




DELAWARE HEALTH AND SOCIAL SERVICES

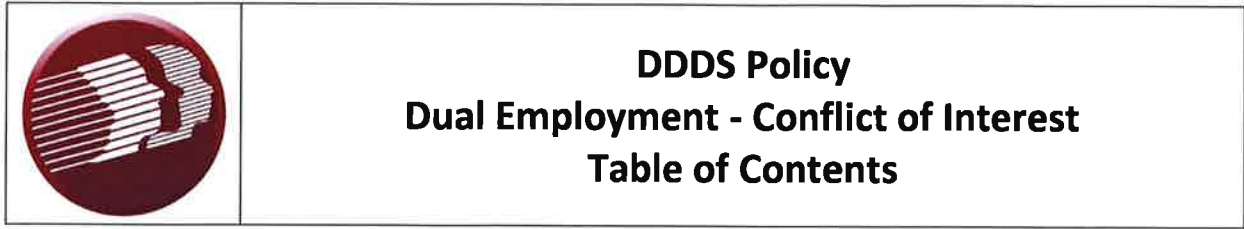
Division of Developmental Disabilities Services

DDDS Policy
Dual Employment and Conflict of Interest

February 06, 2017

	<p>DDDS Policy Dual Employment - Conflict of Interest Revision Table</p>
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Revision Date	Sections Revised	Description of Revision
02/06/2017	All	Origination date 2/3/17
Director's Signature:		



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1 Purpose

- 1.1 The Division of Development Disabilities Services (DDDS) strives to gain and maintain the trust of clients it serves by ensuring that it provides case management services and referrals objectively without perception of favoritism or conflict of interest. Due to the negative effect that any such conflict of interest would have on this trust between DDDS and its clients, it is important that any and all actual or perceived conflicts be avoided and addressed quickly.
- 1.2 This policy will become effective February 6, 2017.

2 Background

- 2.1 Any current employee dually-employed by a DDDS authorized provider must ensure proper discharge of his or her responsibilities without partiality or conflict of interest.
- 2.2 This both reflects the policy of DDDS and is required by federal law.
 - 2.2.1 42 C.R.F. § 441.301(c) (vi) (prohibiting persons employed by a DDDS provider from providing case management or developing the person-centered service plan for DDDS clients served by that provider).

3 Definitions

- 3.1 "Dual employment" means fulltime employment with DDDS and part time or fulltime employment, with or without compensation, with a DDDS authorized provider.
- 3.2 "Close relative" means a person's parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.
- 3.3 "Compensation" means any money, thing of value or any other economic benefit of any kind or nature whatsoever conferred on or received by any person in return for services rendered or to be rendered by oneself or another.
- 3.4 A person has a "financial interest" in a private enterprise if:
 - 3.4.1 The person has a legal or equitable ownership interest in the enterprise of more than 10% (1% or more in the case of a corporation whose stock is regularly traded on an established securities market);
 - 3.4.2 The person is associated with the enterprise and received from the enterprise during the last calendar year or might reasonably be expected to receive from the enterprise during the current or the next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee or independent contractor; or
 - 3.4.3 The person is a creditor of a private enterprise in an amount equal to 10% or more of the debt of that enterprise (1% or more in the case of a corporation whose securities are regularly traded on an established securities market).

4 Scope

- 4.1 This policy addresses those classifications in DDDS that serve clients in the capacity of case management, which includes oversight of care by and referrals to DDDS authorized providers. The specific classifications are as follows:
- 4.1.1 Social Worker/Case Manager:
<http://www.jobaps.com/de/specs/classspecdisplay.asp?ClassNumber=MDDZ57&LinkSpec>
 - 4.1.2 Senior Social Worker/Case Manager:
<http://www.jobaps.com/de/specs/classspecdisplay.asp?ClassNumber=MDDZ58&LinkSpec>
 - 4.1.3 Developmental Disabilities Residential Unit Manager (functions in the community setting):
<http://www.jobaps.com/de/specs/classspecdisplay.asp?ClassNumber=MDDZ27&LinkSpec>
 - 4.1.4 Developmental Disabilities Program Evaluator:
<http://www.jobaps.com/de/specs/classspecdisplay.asp?ClassNumber=MFDZ02&LinkSpec>
 - 4.1.5 Psychiatric Social Worker II:
<https://www.jobaps.com/de/specs/classspecdisplay.asp?ClassNumber=MDDR02&LinkSpec>
 - 4.1.6 Psychiatric Social Worker III:
<https://www.jobaps.com/de/specs/classspecdisplay.asp?ClassNumber=MDDR03&LinkSpec>
 - 4.1.7 Additional classifications may be amended to this policy as potential conflicts are discovered.

5 Standards

- 5.1 As of the effective date of this policy, dual employment by any DDDS employee holding a position in one of the above-specified job classifications is prohibited.
- 5.2 Employees that are currently dual-employed **and** have met the below listed criteria will be permitted to maintain such dual employment until the dual employment ceases:
 - 5.2.1 Gained approval from DDDS management for dual employment that is prohibited under this policy;
 - 5.2.2 Have had their secondary employment reviewed by the Public Integrity Commission; and
 - 5.2.3 Have been permitted to continue such prohibited dual employment by DDDS.
- 5.3 For purposes of this policy, dual employment ceases upon any of the following events:

- 5.3.1 The dually employed staff's separation from employment by the current authorized DDDS provider;
 - 5.3.2 The change of ownership or license holder of the DDDS authorized provider;
 - 5.3.3 The separation of the dually employed DDDS staff from any classification subject to this policy, whether by resignation, termination, transfer, promotion, or demotion.
- 5.4 Any reports of conflicts of interest by dually employed DDDS staff will be investigated immediately. If the conflict is substantiated, DDDS may mandate that the dually employed DDDS staff forfeit his or her external employment and may take additional disciplinary action as warranted, up to and including termination.