

## **SECTION 408: CONFLICTS OF INTEREST POLICY**

**408.1 POLICY:** Black Hawk County employees are expected to scrupulously avoid any conflicts between their personal interests and those of the public at large.

**408.2 SCOPE:** This policy applies to all Black Hawk County employees and elected officials. Whenever the provisions of this policy are in conflict with the Code of Iowa, the provisions of the Code of Iowa will prevail.

**408.3 DEFINITION:** Employees (and their relatives) shall not derive any personal profit or gain, directly or indirectly, by reason of their employment with Black Hawk County, outside of their agreed-upon compensation.

### **408.4 CONFLICTS OF INTEREST IN PUBLIC CONTRACTS:**

Per Section 331.342 of the *Code of Iowa*, a county officer or employee “shall not have an interest, direct or indirect, in a contract with that county,” including “a claim, account, or demand against or agreement with a county, express or implied, other than a contract to serve as an officer or employee of the county.”

An employee has a direct interest in a contract if the employee would receive a specific, tangible benefit from the contract outside that of a regular private citizen. An indirect interest exists when an employee would benefit from the contract in an indirect way, including when an indirect benefit is derived through a relative. Whether an employee has an indirect interest in a contract is a determination that should be made with the guidance of the County Attorney's Office.

### **408.5 EXCEPTIONS**

The following, pursuant to 331.342 of the *Code of Iowa*, do not constitute a conflict of interest:

1. The payment of lawful compensation of a County officer or employee holding more than one County office or position, the holding of which is not incompatible with another public office or is not prohibited by law.
2. Contracts made by the County, upon competitive bid in writing, publicly invited and opened.
3. A contract in which a County officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.
4. A contract with a corporation in which a County officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

5. Contracts not otherwise permitted by this section, for the purchase of goods or services by the County which benefit a County officer or employee if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price six thousand dollars (\$6,000.00) in a fiscal year.

#### **408.6 CONFLICTS OF INTEREST IN OUTSIDE EMPLOYMENT AND ACTIVITIES**

Section 68B.2A of the *Code of Iowa* restricts the ability of public employees to engage in any outside employment or activity which is in conflict with the individual's official duties and responsibilities. Situations in which an unacceptable conflict shall be deemed to exist include, but are not limited to, the following:

1. The outside employment or activity involves the use of the County's time, facilities, equipment, and supplies, or the use of the County's business card, uniform, badge, or other evidences of office or employment, to give the employee or a member of his/her immediate family an advantage or pecuniary benefit that is not available to other similarly situated members of the general public.
2. The outside employment or activity involves the receipt of, promise of, or acceptance of money or other consideration by the employee, or a member of his/her immediate family, from anyone other than the County for the performance of any act that the employee would be required or expected to perform as a part of his/her regular duties or during the hours which the employee performs service or work for the County.
3. The outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the employee during the performance of the employee's duties of office or employment.

#### **408.7 GIFTS ACCEPTED OR RECEIVED**

Section 68B.22 of the *Code of Iowa* restricts a public official, public employee, or that person's immediate family member from directly or indirectly accepting or receiving any gift or series of gifts from a restricted donor. In addition, a public official, public employee, or the person's immediate family member is prohibited from soliciting any gift or series of gifts from a restricted donor at any time. A "restricted donor" means a person who is in any of the following categories:

- a. Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed.
- b. Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry,

or region.

c. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency and over which the donee has discretionary authority as part of the donee's official duties or employment within the regulatory agency subunit.

d. Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

Several exceptions to the general rule are set out in Section 68B.22, including but not limited to the stipulation that a County official, employee, or immediate family member may accept the following types of gifts:

1. Non-monetary items having a value of three dollars (\$3.00) or less from any one donor during one calendar day;
2. Items which would normally be available free of charge to members of the general public;
3. Informational materials relevant to the official job functions of the person receiving the gift; and actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.

A County official, employee, or immediate family member may accept an otherwise prohibited non-monetary gift or a series of otherwise prohibited non-monetary gifts and not be in violation of this section if the gift(s) is/are donated within thirty (30) days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stock-holder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale.

#### **408.8 DISCLOSURE/REPORTING REQUIREMENTS:**

Disclosure of outside employment, activities, relationships, contracts and/or interests that may constitute a conflict of interest or a perceived conflict of interest must be made to the department head/elected official, County Attorney's Office, Board of Supervisors, or law enforcement. Employees are required to disqualify themselves from participating in any official act directly affecting a business in which they and/or their immediate family have a financial interest. Immediate family includes spouse, children or step-children, parents or step-parents, and siblings. All employees except Health Department employees shall complete and sign Addendum A to this policy, "Disclosure of Potential Conflicts of Interest." Health Department employees shall complete and sign Addendum B to this policy, "Disclosure of Potential Conflict of Interest, Health Department."

All County employees shall have a duty to report violations or suspected violations of this policy to the department head/elected official, County Attorney's Office, Board of Supervisors, or law enforcement. Knowingly engaging in conflict of interest activities will result in disciplinary action up to and including termination of employment and/or legal action.

ADDENDUM A

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST  
Black Hawk County**

I acknowledge my obligation to

- avoid conflicts of interest and to refer questions and concerns about potential conflicts to the Black Hawk County Finance Director.
- fully comply with the County's Conflict of Interest Policy
- confirm my understanding of and adherence to said policy.

I further affirmatively state that I have disclosed, in writing, any and all potential conflicts of interest to the Finance Director. All potential conflicts of interest are as follows:

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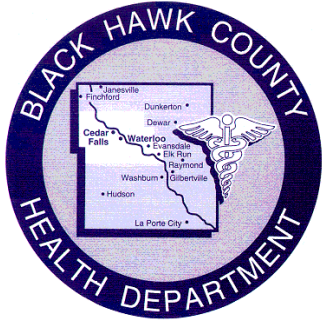
Employee (Print)

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Employee signature

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Date



## ADDENDUM B

### **Black Hawk County Health Department Conflict of Interest Statement**

In order to prevent conflicts of interest or the appearance of conflicts of interest, employees of Black Hawk County Health Department (BHCHD) must disclose potential conflicts of interests and secondary employment. If a BHCHD employee has a potential conflict, the employee and BHCHD will pursue a Conflict Remediation Plan.

Furthermore, BHCHD shall require all employees to disclose secondary employment. If the secondary employment involves contracts with BHCHD and/or financial or ownership interest in a company that does business with BHCHD, the Conflict of Interest Statement shall be completed and submitted to BHC Health, and the employee shall submit to BHCHD a Conflict Remediation Plan. BHCHD may approve, reject, or propose amendments to a Conflict Remediation Plan.

**Do you currently have any secondary employment? If so, please list and describe the secondary employment? Describe, specifically, if and how your secondary employment involves providing goods, products, services, or labor of any kind related to your duties or responsibilities at BHCHD.**

**Please list any immediate family member(s), who may fit any of the following criteria.**

*Immediate family members includes a husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, or stepsibling; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; or grandparent or grandchild.*

1. Do you have immediate family member(s) who are currently or within the last two years? have been employed by any contractor that does business with BHCHD?

\_\_\_ Yes \_\_\_ No

If yes, who \_\_\_\_\_ and where \_\_\_\_\_.

2. Do you have any immediate family member(s) who have financial interest or ownership interest in a company that does business with BHCHD?

\_\_\_ Yes \_\_\_ No

If yes, who \_\_\_\_\_ and where \_\_\_\_\_.

**BHCHD Employee:** \_\_\_\_\_ (please print)

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_