATCH (854-2824) or the Regional Counsel.

Attachment B

Guidelines for Federal Employees Covered Under 18 U.S.C. 208(a)

A. Direct and predictable effect.

1. A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have direct effect on a financial interest, however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have direct effect within the meaning of this subpart.

2. A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

B. Imputed interests. For purposes of 18 U.S.C. 208(a) and this subpart, the financial interests of the following persons will serve to disqualify an employee to the same extent as if they were the employee's own interests:

1. The employee's spouse;
2. The employee's minor child;
3. The employee's general partner;
4. An organization or entity which the employee serves as officer, director, trustee, general partner or employee; and
5. A person with whom the employee is negotiating for or has an arrangement concerning prospective employment.

FOURTEEN PRINCIPLES OF ETHICAL CONDUCT FOR FEDERAL EMPLOYEES

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests conflicting with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as permitted by the Standards of Ethical Conduct, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all financial obligations, especially those- such as Federal, State, or local taxes – that are imposed by law.
13. Employees shall adhere to all laws and regulations providing equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance they are violating the law or the ethical standards set forth in the Standards of Ethical Conduct. Whether particular circumstances create an appearance the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.