

	DEPARTMENT OF CORRECTIONS AND REHABILITATION DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: January 01, 2024	POLICY NO.: ADM.03.01
		SUPERSEDES (Policy No. & Date): ADM.03.01 of June 15, 1993	
	SUBJECT: ETHICS CODE, GIFTS, AND UNWARRANTED PRIVILEGES		Page 1 of 5

1.0 PURPOSE

To establish ethical conduct guidelines for Department employees in relation to the acceptance of gifts and the securing of unwarranted privileges.

2.0 SCOPE

This policy shall apply to all employees of the Department.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References

State Code of Ethics, HRS Chapter Sections 84-11.5, 84-11, 84-13, 84-19.

.2 Definitions

- a. Gift – Money, any type of service, loan, travel, lodging, entertainment, hospitality, things, or promise, or in any other form.
- b. Employee – All full and part-time personnel, including board and commission members, working for the Department of Corrections and Rehabilitation. This shall include those with the status of permanent Civil Service, exempt, excluded, emergency hires, and volunteers.
- c. State time – Actual time during which an employee is paid by the State to perform their official duties. State time excludes lunch time, break time, and vacation time.
- d. State equipment – All equipment belonging to the State such as copy machines, telephones, typewriters, computers, etc., and vehicles such as trucks, cars, and vans.
- e. State facilities – All State offices, conference rooms, working areas, grounds of a correctional facility and so forth.
- f. State supplies – Stationery, paper, stamps, envelopes, and other office supplies.

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DCR P & P M	SUBJECT: ETHICS CODE, GIFTS, AND UNWARRANTED PRIVILEGES	POLICY NO.: ADM.03.01
		EFFECTIVE DATE: January 01, 2024
		Page 2 of 5

4.0 POLICY

- .1 Employees of the Department are expected to exhibit the highest standards of ethical conduct at all times. In accordance with the provisions of Chapter 84, Hawaii Revised Statutes, an employee shall not:
 - a. Solicit or receive, directly or indirectly, any gift under circumstances in which it can reasonably be inferred that the gift is intended to influence the employee in the performance of the employee's official duties or is intended as a reward for any official action on the employee's part.
 - b. Use or attempt to use the employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for oneself or others.
 - c. Use or employ State time, equipment, employees, supplies, facilities, or inmates of correctional institutions in any way which may be construed as personally benefiting any employee or other person.

5.0 PROCEDURES

.1 Obtaining Approval for the Acceptance of Gifts

Before accepting any gift for the Department or for themselves in connection with their official duties, employees shall first consult with their supervisor to obtain approval and the proposed relegation of the gift.

If the ethics of the acceptance of the gift is in doubt, the State Ethics Commission shall be consulted for advice. For procedures in requesting an advisory opinion, consult Section 4.5.

.2 Gifts Disclosure Requirement

The law requires a Department employee to file a gifts disclosure statement with the State Ethics Commission under certain conditions. The attached document from the State Ethics Commission outlines these conditions, instructions for filing a gifts disclosure form, when to file, and a sample of a completed form.

.3 Gifts of Travel and Lodging

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DCR P & P M	SUBJECT: ETHICS CODE, GIFTS, AND UNWARRANTED PRIVILEGES	POLICY NO.: ADM.03.01
		EFFECTIVE DATE: January 01, 2024
		Page 3 of 5

- a. The State Ethics Commission shall be consulted for advice regarding any offer of travel or lodging that an employee receives in connection with the employee's official duties. Refer to Section 4.6.
- b. Every approved gift of travel or lodging shall be reported in writing to the Deputy Director for Administration. The report shall include:
 1. The name of the employee and title of position receiving the travel gift.
 2. Brief description of the advice received from the State Ethics Commission.
 3. Name of the donor.
 4. Purpose of the trip.

The Deputy Director for Administration shall use this information to ascertain if more than one employee has accepted the same travel gift and to determine if it is in the Department's interest to send more than one employee on the same trip.

- c. Employees shall be especially cautious about accepting gifts of travel or lodging from donors with whom the employee transacts State business or donors who will be subject to any recommendation or discretionary action by the employee. Such gifts shall always be discussed with the State Ethics Commission prior to acceptance. Refer to Section 4.6.
- d. If an employee is offered a fact-finding or informational trip from a donor with whom the employee transacts State business or a donor who will be subject to any recommendation or discretionary action by the employee, the employee shall advise the donor in writing that the purpose of accepting the trip is for its informational value and that acceptance of the trip will in no way obligate the State or the employee to the donor.

A copy of the written notice sent to the donor shall be included in the information package sent to the Deputy Director for Administration (reference Section 4.3.b).

NOT CONFIDENTIAL

DCR P & P M	SUBJECT: ETHICS CODE, GIFTS, AND UNWARRANTED PRIVILEGES	POLICY NO.: ADM.03.01
		EFFECTIVE DATE: January 01, 2024
		Page 4 of 5

- e. Employees who receive approval to accept a fact-finding or informational trip shall prepare and submit to their supervisor a written report summarizing the information obtained during the trip.
- f. An employee who wishes to extend their gift of travel for a personal vacation shall consult first with the State Ethics Commission since the Ethics Code may prohibit this. Refer to Section 4.6.

.4 Unlawful Employment of Correctional Institution Inmates

Inmates shall not be used or employed in the manufacture, repair, refurbishment, servicing, maintenance, cleaning, etc., of any item which is, or will become, the personal property of an employee.

.5 Unlawful Use of State Property

- a. Employees shall not use or employ State time, equipment, facilities, supplies, or other employees, in the manufacture, repair, refurbishment, servicing, maintenance, cleaning, etc., of any item which is the personal property of an employee.
- b. Employees shall not use or employ State time, equipment, facilities, supplies, other employees, or inmates of correctional facilities for private business purposes or personal benefit of any kind.

.6 Request for an Advisory Opinion

For an informal advisory opinion on proper ethical conduct of State employees, an employee may contact the State Ethics Commission by telephone.

If a formal written advisory opinion is desired or the issue is extensive or complex, a written request to the Commission shall include the following:

- a. Name of the individual requesting the opinion.
- b. Employing State agency and the individual's position in the agency.
- c. Nature and duties of the requesting individual.
- d. Office address and telephone number of the requesting individual.

NOT CONFIDENTIAL

DCR P & P M	SUBJECT:	POLICY NO.: ADM.03.01
	ETHICS CODE, GIFTS, AND UNWARRANTED PRIVILEGES	EFFECTIVE DATE: January 01, 2024
		Page 5 of 5

e. Statement of the facts and circumstances which may constitute a violation of the State Ethics Law.

.7 Violation of this Policy

Violation of this Policy may result in prosecution under HRS Chapter 84, Code of Ethics. Conviction of a violation of the State Code of Ethics could result in an employee being placed on probation, suspension, or discharge from service. In addition, the Office of the Attorney General may prosecute to recover the value of any benefit, product, or service gained by the employee.

APPROVAL RECOMMENDED:



Deputy Director for Administration

JAN 0 1 2024

Date

APPROVED:



DIRECTOR

JAN 0 1 2024

Date

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