

Chapter: Conditions of Employment	Effective Date: 2/1/20
Title: Standards of Conduct and Ethics	Page: 1 of 4
Statute(s): Gov't Code §572.051, §659.005	Replaces: PRS.02.03, 2/15/14

(a) **Policy.**

- (1) TJJD's ethics program is composed of this policy and related rules and laws addressing internal reporting procedures and required ethics training.
- (2) Employees must complete an annual training course addressing ethics and confidentiality.
- (3) Employees must comply with all applicable federal and state laws, administrative rules, TJJD policies, and the provisions set forth in the [TJJD Employee Handbook](#). In addition, an employee must comply with TJJD program-specific manuals and guidelines relevant to his/her position. TJJD makes no promise or representation that an employee will be guaranteed continued employment based on such compliance.
- (4) No policy manual or handbook can address every standard of conduct. The absence of a specific policy or rule covering an act tending to discredit the agency does not mean that the act is condoned, is permissible, or would not call for disciplinary action. It is an employee's responsibility to perform his/her duties in a lawful, professional, and ethical manner; know what is considered inappropriate conduct; and seek clarification when necessary from his/her supervisor, agency management, the ethics officer, or Human Resources staff.

(b) **Definitions.**

See the [PRS Glossary](#) for definitions of certain terms used in this policy.

(c) **Reporting Unlawful and Unethical Conduct.**

- (1) Employees with a reasonable belief or actual knowledge of conduct by an employee, volunteer, or contractor that is unlawful or that violates this ethics policy must report the matter to at least one of the following, unless there is clear evidence the matter has already been reported:
 - (A) TJJD's ethics officer (i.e., the general counsel);
 - (B) the chief local administrator, campus shift administrator, or administrative duty officer;
 - (C) the Incident Reporting Center;
 - (D) management in TJJD's Central Office; or
 - (E) anyone in authority within TJJD to whom the employee feels comfortable reporting.
- (2) TJJD will not take any action against anyone for making a report of unlawful or unethical activities in good faith or for participating in an investigation into such alleged conduct. This protection does not apply to self-disclosure.

(d) **Duties of the Ethics Officer.**

- (1) The general counsel of TJJD is the ethics officer for the agency.
- (2) The primary function of the ethics officer is to provide legal advice and counsel to staff and board members regarding ethical situations. Other duties of the ethics officer or his/her designee include:
 - (A) overseeing the ethics program, including overseeing the implementation of new ethics-related policies;
 - (B) annually reviewing the agency's ethics program to determine if changes are necessary;

- (C) periodically reviewing and updating ethics-related training materials, including those offered to the board and to agency employees; and
- (D) annually briefing the Texas Juvenile Justice Board's Executive Committee on the status of the agency's ethics program.

(e) **TJJD Employee Handbook and General Rules of Conduct for Employees.**

- (1) The TJJD Employee Handbook, which is an appendix to this manual, is incorporated by reference into this policy. The handbook establishes the general rules of conduct for employees. Some of the rules reflect requirements contained in other TJJD policies.
- (2) The handbook is written in plain language and contains a description of the intent for each rule of conduct.
- (3) Employees must become familiar with the rules of conduct in the handbook and comply with them.

(f) **Ethics.**

Ethical conduct generally means acting in accordance with accepted standards of professional behavior, acting in accordance with what is right, and avoiding even the appearance of what is wrong. As state government employees, TJJD employees have a special responsibility for honesty and integrity. Employees are expected to always serve in the public's best interest.

(1) **General Ethics.**

TJJD employees have a responsibility to display ethical conduct toward youth, families of youth, and the public. To carry out this responsibility, each TJJD employee must:

- (A) abide by all federal laws, guidelines, and rules; state laws; and TJJD rules, policies, and procedures;
- (B) respect and protect the legal rights of all youth and their parents and/or guardians;
- (C) serve each youth with concern for the youth's welfare and with no expectation of personal gain;
- (D) respect the significance of all elements of the justice and human services systems and cultivate professional cooperation with each segment;
- (E) respect and consider the right of the public to be safeguarded from the effects of juvenile delinquency;
- (F) be diligent in his/her responsibility to record and make available any and all information that could contribute to decisions affecting a youth or the public safety;
- (G) report without reservation any corrupt or unethical behavior that could affect a youth or the integrity of the juvenile justice system;
- (H) maintain the integrity and confidentiality of juvenile information, not seek more information than needed to perform work duties, and not reveal information to any person who does not have authorized access to the information for a proper professional use;
- (I) perform all duties impartially and without regard to race, age, ethnicity, gender, disability, national origin, religion, sexual orientation, political belief, or socioeconomic status; and
- (J) treat all youth and their families with courtesy, consideration, and dignity.

(2) Conflicts of Interest.

TJJD employees have a responsibility to avoid real or perceived conflicts of interest between their self-interests and their duties as public servants. To carry out this responsibility, each TJJD employee must not:

- (A) accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct;
- (B) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the employee's official powers or performed his/her official duties in favor of another;
- (C) disclose any of the following information that was acquired as a result of the employee's official position: confidential information, information that is excepted from public disclosure under the Texas Public Information Act (Tex. Gov't Code, Chapter 552), or information that has been ordered sealed by a court;
- (D) accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that the employee might reasonably expect would require or induce the employee to disclose any of the following that was acquired as a result of the employee's official position: confidential information, information that is excepted from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court;
- (E) accept other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
- (F) make personal investments or have a personal or financial interest that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest;
- (G) use state time, property, facilities, or equipment for any purpose other than official state business unless such use is reasonable and incidental and does not result in any direct cost to the state or TJJD, interfere with the employee's official duties, or interfere with TJJD functions;
- (H) use the employee's official position or state-issued items, such as a badge, indicating such position for financial gain, obtaining privileges, or avoiding consequences of illegal acts;

Note: This does not prohibit TJJD employees from using their ID badge to obtain benefits extended to all state employees, such as reduced hotel rates for personal use or state employee discount programs.
- (I) knowingly make misleading statements, either oral or written, or provide false information in the course of official state business; or
- (J) engage in any political activity while on state time or use state resources for any political activity.

Note: Specific prohibited acts relating to political activity are set forth in the [Prohibited Acts of Agencies and Individuals form, HR-154](#), which is provided to each employee during the new employee orientation session in compliance with state law.

(3) **Witness Fees.**

Section 659.005, Government Code, establishes when employees may or may not accept witness fees and reimbursement for related travel expenses.

- (A) An employee may not accept a witness fee for appearing as a witness in his/her official capacity as a state employee in a judicial proceeding, legislative hearing, or other process. As required by [PRS.27.15](#), the appearance is reported as time worked.
 - (B) The employee may receive reimbursement for travel expenses and a per diem or reimbursement for other expenses connected to the appearance from another state entity or from a judicial body only if the employee does not also receive reimbursement from TJJD.
 - (C) An employee who appears in a judicial proceeding or legislative hearing as a witness in a matter not related to his/her official capacity as a state employee is entitled to receive any customary witness fees for the appearance. However, the employee is prohibited from accepting the witness fee if he/she is granted emergency leave specifically for this purpose. The employee may receive reimbursement for travel expenses and per diem connected to the appearance from a source other than TJJD. TJJD will not provide reimbursement for travel expenses for the employee.
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