

Standards of Conduct



Texas Department of Transportation Standards of Conduct

Table of Contents

Confidential Information

- Employee Responsibility
- Medical Records
- Personal Gain
- Personnel Files
- Sexual Harassment Information

Conflict of Interest

- Conflict of Interest
- Contracts with Former Employees
- Department Transactions
- Employee Responsibility
- Interest in a Contract
- Outside Employment
- Owning Property Acquired for Right of Way
- Personal Investments
- Personal Relationships
- Revolving Door Law

Contracting and Purchasing

- Competitive Purchasing
- Conflict of Interest
- Employee Certification of Contract
- Financial Interests
- Guidance
- Negotiated Procurement Process
- Personal Gain
- Purchasing
- Purchasing Authority

Employment Issues

- Employee Evaluations
- Overtime
- Separation from Department
- Time Sheets
- Vacation Leave
- Work Schedule

Employee Conduct

- Driving Requirements
- Electronic Recordings
- Falsifying Information
- Gambling and Related Activities
- Incident Reporting
- Media Contact
- Obscene Material
- Professional Conduct
- Political Activities
- Romantic Relationships
- Sexual Harassment
- Smoking
- Solicitation
- Substance Abuse
- Violence Prevention
- Weapons

Environmental Protection

- Environmental Affairs Division
- Federal Regulations links
- Natural Resources
- Road Construction Environmental Management System - Policy Statement

Equal Employment Opportunity

- Compliance Training
- Cultural Diversity Training
- Recruiting, Hiring, Promotion
- Sexual Harassment and Grievances Training
- Supplemental Training Video
- Work Environment

Fraud

- Audit
- Fraud and Abuse Prevention Training
- Reacting to Allegations of Impropriety

Gifts

- Honoraria
- Gifts meant to Influence Decisions
- Gifts to TxDOT

Information Security and Technology

- Computer Access and Passwords
- Computer Software
- Information Security and Confidentiality
- Personal Files, Games, Screen Savers
- Use of State Owned Information Resources

Intellectual Property

- Background
- Employee Created Material
- Printing of Copyrighted Material
- Use of Copyrighted Material without Approval

Records

- Destruction of Records
- Litigation Holds
- Records Management
- Open Records Requests
- Retention Schedule

State Owned Property

- Bulletin Boards
- Damaged Property
- Expectation of Privacy
- Internet, Electronic Mail and Office Equipment
- Lost or Stolen Property
- Misuse of State Property
- Personal Mail
- Purchase of State Owned Property
- State Vehicles
- Telephones
- Use of Equipment for Jury Summons

Workplace Health and Safety

- Driving Record Checks
- Handbook of Safe Practices
- Hazardous Communication Program and Training
- Occupational Safety
- Personal Protective Equipment
- Safety Committees and Meetings
- Safety Training
- Spill Response
- Substance Abuse Training
- Tort and Liability Claims
- Workers' Compensation

POLICY

CONFIDENTIAL INFORMATION

Employee Responsibility

Employees may not disclose confidential or sensitive department business information without authorization.

Employees having access to, or processing confidential information about employees and other persons, or handling sensitive department business information according to policy or law will ensure such information is protected, not released, and treated confidentially. Employees who are entrusted with such information and fail to treat it as sensitive and confidential are subject to disciplinary action including termination.

Employees will not release any confidential personal or medical information or sensitive department business information unless authorized by their supervisor. Unauthorized release of such information may result in criminal prosecution and personal liability.

Employees who use confidential and privileged information must have a thorough knowledge of policies and procedures for handling this type of information. Employees entrusted with the administration of information resources are responsible for exercising due diligence for preventing unauthorized access, unauthorized modification, theft, or vandalism of data and equipment.

Employees must sign an Information Resources Security Compliance and Confidentiality Agreement upon their initial hire with the department. All employees who have access to, or handle confidential or sensitive information, will sign this agreement on an annual basis.

Medical Records

Only authorized employees who have an official, work-related, need to know, and legitimate reason to view or handle confidential medical information have a right to see this information.

Personal Gain

It is a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or the anticipated personal gain for the employee or another person.

Personnel Files

Authorized department employees will only be given access to personnel records for work-related purposes. Some records are more restricted to a need-to-know, work-related basis.

Some personnel records are subject to disclosure under the Public Information Act. Before gathering any records, determine if there is current litigation related to the request. If so, secure advice from the proper personnel at Human Resources Division (HRD) or the Office of General Counsel.

An employee or employee's representative may need to file a Public Information Act request to access personnel records. Employees or their representatives are not entitled access to FMLA or ADA records. Medical records, drug test results, and confidential employee information also have further restrictions.

Always use an envelope marked "Confidential" to transfer personnel records.

Sexual Harassment Information

Human Resource Officers (HROs) are responsible for maintaining confidential records concerning any incidents of sexual harassment.

CONFLICT OF INTEREST

Conflict of Interest

Conflict of interest is a situation in which an employee's private interest (usually financial or economic in nature) conflicts or raises a reasonable question of conflict with the employee's public duties and responsibilities.

An employee shall not engage in any activity that would create a conflict of interest or even the appearance of a conflict.

Importantly, employees that violate a conflict of interest law may face civil and/or criminal charges, which could result in monetary fines or jail time being assessed.

Contracts with Former Employees

Former employees may not enter into consultant contracts, professional services contracts, or employment contracts (including contracts for personal services) with the department until they have been separated from the department for 12 months.

Department Transactions

Employees will not transact any department business with any business entity in which they are an officer, agent, member, or owner of a controlling interest.

Employee Responsibility

Employees are responsible for avoiding conflicts of interest or even the appearance of conflicting activities. Employees should contact their supervisor or District Engineer, Division Director or Office Director (DE/DD/OD) if there is any doubt as to the possibility of a conflict of interest.

Interest in a Contract

Employees will not have, either directly or indirectly, any financial or other personal interest in a contract or subcontract of any kind. A contract may not be awarded (no matter how objective the process) to an entity that is owned in whole or in part by any TXDOT employee. These prohibitions extend to the employee's immediate family, which includes:

- those individuals related by kinship, adoption, or marriage, who are living in the same household,
- foster children living in the same household and certified by the Texas Department of Family and Protective Services, or
- a spouse, child, or parent of the employee who does not live in the same household and who needs care and assistance as a direct result of a documented medical condition.

Outside Employment

An Employee shall not engage in outside business or professional activities or accept employment in private enterprises if the activities:

- interfere with the employee's working hours or efficiency;
- create a conflict between the employee's private interests and public duties;
- use or appear to use information obtained in connection with the employee's official duties; or
- could be expected to impair the employee's independence of judgment in the performance of the employee's duties.

Owning Property Acquired for Right of Way

Employees must not directly or indirectly have any financial or other personal interest in any real property acquired for a department project. The only exception is if such interest is openly disclosed in the public records of the department, and the employee has not participated in such acquisition on behalf of the state.

Personal Investments

Employees will not make personal investments in any enterprise that will create a substantial conflict between their private interest and public duties.

Personal Relationships

Employees may not favor any individual or entity on the basis of any personal friendship or financial or social relationship.

Revolving Door Law

Employees considering going to work for a company that does business with the department should familiarize themselves with the Revolving Door Law, Texas Government Code, Section 572.054.

CONTRACTING AND PURCHASING

Competitive Purchasing

The department will use competitive purchasing ([State Purchasing Act](#)) whenever possible. The department will make a good faith effort to:

- utilize historically underutilized businesses (HUBs) in contracts for construction, services, including professional and consulting services and commodities contracts.
- meet or exceed the goals specified in the State of Texas Disparity Study and to assist HUBs in receiving a portion of the total purchase order value of all purchases that the department expects to award in a fiscal year.

Conflict of Interest

Each employee that signs purchase orders must have on file a signed Conflict of Interest Statement. The original signed statement will be filed in the employee's personnel file, and the employee will keep a copy.

Upon discovery of an actual, potential, or perceived conflict of interest, an employee must promptly file a written statement of notification with the district or GSD purchasing office that is handling the procurement. Additionally, if personally involved, the employee must withdraw from further participation in the transaction. The employee may, at the same time, apply to his or her division or office director/district engineer for an advisory opinion as to what participation, if any, the employee may have in the transaction.

Employee Certification of Contract

A TxDOT employee who executes a contract is certifying that:

- Authorization has been obtained by the Texas Transportation Commission.
- Funds have been budgeted and are available for payment.
- The contract complies with all applicable federal and state laws and TxDOT regulations.
- The contract included all required applicable provisions.
- The signature authority for signing the contract has been properly delegated.

Financial Interests

Employees will not have, either directly or indirectly, any financial or other personal interest in a contract or subcontract of any kind.

Guidance

Employees must adhere to the Contract Management Manual's guidance regarding negotiated contracts and uniform standards for the administration and monitoring of these types of contracts. The department must have statutory authority before it can contract for goods and services. Rules for implementing and adhering to statutory requirements are set forth in the Code of Federal Regulations and the Texas Administrative Code, and are further elaborated in other department manuals.

Negotiated Procurement Process

In the negotiated procurement process, several items, including costs, may be negotiated with a vendor or service provider before a contract is executed. In contrast, the competitive bid process requires the department to award a contract to the entity with the lowest price (bid) for the desired good or service.

Personal Gain

It is a breach of ethical standards for any employee or former employee to solicit, demand, accept, or agree to accept from another person any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any purchasing activity.

Purchasing

An employee who signs a purchase order (PO) is certifying that the PO complies with all purchasing requirements. If the PO does not comply, the employee must send it back to the General Services Division.

Purchasing Authority

Only employees with written purchasing authority may commit state funds or award, issue or sign purchase orders that obligate such funds. The General Services Division is delegated purchasing authority for Austin divisions and offices. District purchasing authority is outlined in the Purchasing Manual.

Each district will have a Purchasing and Materials Administrator who will manage all purchasing activities within the district.

The purchasing, receiving and payment actions should be separate duty functions and should not be performed by the same person. If it is not possible to separate these duty functions, the DE/DD/OD will establish in writing, internal audit procedures formalizing the exceptions to this requirement.

EMPLOYMENT ISSUES

Employee Evaluations

Employee evaluations are designed to provide a formal system of two-way communication between employees and their manager or supervisor and are a tool to measure employees' job performance. Employees must consistently meet the performance standards of the job to remain employed.

Overtime

Employees may be compensated for work performed in excess of 40 hours in one week, or at times outside of their normal work schedules. Employees must obtain supervisory approval before working overtime. Failure of an employee to work overtime when instructed by a supervisor, or failure to obtain approval before working overtime, will subject an employee to disciplinary action.

Separation from Department

Each employee must have an exit interview with their supervisor, HRO, or Equal Employment Opportunity officer before their last working day.

A reduction in force (RIF) involves involuntary separation from employment of employees whose positions have been eliminated. These reductions may be due to budgetary constraints, legislative mandates, cost benefit derived from outsourcing, or department reorganizations of resources that alter or reduce the delivery of services, programs, or functions.

Employees who fail to comply with conditions of employment, or do not return to work after certain types of absences, may be administratively separated.

Time Sheets

Employees must maintain a record of their total hours worked and leave taken each day. Time sheets represent an employee's invoice to the department for services performed and paid leave taken. They must be signed by employees to certify correctness. Falsification of time sheets is grounds for termination of employment.

Vacation Leave

Employees are entitled to paid vacation leave if it is accrued and used in accordance with the provisions set forth in this policy. Employees must work at least one hour during the month before vacation leave is accrued for that month. Vacation leave must be accrued before it may be used. Vacation leave accrual begins on the first day of employment and ends on the last day of duty.

Employees must be employed by the state for six continuous months, to the date, before they may use their vacation leave. Vacation leave is recorded and taken in whole hours. Upon separation from department employment, employees may elect either to remain on the payroll to use their vacation leave, or to be paid in a lump sum.

Work Schedule

All employees will observe assigned working hours, and avoid tardiness, abuse of break time, malingering, and abuse of sick leave. Changing assigned work schedules from day to day, week to week, or month to month is not considered reasonable. However, employees may make minor schedule changes on short notice with the supervisor's approval. Employees scheduled to work more than four hours per day will include at least a half-hour lunch break in their schedules at plus or minus an hour of the mid point of the day's schedule.

EMPLOYEE CONDUCT

Driving Requirements

Employees who are authorized to drive for the department must have a valid regular or occupational driver license. It is the responsibility of employees to know whether their license is valid and to avoid driving on department business without a valid regular or occupational license. Each HRO or Safety Officer will conduct driver record checks on the authorized employees at least once every 12 months.

Employees who are authorized to drive for the department will immediately be removed from all critical duties if they receive an alcohol- or drug-related driving offense, either on or off the job, and will be mandatorily referred to the Employee Assistance Program (EAP). Employees who are authorized to drive for the department will be suspended without pay for five working days if they fail to report an alcohol- or drug-related driving offense within one work day upon their return to work after receiving an alcohol- or drug-related driving offense.

If an employee who drives for the department is convicted, including probation and appeals, of a moving traffic violation or seatbelt violation, the employee must notify his/her supervisor within the first five workdays that he/she is present for duty after the occurrence of the conviction, probation, or appeal action. An employee who fails to report an event as described in this subparagraph will be disciplined appropriately at the discretion of the district engineer, division director, or office director, and in compliance with HRD policies.

Electronic Recordings

Employees will not make audio, video, or other types of electronic recordings of other employees without their prior knowledge and consent.

Falsifying Information

An employee must not knowingly falsify or destroy department information or make a false statement or representation when acting as a representative of the department.

Gambling and Related Activities

Employees will not participate in gambling or related activities at any time while on department property, or while on duty, or use any type of department property in support of such activities.

Incident Reporting

All incidents resulting in any property damage or injury that involve department personnel, equipment, or operations must be reported to the Occupational Safety Division.

Employees who are involved in an incident regardless of the extent of the damage or injury while driving on department business or operating motorized equipment for TxDOT are required to report incidents to their supervisor immediately if not incapacitated. This requirement exists so that post-incident drug and alcohol tests can be conducted, if appropriate. Failure to report such incidents will be disciplined according to HRD policies.

An employee who is involved in an incident which requires a written report under Texas law while driving a personal vehicle off duty shall report the incident to his/her supervisor within the first five workdays during which the employee is present for duty. Employees failing to report such incidents will be disciplined accordingly at the discretion of the district engineer, division director, or office director in accordance with HRD policies.

Media Contact

When contacted by a reporter, employees should be aware of any district/division/office policy regarding media relations. Employees should confine responses and comments to areas of official responsibility and avoid speculating, commenting or expressing personal opinions regarding official TxDOT policies and positions or related to subjects outside of an employee's area of job responsibility. If the questions fall outside of employee's areas of official responsibility, employees should refer the reporter to a TxDOT source that can provide the information requested. Finally, employees must immediately inform either a district public information officer, division media liaison or the Media Relations section of the Government & Public Affairs division at 512/463-8588 about the media contact.

Obscene Material

Obscene material, including pornography, is not allowed in or on property, vehicles, or equipment owned or leased by the department.

Professional Conduct

Employees will conduct themselves in a manner that reflects favorably on the department and should avoid even the appearance of unprofessional behavior. All employees will treat one another and the general public with respect and fairness. Employees will conduct themselves with courtesy and restraint at all times on the job and whenever they may be perceived in any way as representing the department. Employees will be neat, personally clean, and wear clothing that is safe and appropriate for their assigned working environment.

Political Activities

Employees may not engage in any political activities while on duty and may not use any state property or resources for political activities. This prohibition extends to the use of state telephones, computers, typewriters, envelopes, postage, etc.

The department may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branches of the state or federal government.

Romantic Relationships

It is not the intention of the department to interfere in the personal lives of employees or to discourage employees from developing close interpersonal relationships. However, when supervisors, managers, lead workers, or project leaders enter into romantic relationships with employees in their chain of command, then such supervisors or managers will be reassigned to positions where they do not have input into the salary, evaluation, promotion, or discipline of that subordinate. Such reassignments will be effective within 30 calendar days of disclosure and may result in a demotion.

Sexual Harassment

The department does not allow, condone, or tolerate sexual harassment by anyone in the work place. Employees who witness any incident that appears to be a violation of the department policy on sexual harassment, or who feel they are being subjected to sexual harassment by their peers or co-workers should report the incident to their immediate

supervisor, manager, HRO, DE/DD/OD, HRD, or the Office of Civil Rights. Employees who report sexual harassment are protected against retaliation by state and federal laws.

Smoking

Smoking is not allowed inside any building or facility owned or leased by the department, nor in any state passenger vehicle or in any enclosed cab of other state vehicles, such as construction equipment. In leased buildings shared with other tenants, no smoking is permitted in the department's space, and should be prohibited throughout if the other tenants are agreeable. DE/DD/ODs will provide reasonably convenient outdoor areas close to department owned or leased buildings for visitors and employees who wish to smoke during normal work breaks.

Solicitation

Employees will not attempt to sell products or services through uninvited personal contact on property that is owned or leased by the department. Exceptions are made for certain groups that may use department property.

Substance Abuse

All department employees are subject to alcohol and drug testing.

Employees are subjected to administrative and disciplinary actions if, while on duty, including when operating or riding in a state vehicle, they are in possession of an open container of alcohol consume or are under the influence of alcohol, inappropriately use or are under the influence of inhalants, possess, use, or are under the influence of drugs, are under the influence of prescription or over-the-counter drugs, if performance is impaired, have a positive drug test or alcohol test result of .04 or greater, or refuse to take a drug or alcohol test.

Employees are subjected to administrative and disciplinary actions if, while on duty or off duty they sell, distribute, transport, or manufacture drugs or possess drugs with the intent to sell, distribute, transport, or manufacture them, or receive an alcohol- or drug-related driving offense.

An employee who voluntarily admits to using in the workplace or having a problem with substance abuse will be mandatorily referred to the Employee Assistance Program and required to complete treatment. Disciplinary action will not be taken if the admission occurs prior to a determination to test.

Violence Prevention

The department does not allow, condone, or tolerate harassment, threats of or physical aggression or endangerment, threats of violence, or violence from employees while on duty, on department premises, or while operating a state vehicle. Employees who engage in these behaviors will be disciplined, up to and including termination, depending on the severity of the behavior.

Employees who engage in this behavior off department premises may also be subjected to discipline for issues that originate in the workplace or are related exclusively to workplace relationships. Discipline for these types of incidents must be reviewed by HRD.

Weapons

Employees are prohibited from carrying any weapons on department property, inside office buildings, and are prohibited from being in possession of a weapon at any time while working for or representing the department. This prohibition extends to vehicles owned or leased by the department and used by employees in the course and scope of their employment.

Under state law, it is not a violation for employees who lawfully possess or who are concealed handgun license (CHL) holders to transport and store firearms and ammunition in their locked, private motor vehicle while parked at work. This applies **only** to parking lots, garages and other parking areas owned by the department.

All handguns must be kept from the general view as required by the Penal Code. Other owned firearms (such as hunting rifles and shotguns), as permitted under the law, need not be concealed but must still be secured in a locked, privately owned vehicles.

ENVIRONMENTAL PROTECTION

Environmental Affairs Division

The Environmental Affairs Division (ENV) is responsible for central coordination and oversight of TxDOT's environmental program.

Natural Resources

TxDOT is committed to improving the quality of the environment in Texas and reducing pollution's effect on public health and safety. As part of our fight against air and ozone pollution and wetlands depletion, the department supports or participates in a number of programs that work for a cleaner Texas including: Clean Air Plan, Drive Clean Across Texas, Ozone Action Days, SmartWay Transport, and Wetlands Preservation.

Road Construction Environmental Management System - Policy Statement

The department integrates environmental considerations into road construction operations through an environmental management system (EMS). TxDOT is committed to compliance with all applicable environmental laws and regulations, minimizing pollution and associated risks to the environment, and supporting an ongoing process for continual improvement in TxDOT's environmental performance. Each employee is expected to exercise his or her responsibility on behalf of TxDOT to ensure that the commitments and goals of the EMS are diligently carried out.

EQUAL EMPLOYMENT OPPORTUNITY

Compliance Training

The Office of Civil Rights (OCR) identifies respondents of complaints filed externally with the Texas Workforce Commission (TWC) or the Equal Employment Opportunity Commission (EEOC) and coordinates an eight-hour training session conducted by the TWC Civil Rights Division.

Attendance of the EEO Compliance Training course is mandatory for supervisor/manger respondents to EEO complaints when three or more complaints of employment discrimination, other than complaints determined to be without merit, are filed against the agency during a fiscal year.

Cultural Diversity Training

The Department's Cultural Diversity training is designed to inform employees how to recognize and address diversity issues and familiarize them with TxDOT policies dealing with diversity situations. All new employees must complete this course within 30 days from hire.

Recruiting, Hiring, Promotion

The department uses affirmative action practices to promote and ensure Equal Employment Opportunity (EEO) and non-discrimination in employment practices. The department makes reasonable efforts to achieve its affirmative action goals through recruiting, hiring, and promotion opportunities.

The department will make reasonable efforts to ensure that all protected classes and under utilized groups have equal access to department employment.

Sexual Harassment and Grievances Training

The department provides training to inform employees of EEO laws, directives, regulations, and department policies and procedures prohibiting sexual harassment. All new employees must complete this course within 30 days from hire. Viewing the video will be followed by a competency test so that employees acknowledge their understanding of the training.

Supplemental Training Video

Department employees are required to complete this training every two years to remain informed regarding anti-discrimination laws, the roles of TxDOT's Office of Civil Rights, the Texas Commission on Human Rights and the Equal Employment Opportunity Commission, TxDOT's Complaint and Appeals policy, and Sexual Harassment prevention.

Work Environment

Employees will not direct degrading or abusive conduct toward other people in the work environment. The department considers such conduct unacceptable in the workplace. The department considers any behavior that degrades another's race, color, religion, sex, national origin, disability, or age a serious violation of the department's EEO policy. The department will take timely corrective action as each behavior occurs. Such behavior includes, but is not limited to, offensive name calling, jokes, slang, and posting offensive materials on state property.

FRAUD

Audit

TxDOT's Audit Office conducts internal and external audits. Internal audits focus on department operations and procedures to ensure they are functioning as intended. Internal audit activities include investigating reported occurrences of fraud, theft, embezzlement, waste, etc., and recommend controls to prevent or detect such occurrences. Auditors also verify the existence of assets and ensure proper safeguards for their protection. External audits focus on reimbursement/negotiated contracts external to the department to ensure that the costs billed are reasonable and necessary, allowable under the contract and applicable Federal cost principle guidelines, and in compliance with governing laws and regulations.

Fraud and Abuse Prevention Training

The department provides a one hour class on abuse, waste, and fraud to increase employees' awareness and how to properly report abuse, waste or fraud as a method of prevention. All new employees must complete this course within 30 days from hire and every two years thereafter.

Reacting to Allegations of Impropriety

The department's Audit Office has published instructions for its employees on taking calls concerning allegations of impropriety: listen, be patient, take detailed notes, try to get as much information as possible, do not make any promises, ask for contact information, thank them for the information, review notes and write up as coherently as possible, and contact the Audit Director as soon as possible.

GIFTS

Honoraria

An honorarium is a payment in the form of money or other thing of value offered in exchange for services rendered voluntarily, and is not a gift, benefit, or favor. Employees shall not accept an honorarium other than reimbursement for food, travel, or lodging for appearing at an official, department-related event (such as a conference, workshop, seminar, or symposium), or a meal served at the event.

Gifts meant to Influence Decisions

It is a breach of ethical standards for any person to offer, give, or agree to give any employee, former employee or employee's relatives a gratuity or an offer of employment in connection with influencing a purchasing activity.

Gifts to TxDOT

The department or commission may accept a donation if the gift or donation will further the department's responsibilities. However, when the donor is interested in or likely to become interested in any contract, purchase, payment, claim with or against the department, subject to regulation or oversight, or a party to a contested case before the department, a specific finding must be made by the department that the donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties.

Employees cannot accept gifts or donations on behalf of TxDOT without approval from the Executive Director or Commission. Gifts or donations may be accepted by the department under certain conditions. The Executive Director has delegated approval authority to the Deputy Executive Director.

A "Request for Approval to Accept Gifts or Donation" form must be completed by the requesting D/D/O and submitted to the Office of General Counsel. In some instances, a minute order by the commission and an agreement may need to be signed depending on the amount or type of gift.

INFORMATION SECURITY AND TECHNOLOGY

Computer Access and Passwords

Users of TxDOT information resources must ensure that access passwords meet specified requirements, are not shared, and are properly protected. Users must protect their access capabilities by signing off a computer when not using it and securing the resource when not in use.

Supervisors are responsible for:

- approving and forwarding all users' requests for access, based on business need, to the Security Administrator (SA)
- approving and forwarding all users' requests, due to termination or transfer, to SA immediately for processing
- ensuring that the SA is notified of User IDs to be suspended
- notifying the SA when a user's access to TxDOT should be modified when a job function changes, and
- determining whether a User ID remains active or is suspended.

Access criteria to information resources, including software applications, must be reviewed on an annual basis by the Technology Services Division (TSD) Information Systems Security Branch (ISS) contacting the office of primary responsibility and making any pertinent changes and/or modifications. Security Administrators will conduct periodic reviews of user access privileges.

Computer Software

All software installed on TxDOT networks or computer systems must be approved by ISD and installed in accordance with the software license. Third party copyright information or software that TxDOT does not have specific approval to store and/or use, must not be stored on TxDOT systems or networks. System administrators will remove such information and/or software upon discovery. Third party software in the possession of TxDOT must not be copied unless such copying is consistent with relevant license agreements, or copies are being made for contingency planning purposes.

Information Security and Confidentiality

TxDOT takes measures to protect information resources assets against unauthorized access, disclosure, modification or destruction, whether accidental or deliberate, as well as to assure the availability, integrity, authenticity, and confidentiality of information. Use of TxDOT information resources can only be used for the intended department purposes. Users must never disclose confidential or TxDOT-restricted information to anyone without the permission of the office of primary responsibility. Users will protect and secure information under their direct physical control and must sign Form 1828, Information Resources Security Compliance and Confidentiality Agreement, before getting access to TxDOT information resources.

Personal Files, Games, Screen Savers

Personal or other unauthorized files or applications cannot be kept on TxDOT networks or workstations. Computer games may not be installed or used on TxDOT networks or workstations. Downloadable or individual screen savers that do not

come with TxDOT approved operating systems cannot be used if they cause technical problems with workstations/servers, or are considered offensive. However, the general use of screen savers is left to the discretion of each DE/DD/OD.

Use of State Owned Information Resources

Information resources consist of all the electronic components involved in the collection, processing, storage, transmission, display, retrieval, access, dissemination, and disposition of information. As provided by Texas Government Code, §2203.004, all state-owned information resources are used for official state purposes only. Compliance with laws and department policies, procedures, and practices governing the security of information resources is a condition of continued employment. Violators may be disciplined in accordance with TxDOT's human resources policies and procedures or prosecuted under appropriate law.

INTELLECTUAL PROPERTY

Background

TxDOT intellectual property consists of works such as databases, software, machinery, publications, audiovisual works, architectural works, sound recordings, maps, systems design, or other proprietary information in any tangible form or medium. Property ownership may be claimed through a copyright, trademark, or patent. The Intellectual Property Group within GSD administers the day-to-day operations concerning intellectual property.

Employee Created Material

An Employee shall not copyright or patent any work the employee produces or develops as part of his or her employment with the department when the work is related to a department goal, project, or concern.

Intellectual property is the exclusive property of the employee if it is not:

- related to the employee's employment responsibility or to a TxDOT goal, project, or concern;
- a result of activities performed on department time;
- developed with support by state funds; and
- developed using department facilities.

Printing of Copyrighted Material

Under no circumstances will the Print Shop, Electronic Publishing Center, or Copy/Supply Centers process copyrighted material without prior written permission from the copyright owner on department equipment

Use of Copyrighted Material without Approval

Third party copyrighted information or software that TxDOT does not have specific approval to store and/or use, must not be stored on TxDOT systems or networks. System administrators will remove such information and/or software upon discovery. Third party software in the possession of TxDOT must not be copied unless such copying is consistent with relevant license agreements, or copies are being made for contingency planning purposes.

RECORDS

Destruction of Records

TxDOT's Records Management Manual details specific policies and procedures that must be followed for destroying confidential and non-confidential records, logging destruction, and archiving records.

Litigation Holds

When a lawsuit is filed or is reasonably anticipated to be filed against TxDOT, the Office of General Counsel (OGC) may determine that it is necessary to issue a litigation hold notice to department employees and contractors as one of the steps

to ensure that all information potentially relevant to the suit is preserved. When a litigation hold is in place, employees must take steps to ensure that any potentially relevant information will not be destroyed inadvertently pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of emails.

Records Management

In accordance with the Texas Government Code §441.185, TxDOT maintains a records retention schedule that documents the department's records retention policy based on federal and state statutes, rules and regulations, and requirements established by department offices. The retention schedule is approved by the State Auditor and the Texas State Library.

The Records Management Branch of the Online Information Services Section of GSD manages and coordinates TxDOT's Records Management Program to ensure agency compliance with state records management laws.

Open Records Requests

Most, but not all information produced by the department is public information. In order to acquire this information, a member of the public must make a written request. Employees who receive a written request for information should give this request to their supervisor immediately, as the department has only 10 days to respond to the request.

Retention Schedule

The current, approved TxDOT records retention schedule is posted on the records management intranet page. The retention schedule indicates the required minimum length of time TxDOT must retain official (record copy) state records before destruction or archival preservation. Records management recommends the minimums as appropriate maximum retention periods.

STATE OWNED PROPERTY

Bulletin Boards

Only material that is directly related to state or department activities may be placed on official bulletin boards.

Damaged Property

As a minimum, incidents that result in damage or destruction to department equipment will be reported in accordance with procedures contained in the Occupational Safety Manual. In addition, employees must report any damage or destruction of department equipment to their supervisor. When damage or destruction of department equipment is reported, the supervisor will gather necessary and appropriate information to determine if it was the result of a negligent act by any department employee.

Expectation of Privacy

Employees do not have an expectation of privacy when using state information technology equipment, state telephones, or other state equipment. This means that all computer files and telephone records are subject to requests for public information ("open records requests") and discovery in litigation, and the contents of an employee's computer hard drives and files stored on servers, including email and Internet files (even those that have been deleted), are subject to examination by supervisors and managers. To avoid the chance that private computer data and emails will be subjected to public inspection under the Public Information Act or released to an opposing party in a TxDOT-related lawsuit, employees using home computers are urged to maintain separate folders, directories, and drives for TxDOT-related business, and to use only GroupWise for TxDOT-related emails.

Internet, Electronic Mail, and Office Equipment

Employees will use the Internet, electronic mail, and office equipment, including personal computers and laptops, for state purposes only.

Lost or Stolen Property

Lost or stolen property must be reported. When an item is reported as missing or stolen to a property custodian, the custodian should investigate the circumstances and attempt to find the property. The police must be contacted for any property suspected as having been stolen. If the property cannot be found within 72 hours, the custodian will complete a Missing, Damaged or Stolen Property Report.

Misuse of State Property

Property owned or leased, or provided to the department may only be used for state purposes except as provided in this policy. Any misuse or unauthorized use of department property, including information system resources, is subject to disciplinary action. Misuse of state property may also result in criminal prosecution.

Personal Mail

Employees will not send or receive personal mail at department offices.

Purchase of State Owned Property

Employees will not purchase equipment, buildings, or any other property owned or formerly owned by the department, including buildings to be moved in connection with right-of-way acquisitions. As an exception, employees may purchase equipment formerly owned by any state agency, including TxDOT, from the Texas Facilities Commission's retail sales store located in Austin, Fort Worth, and San Antonio.

State Vehicles

Employees will use state vehicles only for official state business. They may not use state vehicles for any political campaign or for any personal activities.

Telephones

Employees may make brief personal calls on state telephones if no charges are made to the department. Employees may be held liable for the cost difference between non-state system calls and state system calls. Employees making or receiving personal calls on state cellular telephones will be charged \$0.25 per minute regardless of the cellular telephone's billing plan.

Use of Equipment for Jury Summons

Employees may use duty time and state equipment such as telephones, computers, fax machine, copier, or the Internet to handle jury duty summons.

WORKPLACE HEALTH AND SAFETY

Driving Record Checks

OCC establishes internal rules for determining acceptable and unacceptable drivers. Annual drivers' record checks are conducted on employees who drive for the department.

Handbook of Safe Practices

The purpose of the department's safety standards and work practices is to help employees avoid work place injuries. TxDOT's Safety Policy Statement requires employees to know and adhere to the safety standards and safe work practices for their assigned jobs including the use of protective equipment as required.

The department uses the Handbook of Safe Practices and the Occupational Safety Manual to prescribe safety standards and safe work practices that employees are required to follow. Supervisors are responsible for enforcing safety requirements and must periodically ensure that each non-office employee and each office of record has the current Handbook readily available and employees are familiar with the rules that apply to their particular jobs.

Hazardous Communication Program and Training

A written Hazard Communication Program is required under the Texas Hazard Communication Act. The program contains information about each district's Hazard Communication Program, how the program works, and who is responsible for certain duties.

The department provides educational and training programs to employees who use or handle hazardous chemicals. This mandatory training is provided to new or newly assigned employees before they work with or in a work area containing hazardous chemicals. The Safety Coordinator works with the district supervisors and training coordinators to ensure that all employees are trained. Documentation is maintained in the employee's HR Online transcript. Safety Coordinators must also keep these records for at least five years and each district must notify the Hazardous Materials Section, Occupational Safety Division of all hazard communication training completed at the end of each calendar year.

Occupational Safety

The Occupational Safety Division (OCC) works with each D/D/O to encourage and ensure a safe work place for all employees. The safety coordinator is OCC's main point of contact with each D/D/O.

The Occupational Safety Manual contains the department's policies and procedures regarding a large range of safety issues and procedures. Employees must adhere with the policies and procedures contained in the manual.

Personal Protective Equipment

All personnel working in or visiting a work area which requires personal protective equipment must wear or use the required items while in the area. The department will furnish all employees with the personal protective equipment needed to perform assigned tasks. Supervisors are required to furnish and maintain an adequate supply of the personal protective equipment and provide appropriate training that is listed as mandatory and/or recommended for specific tasks in the Occupational Safety Manual.

Safety Committees and Meetings

Each district has a safety committee composed of members selected by the District Engineer. Safety meetings provide an opportunity for employees to discuss how to prevent accident losses and injuries. Area engineers, project engineers, maintenance supervisors, shop and warehouse supervisors and special job crew supervisors hold safety meetings once a month.

Safety Training

Job-specific safety training courses are required for various job classifications. Employee attendance must be documented and retained.

Spill Response

When a material is spilled in the workplace, employees may be exposed to a number of hazards. Chemical hazards are classified into several groups, including flammable, toxic, corrosive, and reactive. An employee should never attempt to clean up a hazardous material spill unless he/she has been properly trained. At least one employee from each section or work area, especially the warehouse and lab, should attend the Small Spill Response Course.

Substance Abuse Training

The Substance Abuse course provides general information regarding substance and the department's substance abuse policy and program. All new employees must complete this course within 30 days from hire.

Tort and Liability Claims

Individuals may submit in writing tort claims which do not involve motorized equipment to OCC Tort Section. These claims are investigated by OCC field representatives. Liability claims arise from the use or operation of department-owned or leased motorized equipment and are submitted to OCC. The department's insurance carrier investigates liability claims.

Workers' Compensation

Workers' compensation pays medical bills and replaces some lost wages for employees who have work-related injuries or illnesses. The department is self-insured, which means that our workers' compensation expenses are paid from department funds. The coverage is provided regardless of whose fault may have caused the injury or illness. However, it does not cover all injuries or illnesses. Parties to claims must comply with certain legal requirements. Violations can result in monetary fines and the most severe violations can result in jail terms.

Things to Remember

- Do not discriminate against an employee or applicant or vendor because of race, gender, religion, national origin, color, age, disability, sexual orientation or preference or Veteran's status.
- Commit to high standards of business and ethical conduct in all activities.
- Respect the rights of others.
- Avoid conflicts of interest and self dealing, as well as appearances of conflict of interest and self-dealing.
- Participate in lobbying and political activities only on your own time.
- Be aware of and adhere to laws, rules, regulations and policies that apply to what you are doing.
- Use TxDOT property and time for department purposes only.
- Assure that purchase order and expense account records are true and accurate.
- Observe sound business practices in reporting and billing services.
- Do not accept any gift that could appear to influence your official conduct.
- Report any perceived wrongdoing to your supervisor or the Office of Internal Compliance.
- Do not destroy any records except in accordance with the records retention schedule.

What should I do if I suspect something is wrong?

It is every employee's ethical and moral responsibility to report suspected waste, fraud, abuse and other illegal activities or unethical conduct. Promptly notify appropriate department officials of the facts and circumstances of any suspected violation of laws, rules, regulations or policies affecting the operation of the department. Cooperate fully with all inquiries or investigations. TxDOT policies and federal and state laws protect individuals who provide information regarding possible illegal activities in the workplace from retaliation. You do not have to identify yourself if you call the hotline or report conduct on the TxDOT Watch site.

FRAUD AND ABUSE REPORTS

When you have good cause to suspect something is wrong:

**Call the Compliance Helpline at
1-877-769-8936**

or

Visit the [TxDOT Watch](#) site to report an incident online.

Both methods are anonymous and confidential.