

# DORS EMPLOYEE ETHICAL GUIDELINES & PRACTICES

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## 1001 Preamble

Staff of the Division of Rehabilitation Services (DORS) are committed to facilitating personal, social and economic independence of individuals with disabilities. As State employees, DORS staff comply with Public Ethics Law which seeks to assure impartiality and independence of judgment of State officials and employees, avoid improper influence or the appearance of improper influence, and preserve the trust and confidence of the general public in their government.

In fulfilling their responsibilities, DORS staff interact with people, programs, institutions and service delivery systems. DORS staff provide services within the scope of their job description, professional responsibility and MSDE and DORS policy, and recognize that both action and inaction may help or harm consumers in achieving their goals.

In performing their duties in a manner that is consistent with their education, experience, expertise and position, and guided by the ideals of competence, integrity and objectivity, DORS staff shall demonstrate adherence to ethical standards and shall assure that these standards are vigorously enforced consistent with the duties and responsibilities of their particular position. DORS Employee Ethical Guidelines and Practices have been developed for consistency with the Code of Professional Ethics for Rehabilitation Counselors of the Commission on Rehabilitation Counselor Certification (revised effective 1/2017) and State Public Ethics Law.

## 1002 Ethical Principles

The primary obligation of DORS staff is to the consumers and claimants, defined as people with disabilities who are applying for and/or receiving services from DORS. The basic objective of these Ethical Guidelines & Practices is to promote the public welfare by specifying and enforcing ethical behavior expected of all DORS staff. (**Note:** DORS staff refers to all employees, including consultants, contractual employees, student interns, and volunteers of the Division of Rehabilitation Services.)

Ethical principles associated with valued service delivery actions are:

- **Beneficence** – Acting in a manner that promotes the growth and well-being of the consumer.
- **Autonomy** – Acting in a manner that respects the consumer’s freedom of choice.

- **Non-maleficence** – Acting in a manner that does not cause harm to consumers and prevents harm to consumers.
- **Justice** – Treating consumers fairly.
- **Fidelity** – Keeping promises or commitments to consumers, colleagues and agencies.
- **Veracity** – Being honest.

These six ethical principles form a basis for personal and organizational values, provide general directions for all actions or conduct and collectively act as a guide to ethical conduct for all DORS staff.

## 1003 Ethical Standards

Standards are described in the following sections/categories:

- [Section 1 – Moral and Legal Standards](#)
- [Section 2 – Employee Consumer/Claimant Relationship](#)
- [Section 3 – Consumer/Claimant Advocacy](#)
- [Section 4 – Professional Relationships](#)
- [Section 5 – Confidentiality](#)
- [Section 6 – Competence](#)

For each section, a description of the standard is provided, followed by more specific rules of conduct for DORS staff. Not all rules apply to every staff person since some are specific to particular job assignments. DORS staff are expected to behave in accordance with these guidelines; violation may result in progressive disciplinary action in accordance with Merit System Law, Personnel Regulations and MSDE policies.

In each section Rules of Conduct are described, followed by specific practice implications for DORS staff. Note that practice statements are meant to be illustrative and may not be all inclusive.

### 1003.01 Section 1 – Moral and Legal Standards

Staff of the Division of Rehabilitation Services shall conduct themselves in a legal, ethical, and moral manner in the performance of their duties and avoid any behavior which would cause harm to others.

## **RULES OF CONDUCT**

Staff of the Division of Rehabilitation Services:

- 1.1 Will obey the laws and statutes in the jurisdiction in which they are employed and are subject to disciplinary action for any violation, to the extent that such violation results in misconduct.
- 1.2 Will be thoroughly familiar with, observe, and discuss with their consumers/claimants the limitations of their services or benefits so as to facilitate honest and open communication and realistic expectations.

Counselors shall provide orally and in writing, consistent with needs of the individual, a professional disclosure statement at the outset of the counseling relationship to be updated as needed, using **Professional Disclosure Statement (RS-1m)**.

- 1.3 Will not engage in any act or omission of a dishonest, deceitful or fraudulent nature in the conduct of their activities.

Assuring that timekeeping records and reimbursement requests accurately reflect work activities and are consistent with MSDE Policy.

- 1.4 Will not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment nor use their relationships with consumers/claimants or providers to promote personal or financial gain.
- 1.5 Will understand and abide by the standards and rules of conduct of the DORS Employee Ethical Guidelines and Practices described in DORS' Rehabilitation Services Manual (RSM) 1, Section 1000, and will not advocate, sanction, participate in, cause to be accomplished, otherwise carry out through another, or condone any act which is prohibited by these Guidelines and Practices or DORS policy.
- 1.6 Will assure that their practice is consistent with current DORS policy and applicable federal and state law and regulation.
- 1.7 Will refrain from imposing their personal standards, beliefs or cultural values on others.

Will create a welcoming environment for all consumers of varying backgrounds, cultures and beliefs.

- 1.8 Will avoid public behavior that violates commonly accepted moral and ethical standards or otherwise causes public disrepute.
- 1.9 Will assure that the agency credit card, tax exempt certification number, state vehicles and authorizations are not used for personal and/or unauthorized purposes.
- 1.10 Will respect the integrity of any institution, organization or firm with which they are associated when making oral or written statements, and, in those instances where they are critical of policies, will attempt to effect change by constructive and responsible actions.

Employees are viewed as representatives of the agency when communicating in public forums or communicating through social media. Staff shall be aware that statements, opinions and information communicated in public forums or posted on social network websites may be perceived as expressing the views of the agency.

- 1.11 Will oppose employment practices which result in illegal or otherwise unjustifiable discrimination on any basis in hiring, promotion or training.
- 1.12 Will abide by MSDE and DORS policies on Internet and email usage.
- 1.13 Shall use work space, assigned work hours, supplies and equipment exclusively for authorized work activities.

Not conducting secondary business activity or avocational activity during work hours or using space or equipment owned by DORS to conduct such non-sanctioned activity. This means, for example, that staff shall not use DORS copiers or color printers to reproduce a flyer for a part-time business; shall not use a DORS office to meet with clients of a secondary business; shall not use a State vehicle to go to a non-work-related function or for personal recreation.

- 1.14 Shall conduct community outreach activities consistent with ethical practices, emphasizing provision of accurate information to prospective consumers, potential employers, providers, state agencies and other community partners.

### **1003.02 Section 2 – Employee Consumer/Claimant Relationship**

Staff of the Division of Rehabilitation Services shall carry out their duties consistent with the principles of respect for individual dignity, personal responsibility, self-determination and informed choice in the provision of services for individuals with disabilities.

## RULES OF CONDUCT

Staff of the Division of Rehabilitation Services:

- 2.1 Will make clear to consumers/claimants the purposes, goals, and limitations that may affect professional relationships; providing the **Professional Disclosure Statement (RS-1m)** to all consumers at the outset of services.
- 2.2 Will not accept a fee, gratuity, property, loan, promise or any other form of remuneration from consumers/claimants.

Will refrain from soliciting, seeking or accepting any gift or benefit, including money, any service (e.g., meals, manicures, massages), gratuity, fee, property, loan or promise from consumers/claimants except as required as part of the official operation of DORS programs.

Will not purchase or otherwise receive services from any consumer who is establishing a small business per their **Individualized Plan for Employment (IPE)** whose record of services is in open status.

- 2.3 Will not accept gifts or personal services from consumers/claimants or their families or representatives, taking care to respond to such offers in a respectful manner considering cultural implications.
- 2.4 Will not assume primary or secondary management (direct services or supervisor/ manager of the staff person providing direct services) of professional services for a family member, spouse, companion or any other individual with whom a personal relationship exists.
- 2.5 Will advise the Office Director of any family member, spouse, partner, significant other or any other individual with whom a personal relationship exists who is requesting or receiving DORS services, including rehabilitation services and claims adjudication. The Office Director shall facilitate a case access exception record to restrict the staff member from reviewing information in the official record of his or her family member.
- 2.6 Will not misrepresent their role or competence to consumers/claimants; will provide information about their credentials, if requested, and will refer consumers/claimants to other specialists as needs dictate.
- 2.7 Will not establish any type of personal or social relationship with consumers/ claimants.

Staff shall not take a client/claimant to the staff person's home, visit the client/claimant at their home aside from sanctioned home visits directly related to the rehabilitation program, or otherwise socialize with a client/claimant outside of established and approved agency programs and services.

Will not request a consumer/claimant to perform work activity (paid or unpaid) or favors, e.g., personal babysitting, for the benefit of the staff person.

Will only communicate with consumers through methods approved by DORS (U.S. mail, telephone and Maryland.gov email). SMS/text may also be used if prior permission has been given by the consumer. Communication through any social network, online service or app could compromise confidentiality, privacy and boundaries of the professional relationship.

- 2.8 Will not engage in or condone sexual harassment as defined in the MSDE Policy on Sexual Harassment.
- 2.9 Will not condone or engage in activities which exploit consumers/claimants for personal gain, expect or demand receipt of any benefit or otherwise impose demands which compromise the delivery of professional services.

2.10 Will honor the rights of consumers/claimants to consent to participate in programs and receive services; will inform them or their legal representatives of their responsibilities; and will obtain informed, written consent, as appropriate, after informing consumers/clients of these rights and responsibilities.

Will not ask consumers to sign a blank or incomplete form, even if verbal assurances are provided regarding how the form might be completed after signature.

Will obtain permission from consumers prior to (1) recording sessions through electronic or other means and (2) observing counseling sessions.

2.11 Will recognize that families and others are often an important factor in an individual's rehabilitation or development of claims and will strive to enlist their understanding and involvement in promoting rehabilitation if the individual with a disability requests, desires or needs such support.

2.12 Will avoid initiating or continuing a service relationship if it is expected that the relationships will be of no benefit, in which case appropriate alternatives will be suggested.

2.13 Will assure that information about programs and services is provided in the requested alternate format of the consumer/claimant.

2.14 Will not condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status or socioeconomic status.

2.15 Will demonstrate respect for consumers'/claimants' cultural backgrounds.

Will recognize that consumers/claimants come from a variety of cultural, social and religious backgrounds. Will develop and adapt interventions and services to incorporate and respect cultural, social and religious perspective of clients and claimants regarding the achievement of goals, objectives and outcomes.

2.16 Will recognize that some consumers may not benefit from services offered in a group setting. In the event that consumers are offered services in a group setting, DORS staff shall select members for group activities whose factors/traits (e.g., job readiness, interpersonal skills) are compatible with the purpose of the group. Staff shall provide one-on-one services to consumers who may not benefit from the group process, or those whose well-being might be jeopardized in a group experience.

2.17 Will recognize and respect the confidentiality rights of family members who are consumers/claimants. Will avoid providing rehabilitation services to two or more persons who have a relationship (e.g., husband/wife; parent/child); if circumstances require a DORS counselor to provide services to two or more relatives, the counselor shall clarify roles and relationships as much as possible.

2.18 Will not witness consumers' personal documents, including powers of attorney, guardianship and advance directives.

### **1003.03 Section 3 – Consumer/Claimant Advocacy**

Staff of the Division of Rehabilitation Services shall advocate for people with disabilities within the parameters established by the Rehabilitation Act, the Social Security Act, and other federal and state laws and regulations.

## **RULES OF CONDUCT**

Staff of the Division of Rehabilitation Services:

- 3.1 Will promote access for individuals with disabilities to programs, facilities, transportation and communication, so that they may fully participate in rehabilitation, education and community activities.
- 3.2 Will assure, prior to referring consumers/claimants to programs, facilities or employment settings, that they are appropriately accessible.
- 3.3 Will strive to understand accessibility problems of individuals with cognitive, hearing, mobility, visual and/or other disabilities and demonstrate such understanding in the practice of their profession.
- 3.4 Will strive to eliminate attitudinal barriers, including stereotyping and discrimination, toward individuals with disabilities and will enhance their own sensitivity and awareness toward individuals with disabilities.
- 3.5 Will remain aware of the actions taken by cooperating agencies on behalf of their consumers/claimants and will advocate for effective service delivery.

### **1003.04 Section 4 – Professional Relationships**

Staff of the Division of Rehabilitation Services shall act with integrity in their relationships with colleagues, other organizations, agencies, institutions, referral sources and other professions so as to facilitate the planning and delivery of effective services for their consumers/claimants.

## **RULES OF CONDUCT**

Staff of the Division of Rehabilitation Services:

- 4.1 Will not engage in secondary employment with or have a financial interest in any entity which provides services for DORS consumers/claimants or hold any other personal or employment relationship which would impair the impartiality and the independence of judgment expected of DORS staff in the exercise of their responsibilities.
- 4.2 Will strive to ensure that there is a mutual understanding of a consumer's rehabilitation plan by all agencies cooperating in planning and delivery of services and that each rehabilitation plan is developed with such mutual understanding.
- 4.3 Will abide by and help to implement "team" decisions in formulating disability claims or rehabilitation plans and procedures, even when not personally agreeing with such decisions, unless these decisions breach these Ethical Guidelines.
- 4.4 Will not commit other professionals to any prescribed course of action when transferring consumers/claimants to other colleagues or agencies.
- 4.5 Will promptly supply all information necessary for a cooperating agency or rehabilitation specialist to begin serving clients/claimants.
- 4.6 Will not offer professional services to consumers/claimants receiving such services from other DORS staff without first notifying the other employee.
- 4.7 Will secure from other specialists appropriate reports and evaluations, when such reports are essential for planning and/or service delivery.

- 4.8 Will not accept gifts (aside from a token of nominal value not exceeding \$5) from partner agencies, DORS vendors or from DORS employees with whom there is a reporting relationship.
- 4.9 Will not discuss with consumers/claimants other staff or agencies, the judgments which they make, or the methods which they use to develop and provide services.
- 4.10 Will not seek or accept assignment to the same work unit as family members who also are employees of DORS.
- 4.11 Will not exploit their professional relationships with supervisor, colleagues, students or other employees sexually or otherwise. DORS staff, consistent with MSDE policy, will not condone or engage in sexual harassment as defined by the MSDE Policy on Sexual Harassment.
- 4.12 Will report information concerning an alleged violation of Ethical Guidelines directly to the appropriate member of DORS Executive Staff.
- 4.13 Will facilitate the professional and career development of staff or students whom they supervise.
- 4.14 Will maintain a work environment which is conducive to productive and professional services.
- 4.15 Will promote public confidence in DORS programs.

**1003.05 Section 5 – Confidentiality**

Staff of the Division of Rehabilitation Services shall respect the confidentiality of information obtained from consumers/claimants in the course of their work, consistent with agency policy and procedures. Staff shall gather only required personal information related to the rehabilitation or claims adjudication of the individual, and shall access confidential information of consumers and claimants only on a need to know basis.

**RULES OF CONDUCT**

Staff of the Division of Rehabilitation Services:

- 5.1 Will inform consumers/claimants at the onset of the counseling or service relationship that DORS staff is committed to maintaining confidentiality of consumers/claimants. Staff shall advise consumers/claimants that email is not encrypted, emails may become part of the case record, and emails may be discoverable related to litigation. Staff shall advise consumers of available alternatives to email communication.
- 5.2 Will take responsible professional action to protect a consumer/claimant or other persons if there is a threat to his or her safety or the safety of others; and will take such actions only after careful deliberations and consultation with others, including DORS management.
- 5.3 Will not forward to another person, agency, or potential employer, any confidential information without the written permission of consumers/claimants or their legal guardians, except as permitted by law or regulation.

Will carefully follow federal and state law and DORS policy regarding disclosure of information about consumers.

- 5.4 Will inform other agencies and providers cooperatively serving rehabilitation consumers/claimants of confidentiality policies and procedures.
- 5.5 Will safeguard the maintenance, storage and disposal of the records, both hard copy and electronic, of consumers/claimants so that unauthorized persons shall not have access to these records. This includes refraining from:

- a. accessing confidential information that is not within the scope of the job assignment,
- b. disclosing a username or password credentials used to access confidential data,
- c. leaving a secure application open unattended exposing confidential information, and
- d. disclosing or altering confidential information without proper authorization.

All staff who must have access to these records will be thoroughly briefed concerning the confidential standards to be observed.

Will explain to consumers/claimants the implications, risks and benefits of electronic communications and electronic records, including the best way to safeguard confidentiality.

- 5.6 Will, in the preparation of written and oral reports, present only germane data and make every effort to avoid undue invasion of privacy.
- 5.7 Will obtain written permission from consumers/claimants or their legal guardians prior to taping or otherwise recording consumer sessions. Even with guardians' written consent, DORS employees shall not record sessions against the expressed wishes of consumers/claimants.
- 5.8 Will contact prospective employers of consumers only with the explicit permission of the consumer, and then provide only job-relevant information to the prospective employer.
- 5.9 Will remain especially sensitive to the confidentiality of records of and information about former consumers who have become employees of DORS. Staff persons who were previously consumers of DORS may request of the DORS Director that their electronic records be made "confidential," which substantially minimizes access to such records.

### **1003.06 Section 6 – Competence**

Staff of the Division of Rehabilitation Services shall establish and maintain their competencies at such a level that their consumers/claimants receive the benefit of the highest quality of services DORS is capable of offering.

## **RULES OF CONDUCT**

Staff of the Division of Rehabilitation Services:

- 6.1 Will function within the limits of their defined role, training and technical competency and will accept only those positions for which they are qualified.
- 6.2 Will claim or imply only professional qualifications actually completed by themselves and correct any known misrepresentations of their qualifications by others; similarly will accurately represent the qualifications of colleagues.
- 6.3 Will continuously strive through reading, attending professional meetings, or taking courses of instruction to keep abreast of new developments, concepts and practices that are essential to providing the highest quality of services to consumers/claimants.
- 6.4 Will read and apply information disseminated by DORS management in formal program directives and administrative instructions, requesting clarification of implications if needed.
- 6.5 Will adhere to the DORS Employee Ethical Guidelines and to professional Codes of Ethics established by professional associations of which they are a member (e.g., CRC, OTA, NADE, AMA) and to the Maryland Public Ethics Law.



## **1004 Staff Responsibility for Ethical Practices**

All DORS staff are responsible to abide by DORS Ethical Guidelines and Practices described in this section, as well as Maryland Public Ethics Law. Violations may result in disciplinary action in accordance with Merit System Law, Personnel Regulations and MSDE policies.

All staff are also responsible for reporting ethics violations which they observe or of which they otherwise have knowledge. It is imperative that all staff in a supervisory position address reports of possible infractions of ethical guidelines and practices in a timely and thorough manner. Failure to do so may have significant consequences for the staff person and supervisor and may result in liability for DORS.

### **1004.01 DORS Informal Ethics Consultation**

Questions about whether a specific circumstance or event falls within ethical practice may be referred to the Administration & Financial Services (AFS) Director. The AFS Director will help staff think through specific situations and issues, and provides an informal means for staff members seeking advice and analysis. Such consultation is not intended as an enforcement vehicle or for reporting violations – see **Section 1004.02** below.

### **1004.02 Reporting Violations**

Issues related to violations of DORS Ethical Guidelines must be reported directly to the appropriate member of DORS Executive Staff.