Title: Employee Code of Ethics and Personal Responsibility Procedures

Related Policy: FDJJ - 1900

I. DEFINITIONS - N/A

II. STANDARDS/PROCEDURES

A. Access and Adherence to the Code:

1. All employees shall receive a copy of, or have access to the Department’s Employee Code of Ethics and Personal Responsibility.

2. To facilitate employee understanding of the Department’s expectations, it is the responsibility of supervisors/managers to ensure that each employee is provided a copy of this Code to read and that a copy is available at all times in the facility or office and on the Department’s Internet Website.

3. Supervisors/managers must also ensure that employees sign and submit a Statement of Personal Responsibility acknowledging receipt (see Attachment 1) of this Code.

4. Pursuant to Executive Order 11-03, wherein Governor Scott directs an ethics officer be named for each executive state agency, the Secretary has designated the General Counsel as the Department’s Chief Ethics Officer. As such, the General Counsel acts as the Department’s contact person and provides legal information and interpretation of ethical issues and also ensures that employees become familiar with relevant ethics, public records and open meetings requirements. Employees are encouraged to contact the Office of the General Counsel to request clarification or resolution of ethical issues arising under the Department’s Code of Ethics and Personal Responsibility.

B. Public Records/Government in the Sunshine:

1. Employees shall comply with public record requests as prescribed by Chapters 119 and 985, Florida Statutes, and FDJJ 1910. Record retention and destruction shall be governed by Florida Statutes and FDJJ 1316. Employees shall also comply with Florida’s Government in the Sunshine Act.

2. The Department’s General Counsel has been designated as the Department’s Public Records/Open Government Contact Person. The Office of the General Counsel shall provide information, interpretation and guidance on legal issues related to public records and government in the sunshine and shall otherwise endeavor to facilitate public access to records and resolve any and all disputes as to the requirements of the Government in the Sunshine Act.
C. Protection of the Public Trust:
   1. As set forth in Chapter 112, Florida Statutes, and in the Florida Constitution, employees should avoid any conduct that might breach or undermine the public trust. It is the policy of the State of Florida and this Department that public officers and employees hold their position for the benefit of the public and are bound to uphold the Constitution of the United States and the Constitution of the State of Florida and to perform their duties efficiently and faithfully under the laws of the federal, state, and local governments.

D. Travel:
   1. Employees are expected to conduct themselves in a professional and safe manner while engaged in travel for the State of Florida and at all times abide by local, state, and federal laws. The Department adheres to the rates, restrictions, limitations and procedures on travel and travel reimbursement set forth in Section 112.061, Florida Statutes, and FDJJ 1407.01.

E. Dual Employment:
   1. It is the Department’s policy to permit dual employment unless it is determined such additional employment may result in a conflict of interest or interfere with the employee’s Department work schedule. Secondary employment within or outside state government may not interfere or pose a conflict of interest with an employee’s primary employment within the Department of Juvenile Justice. All employees seeking secondary employment within or outside state government must seek permission from the Department as outlined in FDJJ 1002.07.

   2. Employees may not hold any employment or contractual relationship with any business entity or agency regulated or doing business with the Department that would be prohibited under chapter 112, Florida Statutes, or which otherwise may impede their ability to fully and faithfully discharge their public duties.

F. Reporting Individuals and Procurement Employees (RIPES) and Lobbyists:
   1. Pursuant to Section 112.3148, Florida Statutes, no Reporting Individual shall knowingly accept, directly or indirectly, any payment, distribution, loan, advance, reimbursement, deposit, or anything of value from a lobbyist or principal made for the purpose of lobbying.

   2. No Reporting Individual shall accept any payment, distribution, loan, advance, reimbursement, deposit or anything of value made by a lobbyist or a principal of a lobbyist made for the purpose of influencing or attempting to influence official action or in an attempt to obtain the goodwill of the employee. This prohibition applies regardless of any exceptions to the prohibition on the receipt of gifts that may be contained in any other provisions of this Code or in law.

   3. “Reporting Individual” is defined as any Department official, member or employee required to file full or limited public disclosure of his or her financial interests pursuant to Section 8, Article II of the Florida Constitution or Section 112.3145, Florida Statutes,
4. “Procurement Employees” is any employee who participates in procuring gifts or services in excess of $1,000 per year.

5. “Lobbyist” is defined by statute as a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for the governmental affairs by another person or governmental entity to lobby on behalf of that person or governmental entity. “Lobbyist” does not include a person who is:
   a. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
   b. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.
   c. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.
   d. A person who lobbies to procure a contract pursuant to Chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in Section 287.017(1)(a), Florida Statutes.

6. “Principal” means the person, firm, corporation, or other entity, which has employed or retained a lobbyist.

7. If an employee’s immediate relative is a lobbyist, that employee shall not participate in any discussions, meetings, or other interactions with the relative which might result in any work-related decision leading to a loss or gain to any of the relative’s clients.

8. “Immediate Relative” is defined as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, a person who is engaged to be married to you or who otherwise holds himself or herself out as or is generally known as the person whom you intend to marry or with whom you intend to form a household, or any other natural person having the same legal residence as you.

9. Reporting Individuals may attend events and/or accept invitations or things of value otherwise prohibited if the employee pays or provides equivalent consideration preceding or contemporaneous with receipt of the item or event attendance. Section 112.3148(7), Florida Statutes, and Rules 34-13.210 and 34-13.500, Florida Administrative Code, provide rules on valuation of gifts and must be consulted when making payment for any event or item otherwise prohibited.

10. Employees may not rely on ignorance, but have an affirmative duty to inquire whether the thing of value is from a lobbyist or principal and/or should direct any concerns or questions related to the prohibition on accepting anything of value from a lobbyist or the principal of a lobbyist to the Department’s Ethics Officer for clarification.
G. Gifts:

1. “Gift” is defined as any thing, benefit or privilege accepted by a person or on that person’s behalf, either directly or indirectly, for that person’s benefit and for which no payment is made. A “gift” can include real property or the use thereof; tangible or intangible personal property or the use thereof; a preferential rate or terms on a transaction not available to other similarly situated government employees or officials or a rate which is not available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; forgiveness of an indebtedness; transportation other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking; food or beverage; membership dues; entrance fees, admission fees, or tickets to events, performances or facilities; plants, flowers, or floral arrangements; services provided by persons pursuant to a professional license or certificate; other personal services for which a fee is normally charged by the person providing the services; and any other thing or service having an attributable value.

2. A gift does not include salary, benefits, services, fees, commissions, gifts, or expenses associated with the donee’s employment, business or service as an officer or director of a corporation or organization; contributions or expenditures reported pursuant to Chapter 106, Florida Statutes, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party; an honorarium or an expense related to an honorarium event paid to an employee or the employee’s spouse; an award, plaque, certificate or similar personalized item given in recognition of the donee’s public, civic, charitable, or professional services; an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; the use of public facility or public property made available by a governmental agency for a public purpose; transportation provided by an agency in relation to officially approved governmental business; and gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

3. No Reporting Individual or Procurement Employee shall solicit any gift, regardless of its value, if the gift is for their personal benefit, their respective families, or for other Reporting Individuals or Procurement Employees.

4. Section 112.3148, Florida Statutes, prohibits Reporting Individuals and Procurement Employees from directly or indirectly receiving a gift the individual knows or reasonably believes has a value exceeding $100 if the gift comes from certain entities and individuals, including lobbyists, identified therein. This section further provides that any gifts in excess of $100 coming from allowable sources must be reported on a quarterly basis to the Commission on Ethics, with a few exceptions, the most significant of them is that gifts from relatives are excluded from the $100 cap and reporting requirement.
5. No employee or employee spouse or minor child shall solicit or accept anything of value, such as a gift, loan, reward, promise of future employment favor on the understanding that their official action or judgment would be influenced by such gift.

H. Honorarium:

1. Section 112.3149, Florida Statutes, governs solicitation and disclosure of honoraria. Generally, this section prohibits Reporting Individuals and Procurement Employees from accepting honoraria or any other thing of monetary value, unless of nominal value, for speaking appearances or articles written, but may accept payment of expenses related to an honorarium event which are reasonably incurred, and also may accept awards, plaques, certificates or similar personalized items given in recognition of the recipient’s public, civic, charitable, or professional service.

2. Reporting Individuals and Procurement Employees are prohibited from soliciting an honorarium that is related to their public office or duties.

3. Reporting Individuals and Procurement Employees are prohibited from knowingly accepting an honorarium from a lobbyist who lobbies the Department or from the employer, principal, partner, or firm of such a lobbyist, or from an individual political committee or committee of continuous existence, as defined in Section 106.11, Florida Statutes.

4. Any questions related to participation in an honorarium event and/or what constitutes an acceptable payment of expenses should be directed to the Department’s Chief Ethics Officer.

I. Conflicts of Interest, Post-Employment Restrictions, and Avoiding the Appearance of Impropriety:

1. Pursuant to Florida Statutes and Florida Administrative Code Rules, all employees are required to disclose potential or actual relationships with individuals, partnerships, corporations, and other entities doing business with or subject to regulation by the Department.

2. Employees should avoid any conduct, whether undertaken for business, social or financial reasons, which create an appearance of impropriety and/or might undermine the public trust.

3. As provided in Chapter 112, Florida Statutes and the State of Florida Employee Handbook, employees shall not engage in a business transaction, professional activity, or have a financial interest or obligation that is in substantial conflict with his or her duties as an employee with the Department and shall refrain from using Department resources, property, or personnel for financial or personal gain other than employer-provided salaried compensation and benefits.

4. Employees acting as purchasing agents or employees acting in their official capacity are prohibited from purchasing, renting, or leasing any realty, goods or services for the Department or from directly or indirectly procuring contractual services from a business entity in which they, their spouse, or child own more than a 5% interest or serve as an officer or director. Also, employees acting in a private capacity are prohibited from renting, leasing, or selling any realty, goods, or services to the State.
5. Employees are prohibited from using or attempting to use their positions or circumstances of their employment, including disclosure or use of information not available to the public and obtained by reason of their employment with the Department, to obtain a special privilege for themselves or others.

6. Employees exercising regulatory responsibility as defined by Rule 60L-36.003, Florida Administrative Code, must report within five days: 1) if the employee holds himself or herself out, verbally or in writing, as available for employment by or for a contractual relationship with a regulated entity; 2) any offer, verbally or in writing, for employment or contractual relationship made by a regulated entity; 3) if the employee receives from a regulated entity, on his or her own or on behalf of another, a gift the value of which is $25 or more; and 4) if the employee obtains a financial interest in a regulated entity.

7. Former employees, following retirement or termination of employment, are prohibited from having employment or a contractual relationship with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee.

8. A former employee who retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services, which was within his responsibility while serving as a state employee.

9. Senior Management Service and Selected Exempt Service employees are prohibited from personally representing another person or entity for compensation before the Department for a period of two years after leaving their position, unless employed by another agency or state government.

10. An employee who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding a Department’s contract for services is prohibited from being employed by a person holding such a contract with the Department.

J. Employee Political Activities:

1. All employees are encouraged to vote and will be afforded administrative leave to do so pursuant to Florida Statutes, Florida Administrative Code Rule, and FDJJ 1002.03. Employees are permitted to express their opinions on political subjects and candidates and take part in political campaigns outside of work. However, employees of the Department are prohibited from taking part in a political campaign or engaging in campaign activities while on duty or during any period of time when the employee is expected to perform services for compensation by the Department. Employees are prohibited from soliciting or knowingly accepting any campaign contribution in a government building or office. “Accept” means to receive a contribution by personal hand-delivery from a contributor or his agent. This does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fundraiser.
2. Section 110.233(4)(a), Florida Statutes, prohibits career service employees from holding or being a candidate for public office while in the employment of the state, but does allow for career service employees to be a candidate for or hold local public office where authorized by his or her agency head and approved by the Department of Management Services as providing no interest which conflicts or activity which interferes with his or her state employment. Further restrictions on employees’ political activities, including candidacy and acceptance of public office, are governed by Florida law, Rule 60L-36.002, Florida Administrative Code, and the Federal Hatch Act. Any employee who wishes to seek office must notify the Department’s Ethics Officer of his or her intent prior to announcing or qualifying for any elected position or post.

K. Family Employment (Nepotism):

1. The Department’s policy relating to employment of relatives is set forth in FDJJ 1003.06. Employees shall immediately notify supervisory personnel in the event the Department hires a relative or a person already within the Department’s employ should become a relative. Supervisory employees are required to follow appropriate notification procedures upon becoming aware or being advised of any nepotism concerns. A relative for purposes of this provision includes mother, father, brother, sister, son, daughter, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

L. Equal Employment Opportunity and Affirmative Action Policy:

1. The State of Florida and the Department assure each applicant and employee equal opportunities without regard to race, color, sex, religion, age, creed, national origin, marital status, or political affiliation.

2. Any employee who believes that he or she has been subject to discrimination may file a complaint without fear of retaliation with supervisory personnel or the Department’s EEO Officer. The procedures for filing such complaints are outlined in FDJJ 1003.22. Employees may also file a complaint with the Florida Commission on Human Relations or the Federal Equal Employment Opportunity Commission.

M. Americans with Disabilities Policy:

1. The Department does not discriminate in employment on the basis of disability. The Department is committed to providing reasonable accommodation to employees, job applicants, and members of the public who have disabilities unless doing so will cause undue hardship.

N. Sexual Harassment Policy:

1. Sexual harassment is prohibited under state and federal law. The Department is committed to providing employees with an environment free from unwelcome sexual advances and/or verbal or physical conduct that is sexual in nature. Employees are expressly prohibited from engaging in such acts or conduct, and any employee who believes that he or she has been a victim of
sexually offensive or harassing behavior should immediately contact a supervisor, manager, and/or the EEO Officer.

2. The procedure for reporting sexual harassment is set forth in FDJJ 1003.22. In addition, any supervisor who has knowledge or has been advised of sexual harassment shall report the matter to the EEO Officer as proscribed by Department policy.

O. Disciplinary Actions:

1. The minimal standards of conduct that apply to all employees are set forth in the State of Florida Employee Handbook. Disciplinary actions arising from a breach of one or more of these standards include oral reprimand, written reprimand, reduction in pay, demotion, suspension and dismissal. Permanent Career Service employees may be suspended or dismissed only for cause while employees outside the permanent Career Service may be dismissed at will. When appropriate, employees will receive a counseling, warning or other notice of the behavior in need of correcting before disciplinary action is administered.

P. Employee Assistance Program:

1. It is the policy of the Department to help those employees who suffer from or develop a behavioral or medical disorder, substance abuse problem or emotional difficulty that adversely impacts their job performance. The Department offers assistance to employees through the Employee Assistance Program (EAP). Further explanation of the Department’s EAP and procedures for accessing this service can be found in FDJJ 1003.29. All requests for information and assistance through the EAP will be confidential and are exempt from the public records requirements of Section 119.07, Florida Statutes.

Q. Drug-Free Workplace:

1. The Department is committed to maintaining a healthy and productive workforce and safe working environment free from the effects of drugs. In accordance with Section 112.0455, Florida Statutes, the Department adopts the requirements of the Drug-Free Workplace Act and strictly prohibits the possession of any drug or alcohol while on duty or on state property. All employees are subject to being drug tested when sufficient cause can be demonstrated that there exists a reasonable suspicion, as defined in Department’s Employee Drug Testing policy and procedure, that an employee may be using or has used drugs. Employees in positions designated as safety sensitive and/or special risk may be subject to additional drug testing.

R. Violence in the Workplace and Workplace Safety:

1. Violence in the workplace is unacceptable and will not be tolerated by the Department. Employees are prohibited from engaging in any act of violence against any person(s) and are obligated to advise their supervisors of any violence or threat of violence in the workplace. Supervisors who receive or otherwise become aware of such reports shall follow the reporting procedures set forth in FDJJ 1003.28. Furthermore, it is the Department’s policy to implement early intervention and awareness strategies as a first line of defense in order to avoid or minimize the occurrence and effects of violence in the workplace, both domestic and non-domestic. The
Staff Development Administrator shall be responsible for the development and coordination of training programs geared toward the prevention of workplace violence. Resource information about such violence in the workplace and workplace safety can be obtained through the Department’s Bureau of Personnel.

S. Smoking in the Workplace:

1. Smoking, including the use of e-cigarettes, is prohibited in Department buildings and offices. Designated smoking areas outside of state buildings are available at most Department facilities.

T. Mandatory Use of Seatbelt and Safe Operation of Vehicles:

1. Employees shall comply with FDJJ 1306 and Rule 60B-1.012, Florida Administrative Code. The Department promotes the safe operation of vehicles. State-owned, leased, or rented vehicles and all personal vehicles operated on State business should be operated in a safe and courteous manner in conformity with state, local, and federal laws and ordinances and all occupants are required to wear seat belts.

2. Failure to wear seat belts shall be considered improper use of a vehicle and may subject employees to discipline. Pursuant to Section 440.09(5), Florida Statutes, an employee’s worker’s compensation benefits may be reduced if any accident resulting in injury to an employee occurs when the employee is not wearing seat belts and the failure to wear a seat belt contributed to the injuries received.

U. Telephone, Internet and Email Use:

1. State equipment is for public business use only and personal use is generally prohibited. E-mail and all equipment and transmission lines used to transmit the Department’s e-mail are considered property of the Department of Juvenile Justice. Employees are responsible for being familiar and complying with FDJJ 1205.40, 1220 and 1309. Employee use of state-provided Internet access is recorded and can be monitored. Employees will refrain from using state-provided Internet service in such a way as to bring discredit or embarrassment to the Department or the State of Florida and are expressly prohibited from accessing the Internet for pornographic, obscene, illegal and/or other improper purposes.

2. Telephone calls for personal matters, while permitted within reason, should be limited and of short duration. Employees should make an effort to place and receive personal calls during breaks or at times that will not interfere with business activities and the employee’s official duties and responsibilities. Employees are not permitted to charge personal long-distance calls to State telephones. In the event of an emergency or unavoidable circumstance requiring an employee to place a personal long-distance call on a State telephone, the employee shall use a personal credit card to pay for the call. Employees are responsible for notifying supervisory personnel within a reasonable period and making arrangements to reimburse the Department of Juvenile Justice and/or the State of Florida for the cost of any personal long-distance call not paid for by the employee at the time the call was placed.
V. Whistleblower Act:

1. Pursuant to Section 112.3187, Florida Statutes, employees who report violations of law or improper use of governmental office, gross waste of funds, or any other neglect of duty on the part of the public employer, independent contractor, or public officer or who are requested to participate in an investigation, proceeding, or hearing involving such an alleged offense shall not be subject to retaliation by the Department. Violations of the Whistle-blower Act should be reported in accordance with this statutory provision.

W. Frequent-Flyer Miles Earned Through State-Reimbursed Travel:

1. Frequent-flyer miles and/or bonus miles awarded as a result of State-reimbursed travel may be used by the receiving employee for personal use.

X. Professional Codes of Ethics:

1. The provisions contained herein do not relieve attorneys of any obligations bestowed upon them pursuant to the Rules of Professional Responsibility, nor does it relieve any professional from other applicable professional codes, rules or regulations.

Y. Reporting Violations:

1. Any employee, supervisor, or manager who believes that any provision of this policy and procedures has been violated shall report the suspected violation in accordance with the requirements of the specific applicable policy. Where there is no specific policy or reporting procedures, violations of this policy shall be reported to the Incident/Complaint Hotline by phone at 1-800-355-2280, by fax at (850) 414-7182 or by email at OIGComplaints@djj.state.fl.us. The Office of the Inspector General will coordinate with the Department’s Chief Ethics Officer as to whether it has authority to investigate the complaint or should refer it to the Commission on Ethics or other appropriate agency for investigation.

2. The Office of the Inspector General will coordinate with the Department’s Chief Ethics Officer as to whether it has authority to investigate the complaint or should refer it complaint to the Commission on Ethics or other appropriate agency for investigation.

III. RESPONSIBILITY AND DUTIES

A. Supervisors/Managers

1. Responsibility to ensure that each employee is provided a copy of this Code to read and that a copy is available at all times in the facility or office and on the Department’s Internet Website.

2. Responsibility to ensure that employees sign and submit a Statement of Personal Responsibility acknowledging receipt (see Attachment 1) of this Code.

3. Ensures that signed acknowledgement receipts are submitted to the Bureau of Personnel so that they will be maintained in an employee’s official personnel file.
4. Report any suspected violations of this policy and procedure in accordance with the provisions of section II.Y.1.

B. Employees

1. Shall receive a copy of, or have access to the Department’s Employee Code of Ethics and Personal Responsibility.

2. Sign and submit a Statement of Personal Responsibility acknowledging receipt (see Attachment 1) of this Code.

3. Report any suspected violations of this policy and procedure in accordance with the provisions of section II.Y.1.

IV. ATTACHMENTS

Attachment 1 - Statement of Personal Responsibility