Policy Name:	**Code of Ethics**
Policy #:	HR – 1.01
Code/Rule Reference:	OAC 4123-15-01, 4123-15-02, 4123-15-03, 4123-15-04, 4123-15-05, 4123-15-06, 4123-15-07, 4123-15-08, and 4123-15-09
Effective Date:	September 1, 2015
Approved:	Toni Brokaw, Chief Human Resources Officer (signature on file)
Origin:	Human Resources
Supersedes:	All Human Resources policies, procedures, directives and memos regarding the code of ethics that predate the effective date of this policy.
History:	Revised: October 1, 2012; February 1, 2008
Review date:	September 1, 2020

I. POLICY PURPOSE

The purpose of this policy is to ensure that the public may have confidence and trust that Bureau of Workers' Compensation (BWC) employees are impartial, fair, and act only in the interest of the people, uninfluenced by any consideration of self-interest, except those inherent in the proper performance of their duties.

II. APPLICABILITY

This policy applies to all BWC employees.

III. POLICY

A. Each employee shall maintain the highest standards of personal integrity in accordance with the laws of this state.

B. The BWC is entrusted with the collection and distribution of a large fund. BWC employees shall respect this trust and welcome public scrutiny of the way in which they perform their duties in connection with the administration of this fund.

C. Employees shall be willing to accept restrictions on their conduct that may not be necessary of public employees in other agencies, who are not in similar positions of trust. Employees must avoid not only impropriety, but the appearance of impropriety.

D. Employees shall be responsible for reading the Code of Ethics OAC 4123-15 (refer to Appendix A).

E. Employees shall adhere to the Standards of Conduct found in OAC 4123-15-03 and the prohibitions on unnecessary claim file possession found in OAC 4123-15-09.

F. In addition to any civil or criminal penalties that may be provided by statute or rule, an employee who violates any of the provisions in the code of ethics shall be subject to discipline as provided in the BWC Disciplinary Policy (Memo 5.01).

G. If you have any questions concerning the Code of Ethics or this policy, please contact the BWC Chief Ethics Officer at the “Ethics 4 BWC” mailbox.

Appendix A

Chapter 4123-15 Code of Ethics

4123-15-01 Code of ethics, title and rules covering.

This rule and rules 4123-15-02 to 4123-15-04 and 4121-15-01 to 4121-15-04 of the Administrative Code shall be titled, "Code of Ethics for the Bureau of Workers' Compensation and the Industrial Commission of Ohio" and shall contain the code of ethics for employees of these agencies, including the members of the bureau of workers' compensation board of directors.

In addition to any civil or criminal penalties that may be provided by statute or rule, an employee who violates any of the provisions in the code of ethics shall be subject to discipline as provided in the employee handbook of the employee's agency.

Effective: 01/01/2014
R.C. 119.032 review dates: 06/01/2017
Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78, 8/15/07

4123-15-02 Policy.

(A) It is essential that the public has confidence in the administration of the industrial commission and the bureau of workers' compensation. This public confidence depends in a large degree on whether the public trusts that employees of these agencies are impartial, fair, and act only in the interest of the people, uninfluenced by any consideration of self-interest, except those inherent in the proper performance of their duties. Each employee, of whatever position, should, therefore, maintain the highest standards of personal integrity, since the public often judges the actions of an employee as reflecting the standards of the employing agency.

(B) The industrial commission and the bureau of workers' compensation are entrusted with the collection and distribution of a large fund. Their employees must respect this trust and should welcome public scrutiny of the way in which they perform their duties in connection with the administration of this fund. They should be willing to accept restrictions on their conduct that may not be necessary of public employees in other agencies, who are not in similar positions of trust. They must avoid not only impropriety, but the appearance of impropriety.

R.C. 119.032 review dates: 06/13/2012 and 06/01/2017
Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121

Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78

4123-15-03 Standards of conduct.

(A) Purpose.

It is the policy of the industrial commission and the bureau of workers' compensation to carry out its mission in accordance with the strictest ethical guidelines and to ensure that commission and bureau employees conduct themselves in a manner that fosters public confidence in the integrity of the commission and the bureau, its processes, and its accomplishments.

The commission and the bureau hereby adopt the provisions of the Ohio ethics law, including but not limited to the provisions of Chapters 102. and 2921. of the Revised Code, and as interpreted by the Ohio ethics commission and Ohio courts.

(B) Prohibited conduct.

(1) No industrial commission member, the administrator of workers' compensation, bureau of workers' compensation board of directors member, commission employee, bureau employee, ombudsperson, or employee of the office of ombudsperson shall do any of the following acts:

(a) Solicit or accept anything of value from anyone doing business with the commission or the bureau;

(b) Solicit or accept employment from anyone doing business with the commission or the bureau, unless the member or employee completely withdraws from any commission or bureau discretionary or decision-making activity regarding the party offering employment, and the commission or the bureau approves the withdrawal;

(c) Use his or her public position to obtain benefits for the member or employee, a family member, or anyone with whom the member or employee has a business or employment relationship;

(d) Be paid or accept any form of compensation for personal services rendered on a matter before, or sell goods or services to the commission or the bureau;

(e) Be paid or accept any form of compensation for personal services rendered on a matter before, or sell (except by competitive bid) goods or services to, any state agency other than the commission or the bureau, as applicable, unless the member or employee first discloses the services or sales and withdraws from matters before the commission or the bureau that directly affect officials and employees of the other state agency, as directed in section 102.04 of the Revised Code;

(f) Hold or benefit from a contract with, authorized by, or approved by the commission or the bureau, (the ethics law does accept some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under section 2921.42 of the Revised Code are met);

(g) Vote, authorize, recommend, or in any other way use his or her position to secure approval of a commission or bureau contract (including employment or personal services) in which the member or employee, a family member, or anyone with whom the member or employee has a business or employment relationship, has an interest;

(h) Solicit or accept honoraria (see division (H) of section 102.01 and division (H) of section 202.03 of the Revised Code) except that employees who are not financial disclosure filers may receive an honorarium only if the honorarium is paid in recognition of a demonstrable business, profession, or esthetic interest of the employee that exists apart from public office or employment, and is not paid by any person or other entity, or by a representative or association of those persons or entities, doing business with the commission or the bureau, as applicable;

(i) During public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the member or employee personally participated while serving with the commission or the bureau, as applicable; and for one year after leaving public service shall not represent any person, in any fashion, before any public agency, with respect to a matter in which the member or employee personally exercised discretionary authority while serving with the commission or the bureau; after separation from state employment, this policy does not apply to ministerial acts on behalf of a client or customer;

(j) Use or disclose confidential information protected by law, unless appropriately authorized;

(k) Use, or authorize the use of, his or her title, the name of the commission or the bureau, or the agencies logos in a manner that suggests impropriety, favoritism, or bias by the commission or the bureau, or by a member or employee;

(l) Solicit or accept any compensation, except as allowed by law, to perform his or her official duties or any act or service in his or her official capacity; and

(m) Sponsor parties or other entertainment for the personnel of their agencies, the costs of which are covered in whole or in part by donations or receipts from the sale of tickets to individuals or entities, who are doing or seeking to do business with the commission or bureau.

(2) For purposes of this rule, these phrases have the following meanings:

(a) "Anything of value" includes anything of monetary value, including, but not limited to, money, loans, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal.

(b) "Anyone doing business with the commission or the bureau" includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the commission or the bureau, including anyone who is known or should be known to be an agent or acting on behalf of such party, including any person or entity marketing or otherwise attempting to secure business with the commission or the bureau.

(C) Conflict of interest.

No employee of these agencies shall engage in outside employment that results in a conflict or apparent conflict with the employee's official duties and responsibilities.

(1) Outside employment or activity in which an employee with or without pay represents a claimant or employer in any matter before the industrial commission, or the bureau of workers' compensation is prohibited.

(2) Outside employment with an attorney, representative or entity that involves work concerning industrial claims, whether filed or to be filed, or which is in any way related to workers' compensation matters is prohibited.

(D) Professional code of ethics.

In the event there is any conflict between a professional code of ethics governing any employee of these agencies and this code of ethics for employees, the professional code of ethics shall take precedence over the code of ethics for employees but the conflict shall be promptly reported to the employing agency. In such case the agency shall promptly determine the degree of conflict and take such further action as may be indicated.

(E) An employee shall not use state property of any kind for other than approved activities. The employee shall not misuse or deface state property. The taking of state property for the private purposes of an employee is prohibited. The use of state property for the private purposes of an employee is prohibited, except for nominal, minimal, occasional, or emergency use. The employee shall protect and conserve all state property, including equipment and supplies entrusted to or issued to the employee.

(F) Diligence and impartiality in work.

Employees are encouraged to avoid absenteeism and tardiness, to not use sick leave unless necessary and to abide by rules of the Ohio civil service. Recognizing that the

industrial commission and bureau of workers' compensation serve many people whose interests are divergent, employees should work in a speedy and efficient manner, strive to be courteous, fair and impartial to the people they serve, and responsive to the problems that come before them. All segments of the public are to be treated equally, without regard to age, race, sex, religion, country of origin, or handicap.

(G) It is understood that standards of ethical conduct may involve a myriad of situations.

The good conscience of individual employees shall remain the best guarantee of the moral quality of their activities. The overall intent of this code of ethics is that employees avoid any action, whether or not prohibited by the preceding provisions, which result in, or create the appearance of:

(1) Using public office for private gain, or

(2) Giving preferential treatment to any person, entity, or group.

(H) Confidential information.

The confidentiality of all information which comes into possession of commission and bureau employees shall be respected. In order to properly discharge this duty, all employees must acquaint themselves with those areas of information that are designated as confidential by statutes, by the courts and by the attorney general. Furthermore, they must become familiar with the circumstances under which and the persons to whom such information can be released.

(I) Every member or employee required to file a financial disclosure statement must file a complete and accurate statement with the Ohio ethics commission by April fifteen of each year. Any member or employee appointed, or employed in a filing position after February fifteen of each year, and required to file a financial disclosure statement must file a statement within ninety days of appointment or employment.

(J) Every member or employee subject to the bureau personal investment policy is required to file a personal trading policy annual affirmation with the bureau by April fifteenth of each year.

(K) Nothing in this rule shall prohibit any member of the bureau of workers' compensation board of directors from receiving compensation or other things of value from the member's outside employer, provided that the member completely withdraws from any discretionary or decision-making activity matters that definitely and directly affect his or her outside employer.

Effective: 01/01/2014
R.C. 119.032 review dates: 06/01/2017

Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78, 8/15/07, 2/15/08, 9/1/12

4123-15-04 Posting, distribution and employee acknowledgement and receipt.

(A) The code of ethics for employees of the bureau of workers' compensation and industrial commission shall be posted in a conspicuous place in every office of the bureau and commission.

(B) A copy of this code of ethics shall be distributed to each employee. After two weeks from such receipt each employee will certify that the employee has received and read this code. The certification shall be placed in the employee's personnel file.

R.C. 119.032 review dates: 06/13/2012 and 06/01/2017
Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78

4123-15-05 Purpose: eliminating outside influence; producing impartiality in handling of claims and employer risk accounts and avoiding favoritism.

In accordance with division (C) of section 4121.122 of the Revised Code and division (M) of section 4121.121 of the Revised Code, the rules 4123-15-05 to 4123-15-09 and 4121-15-05 to 4121-15-09 of the Administrative Code are for the purpose of eliminating improper outside influence on employees of the bureau of workers' compensation and the industrial commission, producing an impartial workers' compensation claims and employer risk account handling process and avoiding favoritism in that process.

R.C. 119.032 review dates: 06/13/2012 and 06/01/2017
Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78

4123-15-06 Furnishing employees' code of ethics and rules on improper influence to representatives.

To the extent possible, all those who represent claimants or employers shall be furnished without charge with a copy of the "Code of Ethics of the Bureau of Workers' Compensation and the Industrial Commission of Ohio" and with a copy of the rules concerning the elimination of outside influence, producing impartial claims

and risk account handling, and avoiding favoritism in this process. Administrative Code rules shall also, to the extent possible, be furnished to employees or agents of those who represent claimants or employers and who may be permitted to inspect claims and employer risk files, or whose work requires personal contact with employees of the bureau or commission.

Effective: 01/01/2014
R.C. 119.032 review dates: 06/01/2017
Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78

4123-15-07 Representatives' responsibility relative to employees' code of ethics.

Representatives of claimants and employers as well as their employees and agents shall conduct their business with the employees of the bureau of workers' compensation, and the industrial commission in accordance with the highest moral principles and are expected to support the "Code of Ethics of the Bureau of Workers' Compensation and the Industrial Commission of Ohio" by conduct that will not tempt employees of the bureau and commission to violate that code but will encourage them to fully observe it. Employees of the bureau and commission shall report to their immediate superior any activity which is, or appears to be, in violation of this rule, for further action by the administrator or by the industrial commission, as the case may be.

Effective: 01/01/2014
R.C. 119.032 review dates: 06/01/2017
Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78, 8/15/07

4123-15-08 Remedial action against persons exercising improper influence and engaging in favoritism.

Upon receipt of information indicating a violation of rule 4123-15-07 of the Administrative Code, to ensure appropriate corrective action, the industrial commission or the administrator, as the case may be, shall take every action to ensure the matter is investigated, and, provided the circumstances warrant it, shall notify the office of deputy inspector general for the bureau of workers' compensation and industrial commission, and any other appropriate agency or official.

R.C. 119.032 review dates: 06/13/2012 and 06/01/2017
Promulgated Under: 119.03

Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78, 8/15/07, 2/15/08

4123-15-09 Prohibition against unnecessary claim file possession.

No employee shall have possession of a workers' compensation claim file unless the file is necessary to the performance of the employee's duties. In case of violation or apparent violation of this rule, the section director, office director or the state coordinator shall refer the matter to the internal security committee for investigation, or to the administrator or the industrial commission for action consistent with division (A) of section 4121.122 of the Revised Code. A copy of this rule shall be distributed to each employee for certification that he has received and read this rule. This certification shall be placed in the employee's personnel file.

R.C. 119.032 review dates: 06/13/2012 and 06/01/2017
Promulgated Under: 119.03
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4121.122
Prior Effective Dates: 1/1/78