

Policy: Conflict of Interest/Outside Employment	Effective Date: July 1, 2017
Number: 710-1-002	Reviewed/Revised: July 2022
Authorized By: Jill Remington Love, Executive Director	
Authority: UCA 67-16 Public Officers and Employees Ethics Act; DHRM Rule 9-2, 9-3 and 9-4; <i>Governors Executive Order at www.rules.utah.gov, EO 002 2014)</i>	

I. Purpose:

The Department of Cultural and Community Engagement (CCE) is committed to maintaining a work environment that is safe and empowering for employees, and that promotes the individual value of each Department employee. This Conflict of Interest/Outside Employment Policy is designed to promote this commitment by establishing a set of standards clarifying the conditions under which outside employment or other outside activities are acceptable.

II. Policy:

Employees of CCE shall submit a Conflict of Interest form annually or whenever there is a change in the conflict of interest declaration. A conflict of interest is where an individual's private interests or outside economic interests interfere with or have the appearance of interfering with their responsibilities and duties as an agent of the state, or raises a reasonable question about interference. This section provides pertinent information and guidelines to ensure employees do not become involved in situations wherein they have a conflict of interest. CCE employees should always avoid the following conflicts:

A. Political and Business Conflicts

- i. Using or attempting to use one's official position to secure special privileges or exemptions for oneself or others.
- ii. Accepting employment or engaging in any business or professional activity that conducts business with the Department.
- iii. Representing customers from outside employment before any state agency, board, committee, etc.
- iv. Having financial or other interests in the firms selected for award of state contracts.
- v. Participating in outside volunteer service, including a policy-making or advisory board of an institution or agency that contracts with or provides services for the Department.
- vi. Soliciting political contributions from employees during hours of employment.

B. Hatch Act Conflicts

- i. Department employees are subject to the provisions of the Hatch Act, which directs that during work time or during off time, when an employee's principal activity is directly related to a federally financed program. Even if their salary is not paid by the federal program, the

employee cannot:

- ii. Use their position and authority to influence or affect the outcome of an election or nomination;
- iii. Coerce employees to make contributions for political purposes; or
- iv. Be a candidate for a partisan political office if the employee's salary is paid for completely by federal loans or grants. (See the Hatch Act Modernization Act of 2012).

C. Related Party Conflicts

- i. i. Supervising individuals with whom the employee has external relationships: family, shared external investments, ties to the employee's household.
- ii. Having personal investments or ownership interest in any business entity that creates a conflict between private interests and public duties.

D. Time Conflicts

- i. Engaging in work for outside interests during hours scheduled to work for the Department, unless expressly approved on the Conflict of Interest Form.
- iii. Using office work time for private benefit or gain.
- iv. Performance of state duties used to obtain outside compensation (kickbacks, patents, etc.).
- v. Engaging in political activity during work time.

E. Personal Gain Conflicts

- i. Disclosing information acquired by reason of Departmental position for personal or another's private gain or benefit.
- ii. Using the Department's resources and/or materials for personal financial gain.
- iii. Employees shall not use a state position or any influence, power, authority or confidential information received in that position for personal financial gain or personal financial gain for a family member or relative.
- iv. Developing non-professional relationships with the Department's customers or becoming overly or unnecessarily familiar with those customers.
- v. Owning, co-owning or being affiliated with (including family members or relatives) a business, company or program that receives benefits, grants or funding from the state. For the purpose of this policy, the term "family member or relative" is defined as spouse, son, daughter, stepchild, father, mother, sister, brother, aunt, uncle, niece, nephew, cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, that would be a recipient or financially benefit from funding granted by the state to the business or program.
- vi. Accepting gifts with a value of over \$50, or family members of an employee accepting any gift, offer of travel, unusual hospitality or anything from any person or entity in connection with any business or transaction of the state with a value over \$50.

F. Employer Conflicts

- i. Accepting employment that actually or potentially interferes with the independence of

judgment in the performance of public duties in a Department position.

- ii. Being employed by the State of Utah while contracting or performing as a vendor for the state.
 - iii. Being incapable of performing at full capacity due to fatigue caused by outside employment or volunteer program.
 - iv. Accepting employment which one might reasonably expect could require or induce to improperly disclose controlled information gained by one's position with the state.
 - v. Accepting other employment that a reasonable person might expect would interfere with the ethical performance of one's public duties.
2. A Department Conflict of Interest Form (hereafter referred to as "COI form") shall be used for disclosing a potential or actual conflict of interest, and in seeking authorization to participate in an activity that may pose a conflict of interest situation, as defined in this policy or otherwise in law or rule. Declaring an event that poses a potential or actual conflict of interest does not give an employee a license to participate in such an event.
- A. Submission and Maintenance of a COI Form
 - i. All employees that are presently engaged in outside employment or those desiring to do so are required to submit a COI form to their immediate supervisor. Employees shall observe this process before entering into any outside activities that may pose a conflict of interest.
 - ii. Employees shall submit an updated COI form whenever there is a change in the conflict of interest situation.
 - iii. All COI forms will be filed in the employee's personnel file.
 - B. Approval Procedures
 - i. Forms must be filled out completely and submitted to the employee's immediate supervisor. The employee's immediate supervisor will review the request with the employee and gather any additional information needed for the Division Director to make a determination on whether to approve or deny the request.
 - ii. Following the supervisor's review, the form should be sent to the Division Director for review and to recommend approval or denial.
 - iii. If the COI form is approved, the form will be sent to a member of the Executive Director's Office (EDO) for final approval.
 - iv. Employees who disagree with a Division Director's denial of outside activities may appeal to the Department's Executive Director or designee.