



Department of
Job and Family Services

John R. Kasich, Governor
Cynthia C. Dungey, Director

OFFICE OF
INSPECTOR GENERAL

2016 JUN 21 AM 11:47

June 20, 2016

Mr. Randall J. Meyer
Ohio Inspector General
30 East Broad Street, Suite 2940
Columbus, Ohio 43215

RE: Ohio Department of Job and Family Services, File Identification Number 2015-CA00045

Dear Inspector General Meyer:

Please take this letter as the Ohio Department of Job and Family Services' (ODJFS) response to the recommendations made by your office in the State of Ohio's Office of the Inspector General Investigative Report issued on April 21, 2016.

1) Determine whether ODJFS employees could benefit from additional or remedial training for the proper handling of and accessing of confidential personal information.

ODJFS takes the data security of our clients' CPI very seriously. This matter concerns not only ODJFS policies regarding inappropriate access of CPI, but inappropriate uses of CPI for purposes of financial gain. To communicate very clearly to our employees that CPI must not be accessed unless needed for a legitimate ODJFS business purpose, ODJFS has employees sign the Code of Responsibility, JFS form 7078. By signing this document the employee acknowledges the agency's key policies regarding accessing confidential data, and specifically acknowledges that data is only to be accessed in furtherance of his or her assigned job duties. The employee also agrees to maintain the confidentiality of ODJFS data systems and not to use the information for personal benefit. Additionally, IPP. 3925 is updated regularly, and each update requires a specific employee acknowledgement. Furthermore, employees at ODJFS are required to take an annual training called "Securing the Human," which provides training on maintaining the confidentiality of client records.

ODJFS employees are also required to take an on-line ethics course annually, which specifically covers ethical issues concerning getting a secondary gain from public employment. Certain ODJFS employees are required to take an in-person training on ethics issues. Every year ODJFS' Office of Legal and Acquisition Services receives approximately 20-30 ethics issues, some of which concern issues such as those raised regarding this matter. However, we will evaluate our processes to determine if we need to provide additional training.

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2) Determine whether employees could benefit from additional training of what activities are considered outside employment and the process for reporting such activities.

In December of 2015 ODJFS updated IPP.5003 (Outside Employment) to become clearer and more easily understood. We attach a copy for your review. As was true in prior versions of ODJFS' Outside Employment policy and procedure, outside employment is defined broadly to include non-agency employment or a business relationship, even if non-remunerative. In other words, even starting a business that has not earned the first dollar must be reported. The only exceptions in the policy are participation in activities not of a professional nature, and not for any compensation, that are for a non-profit, charitable, religious, public service or civic organization.

Additionally Section VI. Policy, Subsection E, forbids participation in outside employment that presents a conflict of interest, raises the appearance of impropriety, or violates the state ethics laws. Employees are directed to contact the ODJFS Office of Legal Services or the Ohio Ethics Commission on these issues.

As a consequence of the expansive breadth of our definition of outside employment and emphasis on the importance of avoiding ethical conflicts, every year ODJFS' Office of Legal Services gets a spate of questions about outside employment from our employees.

To demonstrate that our employees are keenly aware of the broad definition of "outside employment" as used in the agency, a few examples may help:

One employee asked if he could publish and sell a science fiction novel on Amazon for a fee. Another employee asked if he could work an unpaid internship in a Mayor's office. A third employee asked if she could work as a compensated backup "provider" paid by the Ohio Department of Developmental Disabilities when she cared for her ill child. If these employees can fathom that the definition of outside employment applies to the opportunities they were considering, certainly Mr. Luck's failure to understand that receiving essentially a \$1,000 finders' fee for locating potential soldiers is employment and cannot be an unintentional misapprehension of the definition.

We will continue to review our policy to assure that it is easily understood and if there appears to be a need we will consider formal training sessions.

3) Determine whether the outside employment policy should be amended to require annual reporting of outside employment by employees to identify potential conflicts.

With the new version of IPP. 5003, if an employee obtains employment outside of ODJFS at any time, s/he must submit a "Notification of outside employment" form to his or her manager who will then forward the form to Human Resources.

The agency now requires yearly notification to ODJFS management when an employee is employed outside of the agency. All forms expire annually on February 1. If the outside employment continues, a new Outside Employment form must be submitted. Additionally, within the year, if the employee's outside employment significantly changes, the employee must immediately notify the appropriate manager who will determine if a new notification form must be completed. If the outside employment is terminated, the employee will notify their manager who will in turn notify Human Resources.

Employees notified of the change to the Outside Employment policy via email, as well as in News Today (the ODJFS daily news letter), and were required to acknowledge the policy change.

We believe that these changes are in line with the Inspector's suggestions above.

Sincerely,



Cynthia C. Dungey
Director
Ohio Department of Job and Family Services

IPP.5003. Outside Employment

December 11, 2015 - Revised

February 20, 2004 - Original

[IPPMTL 0306](#)

Click [HERE](#) to acknowledge that you have read, understand, and will comply with this policy.

I. PURPOSE/REASON:

- A. To require yearly notification to ODJFS management when an employee is employed outside of the Agency. In addition, the policy provides the Agency's position regarding compliance with federal, state, and local statutes by those that are self-employed or those who employ others in the course of outside employment.
- B. Acceptance of employment with ODJFS obligates an employee to give Agency job duties and scheduled hours priority over outside employment duties and hours. Employees may not accept or maintain any outside employment that would present a conflict of interest, interfere with regularly assigned Agency duties, or require the utilization of or derive benefit from state resources. Scheduled hours of outside employment cannot conflict in any manner with scheduled work hours at ODJFS.

II. REFERENCE/AUTHORITY:

A. REFERENCES

Note: ORC references can be accessed at LAWriter's Ohio Revised Code (<http://codes.ohio.gov/>) website.

1. Ohio Revised Code (ORC) [5101.02](#)
2. ORC 102 et al
3. Ohio Administrative Code (OAC) 102 et al
4. [ODJFS-IPP 0003](#)
5. [ODJFS-IPP 2101](#)
6. [ODJFS-IPP 3100](#)
7. [ODJFS-IPP 10002](#)

B. AUTHORITY

1. This policy is established by order of the Director, ODJFS, hereinafter referred to as Director.
2. Per ORC 5101.02, all duties conferred on the various work units of the department by law or by order of the Director shall be performed under such rules as the Director prescribes and shall be under the Director's control.

III. SUPERSEDES:

IPP.5003.Outside Employment dated February 20, 2004.

IV. SCOPE:

This policy applies to all ODJFS employees.

V. DEFINITIONS:

For the purposes of this policy, outside employment is defined as any form of non-Agency employment or business relationship involving the provision of personal services by the employee. It does not include participating in the activities of a nonprofit, charitable, religious, public service, or civic organization, unless such activities involve the provision of professional services or are for compensation.

NOTE: Employment with certain nonprofit organizations could present an ethics law violation or a conflict of interest in that many nonprofits receive contracts and grants from ODJFS. If the ODJFS employee is in a fiduciary role with or otherwise benefits from the nonprofit that does business with ODJFS, there could still be a conflict and ethics violation. (See section VI – E below.)

VI. POLICY:

- A. The work of the Agency takes precedence over other occupational interests. No ODJFS employee shall accept or continue outside employment that in any manner conflicts with the employee's approved work schedule or duties at ODJFS. This includes conflicting work hours as well as outside employment that impairs the ODJFS employee's mental or physical capacity to perform ODJFS work duties. Any employee seeking or involved in outside employment shall notify ODJFS in writing of such outside employment. Assumption of outside employment by an employee without notification to the Agency may subject the employee to disciplinary action.
- B. An employee's work hours will not be changed to accommodate outside employment.
- C. It is the responsibility of every employee, employer, or self-employed individual to conform to federal, state, and local statutes. An ODJFS employee involved in outside employment is expected to comply with all applicable laws and regulations so as not to bring discredit upon himself or herself or the Agency. Failure of an ODJFS employee to pay any fees or taxes required by an outside employment may place the employee in violation of [ODJFS-IPP 0003](#), Standards of Employee Conduct, and he or she may face disciplinary action.
- D. An employee may not use state resources for purposes other than state business as defined in various ODJFS policies. These include but are not limited to: [ODJFS-IPP 2101](#) Payment Card Program; ODJFS-IPP 3100 Telephone Usage; and [ODJFS-IPP 10002](#) Computer and Information Systems Usage.
- E. No ODJFS employee will participate in any outside employment that presents a conflict of interest, raises the appearance of impropriety, or violates state ethics laws. Questions concerning these areas shall be addressed to the ODJFS Office of Legal Services (LEGAL@jfs.ohio.gov) or the Ohio Ethics Commission (<http://www.ethics.ohio.gov>).

VII. PROCEDURES:

A. NOTIFICATION

1. An employee seeking or involved in outside employment shall notify ODJFS in writing of such outside employment by completing and submitting a JFS 01793 Notification of Outside Employment form (See Appendix B)
2. The JFS 01793 is then submitted to the employee's supervisor or manager for review and signature. It will then be submitted for final review and acknowledgment by the office's deputy director. In either case, if there are any ethical concerns or questions about the employment, the manager/supervisor and/or the deputy director should contact the Office of Legal Services.
3. The supervisor/manager will maintain the original form and forward a copy of the signed form to Human Resources to be maintained in the employee's personnel record.
4. All 01793 forms on file expire on February 1. If outside employment continues, a new JFS form 01793 must be submitted by February 1 of each year for outside employment. Once expired, if a new 01793 form is not submitted, the agency assumes there is no longer outside employment. Failure to submit an initial 01793 form or resubmit for continued outside employment by February 1 may result in discipline.

B. CHANGES OF EMPLOYMENT

1. If there is a significant change in the outside employment status, the employee shall immediately notify the appropriate supervisor/manager.
2. The supervisor/manager will determine if a new Notification form is required.
3. In the case of termination of outside employment, the employee will notify management. Management will in turn notify Human Resources to remove the notification of Outside Employment form from the personnel file.

Click [HERE](#) to acknowledge that you have read, understand, and will comply with this policy.

VIII. APPENDIXES:

A. SUBJECT MATTER EXPERT

Owning Entity	Address	Name (SME)	Phone/ Fax/ E-mail
Labor Relations	30 East Broad Street, 30th Floor, Columbus Ohio 43215	Labor Relations Staff	614-466-6514 614-752-6381 IPPM_STAFF@jfs.ohio.gov

B. JFS 01793 Notification of Outside Employment, [JFS 01793](#)