



Harris County Code of Conduct

December 2019

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I. Policy Statement

Harris County is committed to lawful and ethical behavior in all of its activities and requires Harris County officials, employees, and affiliated parties who conduct business with or on behalf of Harris County to act in accordance with this Code of Conduct, the Harris County Personnel Policies & Procedures, and all applicable local, state, and federal laws and regulations.

A. Objectives

The objectives of this Code of Conduct are to:

- Ensure ethical behavior related to **all** of Harris County's activities;
- Ensure compliance with Title 2, Part 200 of the U.S. Code of Federal Regulations – Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Awards;
- Ensure compliance with Title 24, Parts 84 and 85 (HUD) of the U.S. Code of Federal Regulations – Administrative Requirements for Grants and Cooperative Agreements;
- Ensure compliance with Title 41, § 4712 of the U.S. Code of Federal Regulations related to protections from reprisal for people who make disclosures of certain information;
- Prevent or detect and correct improper activities;
- Encourage Harris County officials, employees, and affiliated parties to report what they believe in good faith to be a violation of this Code of Conduct or any questionable accounting or auditing matters; and
- Ensure the receipt, documentation, retention of records, and resolution of allegations of misconduct; and
- Protect reporting parties from retaliatory action.

B. Target Audience

This Code of Conduct applies to all Harris County officials, employees, and affiliated parties.

II. Definitions

For purposes of this Code of Conduct, the terms used herein shall have the following meanings:

- A. “Affiliated Parties” means Harris County related entities, including, but not limited to, state and federal grant sub-recipients, any vendors or contractors, and all those who apply for or conduct business with or on behalf of Harris County. It also includes affiliated parties’ subcontractors at every tier.
- B. “Chief Assistant County Auditor” means the Chief Assistant County Auditor-Audit Division.
- C. “County Attorney” means the Harris County Attorney or his or her designee.
- D. “Fraud” means wrongful or criminal deception intended to result in financial or other personal gain.
- E. “Misconduct” means:
 - 1. any activity or failure to act constituting a violation of this Code of Conduct, local, state, or federal laws, Harris County Personnel Policies & Procedures; fraud or gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety, by Harris County officials, employees, and affiliated parties while working for or on behalf of Harris County;
 - 2. making an allegation or allegations of misconduct maliciously, recklessly, with gross negligence, or with the knowledge that the allegations are false; and,
 - 3. retaliating against anyone who makes a good faith report of misconduct.
- F. “Official” means an elected official, an appointed official, or a person appointed by Commissioners Court to serve as the head of a department created by Commissioners Court.
- G. “Procurement” means actions related to the selection, award, and administration of contracts for goods or services.
- H. “Reporting Party” means anyone who makes an allegation of fraud or misconduct involving Harris County officials, employees, or an affiliated party.
- I. “Reporting Service” means Harris County’s third-party reporting service provider.

III. Conflicts of Interest

Harris County officials and employees shall avoid any activity that creates a real or apparent conflict of interest. Conflicts exist in any relationship where the County's best interests may be different from an official's or employee's best interests. Conflicts of interest would arise when an official, employee, or any members of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties identified herein, has a financial or other interest in or a tangible personal benefit from an affiliated party considered for a contract and the official or employee is participating in any way in the procurement.

Federal and State Law Compliance

No official, employee, or affiliated party shall participate in the selection, award, or administration of a contract or subcontract supported by grant funds if a real or apparent conflict of interest exists. The County and its affiliated parties shall comply with Chapter 171 of the Texas Local Government Code, *Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments* and 24 C.F.R. §200.318, *General Procurement Standards*.

IV. Acceptance of Gifts

A. Harris County officials and employees who participate in the procurement process or exercise discretion over others must not solicit or accept gratuities, favors, or anything of monetary value from affiliated parties even if it is not in exchange for an exercise of the official's or employee's discretion **except**:

1. gifts valued at less than \$50 (*other than cash, gift cards, loans or negotiable instruments, which are ALWAYS prohibited*);
2. promotional or commemorative items of minimal value (e.g., baseball caps, coffee mugs, mouse pads);
3. unsolicited and perishable food items delivered infrequently and in small amounts (e.g., donuts, cookies, or sandwiches);
4. promotions and discounts offered to other groups (e.g., discounts on sporting events or cellular service);
5. meals, travel, and lodging as a guest of the affiliated party as long as a representative of the affiliated party is actually present; and
6. any other exceptions or exclusions in §§ 36.08 and 36.10 of the Texas Penal Code and opinions issued by the Texas Ethics Commission.

- B. Prior to accepting any offer of employment from an affiliated party, Harris County officials should disclose the offer and get written approval from Commissioners Court before accepting the offer. Prior to accepting any offer of employment from an affiliated party, a Harris County employee should disclose the offer to his or her Department Head and obtain written approval before accepting the offer.

V. Reporting and Investigation of Alleged Fraud or Misconduct

Responsibility to Report. Anyone who believes in good faith that misconduct or fraud has occurred or is occurring should report the facts or circumstances giving rise to this belief as follows:

- A report of misconduct or fraud should be submitted to the Fraud, Waste, and Abuse Hotline Number: (866) 556-8181 or via the website at www.harriscounty.ethicspoint.com.
- A report of misconduct or fraud should be made to the reporting service as promptly as possible, but no later than thirty (30) days after the reporting party becomes aware of facts or circumstances that appear to violate this Code.

VI. Anonymity

The reporting service shall not provide the identity of the reporting party when reporting allegations of misconduct or fraud to the Chief Assistant County Auditor or County Attorney, if requested not to do so.

Notwithstanding the foregoing, if the reporting party voluntarily discloses his or her identity to any Harris County official or employee during or after the filing of a report of misconduct, Harris County has no responsibility to limit further dissemination or disclosure of the reporting party's identity during the investigation.

VII. Whistleblower Notice and Protection

- A. Harris County will not discharge, demote, or otherwise discriminate against an official or employees who makes a good faith report of a violation of this Code of Conduct.
- B. Harris County requires all affiliated parties to inform their employees in writing of the whistleblower rights and remedies under 41 U.S.C. § 4712, as described in § 3.908 of the Federal Acquisition Regulation. Such writing shall be in the predominant native language of the affiliated party's workforce. This notice requirement extends to all third-party contractors of affiliated parties and their contractors at every tier.

VIII. Conflict with Laws

This Code of Conduct does not relieve Harris County officials, employees, or affiliated parties of any duty to comply with local, state, and federal laws, administrative procedures, or other applicable governmental regulations regarding the reporting of legal misconduct.

IX. Penalties for Violation

Violation of this Code of Conduct may subject a Harris County employee to disciplinary action up to and including termination of employment. Officials who violate this Code of Conduct may be subjected to appropriate remedial action authorized under state law.