



**STATE OF CONNECTICUT**  
**Department of Mental Health & Addiction Services**



**Commissioner's Policy Statement and Implementing Procedures**

<b>SUBJECT:</b>	Code of Ethics
<b>P &amp; P NUMBER:</b>	Chapter 3.12
<b>APPROVED:</b>	Miriam Delphin-Rittmon, Commissioner      Date: 10/15/2015
<b>EFFECTIVE DATE:</b>	October 15, 2015 <i>Miriam Delphin-Rittmon</i>
<b>REVISED:</b>	9/1/2012, Replaced Code of Ethics Commissioner's Policy #8
<b>REFERENCES:</b>	Chapter 10 of the Connecticut General Statutes DMHAS Gifts Policy Chapter 3.6
<b>FORMS AND ATTACHMENTS:</b>	

**STATEMENT OF PURPOSE:** It is the policy of the Department of Mental Health and Addiction Services to insure that each appointed official and employee shall comply with the provisions of the State Code of Ethics.

**POLICY:** Each public official and employee of DMHAS is required to comply with the provisions of the State Code of Ethics, Section' 1-79 et sea. of the Connecticut General Statutes. The principle provisions of the State Code of Ethics addressing gifts, financial benefit, outside employment, financial disclosure and post-state employment are summarized in this document. A current version of these documents, A Guide to the Code of Ethics for Appointed Officials and State Employees and Ethics Code Provisions Applicable to those Leaving State or Quasi - Public Agency Service, shall be distributed to each DMHAS public official and employee annually and shall also be provided to each prospective DMHAS public official or employee. Prior to the last day of employment, each DMHAS public official or employee who leaves state service shall be provided with a copy of the Ethics Code Provisions Applicable to those Leaving State or Quasi-Public Agency Service.

The Guide is also available at:

[http://www.ct.gov/ethics/lib/ethics/publications/public\\_officials\\_guide\\_11.pdf](http://www.ct.gov/ethics/lib/ethics/publications/public_officials_guide_11.pdf)

The Commissioner of DMHAS shall appoint an individual to serve as a liaison to the State Ethics Commission. The Ethics Compliance Liaison Officer will be responsible for coordinating

appropriate training initiatives, monitoring agency policies, and responding to inquiries or requests for information relating to the Code of Ethics. The Ethics Liaison Officer will provide appropriate guidance or will refer you to the State Ethics Commission for legal advice when warranted. Upon your request, the Ethics Liaison Officer will contact the Commission on your behalf. A DMHAS public official or employee who has questions about the State Code of Ethics may contact the DMHAS Ethics Liaison Officer by calling the Office of the Commissioner at (860) 418-7000, or may directly contact State Ethics Commission staff at (860) 566-4472.

In fulfilling the DMHAS mission as a healthcare service agency, the conduct of DMHAS public officials and employees is sometimes governed by applicable provisions of other laws and regulations in addition to the State Code of Ethics. Examples include the Medicare/Medicaid fraud and abuse laws and regulations, the Health Insurance Portability and Accountability Act (HIPAA), and the Hatch Act, among others. DMHAS officials and employees must be aware of the impact of such laws and regulations. Accordingly, the DMHAS Ethics Compliance Liaison Officer will collaborate with appropriate agency staff to raise awareness of and promote compliance with those laws and regulations that, in addition to the State Code of Ethics, governs the conduct of DMHAS officials and employees. All state officials and employees (except judges) are covered by Part I of the Code of Ethics for Public Officials (henceforth, Part I, or the Code). It is important to remember that certain provisions of the Code also apply to public officials and state employees after they leave state service. As you read through this guide, be aware that these laws were enacted to prevent individuals from using their public position or authority for personal, financial benefit.

### **Gifts**

DMHAS has a separate and distinct Gifts Policy Chapter 3.6 which exceeds the state statute. As a public official or state employee, there are rules in place regarding accepting gifts from both restricted and non-restricted donors. In general, you may not accept gifts from restricted donors but all DMHAS employees should refer to the DMHAS Gift Policy for specific guidance. Restricted Donors

Restricted donors include:

- Registered lobbyists (a list is available on the OSE's Web site) or a lobbyist's representative;
- Individuals or entities doing business with your state department or agency;
- Individuals or entities seeking to do business with your state department or agency;
- Individuals or entities engaged in activities regulated by your state department or agency;  
or
- Contractors pre-qualified by the Connecticut Department of Administrative Services (Conn. Gen. Stat. § 4a-100).

A **gift** is defined as anything of value that you (or in certain circumstances a member of your family) directly and personally receive *unless* you provide consideration of equal or greater value (e.g., pay for the item). Conn. Gen. Stat. § 1-79 (e).

### Gift Exceptions

There are, however, certain exceptions to this definition of gift. Not all exceptions are covered below; see Conn. Gen. Stat. § 1-79 (e) (1) – (18) for the complete list.

- *Token Items* – Restricted donors such as registered lobbyists may provide you with any item of value that is not more than \$10 (such as a pen, mug, or inexpensive baseball cap), provided that the annual aggregate of such items from a single source is \$50 or less. Conn. Gen. Stat. § 1-79 (e) (16).
- *Food and Beverage* – Restricted donors may also provide you with less than \$50 worth of food and beverage in a calendar year, provided that the restricted donor or his/her representative is in attendance when you consume the food and/or beverage. Conn. Gen. Stat. § 1-79 (e) (9).
- *Training* – Vendors may provide you with training for a product purchased by a state or quasi-public agency provided such training is offered to all customers of that vendor. Conn. Gen. Stat. § 1-79 (e) (17).
- *Gifts to the State* – Restricted donors may provide what are typically referred to as “gifts to the state.” These gifts are goods and services provided to a state agency or quasi-public agency for use on state or quasi-public agency property or that support an event, and which facilitate state or quasi-public action or functions. Conn. Gen. Stat. § 1-79 (e) (5).

*Other Exceptions* – There are a total of 18 separate gift exceptions in the Code. Also exempt from the definition of gift are items such as informational materials germane to state action, ceremonial plaques or awards costing less than \$100, or promotional items, rebates or discounts also available to the general public. See Conn. Gen. Stat. § 1-79 (e) (1) – (18).

**Note:** Registered lobbyists are the only restricted donors who may make use of the “major life event” gift exception. Other restricted donors *may not* make use of this exception. There is a \$1,000 limit on a gift a registered lobbyist gives to you or a member of your family for the following major life events:

- Birth or adoption of a child;
- Wedding;
- Funeral;
- Ceremony commemorating induction into religious adulthood (e.g., bar mitzvah or confirmation); or
- Retirement from state service.

This list of major life events is exhaustive. Regs., Conn. State Agencies § 1-92-53.

Besides restricted donors outlined above, the law cites two other categories of individuals or entities that may attempt to give you gifts. These other “gift-givers” include:

- *Non-restricted donors giving you something because of who you are in state service* – If a gift-giver does not fall within the definition of a restricted donor, but is nonetheless giving you something because of your public position, you should be aware that a dollar limit exists. From this type of donor, you may only accept up to \$100 annually from a single source, in addition to any of the items listed in the 17 gift exceptions noted above and set forth in Conn. Gen. Stat. § 1-79 (e) (1) – (18).
- *Non-restricted donors giving you something that has nothing to do with your state job* – There is no limit as to what you may accept from a non-restricted donor, such as your neighbor of 20 years or a best friend from kindergarten, who is giving you a gift that has nothing to do with your public position. This holds true as long as the donor remains non-restricted. Should this individual become a registered lobbyist, for example, the gift provisions regarding restricted donors would apply, regardless of any longstanding personal relationship.

#### Necessary Expenses

You may receive payment or reimbursement for necessary expenses from a restricted donor *only* if you, in your official capacity, actively participate in an event; for example by giving a speech or presentation, or running a workshop.

Necessary expenses are limited to:

- Travel (coach or economy class);
- Lodging (standard cost of room for the nights before, of, and immediately following the event);
- Meals; and
- Related conference expenses.

Conn. Gen. Stat. § 1-79 (q).

Entertainment costs (tickets to sporting events, golf outings, night clubs, etc.) are *not* necessary expenses. Necessary expense payments also *do not* include payment of expenses for family members or other guests.

Within 30 days of receiving payment or reimbursement of necessary expenses for lodging or out-of-state travel, as a state employee or public official, you must file an ETH-NE form with the OSE.

Conn. Gen. Stat. § 1-84 (k). A new, online form is available on the OSE's Web site for your convenience. This form is not required if your necessary expenses were paid by the federal government or by another state government.

#### Fees/Honorariums

As a public official or state employee, you may not accept fees or honorariums for an article, appearance, speech or participation at an event in your official capacity or if your state position or

authority was a significant factor in the decision to extend the invitation.

Fees or honorariums for such activities, if offered based solely on your expertise and without any regard to your official capacity, may be acceptable. Contact the OSE if you are offered such payment. Conn. Gen. Stat. § 1-84 (k).

### Gifts Between State Employees

Advisory Opinion No. 2006-6 interpreted Conn. Gen. Stat. § 1-84 (p), regarding gifts between supervisors and subordinates in state service. This three-part provision limits gift-giving between certain individuals. Specifically:

The provision imposes a monetary limit of \$99.99 for gifts between a public official or state employee and his or her supervisor. This limit is a per-gift – not a per-year – amount.

Individuals subject to this limit may still make use of the major-life-event exception. In other words, supervisors and subordinates are not limited to \$99.99 when giving gifts to each other for major life events. The applicable limit for major life events is \$1,000.

The provision applies not only to direct supervisors and subordinates, but to any individual up or down the chain of command.

In Advisory Opinion 2007-5, the Board concluded that supervisors and/or subordinates may not pool their money to give a collective or group gift valued in excess of the \$99.99 limit. Thus, except in the case of a major life event (which holds a \$1,000 limit), it would be a violation for Supervisor A to accept a gift valued at \$150 from Subordinates X and Y (and for them to give such a gift), even though the individual contributions of X and Y are less than the \$99.99 limit established in § 1-84 (p).

## **EMPLOYMENT RESTRICTIONS**

### Post-state Employment (Revolving Door)

If you are a former state employee seeking employment, you should be aware of the Code's post-state employment, or revolving-door, provisions.

#### Lifetime Bans

You may never disclose any confidential information you learned during the course of your state service for anyone's financial gain. Conn. Gen. Stat. § 1-84a.

- You may **never** represent anyone other than the state regarding a particular matter in which you were personally or substantially involved while in state service and in which the state has a substantial interest. This prevents side-switching in the midst of on-going state proceedings. Conn. Gen. Stat. § 1-84b (a).

#### One-year Bans

- You may not represent your new employer for compensation before your former agency for a period of **one year** after leaving state service. Conn. Gen. Stat. § 1-84b (b). (See Advisory Opinion No. 2003-3, which provides a limited exception to this provision if you are providing purely technical expertise to help implement a previously-awarded contract. This exception applies to extremely limited circumstances; contact the OSE for guidance.)
- You are prohibited from being hired for a period of **one year** after you leave state service by a party to a state contract valued at \$50,000 or more if you were substantially involved in, or supervised, the negotiation or award of that contract and it was signed within your last year of state service. Conn. Gen. Stat. § 1-84b (f).
- Employees who held certain specifically-designated positions (with significant decision-making or supervisory responsibility) at certain state regulatory agencies are prohibited from seeking or accepting employment with any business subject to regulation by the individual's agency within **one year** of leaving the agency. Note that there is an exception for *ex-officio* board or commission members. Conn. Gen. Stat. § 1-84b (c).

### Post-state Employment

#### **Outside Employment for Current Public Officials and State Employees**

If you are a *current* state employee seeking outside employment, especially from an employer that is regulated by or does business with your agency, you should be aware of the following rules regarding the employment of current state employees:

- You may not accept outside employment that impairs your independence of judgment regarding your state duties, or that encourages you to disclose confidential information learned in your job. Conn. Gen. Stat. § 1-84 (b).
- You may not accept employment with an entity that represents others before the following 13 agencies: State Insurance and Risk Management Board, Claims Commissioner, Office of Health Care Access, Insurance Department, Department of Environmental Protection, Department of Public Utility Control, Department of Banking, Department of Consumer Protection: liquor control, Department of Motor Vehicles, Gaming Policy Board, Division of Special Revenue, Connecticut Real Estate Commission, Connecticut Siting Council. Conn. Gen. Stat. §1-84 (d).
- You may not utilize state time, materials or personnel in completing tasks for outside employment.

### Other Considerations

Present or former Gaming Policy Board or Division of Special Revenue public officials or employees should be aware of specific provisions relating to their involvement with businesses engaged in Indian gaming activities. See Conn. Gen. Stat. §§ 1-84b (d) and (e).