

High Country Workforce Development Board CONFLICT OF INTEREST/CODE OF CONDUCT

EMPLOYEE CONFLICT OF INTEREST

It is a breach of ethical standards for an employee to participate directly or indirectly in a procurement process when:

- The employee or immediate member of his/her family has financial interest in the procurement;
- A business organization in which employee or any member of immediate family has a financial interest pertaining to the procurement; or
- Any other person, business, or organization with whom employee or any immediate family member is negotiating or has arrangement concerning prospective employment is involved in the procurement.

Where employee or immediate family member holds financial interest in blind trust, there will be no conflict of interest, provided that the blind trust has been disclosed to the organization governing procurement ethics.

Whenever the employee discovers, or becomes aware of such an actual or potential conflict, he/she must promptly withdraw from the procurement or seek a guidance on participation from the Director and/or the WDB committee overseeing the procurement.

DISCLOSURE

Any employee who has, or obtains any benefit from, any contract with a business in which he/she has financial interest, must report this to the Director and/or WDB committee overseeing a procurement process, except when that interest has been placed in a disclosed blind trust.

GRATUITIES AND KICKBACKS

It is a breach of ethical standards for anyone to offer, give, or agree to give any employee or former employee, or for an employee or former employee to accept from another person, a gratuity or an offer of employment in connection with any aspect of procurement.

It is a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor, or any person associated with these, as an inducement for the award of a subcontract.

PROHIBITION AGAINST CONTINGENT FEES

It is a breach of ethical standards for anyone to be retained, or to retain anyone, to solicit or secure a contract for a commission, brokerage or contingent fee, or the promise of such payments. This prohibition does not apply to the hiring of bona fide employees of an organization, or to retaining a bona fide commercial selling organization.

RESTRICTIONS ON EMPLOYMENT OF PRESENT OR FORMER EMPLOYEES

It is a breach of ethical standards for anyone who is involved with a procurement process to have contemporaneous employment with a contracting or bidding agency or with any organization or individual contracting with that agency. Any exceptions must be approved by the Executive Director of the administrative entity and must be disclosed to the WDB committee overseeing the procurement process.

USE OF CONFIDENTIAL INFORMATION

It is a breach of ethical standards for any employee or former employee to use confidential or other sensitive information obtained during one's tenure with the administrative entity for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person, or for the actual or anticipated gain of any other organization.

EMPLOYEE CONFLICT OF INTEREST DECLARATION

Effective with the implementation of this document, each existing and new employee of the High Country Council of Governments' Workforce Department will sign the Employee Conflict of Interest Declaration identifying any existing conflicts of interest as outlined in this document. It is the affirmative responsibility of each employee to update his/her Conflict of Interest Declaration as circumstances change. In addition, prior to each procurement process for the delivery of WIA services, each employee involved in a procurement evaluation process must sign a statement Conflict of Interest Declaration regarding that individual process.

WORKFORCE DEVELOPMENT BOARD CONFLICT OF INTEREST

In compliance with Section 627.420(c)(2)-(4) of the WIA Regulations, all members of the Workforce Development Board and its designated committees are subject to the High Country Workforce Development Board Conflict of Interest Policy as outlined in the by-laws. Please reference by-laws.

During the discussion or decision-making process on any procurement matter, all members who have a real or perceived conflict of interest involving a bidding or contracting agency must abstain from discussion and voting on the selection of a service provider or any other decision that has a potential funding impact on a service provider if any of the following conditions apply:

No WDB member (whether compensated or not) shall engage in any activity, including participation in the selection, award or administration of a subgrant or contract supported

by WIA funds (including discussion regarding such selection) if a conflict of interest, real or apparent, is involved. Such a conflict arises when:

- (i) The individual,
- (ii) any member of the individual’s immediate family,
- (iii) the individual’s partner, or
- (iv) an organization which employs, or is about to employ any of the above, has a financial interest in the firm or organization selected for the award.

Financial interest is determined to include employment or a position of oversight (such as Board of Directors) of the organization.

No WDB member, member of his/her immediate family, officers, employees or agents of the WDB member’s organization or business, shall either solicit or accept gratuities, favors, or anything of value from contractors, potential contractors, or parties to subagreements.

A WDB member shall not cast a vote on, or participate in (to include discussion), any decision-making capacity on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of that individual’s immediate family.

Because the laws governing Workforce Development Board conflict of interest may result in financial liability on the part of county governments, which serve as the Workforce Development Board Consortium, it is the affirmative responsibility of each and every member of the High Country Workforce Development Board to ensure that no conflict of interest arises by assisting fellow members in the identification and determination of real or apparent conflicts of interests.

STAFF CONFLICT OF INTEREST DECLARATION

I have studied the High Country Workforce Development Board’s Employee Conflict of Interest Policy and hereby state that I have the following conflicts of interest, real or apparent:

___ I have no Conflict of Interest

___ I agree to adhere to all aspects of the High Country Workforce Development Board’s Conflict of Interest Policy, including the use of confidential or sensitive information both during and following my employment with the administrative entity.

SIGNATURE: _____ DATE: _____

**EMPLOYEE CONFLICT OF INTEREST
REGARDING THE PROCUREMENT OF**

EMPLOYEE NAME: _____

_____ I DO HEREBY DECLARE THAT I HAVE NO CONFLICT OF INTEREST REGARDING THE AFOREMENTIONED PROCUREMENT PROCESS AS OUTLINED IN THE HIGH COUNTRY WORKFORCE DEVELOPMENT BOARD EMPLOYEE CONFLICT OF INTEREST POLICY AND THAT I AM THEREBY QUALIFIED TO FULLY EXECUTE MY DUTIES IN RELATION TO THIS PROCESS.

_____ I DO HEREBY DECLARE THAT I HAVE THE FOLLOWING CONFLICT(S) OF INTEREST REGARDING THE AFOREMENTIONED PROCUREMENT PROCESS AS OUTLINED IN THE HIGH COUNTRY WORKFORCE DEVELOPMENT BOARD EMPLOYEE CONFLICT OF INTEREST POLICY AND THEREFORE EXCUSE MYSELF FROM ALL ASPECTS OF THESE PROCUREMENT PROCEEDINGS.

_____ I DO HEREBY THAT I HAVE THE FOLLOWING CONFLICT(S) OF INTEREST REGARDING THE AFOREMENTIONED PROCUREMENT PROCESS AS OUTLINED IN THE HIGH COUNTRY WORKFORCE DEVELOPMENT BOARD EMPLOYEE CONFLICT OF INTEREST POLICY AND THAT I HAVE FURTHER DISCLOSED THIS CONFLICT TO THE COG EXECUTIVE DIRECTOR AND THE WDB COMMITTEE

It is the opinion of the Executive Director and/or the Committee that this employee's participation in the procurement process by limited as follows:

Executive Director Signature/Date _____
Committee Chair Signature/Date _____

EMPLOYEE SIGNATURE: _____ DATE: _____