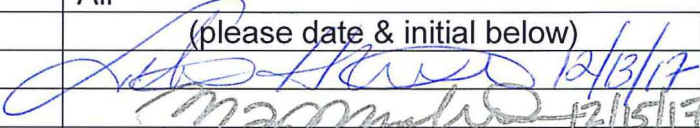






GUIDING MARION COUNTY'S WORKFORCE

POLICY OF EMPLOYINDY

Policy Name	Conflict of Interest
Policy Number	2015-033
Program Funding Stream	All
Executive Team Approval	(please date & initial below)
Finance	 12/13/17
COO	 12/15/17
President Approval	

REV	Description of Change	Author	Effective Date	Review Date
	Reissued and replaces policy #2011-FA-001	S. Phillips	Upon Approval	12/31/16
1	Review Date Extended	J. Schlake	Upon Approval	12/31/18

1. Purpose

To ensure that the individual interests of EmployIndy staff and agents do not conflict or give the appearance of conflicting with their duties while serving in their respective positions.

2. Scope

To identify and govern conflicts of interest that can arise when EmployIndy prepares, issues, or reviews RFP's or RFQ's; or is awarding or entering into a transaction or contractual arrangement. Individuals covered by this policy include staff and agents, as well as immediate family members of these individuals. This policy does not cover Board, Council and Committee members.

3. Summary of the Law, Rules, and Governing Policies

2 C.F.R. § 200.318(c) requires EmployIndy to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

29 CFR § 95.42 provides that EmployIndy employees may not participate in selection, award, or administration of a contract if there is a real or apparent conflict of interest.

29 CFR 97.36(b)(3) indicates that conflicts of interest can exist if the employee, a member of the employee's family, or an organization that employs or is about to employ the employee has a financial interest in the award.

4. Responsibilities

EmployIndy Finance Department is responsible for establishing guidelines and for providing guidance, validation, and periodic review of this policy.

5. Policy Statement

No EmployIndy staff member or agent in a decision-making capacity on behalf of EmployIndy shall engage in any official activity, including participation in the selection, award, or administration of a contract, if a direct or indirect material conflict of interest, real or apparent, would be involved.¹ Such a conflict would arise when this individual and/or the organization they represent has a direct or indirect financial interest in the firm or organization selected for an award. When a conflict of interest is identified, the individual(s) involved must declare the conflict and recuse themselves immediately. An employee must not be engaged in outside work (as an employee or contractor) in a manner that creates a conflict of interest.

New staff members are required to complete a conflict of interest questionnaire at the time of hire. Additionally, all staff and agents will complete a conflict of interest questionnaire at least annually. If a staff member fails to adhere to this policy, discipline can range from a verbal warning up to and including dismissal.

Service providers must complete a Conflict of Interest statement as part of their contract with EmployIndy.

6. Exceptions

None

7. Definitions

Agent: One who agrees and is authorized to act on behalf of EmployIndy to legally bind in particular business transactions with third parties. For purposes of this policy, contracted service providers are not included since they must complete a Conflict of Interest statement as part of their contract with EmployIndy.

Conflict of Interest: A circumstance in which an individual or the organization they represent has a personal or financial interest that impairs, or gives the appearance of impairing, his or her ability to make unbiased decisions and duties on behalf of EmployIndy.

Direct Financial Interest: The receipt of financial compensation directly by the individual or the organization they represent.

¹ 29 C.F.R. § 97.36(b)(3)

Immediate Family Member: Includes a husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, or the spouse or step-relation of any of these or a person living in the same household as the employee.

Indirect Financial Interest: This exists if a party transacting business with EmployIndy is an entity:

- (a) in which a covered person or a member of his/her immediate family has a material financial interest;
- (b) with which a covered person or a member of his/her immediate family has a substantial business relationship; or
- (c) of which a covered person or a member of his/her immediate family is an officer, director or general partner.

Material Financial Interest: A financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect an Interested Person's or Family Member's judgment with respect to transactions to which the entity is a party.

Recuse: Remove oneself from any participation in discussions, planning or action related to a business matter with which they have a conflict of interest as defined in this policy.

Staff: This includes all EmployIndy employees.

8. Related Policies and Documents

EmployIndy *Procurement* Policy and Procedures
EmployIndy Statement of Economic & Conflict of Interest for Board Members
EmployIndy Statement of Economic & Conflict of Interest for Staff
Bylaws of Indianapolis Private Industry Council, Inc.