

Subject: CONFLICT OF INTEREST

Date: August 21, 2008

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Replaces Policy Dated: July 10, 1993

PURPOSE: To establish guidelines for Pinal County employees to identify, disclose, avoid, and manage conflicts of interest as required by law.

SCOPE: A conflict of interest occurs when an employee, elected or appointed official, volunteer, or a member of an appointed board, committee, or commission: (1) Has a substantial interest in any decision, contract, sale, purchase, or invoice with Pinal County(2) Solicits, accepts or agrees to accept, any compensation, favor, gift, promise or other items of value (whether tangible or intangible) in return for influencing, attempting to influence, rewarding or not rewarding an official action or decision; or, (3) Participates in a Pinal County action while negotiating prospective employment with a person who has a financial interest in the negotiation.

PROCEDURE:

1. Any employee who becomes aware of a potential conflict of interest shall immediately advise his or her supervisor. If the potential conflict of interest involves the reporting employee, the employee and supervisor shall discuss the matter and agree upon the appropriate course of action according to this policy.
2. Any question as to whether a potential conflict of interest exists shall be resolved by addressing a written inquiry to the Civil Division of the Pinal County Attorneys Office describing the Pinal County action which may impact the employee's financial interest and the employee's duties with the County.
3. An employee determined to have a potential conflict of interest shall be disqualified from any consideration of the matter. The employee shall refrain from communicating about the matter with anyone involved in the action in order to avoid the appearance of impropriety.
4. All potential conflicts of interest shall be disclosed by written memorandum from the employee to the employee's supervisor explaining in detail the potential conflict of interest and confirming the employee will avoid any involvement in the decision with which the employee has a conflict of interest. The original memorandum shall be forwarded to the Pinal County Attorney's Office for the conflict of interest file maintained by the Civil Division with copies retained by supervisors at each level of the employee's chain of supervision and a copy placed in the employee's official personnel file in the Human Resources Department.
5. Any employee who knowingly fails to disclose and handle a conflict of interest as set forth in this policy shall be subject to disciplinary action.

Appearance of Impropriety

A situation can sometimes make it appear that a conflict of interest exists but does not meet the technical definition. The appearance of a conflict may be just as damaging to the County's reputation as an actual conflict. All individuals are encouraged to avoid situations that create even the appearance of a conflict of interest. An example of such a situation might be a supervisor or manager engaging in a close personal or business relationship with a subordinate.

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Voting Conflicts

A voting conflict occurs when a member of a board, commission, or selection committee is in a position to vote on an issue or employment that will involve a conflict of interest. If this occurs, the individual should abstain and remove him or herself from participation in the discussion pertaining to the item and not vote or attempt to influence the vote. If the issue does not present a conflict of interest but creates an appearance of impropriety, the individual should, at a minimum, disclose the nature of the concern to the other members of the body prior to the vote. Failure to do so jeopardizes the public perception of the outcome of their vote. No employee should sit on a selection committee if they have been listed as a reference by any candidate under consideration by that committee or if they have a close personal relationship with any candidate under consideration by that committee.

GUIDELINES:

Common sense and good judgment will dictate the proper course of action in most situations. However, remember that if there is a question in **your** mind of even a slight conflict of interest, **others** will tend to exaggerate it. The best policy is to resolve such questions by addressing them at the outset so they will not become embarrassing problems later. Such matters can easily be addressed by discussing them with your supervisor.