



Code of Ethical Conduct Policy

Chapter 6: Human Resources

Policy Number: PL607.02 (Supersedes PL607.01)
Effective Date: 12/22/2022
Responsible Manager: Internal Auditor
Reviewed by: Deputy Chief Operating Officer, Ethics Council, Health Operations Team
Approval: Deputy Commissioner

Policy Statement

All employees are held to the highest standard of honesty, integrity and ethical behavior. All employees are expected to act and behave in an ethical manner and avoid conflicts of interest. All employees of the Minnesota Department of Health must comply with the Code of Ethics set forth in M.S. 43A.38 and the following State policies and memo:

- HR/LR Policy #1332, Acceptance of Discounts – standards and expectations of employees taking advantage of special discounts or offers made by private businesses to government employees.
- HR/LR Policy #1339, Meeting Planner's Exemption – certain statutory variances may be applied to the "gift ban" in order to enable state meeting planners to perform their jobs.
- HR/LR Policy #1393, Solicitations – protect employees from private vendors conducting individual solicitations of employees while they are at work.
- HR/LR Policy #1445, Code of Ethical Conduct – state-wide policy to ensure compliance with M.S.43A.38.
- General Memo 2015-5, Code of Ethics Q&A – general guidance and information pertaining to the code of ethics policy.
- OGM Policy 08-01, Conflict of Interest Policy for State Grant-Making – All state employees and grant reviewers involved in the review of grant applications must sign a conflict of interest disclosure form.

All employees are required to complete the code of ethical conduct training annually. The MDH policy supplements the MMB HR/LR Policy #1445, Code of Ethical Conduct and must be read and understood in addition to this policy.

To ensure compliance with MMB policies and specifically that conflicts of interest are avoided or mitigated, MDH has developed the below requirements to guide employees as they participate in outside community or volunteer activities as a private citizen. Employees may also hold outside positions, however, the position must be such that it does not create a conflict interest or the appearance of one.

Employees who violate this policy or the above listed MMB policies may be subject to discipline, up to and including discharge. Violation of this policy and state-wide policy also may be subject to criminal penalties as provided in M.S.43A.39 and other law.

Definitions

Continuing Working Relationship – Any business interaction or relationship between an outside organization and MDH within the last five years, (ex: Advisory boards, task force, consultant, regulatory, receives direct funding).

Outside Activity

Participation on Outside Boards/Commissions/Organizations

The department prohibits employees from participating in the administration and/or operation of outside community programs and organizations that are funded by department monies or by grants administered by the Department.

Any involvement in outside boards, commissions, advisory committees or organizations, whether as a volunteer or for anything of value, must be reviewed in advance with the employee's supervisor or manager to determine whether or not any conflict or the appearance of a conflict is created. For documentation purposes, the employee must complete a [Request for Approval of Outside Activity form](#) and discuss it with their supervisor; route form through division director and agency ethics officer at health.ethicscouncil@state.mn.us.

Outside Employment

Permitted Outside Employment:

Outside employment which has no connection with the work of the Department of Health and which has no possibility of creating an actual, potential or appearance of a conflict of interest is permitted.

Employees may hold outside positions in accordance with the provisions of this Section only if ALL of the following conditions are met:

1. the employment does not create an actual or potential conflict of interest or the appearance of a conflict of interest
2. the employment is performed on non-work hours
3. the employment does not involve the use of any state property, supplies, equipment, etc
4. the employment is not contingent upon the employee's affiliation with the department.
5. the employment does not in any way affect an employee's ability to perform his or her regular work duties
6. the employment does not involve the use of confidential or non-public information that is only available to the employees of the Department of Health or as an employee of the State of Minnesota, and

7. the employer, business or organization in which the outside position exists does not have a continuing working relationship with the Department of Health. If the employer, business or organization has a continuing working relationship with MDH, complete an Outside Activity Request Form.

Prohibited Outside Employment:

Because of the need to avoid any real or potential conflict of interest, or the appearance of a conflict of interest, it is necessary to restrict some types of outside employment because of our diverse roles and functions including educational activities, regulatory activities and the potential for conflicts that could arise. These restrictions are intended to assist in protecting MDH employees and the Department from a potential for, or the appearance of, a conflict of interest and ensures the department does not get into a situation where its credibility or integrity is challenged or adversely affects our ability to advance our mission or vision. Examples of outside employment that is prohibited include, but are not necessarily limited, to the following:

1. Publications of books, pamphlets, articles, etc. for pay or anything else of value if the employee is represented as an MDH employee, uses information that is not generally available to the public, or the sale or promotion of the material is seen as a conflict of interest.
2. Any outside employment in an industry regulated by the department if such employment would create a potential for or be seen as a conflict of interest; or any employment in a business or organization which is subject to the employee's direct or indirect control, inspection, review, audit or enforcement.
3. Any employment where the employer makes use of the name of the employee as working for the Minnesota Department of Health in the conduct of their business or service.
4. Any employment where the duties involve the endorsement or sale or promotion of products or services which are regulated by the Department of Health.
5. Any employment where scientific or professional research or study or consulting is involved in areas that would be seen as a conflict of interest.
6. Any employment with a MDH-regulated entity, or organization which receives money from, or grants money to the MDH through grants, contracts, gifts, etc. If the employer, business or organization is a MDH-regulated entity or receives money from or grants money to MDH, complete an Outside Activity Request Form.
7. Outside employment which directly or indirectly appears to be an endorsement by the Department of any product, service, company which is related to protecting, maintaining or promoting the health of Minnesotans.
8. Any outside employment which involves serving as an expert witness in any litigation or acting as a consultant to attorneys, companies or non-profit organizations in any matter related to the work of the Department, except as required as part of an employee's position in which case it must be done as a work assignment.
9. Any contractual arrangement with another state agency is specifically prohibited by law.

Resources

Forms

- [Code of Ethics – Request Approval for Outside Activity Form](#)
- [Allegation form](#)

Related Information

- HR/LR Policy #1332, Acceptance of Discounts
- HR/LR Policy #1339, Meeting Planner's Exemption
- HR/LR Policy #1393, Solicitations
- HR/LR Policy #1445, Code of Ethical Conduct
- General Memo 2015-5, Code of Ethics Q&A
- [MDH Code of Ethical Conduct Procedure](#)
- [Ethics Council SharePoint Site](#)
- [Department of Administration Office of Grants Management Policy 08-01: Grants Conflict of Interest](#)
- [Department of Administration Office of State Procurement Section 2: Ethics and Conflict of Interest](#)

History

- August 27, 2015 updated PL607.01 aka Policy 436.03
- December 22, 2022 - Supersedes PL607.01