

Conflict of Interest

1021.1 PURPOSE AND SCOPE

Defines and describes conflicts of interest and delineates the obligation of all District employees, officers, and agents to recognize and avoid conflicts in accordance with this policy, and state and federal laws.

1021.2 APPLICABILITY

This policy applies to all employees of the District and any officer or agent of the District.

1021.3 DEFINITIONS

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that the action, inaction, or decisions of a District employee, officer, or agent are or may be influenced by the employee's, officer's or agent's personal or business relationship.

Employees - For purposes of this conflict of interest policy only, means individuals employed directly by the District, and any officer or agent authorized to act on behalf of the District.

1021.4 POLICY

All employees of the District shall abide by the directives of the District and shall obey all codes and statutes regarding conflicts of interest. District employees shall not engage in any activity constituting a conflict of interest due to the nature, condition, or other aspect of the activity.

The following are examples of activities which may represent a conflict of interest:

- (a) Using District time, facilities, equipment, badge or uniform for personal gain or advantage, or for the private gain or advantage of another;
- (b) Using the prestige or influence of District employment for personal gain or advantage, or for the private gain or advantage of another;
- (c) Using confidential information acquired by virtue of District employment or as an officer or agent of the District, for personal gain or advantage, or for the private gain or advantage of another;
- (d) Accepting money or other consideration from any source except the District for performing acts which the employee would be required or expected to perform in the normal course of District employment, or as part of the duties of the District employee. Accepting consulting fees for applying or interpreting departmental orders or procedures represents a conflict of interest.
- (e) Participating in outside employment which may directly conflict with the performance of official duties or may impair the employee's independence of judgment in performing District duties;
- (f) Performing any act in a capacity other than as a District employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection review, audit, or enforcement by the District;

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(g) Representing or assisting in the representation of private interests for profit before any board or commission of Fresno County or in court when the District is a party;

(h) Soliciting future employment with any organization or individuals doing business with the District when the employee, by virtue of an official capacity, has some control or influence over that business at the time of the transaction;

(i) Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, or gratuities from business firms or their agents who deal with the District directly or indirectly as a contractor or subcontractor.

1021.5 AVOIDING CONFLICT OF INTEREST

Employees must exercise professional knowledge and judgment in evaluating any situation which could represent a conflict of interest. Any questions or lack of clarity regarding the appropriateness of any specific activity should be raised by the employee to their supervisor for clarification and approval in advance.

If it is determined that any conflict of interest exists, the supervisor must discuss the situation with the District Division Chief or immediate supervisor and notify the District Administrative Officer. Questions should be addressed through the chain of command.

1021.6 FEDERAL AWARDS

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. "Immediate family" means any of the following individuals related to the District employee's, officer's, or agent's by blood, adoption, marriage, spouse, father, mother, child, sibling or grandchild; the parents and siblings of an employee's, officer's, or agent's spouse; and the spouse of a child or sibling of an employee, officer, or spouse. The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Violations of such standards by officers, employees, or agents of the District may lead to disciplinary action, up to and including termination. (See 2 C.F.R. § 200.318(c).) Additionally, any District employee, officer, or agent who violates this policy may be subject to criminal and/or civil penalties under state and federal laws prohibiting conflicts of interest.