# PART A, CHAPTER 7: ETHICAL CONDUCT

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part A, Chapter 7 | [Code of Professional Ethics for Rehabilitation Counselors (2023)](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf), Texas Government Code Chapters [305](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.305.htm) and [572](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.572.htm), Texas Penal Code Chapters [36](https://statutes.capitol.texas.gov/Docs/PE/htm/PE.36.htm) and [39](https://statutes.capitol.texas.gov/Docs/PE/htm/PE.39.htm), and TWC Personnel Manual: Ethics Policy | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the Code of Professional Ethics for Rehabilitation Counselors, as well as other ethical conduct expectations.

## DEFINITIONS

Conflict of Interest: A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

Ethical Dilemma: A type of ethical issue that arises when the available choices and obligations in a specific situation result in significant consequences for any course of action. An ethical dilemma must be supported by an ethical principle that could be compromised based on the chosen course of action. Ethical dilemmas can surface when there is a conflict of interest.

## POLICY

### General Overview

TWC-VR expects all staff to demonstrate adherence to ethical standards and rules of conduct in alignment with their professional competence, integrity, and objectivity consistent with their education, experience, expertise, and assigned position. Below are the specific ethical standards that must be followed:

* The Code of Professional Ethics for Rehabilitation Counselors, (the Code); and
* The TWC Personnel Manual: Ethics Policy

TWC-VR staff who work in a professional area with its own code of ethics (e.g., counseling, legal, medical, internal auditing) must also abide by the ethical conduct requirements of that specific field.

### Ethical Behavior

The Code is based upon the following six principles of ethical behavior:

1. Autonomy: To honor the right to make individual decisions;
2. Beneficence: To do good to others;
3. Nonmaleficence: To do no harm to others;
4. Justice: To be fair and give equal justice to all;
5. Fidelity: To be loyal and keep promises; and
6. Veracity: To be honest.

VR Counselors who violate the Code are subject to the actions defined by disciplinary action outlined in the TWC Ethics Policy. If the VR Counselor is certified through Commission on Rehabilitation Counselor Certification (CRCC), violations of the Code are also subject to CRCC action.

Solution-focused, respectful, nonexploitative, and empowering counseling relationships are built on high ethical standards. Understanding the principles listed in the Code supports the ethical decision-making process. The Code reflects the level of competency needed in professional relationships to promote and protect the spirit of caring and respect for individuals with disabilities.

### Ethical Violations

TWC-VR staff who violate provisions of the ethical conduct authority in this policy are subject to disciplinary action, up to and including dismissal from employment. Further, any employee who violates the ethics policy is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

### Preventing Conflicts of Interest

TWC-VR staff must adhere to the following ethical guidelines and avoid conflicts of interest in their professional conduct to ensure the integrity and trustworthiness of the agency:

* Prohibition on Gifts and Favors: TWC-VR staff must not accept or solicit any gift, favor, or service of personal benefit or value that might influence their performance of official duties or that is intended to influence their official conduct.
* Confidentiality and Secondary Employment: TWC-VR staff must not accept employment or engage in business activities that would require them to disclose confidential information obtained through their official position, including information protected by law, TWC rules, or court orders.
* Independence of Judgment: TWC-VR staff must not accept other employment or engage in business activities that could impair their independent judgment in performing their official duties.
* Avoiding Conflicts of Interest: TWC-VR staff must avoid personal investments or activities that could create a substantial conflict between their private interests and the public interest.
* Prohibition on Soliciting Benefits: TWC-VR staff must not intentionally or knowingly solicit, accept, or agree to accept any benefit in return for exercising their official powers or performing their official duties as a favor.

### Personal Relationships

TWC-VR staff must exercise sound judgment in all relationships with customers and other employees to prevent conflicts of interest, power dynamic concerns, or any other ethical situation by—

* Displaying professional decorum; and
* Refraining from personal involvement of any kind that would discredit or embarrass the agency or the individual involved.

TWC-VR employees must not fraternize with or engage in personal relationships with customers. Employees must not attend social events for a customer unless it is part of their job duties and is included in the normal workday.

When dealing with customers, vendors, service providers, grantees, subrecipients, or other third parties doing business with TWC-VR, a TWC-VR employee, and their spouse or other individual with whom the employee cohabits, must not—

* Provide personal loans of money or property;
* Benefit from contracts with TWC-VR or other State government entities that do business with TWC-VR (e.g., bidding on TWC-VR office space);
* Serve as a representative for active or former TWC-VR customers (except that employees may represent their own family members or customers with approval of the management chain pursuant to division policy);
* Display or distribute advertisements for a vendor that suggest a TWC-VR preference for one vendor over another for personal business interests;
* Lend their name in connection with any organization, facility, or vendor providing goods or services to TWC-VR or its customers;
* Solicit or conduct business for any organization during TWC-VR work hours, except for voluntary, nonprofit, disability-related organizations (applicable to TWC-VR employees only); or
* Attempt to evade or circumvent these restrictions by acting indirectly through someone else.

### Family Members of Customers

Conflicts of interest can present in a variety of ways. TWC-VR employees must not—

* Directly provide or influence the provision of services for any member of their own families as defined above;
* Access their own customer records or those of family members; and
* Gain access to any customer records for which they do not have an official state business need.

The term "family" includes the following:

* All related individuals who are dependent upon the employee or employee's family member for personal care or services on a continuing basis;
* All individuals living in the same household with the employee or with an employee's family member (regardless of kinship); and
* Spouse, child, parent, grandparent, brother, sister, cousin, aunt, uncle, niece, nephew, and any other individual related by—
  + Kinship;
  + Adoption; or
  + Marriage (e.g., stepchild, stepparent, stepson)

### Purchasing Restrictions

High ethical standards also involve best-value purchasing and the wise use of funds. To prevent conflicts of interest, the following restrictions apply—

* TWC-VR staff must not purchase goods or services for a customer from a family member, with the exception of the following:
  + Personal Assistant services
  + Childcare services
  + Transportation services; and
* TWC-VR staff must not purchase goods and services for a customer from a provider who serves as the customer's representative, with the exception of the following:
  + Before the customer designates the provider as their representative; or
  + After the customer has revoked the provider’s authority to act as their representative.

Exceptions are not allowed.

## PROCEDURES

### TWC-VR Staff Procedures

TWC-VR is committed to helping all staff make ethical decisions. It is essential that all TWC-VR staff—

* Adhere to the ethical standards stated in the Code as well as in all policy, procedure manuals, and all agency standards;
* Be accountable for those standards in the organization;
* Are transparent and accountable in all decisions and actions related to TWC-VR responsibilities; and
* Document any ethical dilemmas or conflicts of interest, approvals, consultations, and solutions in RHW.

### Conflicts of Interest Training

For potential conflicts of interest, training from the Ethics Department provides guidance to disclose to management and to the Chief Ethics Officer at [ethics@twc.texas.gov](mailto:ethics@twc.texas.gov). The department can assist TWC-VR staff with exploring any potential ethical issues.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

*Approvals*

* *VR Supervisor approval is required in any circumstance where TWC-VR staff consider attending social events for a customer. TWC-VR staff must demonstrate this as part of their job duties, is included in the normal workday, and is approved in writing by the supervisor.*

*Consultations*

* *VR Supervisor and/or VR Manager consultation is recommended when potential ethical dilemmas arise.*

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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