

# TEXAS CIVIL COMMITMENT OFFICE



**NUMBER:** 1.10  
**EFFECTIVE DATE:** 02/15/2018  
**SUPERCEDES:** 10/15/2016

## **POLICY AND PROCEDURE**

**Subject:** Texas Civil Commitment Office Ethics Policy

**Purpose:** To establish an ethics policy for the Texas Civil Commitment Office (TCCO) in accordance with Section 572.051 of the Texas Government Code.

### **Procedures:**

#### **I. Overview**

Pursuant to Section 527.051(c) of the Texas Government Code, TCCO promulgates the following ethics policy.

This ethics policy prescribes standards of conduct for all TCCO employees. This ethics policy does not supersede any applicable federal law, State law, or administrative rule.

All TCCO employees are required to review and familiarize themselves with this policy. All TCCO employees must abide by all applicable federal and State laws, administrative rules, and TCCO conduct policies, including this ethics policy. A TCCO employee who violates any provision of the agency's conduct policies is subject to termination of the employee's State employment or other employment-related sanction. A TCCO employee who violates any applicable federal or State law or rule may be subject to civil or criminal penalties in addition to any employment-related sanction.

#### **II. Standards of Conduct**

A. A TCCO employee shall not:

1. Accept or solicit any gift, favor, or service from a vendor or contractor of the TCCO;
2. Accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties, or that the employee knows or should know is being offered with the intent to influence the employee's official conduct;

3. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another;
4. Disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act, Texas Government Code Chapter 552, or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position, or accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position;
5. Accept other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
6. Make personal investments, or have a personal financial interest that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest;
7. Utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the state or TCCO, interfere with the employee's official duties, and interfere with TCCO functions;
8. Utilize his or her official position, or state issued items such as a badge, indicating such position for financial gain, obtaining privileges, or avoiding consequences of illegal acts;
9. Knowingly make misleading statements, either oral or written, or provide false information in the course of official state business; or
10. Engage in any political activity while on state time or utilize state resources for any political activity.

B. A TCCO employee shall:

1. Perform his or her official duties in a lawful, professional, and ethical manner befitting the State and TCCO;
2. Participate, upon request, in the investigation of a violation of TCCO policy, procedure, or work rules;
3. Report any conduct or activity that the employee believes to be in violation of this ethics policy to the Executive Director or the Executive Director's designee; and
4. Report suspected fraud, waste, or abuse involving state funds, or possible fraudulent or unlawful conduct to the State Auditor's Office. The report shall be made via phone to the State Auditor's Office Fraud Hotline 1-800-TX-AUDIT or online at <https://sao.fraud.texas.gov/ReportFraud/>.

C. The TCCO Executive Director shall report suspected loss, misuse, misappropriation, or possible fraudulent or unlawful conduct to the State Auditor's Office. The report shall be

made via phone to the State Auditor's Office Fraud Hotline 1-800-TX-AUDIT or online at <https://sao.fraud.texas.gov/ReportFraud/>.

### III. Regulatory Agency

#### A. Definitions

1. Pursuant to Texas Government Code Section 572.054(h)(1), participated means to have taken action through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.
  2. Pursuant to Texas Government Code Section 574.054(h)(2), particular matter means a specific investigation, application, or request for a ruling or determination, rulemaking proceeding, contract, claim, accusation, charge, arrest, or other judicial proceeding.
  3. Pursuant to Texas Government Code Section 572.002(2), business entity means any entity recognized by law through which business for profit is conducted, including a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, or trust.
  4. Pursuant to Texas Government Code Section 572.002(8), regulatory agency means any department, commission, board or other agency, except the secretary of state and comptroller of public accounts that:
    - a. Is in the executive branch of state government;
    - b. Has authority that is not limited to a geographical portion of this state;
    - c. Was created by the Texas Constitution or a statute of this state; and
    - d. Has constitutional or statutory authority to engage in regulation.
- B. A former employee of TCCO, who was compensated, as of the last date of state employment, at or above the amount prescribed by the General Appropriations Act for step 1- salary group A17 of the position classification salary schedule, or a consultant or contractor engaged in the procurement process, may not represent any person or entity, or receive compensation for services rendered on behalf of any person or entity, regarding a particular matter in which the former employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the employee's official responsibility. This subsection does not apply to a rulemaking proceeding that was conducted before the employee's service or employment ceased.
- C. An association or organization of the employees of TCCO may not solicit, accept, or agree to accept anything of value from a business entity regulated by TCCO and from which the business entity must obtain a permit to operate that business in this state or from an individual directly or indirectly connected with that business entity.

#### SIGNATURE ON FILE

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Marsha McLane  
Executive Director