

## Conflicts of Interest

Policy Number: 415

The following actions by an employee of Cottonwood County shall be deemed a conflict of interest and subject to disciplinary action as appropriate:

- A. Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public.
- B. The use for private interest, gain or advantage of Cottonwood County time, facilities, equipment or supplies or badge, uniform, prestige or influence, of Cottonwood County office or employment.
- C. Receipt or acceptance by the employee of any money or things of value from anyone other than Cottonwood County for the performance of an act which the employee would be required or expected to perform in the regular course of hours of Cottonwood County employment or as part of their duties as an employee.
- D. Actions as an agent or attorney in any action or matter pending before Cottonwood County except in the proper discharge of official duties or on the employee's own behalf.
- E. Acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in exercise of official duties, absent advance written permission of the County Board.
- F. Employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee, absent advance written permission of the County Board.
- G. The performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.

### Determination of Conflicts of Interest

When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation and to bring the matter to the attention of the Department Head, who upon review of all of the circumstances, shall determine if a conflict exists.

### Resolution of Conflicts of Interest

If the employee or the employee's Department Head determines that a conflict of interest does or may exist, the matter shall be assigned to another employee who does not have a conflict of interest, except under no circumstances may an employee engage in conduct as proscribed by A-D above. With respect to E-G above, if it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

**For the purpose of this policy the following definitions shall apply:**

Business means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity, which engages either in nonprofit or profit-making activities.

Confidential information means any information obtained under government authority, which has not become part of the body of public information, which is classified as nonpublic, private or confidential under the Minnesota Government Data Practices Act or other law.

Private interest means any interest, including but not limited to a financial interest, which pertains to a person or business whereby such person or business would gain a benefit, privilege, exemption or advantage, including personal use and recreation, from the action of a Cottonwood County employee, department or Cottonwood County equipment or resources that is not available to the general public.

Immediate family means spouse, child, parent, grandparent and spouses of such persons.

### **Acceptance of Gifts or Favors**

Employees of Cottonwood County in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except Cottonwood County for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be in violation of this section.

- A. Gifts of nominal value having wide distribution.
- B. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause.
- C. Payment of reimbursement expenses for travel or meals, not to exceed actual expense incurred, which are not reimbursed by Cottonwood County, and which have been approved in advance by the employee's supervisor as part of the work assignment.
- D. Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by Cottonwood County. In such instances, the employee shall in no event use Cottonwood County resources to obtain the opportunity or prepare for the speech, paper, talk or appearance.

### **Use of Property**

An employee shall not use or allow the use of Cottonwood County time, supplies, or Cottonwood County owned or leased property and equipment for the employee's private use or any other use not in the interest of Cottonwood County, except as provided by law.

### **Use of Confidential Information**

An employee of Cottonwood County shall not disclose confidential information, as defined above, shall not use confidential information for the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

### **Acceptance of Advantage by Cottonwood County Employee**

No employee of Cottonwood County in direct contact with suppliers or potential suppliers of Cottonwood County, or who may directly or indirectly influence a purchased product, evaluating contracted service, or otherwise has official involvement in the purchasing or contracting process may:

- A. Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods and services used by, or purchased for resale or furnished to Cottonwood County; or
- B. Accept directly or indirectly from a person, firm, or corporation to which, a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation or contract for future reward.

### **Disciplinary Action**

The rules of conduct set forth in this section shall be deemed conditions of employment in Cottonwood County service. Violation of these rules of conduct shall constitute just cause for disciplinary action.