

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>262</h1>
Chapter:	Administrative Issues	
Subject:	Conflicts of Interest	Page 1 of 6
Approved:	Christine Johnson, Deputy Commissioner	Effective: 1/14/2020
Supersedes:	Family Services Policy 262	Dated: 1/15/2019

Purpose

To guide division staff in avoiding conflicts of interest and to establish formal procedures for review of situations in which such conflicts may arise.

Related Policies

Department of Human Resources [Policy 5.2](#): Conflicts of Interest Arising From Employment

Department of Human Resources [Policy 5.6](#): Employee Conduct

Department of Human Resources [Policy 5.7](#): Political Activity

Department of Human Resources [Policy 11.5](#): Income from Outside Sources (Moonlighting)

Department of Human Resources [Policy 11.6](#): No Solicitation Policy

Policy

This policy applies to all employees of the Family Services Division, including: full time, part time, interim, limited service, temporary, and permanent positions. The policy does not apply to contract employees of the department or division unless specifically noted.

All division employees should be aware of situations in which conflicts of interest may arise, or could be perceived to arise, and take steps to minimize that conflict. A conflict of interest arises in a situation in which financial, personal, or other considerations have the potential to affect, compromise, or bias professional judgment and objectivity. A conflict of interest may interfere or appear to interfere with an employee's ability to administer division responsibilities and services impartially, fairly, and/or objectively. Employees will discuss any questions about conflict of interest with their supervisor.

Examples of conflict of interest situations include:

- Engaging in activities that are, or could be, in conflict with assigned duties as a state employee (either due to the nature of activity or its interference with carrying out duties as a state employee);
- Using one's position as a state employee to benefit from information or advantage decision-making authority over a person or an issue;
- Having a personal interest in any business transaction within their sphere of interest in state government; or
- Having a private business relationship that conflicts with their public duties.

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When a conflict of interest waiver is required by this policy (described in a later section), the employee will request a waiver and abide by the decision.

Income from Outside Sources (Moonlighting)

Employees in the classified service shall not have a personal interest in any business transaction within their area of influence in state government nor shall they have any private business relationship that may conflict with their public duties. This does not prohibit the following:

- Participation in the affairs of charitable, religious, non-profit education, public services, political, or civic organizations; or
- Awards for meritorious public contributions given by public service or civic organizations

Employees who participate or volunteer time to such organizations will take steps to minimize any conflict of interest that may arise. For example, employees who volunteer their time to a local board of a non-profit agency should excuse themselves from discussions of actual or potential contracts with the department or division.

Employees considering outside employment should consult with their agency/department personnel officer after first receiving approval from the Deputy Commissioner of the Family Services Division. With approval of the Deputy Commissioner, the personnel officer should then consult with Employee Relations Division of the Department of Personnel before commitments are made by employees.

Acceptance of Honoraria

Speeches and presentations that are related to state business and are delivered by a state employee to community and professional organizations will be made without charge. Employees may receive compensation or honoraria paid for public appearances or services unrelated to their official duties. Compensation or honoraria paid to the employees for teaching or for appearances related to the employee’s official responsibilities may be accepted if approved by the Deputy Commissioner of the Family Services Division.

Personal Relationships and/or Romantic/Sexual Relationships

Relationships with Current Clients

Conflicts of interest arise from personal relationships between division employees and clients served by the division. This may include situations where clients are friends, family members, ex-spouses, ex-domestic partners, ex-in-laws, or affiliated in some other way with employees.

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Conflicts of interest always exist in instances where employees reside with and/or have romantic or sexual relationships with division clients. Division employees are prohibited from providing direct services to a client with whom they have had or are currently having any type of personal, romantic, or sexual relationship. If an employee is in a romantic or sexual relationship with someone and they become a client of the division mid-relationship, the employee shall not be involved in the direct services provided.

Employees shall not engage in personal relationships with clients, including dating and sexual relationships. The expectation is that division staff will bring these conflicts of interest to the attention of their supervisor, district director, and assigned policy and operations manager as soon as recognized. Human Resources is typically consulted on these matters due to the potential for perceived power, influence, or access related to decision-making.

If or when these conflicts of interest exist, employees are prohibited from reviewing the division’s records of the case in any capacity (including the case file, electronic databases, or discussing the case with the assigned worker or contracted partners). The employee shall not influence decision-making within the case in any way.

Relationships with Former Clients

Employees will carefully consider the potential conflict of interest, real or perceived, that may be created through personal relationship they may have with former clients. Employees will consider the impact this conflict of interest may have on their current ability to perform their work-related duties.

Because of the potential for harm to the former client, it is not appropriate for employees to ever have a romantic or sexual relationship with a former client who previously had an open case on the employee’s caseload. A similar conflict exists if the employee teamed a case or had familiarity with the former client. In these situations, it is the employee who would assume the full burden of demonstrating that the former client has not been exploited, coerced, or manipulated – intentionally or unintentionally.

Relationships with Colleagues

Employees shall not have romantic or sexual relationships with employees they supervise, as such relationships create an actual and perceived conflict with assigned duties.

It is the general policy of the state that no one will be employed in the same department, institution, or organizational unit that employs a relative. In addition, it is the general

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policy of the state that no one will be employed in the same department, institution, or organizational unit as a person with whom he or she resides, or the relative of a person with whom he or she resides.

If the following situations exist or become true, this information must be shared with the employing division:

- Employees become the relative (by marriage or civil union) of another employee;
- Employees become the domestic partner of another employee; or
- Employees begin to reside with another division employee.

They will not be required to leave state employment solely as a result of that change in circumstances.

Employees requesting a waiver of this general policy must make the request to the Family Services Division Deputy Commissioner. If approved by the Deputy Commissioner, the Deputy Commissioner will make a request for a waiver to the Commissioner of Personnel.

Care of Children in DCF Custody

The division is responsible for taking steps to ensure decisions about the placement of children and youth are made in a manner that does not place parents and caretakers at a disadvantage or create a conflict as the division works toward reunification.

Family Services Division employees may not provide care in their homes for children in DCF custody. Employees may not have children in DCF custody in their homes for any purpose related to their employment.

Children in DCF custody will not be placed in foster care, kinship care, or respite care with the employees of DCF Family Services Division, co-located contractors, or other contractors with a close working relationship with the office that may create an actual or perceived conflict of interest.

Foster Parents Hired as Division Employees or Contractors

Foster parents who are hired as state employees or contractors by the division may maintain their license and continue to foster the child/youth presently in their home. The division will not make any additional placements with this foster parent while they are employed by the division or as a contractor with the division.

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Foster Parents Employed by Other Divisions of the Department

Division staff will notify their assigned policy and operations manager when placing a child or youth in DCF custody into the home of other department staff (ESD, CDD, OCS, OEO, and DDS).

Care of Children through Conditional Custody Orders (CCOs)

Division staff will notify their assigned policy and operations manager if they become the conditional custodian of a child or youth served by the division.

Waivers of this Policy

The Family Services Division Deputy Commissioner may grant waivers of this policy related to moonlighting, acceptance of honoraria, and circumstances of relatives or partners working within the same division through a written request.

Additionally, in exceptional circumstances, the Family Services Division Deputy Commissioner may grant waivers of this policy related to the placement, respite, or support of children in DCF custody through the FS-262 (*Employee Waiver Request for Placement or Other Formal Support*). Special consideration is given to circumstances involving:

- Kinship placement;
- A parenting youth to remain with their child;
- Siblings to remain together;
- A child or youth with an established and meaningful relationship to be placed with that individual; and
- An individual with special training to care for a child with severe disabilities.

Regardless of whether the waiver is approved, the following boundaries apply:

- Employees shall not access FSDNet, SSMIS, VCAS, or any other database accessible to the employee because of their capacity as an FSD employee to review the case;
- Employees shall not use their work email or work phone number to communicate regarding the case;
- Employees will communicate (at meetings, in court, on calls, etc.) that participation is not as an FSD staff member but as a natural support or relative; and
- Employees will utilize time accrued if participating in activities pertaining to their family during the workday.

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A waiver is not required in instances where a child is in the custody of another state's child protection agency as those children are not in the custody of Vermont DCF. In these situations, the assigned policy and operations manager should be notified to confirm waiver of this policy without use of the FS-262.

Employees or contractors granted a waiver may receive compensation according to the applicable policies. A district office other than the one in which the person is employed or works will provide casework services to support the child's placement.

Violations of this Policy

Division employees are advised that violation of this policy could constitute serious misconduct that could lead to discipline up to and including dismissal from employment.