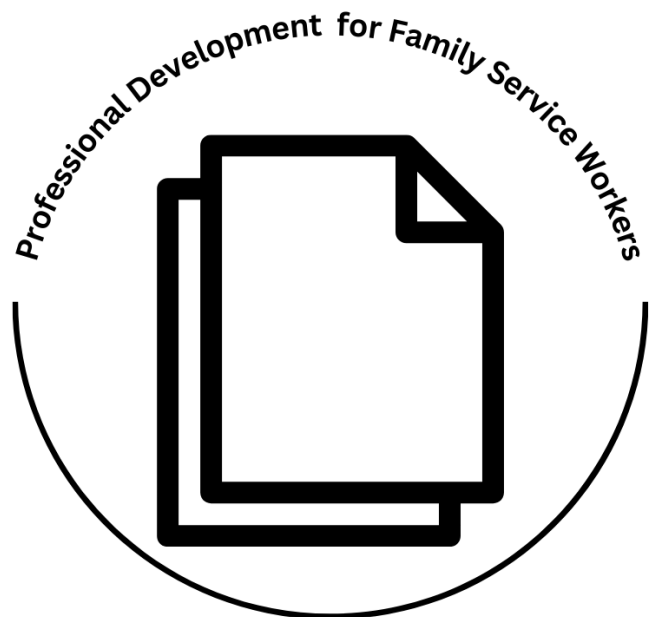


Program Assistant

Handouts
Week 3



COLLEGE OF BUSINESS, HEALTH
AND HUMAN SERVICES
UNIVERSITY OF ARKANSAS AT LITTLE ROCK

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The Tasks of Mourning

T- To accept the reality of the loss

E- Experience the pain of the loss

A- Adjust to the new environment without the lost person

R- Reinvest in the new reality

TASKS OF GRIEF AND LOSS

The *first task* is to **Accept the Reality of the Loss**.

When someone dies or becomes “lost” to us, there is always a sense that it hasn’t happened. This task involves recognizing and “knowing” that the person is lost to us, and the status quo (with that person) will not return immediately. It must become real.

This task may be difficult due to a sense of shock and numbing, denial, and having an idea that it is somehow a mistake. There may be an appearance of disconnectedness or children may seem unusually compliant.

The *second task* is to **Process the Pain of Grief**.

This involves living with the intense pain of feelings of loss. People in the middle of processing the pain of loss may feel “raw” and vulnerable. People describe confusion, despair, waves of sorrow, intense longing, being forlorn or forsaken, feeling abandoned, difficulty sleeping and/or nightmares, loss of appetite, withdrawing, anger, guilt, anxiousness, increased risk-taking, physical symptoms, even relief. Crying is NOT required. No two people grieve the same way or for the same timeframe. Remember that there is no prescribed timeframe for working through this task.

The *third task* is **Adjust to the new environment (without the lost person, place, and/or thing.)**

This task is about figuring out what life is going to be like. This is when children begin to figure out that there are secondary losses associated with separation and placement. For example, removal from home means the child no longer sees his dog, which slept with him or comforted him. Perhaps pets are not allowed in the new out-of-home placement. Or the child depended on and loved a grand-caregiver who she no longer sees two or three times a week.

The child/adolescent must take on a new role and adjust to the new dynamics of his or her current living situation. Children/adolescents may gradually begin to let go of their former roles, behaviors, plans and begin to settle in. It doesn't mean that they will throw away their past. But they may be able to begin to accept a different reality and look to the future.

The *fourth task* is to **reinvest in the new reality**.

The intense pain of the loss has lessened, but they still have thoughts, feelings, and memories of (attachment to) the person lost. As they begin to redirect their energy, they are able to hold the person (or place or thing) in their hearts without the wrenching sense of loss experienced early on.

- Children start to express more hope for the future.
- They have more successes in their tasks of learning and managing behavior and feelings.
- Children learn how to cope with painful feelings. They learn that it is okay to have mad, bad, and sad feelings, but there are “okay” and “not okay” ways to express the feelings.

FAMILY TIME PLAN

You are supervising the first family time between Mr. and Mrs. Dyer and their two children Angela (age 5 years) and Tommy (age 2 years). The children came into care when their caregivers were arrested for DUI and disorderly conduct. Mr. Dyer was driving while under the influence of alcohol. He did not have a driver's license as it had been suspended due to previous DUI convictions. At the scene of the arrest, Mrs. Dyer attempted to strike the arresting officer and was verbally abusive. She was also under the influence of alcohol. Both she and Mr. Dyer had several warrants out for their arrests due to hot checks. At the time of the caregivers' arrest, the children had been alone for over 24 hours while the caregivers partied with their friends. The investigation also found extreme environmental neglect, very little food in the home and no diapers or supplies for the 2-year-old. The children are in two separate resource homes. The caregivers have not seen them in over three weeks because they have just been released from jail.

1. Plan for Physical Safety

- a. Write down what you would say to the caregivers when explaining your role as the family time supervisor.
- b. What is your plan for assuring physical safety of the children during family time (what do you need to do and what do the caregivers need to do)?
- c. How will your plan be family centered while at the same time ensuring safety?

2. Plan for Emotional Safety

- a. Write down what you would say to the caregivers when explaining your role as the family time supervisor.
- b. What is your plan for assuring emotional safety of the children during family time (what do you need to do and what do the caregivers need to do or not do)?
- c. How will your plan be family centered while at the same time ensuring safety?

3. Plan for Visit Activities

- a. Write down what you would say to the caregivers when explaining your role as the family time supervisor.
- b. What is your plan to facilitate developmentally appropriate activities between the caregivers and children?
- c. How will your plan be family centered in its approach?

WHAT'S GOING ON?

It is the 4th weekly family time between the Dyer caregivers and their children. On this visit, the father smells of alcohol. He does not have obvious impairment of functioning and he has brought a small game to play with his 5-year-old daughter. He was dropped off for family time by a friend. He says his wife was just too depressed to get out of bed and come.

After the 4th weekly visit, when Angela got to her resource home, her behavior towards her resource mother had drastically changed. When her resource mother went to greet her, Angela said “Go away. You aren’t my Mommy”. The resource mother told her to go play while she and the worker talked and Angela replied, “I don’t have to do what you say, you old fat cow.”

What do you do? Why?

What do you do? Why?

What might be going on? (What is behind the behavior?)

What might be going on? (What is behind the behavior?)

MONTH: _____

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

GUIDELINES FOR CAREGIVER/CHILD FAMILY TIME

- Please attend all family time or give advanced notice (24 hours) if you can't attend.
- Please be on time for all family time visits.
- Please watch your children closely so they will be safe during visits. Please use respectful language at family time.
- Please do not discuss anything with your children that may be upsetting or harmful. Please do not make promises you can't keep to your children.

Please be prepared to actively engage your children. This might include playing games, reading, rocking, or singing with your children.

Please use this time to have a positive experience with your children. Praise them for things they are doing right.

The following people are allowed to visit the children during caregiver/child visitation:

- 1.
- 2.
- 3.
- 4.

I agree to all of the visit guidelines stated above:

Caregiver(s)

Family Time Supervisor

Date

FAMILY TIME VISIT OBSERVATION FORM

Date of family time: _____ Case Name: _____

Family time location _____

Children Involved in Family Time: _____

Visiting Adult: _____ Relationship: _____

Visiting Adult on Time? _____ Time Visit Started: _____ Ended: _____ Visit Cancelled? _____

Explanation: _____

Describe Child's Behavior Prior to Family Time: _____

Describe Initial Greeting Between Adult and Child: _____

Activities Observed During Family Time: _____

Strengths Observed During Family Time: _____

Transition Activities to End Family Time: _____

Reactions to End of Family Time and Separation by:

Visiting Adult: _____

Children: _____

Comments regarding family time: _____

Concerns Noted During Family Time: _____

Next Scheduled Family Time: _____

Family Time Supervisor Signature: _____ Family Time Supervisor Signature: _____

ETHICS DEFINED










The American Heritage Dictionary defines ethics as

- Principles of right or good conduct.
- A system of moral principles or values.
- The study of the general nature of morals and of the specific moral choices to be made by the individual in his/her relationship with others.
- The rules or standards governing the conduct of the members of a profession.

Classical ethics is a division of philosophy that describes character and conduct. It has been said that ethics is one of those concepts that every literate American knows (or ought to know) and understand.



WHAT YOU NEED TO KNOW ABOUT DHS SOCIAL MEDIA POLICY

-  **NEVER** share, post, or expose confidential information about clients, partners, or other employees.
-  **NO** posting to personal social media while on duty. Employees can be held accountable for social media posts made while at work and when off duty.
-  No posting comments to social media while off duty if the statements contain information gained through their official capacity and threaten or harass others.
-  Do not use your employee email for social media accounts.
-  DHS can view information about a current or prospective employee that is publicly available on the internet.
-  Supervisors cannot require employees to interact on social media.
-  Employees must request access to social media sites at work for specific investigative purposes.
-  Internal and external communications and publications will be managed by the DHS Office of Communications and Engagement.
-  It is the employee's responsibility to stay informed on agency policies regarding social media and communications.

1084 DHS EMPLOYEE DISCIPLINE

(Effective Date: June 1, 2019)

I. Disclaimer

- (A) This policy creates no property interest or expectancy, nor does it alter the employment-at-will doctrine. Employment-at-will means that an employee may be terminated for any reason or no reason at all as long as the termination is not for any illegal reason. Nothing in this policy creates either an expressed or implied right or expectation of continued employment or contract.
- (B) The procedures described in this policy are mandatory, and the conduct and performance expectations are minimum requirements for all employees. However, nothing in this policy limits the establishment of workplace conduct or performance standards that are more specific, more rigorous, or both.
- (C) This policy is subordinate to federal laws and regulations and the Arkansas Code and is to be interpreted and applied in a manner consistent with all relevant employment laws. This rule supersedes any existing policies or specific sections of existing policies that conflict with the terms of this policy.
- (D) If the employee's behavior otherwise warrants disciplinary action, a technical error in the administration of discipline that does not prevent establishing the employee's behavior by a preponderance of the evidence is not grounds for overturning the disciplinary action.

II. Behavior Expectations

- (A) Job Performance: employees are expected to perform all of their job duties diligently and competently, to work cooperatively with their co-employees and supervisors, to maintain reliable and timely attendance, and to produce high-quality work products.
- (B) Compliance: employees must comply with workplace policies, rules, and all job-related standards and requirements, including, laws, regulations, judicial and administrative decisions, agency interpretations, and all reasonable work-related instructions.

Violation of criminal law is non-compliance if it occurs on DHS property or while the employee is on duty, regardless of whether the violation is job-related. For purposes of this policy, a violation of criminal law may be established by a preponderance of the evidence. Conviction of a crime that occurred while the employee was off duty is non-compliance if one or more elements of the crime are relevant to the employee's job duties.

- (C) Professionalism: employees are expected to perform their jobs professionally and courteously, even when provoked. Employees must conduct themselves in a manner that prevents all forms of impropriety, placement of self-interest above public interest, partiality, threats, favoritism, and undue influence. Employees must be alert to avoid even the appearance of misconduct, personal or financial gain, or conflict of interest.
- (D) Honesty and Integrity: DHS does not tolerate deceptive behavior, including, without limitation, misstatements of fact, failure to state complete facts or fraud.
- (E) This list is not exhaustive. Any behavior that is contrary to the interests of DHS is subject to disciplinary action, including, but not limited to:
 - (1) failing to cooperate in any investigation conducted by DHS personnel (however, an employee may refuse to answer a question on the basis that the answer would expose the employee to criminal prosecution);
 - (2) failing or refusing to testify in an administrative hearing or legal proceeding at the request of the agency;
 - (3) accessing or using DHS data or information without authority;
 - (4) selling or attempting to sell any good or service while on duty;
 - (5) failing to report a job-related injury, accident, or property damage to the employee's supervisor;
 - (6) employees in designated positions or designated financial or information technology positions must immediately notify their supervisor when arrested for any offense and inform the supervisor regarding the outcome of the arrest (see DHS Policy 1080);
 - (7) gambling while on duty or on DHS property;
 - (8) possession, use, or transfer of DHS property without authorization;
 - (9) using tobacco, electronic cigarettes, or personal vaporizers that serve as a substitute for tobacco in any DHS motor vehicle, any DHS building, or within 25 feet of the entrance to a DHS building; and inappropriate or excessive use of DHS email or DHS internet. Excessive use means usage that interferes with job duties, responsiveness to job functions, or completing assigned tasks. If a supervisor suspects an employee of excessive or inappropriate use of email or internet because it is interfering with job duties or disrupting the work environment, then the supervisor may request an IT audit of the employee's internet use at work (go to DHS Share and click on "DHS Internal Affairs Reporting").

III. Administering Discipline Process

- (A) When a supervisor becomes aware of a possible failure to meet behavior expectations, the supervisor should initiate the disciplinary process by first making contact with his or her Human Resources (HR) Liaison, HR Director, or HR Director's designee. If the HR Liaison, HR Director, or HR Director's designee agrees that there exists a possible failure to meet behavior expectations that, if true, would warrant disciplinary action, the supervisor should initiate a disciplinary investigation.
- (B) Unless valid reason exists for conducting the investigation differently, the disciplinary investigation should consist of the supervisor meeting with the employee, informing the employee of the allegations, and giving the employee a reasonable amount of time to submit a written response to the allegations.
- (C) After the employee has submitted a written response to the allegations, the supervisor should again meet the HR Liaison, HR Director, or HR Director's designee to determine the appropriate disciplinary action and to complete the DHS-1173. The HR Liaison, HR Director, or HR Director's designee should then contact OCC for approval of any termination, demotion, or suspension without pay prior to the DHS-1173 being delivered to the employee as designated in Section III (E).

Note: In order to encourage uniformity of discipline within divisions, supervisors are required to contact their division HR Liaison, HR Director, or HR Director's designee prior to making contact with the Office of Chief Counsel ("OCC") for advisement on personnel issues. All contact with OCC should come through the HR Liaison, HR Director, or HR Director's designee or at the direction of the HR Liaison, HR Director, or HR Director's designee.

- (D) Resignation after investigation initiated: If an employee resigns at any time after an investigation begins and the employee is being investigated for allegations that, if true, would result in that employee being ineligible for re-employment, the investigation shall continue to the point necessary to determine if the employee should be eligible for re-employment, using the criteria in Section VI. Persons who resign and are subsequently determined to be ineligible for re-employment shall be notified of the decision in the same manner as provided in Section III (E) for notification of disciplinary action.
- (E) Delivery of Notice: Employees must be notified of the disciplinary action using the DHS- 1173, Notice of Disciplinary Action. If the employee refuses to sign the DHS-1173, another employee should witness. If possible, the DHS-1173 should be hand-delivered at the supervisor or employee's work location. If this option is unavailable or impractical, the employee may be notified by certified mail, and the return receipt is required. If the certified mail is returned as unclaimed, the DHS-1173 shall be sent by regular mail to the employee's last known address.
- (F) Determining appropriate disciplinary action: The appropriate disciplinary action shall be

determined by the supervisor in cooperation with the HR Liaison, HR Director, or HR Director's designee based on the severity and impact of the failure to meet behavior expectations, the employee's disciplinary history, and other division objectives. An employee's past history of high performance ratings, past satisfactory job performance, and absence of prior disciplinary actions is not a defense to the administration of discipline and is inadmissible at any grievance hearing brought pursuant to DHS Policy 1086.

IV. Disciplinary Actions

- (A) Termination of employment.
- (B) Suspension without pay. (Under the Fair Labor Standards Act, special rules apply to the suspension without pay of exempt employees. As such, in order to ensure compliance with FLSA, all suspensions of exempt employees should be for at least five (5) consecutive days).
- (C) Demotion – reduction in salary, grade, or both.
- (D) Probation for the minimum amount of time necessary for a diligent employee to make satisfactory improvement but no longer than six (6) months.
- (E) Written Warning.
- (F) Documentation: All disciplinary actions must be documented on a DHS-1173 and delivered to the employee as designated in Section III (E). Terminations also require the completion of a DHS-1161 to be reviewed by the HR Liaison, HR Director, or HR Director's designee.

Handout 3 Day 9

In addition to the above-mentioned disciplinary actions, supervisors are encouraged to make use of Non-disciplinary Counseling Statements (DHS Form-1131) and Performance Improvement Plans to improve employee performance and fix behavior issues before they require disciplinary action.

Note: Division HR Liaisons are encouraged to consult with OCC prior to taking any disciplinary action, and OCC must approve of any termination, suspension without pay, or demotion as well as the termination code if a termination occurred.

V. Removal from Duty Pending Investigation

- (A) If there is any reason to suspect that an employee may jeopardize the health or safety of any

person or the integrity or public image of DHS, a person in the employee's supervisory chain may immediately relieve the employee from regularly assigned duty pending an investigation to be completed as provided in this policy.

- (B) If feasible, the employee shall temporarily assume other duties where the employee does not jeopardize the health or safety of any person or the integrity or public image of DHS. If such temporary assignment is not feasible, the employee shall be relieved of all duty. The employee shall remain off regularly assigned duty until either a decision is made not to discipline the employee or the disciplinary action is issued.
- (C) Employees relieved of regularly assigned duties or all duties are still on call for purposes of investigating his or her behavior.
- (D) Removal from regularly assigned duty pending investigation is with full pay and benefits, except for extra-help employees.

VI. Eligibility for Re-Employment

Persons terminated pursuant to this policy are permanently disqualified from re-employment if any of the following conditions are met:

- (1) The employee's violation jeopardized the health or safety of any person.
- (2) The employee's violation jeopardized the integrity or public image of DHS.
- (3) The employee engaged in work-related sexual misconduct or sexual harassment.
- (4) The employee engaged in work-related discrimination on the basis of race, age, sex, disability or genetic information, color, religion, or national origin.
- (5) The employee failed to return DHS property after termination.

Note: Employees terminated for violating DHS Policy 4002 are also permanently disqualified from re-employment.

1006 ETHICAL STANDARDS FOR DHS EMPLOYEES

(Effective Date: September 3, 2019)

I. Purpose

Public employment is a public trust. DHS employees must not only avoid any potential conflict of interest but also must avoid any appearance of impropriety. DHS employees must conduct themselves in a way that fosters public confidence in the integrity of state government.

II. Definitions

- (A) Close personal relationship: the relationship between spouses, between any persons sharing a household, and any of the following relationships, including step- and in-law relationships: child, caregiver, sibling, grandcaregiver, grandchild, half-sibling, cousin, niece and nephew;
- (B) Confidential information: information exempt from disclosure under the Arkansas Freedom of Information Act;
- (C) Conflict of interest: all prohibited activities as defined in Section III;
- (D) DHS employee: any full- or part-time regular, emergency, or extra help salaried employee of the Department of Human Services (DHS) and any non-salaried individual performing services for DHS in his or her official capacity;
- (E) Earned income: anything of value received in return for services or labor;
- (F) Financial disclosure statement: a statement required by Ark. Code Ann. § 21-8-203;
- (G) Financial Interest:
 - (1) Notes, stock certificates, bonds, contracts, or other evidence of, or actual ownership interest in, any firm, corporation, or enterprise. The term does not include demand deposits, time deposits, or other types of deposits that do not vest an ownership interest in any firm, corporation, or enterprise;

- (2) Ownership of any interest or involvement in any relationship as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$1,000 per year- or its equivalent;
 - (3) Ownership or interest in any business;
 - (4) Holding a position in a business such as officer, director, trustee, partner, employee, or the like, or holding any management position;
- (H) Financial relationship: a financial interest held by the employee or a person with whom the employee has a close personal relationship;
- (I) Gift: any payment, entertainment, advance, services, or anything valued at over \$100;
- (J) Household: a place of residence;
- (K) Partner: a person who is associated with another person in a business or joint venture;
- (L) Procurement: the buying, purchasing, renting, leasing, or otherwise obtaining of any commodities or services. It also includes all functions that pertain to the obtaining of any public procurement, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration;
- (M) Provider: a person or entity that is a party to or is seeking to become a party to a contract, grant, or agreement, including certification and licensure, with DHS to furnish commodities or services to, on behalf of, or as a grantee or sub-grantee or recipient of DHS funds.
- (N) Regulatory agency: any state board, commission, department, or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches;
- (O) Supervision: the authority, whether or not exercised, to do one or more of the following on a full-time, part-time, interim, or acting basis:
- (1) hire, terminate, or promote the employee or the employee's rating supervisor,
 - (2) set compensation,

- (3) evaluate performance,
- (4) impose discipline,
- (5) review disciplinary actions,
- (6) approve leave requests, or
- (7) approve travel reimbursement requests.

III. Prohibited Activities

A DHS employee will not:

- (A) Use his or her position or knowledge gained from the position to secure special privilege or exemption, either for personal gain or for the benefit of:
 - (1) Any person in a close personal relationship with the employee, or
 - (2) Any person with whom the employee or a person in a close personal relationship with the employee has a financial relationship
 - (a) This includes the approval of an account which draws or authorizes the drawing of a warrant or order to compensate any of the above;
- (B) Accept employment or engage in any activity or business interest while serving as a DHS employee that might reasonably be expected to require or induce the employee to disclose any confidential information or that would conflict with his or her official duties;
- (C) Disclose confidential information or use confidential information for the gain or benefit of the employee or a person in a close personal relationship with the employee;
- (D) Receive a grant from, or contract with, DHS without the express written approval of the DHS Director or designee;
- (E) Knowingly participate in any matter relating to any DHS contract, subcontract, solicitation, or proposal in which the employee or a person in close personal relationship to the employee is

making or has made arrangements for prospective employment or is negotiating, or has a financial interest, whether directly or through a business or close personal relationship;

- (F) Participate in the eligibility determination for public assistance programs overseen by DHS regarding his or her own applications or for others with whom the employee may have a close personal relationship. DHS employees who receive public assistance shall not access their own cases or the cases of those with whom they have a close personal relationship;
- (G) Fail to follow any state procurement laws;
- (H) Participate on any public or private board, commission, advisory committee, or governing body that has applied for or is receiving any financial or administrative assistance from DHS, exclusive of reimbursable expenses for meals, lodging, and travel/mileage commensurate with attendance requirements, or is subject to DHS regulation, certification, or licensure. No DHS employee may participate in any discussion or proceedings of any public or private board, commission, advisory committee, or governing body regarding any future application to receive any financial or administrative assistance, certification, or licensure from DHS. Attendance and participation at meetings solely in the course and scope of DHS employment for the purpose of providing information is not prohibited;
 - (1) The DHS Director or designee may make an exception when the employee's participation does not present a conflict of interest. All employees must report, in writing, to their division director or the division director's designee and the DHS Ethics Officer any involvement on any board, commission, advisory committee, or governing body that receives, or is eligible to receive, financial assistance or administrative assistance from DHS. If there is a conflict, or the appearance of a conflict, the employee must disclose to the board the information which may be a conflict or create the appearance of a conflict and must not participate in the matter until full disclosure has been made;
- (I) Fail to disclose to the DHS Ethics Officer any benefits received from any state contract with a business or organization in which the employee or a person in a close personal relationship to the employee has a financial interest;
- (J) Be employed in a supervisory relationship to or subject to the same supervisor as any person with whom the employee has a financial relationship or close personal relationship;
- (K) Supervise or be supervised by any person with whom the employee has a close personal relationship;

- (L) Fail to notify the employee's Division Director, Office Chief, or designee if the employee becomes the supervisor of, or subject to the supervision of, a person with whom the employee has a close personal relationship or is employed in a supervisory relationship to or subject to the same supervisor as any person with whom the employee has a financial relationship or close personal relationship;
- (M) Accept gifts of any kind as an exchange for a favor, referral, placement, or preferential treatment or receive a gift for the performance of the duties and responsibilities of his or her office or position. However, an employee may receive an item conferred to show appreciation for the employee's job performance, so long as the value of the item does not exceed \$100;
- (N) Make or engage in any false record or communication whether internal or external;
- (O) Speak for DHS on any topic, unless certain that the views being expressed are those of DHS management and that it is DHS' management's desire that such views be expressed publicly; or
- (P) Unreasonably delay responding accurately to all requests for information and complaints regardless of the source.

IV. Restrictions on Employment

- (A) Employees who enter discussions regarding employment with a contractor, subcontractor, or provider related to their official duties shall immediately notify the DHS Ethics Officer at DHS.OCC.Ethics@dhs.arkansas.gov. The DHS Ethics Officer will ensure the employee is removed from any potential conflicts of interest if, or when, necessary. The DHS Ethics Officer shall keep all employees' information confidential.
- (B) Employees whose official responsibilities include personally and substantially making decisions or providing oversight of a contractor or a contractor's work must wait one (1) year after leaving DHS before accepting employment with that contractor if the employee will be knowingly acting as a principal or agent in matters that were within the employee's official duties while working for the state. Employees with questions should contact the DHS Ethics Officer for guidance (*Reference: Ark. Code Ann. § 21-8-102 (c) and §19-11-709 (b)(2)*).
- (C) Employees who participate personally and substantially in a particular matter on behalf of the state shall never participate in the same matter on behalf of anyone other than the state. Employees with questions should contact the DHS Ethics Officer for guidance (*Reference: Ark. Code Ann. § 21-8-102 (b) and § 19-11-709 (b)*).

V. Sanctions Against DHS Employees Who Fail to Promote Integrity in Public Employment

- (A) Any DHS employee who pleads guilty to or nolo contendere to or is found guilty of the following is required to forfeit his or her employment. The employee also will thereafter be disqualified from holding any employment with DHS:
 - (1) A felony offense relating to his or her employment;
 - (2) A misdemeanor offense involving fraud, dishonesty, bribery, forgery, or other form of corruption relating to the employee; or
 - (3) Theft of property under Ark. Code Ann. § 5-16-103 when the victim of the theft is DHS.
- (B) A DHS employee may not be disqualified from holding employment with DHS later if the offenses identified below are expunged, and employment is permitted under applicable law:
 - (1) A felony offense;
 - (2) Theft of property;
 - (3) Abuse of office; or
 - (4) Witness tampering.

VI. Financial Disclosure Statements

- (A) Persons required to file:
 - (1) DHS employees who are employed on a regular salary basis shall be required to disclose each source of income in excess of \$500 earned during any calendar year from sources other than the employee's regular salary from employment or from professional or consultant services rendered for any public agency.
 - (2) DHS employees serving by appointment on any state, county, or local board, agency, commission, or department or similar entity who are authorized or charged by law with the exercise of regulatory authority through rule-making or adjudication or are authorized to receive or disperse state or federal funds shall file.
- (B) Time and manner of filing:
 - (1) Statements must be filed with the Secretary of State before January 31 of each year.

- (2) The statements shall be filed on forms provided by the Secretary of State.
- (3) On or before the last day of December of each year, Division Directors, Office Chiefs, or their designees will notify all employees and members of boards or commissions attached to their Divisions/Offices that all Financial Disclosure Statements must be filed with the Secretary of State on or before the last day of January of each year.

VII. Blind Trusts

An employee shall not be deemed to have a conflict of interest regarding matters pertaining to financial interests when the employee or any person with whom the employee has a close personal relationship holds that financial interest in a blind trust. However, the existence of any such blind trust must be disclosed to the DHS Ethics Officer and the Department of Finance and Administration Director.

VIII. Reporting Potential Conflicts of Interest

Upon discovery of a possible conflict of interest, an employee must promptly contact the DHS Ethics Officer at DHS.OCC.Ethics@dhs.arkansas.gov.

IX. Restrictions on Former Employees in Matters Connected with Their Former Duties

- (A) Within the limitations specified in Ark Code Ann. § 19-11-709, where the state is a party, a former employee shall be disqualified from acting as a principal or agent for anyone other than the state in connection with any judicial or other proceeding, application, request for ruling, contract, claim, charge, or controversy in which the employee participated personally, or in matters which were within the employee's official responsibility;
- (B) A former employee shall not sell or attempt to sell commodities or services to the state for one year following the date employment closed, unless the former employee's last annual salary was less than \$15,000.
 - (1) As used above, "sell" means signing a bid, proposal, or contract, negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes to a contract; settling disputes concerning a contract; or any other liaison activity with a view toward the ultimate consummation of a sale even if the actual contract for the sale is negotiated by another person.
- (C) Disqualification of Partners:

- (1) When partner is a state employee: Where the state is a party, a partner of an employee shall not knowingly act as an agent or principal for anyone other than the state in connection with any judicial or other proceeding, application, request for a ruling, or other determination, contract, claim, change, or controversy in which the employee either participates personally or which is the subject of the employee's official responsibility.
- (2) When partner is a former state employee: Where the state is a party, a partner of a former employee shall not knowingly act as an agent or principal for anyone other than the state where such former employee is barred under this section.

NOTE: Nothing in this section is intended to preclude a former employee from accepting employment with private industry solely because the former employee's employer is a contractor with the state, or to preclude an employee, a former employee, or a partner of an employee or former employee from filing an action as a taxpayer for alleged violation of Ark Code Ann. § 19-11-702 *et seq.*

X. Civil and Administrative Remedies Against Employees and Non-Employees Who Breach Ethical Standards

Employees violating ethical standards may be subject to one or more of the following:

- (A) Criminal penalties;
- (B) DHS discipline up to and including termination;
- (C) One or more of the following imposed by the Department of Finance and Administration Director:
 - (1) Oral or written warnings and reprimands;
 - (2) Forfeiture of pay without suspension;
 - (3) Suspension with or without pay for specified periods of time;
 - (4) Termination of transactions;
 - (5) Suspension or debarment from being a contractor or subcontractor under any state contract;
or
 - (6) Termination of employment.

XI. Recovery of Values Transferred or Received in Breach of Ethical Standards by Employees and Non-Employees

The value of anything received by an employee or non-employee in breach of the ethical standards shall be recoverable by the state.

XII. Prohibited Personal Relationships

- (A) All job applicants will be asked whether they have a close personal relationship with any person presently employed who would be in a supervisory relationship to, or subject to the same supervisor as the applicant should the applicant be selected. Those answering “yes” will not be hired for that position. Any employee discovered to have falsified his/her application will be terminated in accordance with DHS Policy 1084, Employee Discipline: Conduct/Performance.
- (B) Upon notification that employees with a close personal relationship are supervisor and subordinate, the Division Director, Office Chief, or designee will not fill any positions which are in (1) an affected employees’ classification(s) or (2) an affected employees’ work unit(s) until the conflict of interest is resolved according to the procedure set out in Section XI. (c) below.
- (C) Affected employees may elect to choose between themselves who will be transferred. This request must be in writing and approved by both employees and the Division Director, Office Chief, or designee. This transfer will be accomplished by offering the employee to be transferred any existing or the first available vacancy occurring within ninety (90) working days in the same classification and grade. If the employees fail to submit a joint written request for transfer within ten (10) working days of notification of a conflict of interest, the employee with the least tenure (total years in a job classification) will be designated for transfer by the Division Director, Office Chief, or designee. If the employee refuses an offer of transfer to a position in the same grade and classification during the time frame provided, the employee will be terminated without prejudice. If a vacancy in the same classification and grade does not become available during the ninety (90) working days from the employee’s notification, the employee will be terminated without prejudice.

THE NUMBER GAME

