

**Idaho Division of Human Resources**  
Executive Branch Statewide Policy  
Section 15: Conflict of Interest

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**15A. General Information**

The State of Idaho strives to remove any conflict of interest between an employee's public duty and their private interest, including outside activities or employment. The purpose of this policy is to outline expectations for reporting and managing real or perceived conflicts of interest in the workplace. This policy applies to all state employees, including but not limited to: employees, supervisors, managers, executive leadership, agency heads/presidents, and members of councils, boards and commissions.

Idaho law prohibits employees from acting in any matter coming before them in the course of their official duties if they or members of their household have a conflict of interest. Idaho's ethics laws define when an actual conflict of interest exists, including the relationships between an employee and others and the types of activities that are prohibited. In addition to prohibited activities, employees must be aware of any appearance of impropriety between their official duties and their private activities<sup>1</sup>.

Actual and Potential Conflicts of Interest include, but are not limited to:

- **Private Interest.** Employees are prohibited from participating in any activity performed in the course of employment which might provide a benefit to or have the appearance of impropriety or preferential treatment of family or relatives, significant others, businesses operated by an employee, a relative or a close associate, or to organizations to which the employee belongs. Employees shall not profit, directly or indirectly, from public funds under their control.
- **Contracting.** Employees and members of the employee's household shall not have a private interest in any contract or grant or other written agreement over which the employee has influence in their official capacity. Influence includes the drafting of terms and the selection of the contractor. A private interest in a contract includes the receipt of a benefit to the employee, a member of the employee's household or a business with which the employee or a member of the employee's household is associated. Employees may not contract with the agency with which they work or any other agency or entity within state government where a conflict of interest exists. To prevent the appearance of impropriety, the employee must:

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<sup>1</sup> This is a statewide policy that allows for the baseline of the policy. Agency Appointing Authorities may expand on this policy for broader conduct expectations.

- Refrain from disclosing insider, proprietary or confidential information to family, friends or business associates. This is especially so when there are, or could be, reasonable perceptions drawn that unfair contracting practices have occurred because of these relationships to employees.
- Not solicit agreements in the employee's private capacity with a vendor to their employing agency or a recipient of their employing agency's services.
- **Nepotism**. No employee shall work under the supervisory chain of a relative.
- **Cohabitation and Romantic Relationships**. Cohabitation or romantic relationships between an employee and a supervisor or others holding positions of authority over them must be disclosed to the employer. The employer may take action to ensure the relationship is conducted in a manner that avoids potential conflicts of interest, exploitation, or personal bias. The possibility of intentional, unintentional or perceived abuse of power should always be strongly considered in such relationships.

The state recognizes that it is not uncommon for couples who are married or cohabitating in a romantic relationship to be employed in the same field of work. The presence of said couples employed by the state or within a specific agency does not automatically affect their employment status but may necessitate that the couple and the employer take steps either to manage or eliminate any potential conflict of interest or the appearance of such a conflict.

- **Supervisor/Subordinate Personal Relationships**. Supervisor and employee relationships shall remain professional. Supervisors should resist the temptation to become confidants, or counselors to employees.

## **15B. Definitions**

**Cohabitant**: means non-related persons who share a household under circumstances where there is financial interdependence.

**Romantic relationship**: means marriage, cohabitation, engagement, dating, or other romantic or sexual relationships.

**Relative**: means an individual's spouse, domestic partner, or civil union partner or the individual or spouse's domestic partner's, or civil union partner's parent, child, brother, sister, aunt, uncle, niece, nephew, cousin, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, whether the relative is related to the individual or the individual's spouse, domestic partner, or civil union partner by blood, marriage or adoption.

## **15C. Conduct Expectations**

Employees must disclose:

- All matters between an employee acting in their official capacity and the employee's relatives, business associates, and organizations to which the employee belongs. This includes the purchase of goods or services, the solicitation and issuance of contracts, hiring and appointments, and the provision of services or benefits.
- Any business relationship between the employee in their private capacity or the

employee's relatives and a vendor of their employing agency or a recipient of their employing agency's services.

- Romantic relationships between employees.
- Outside employment creating a conflict of interest with their official duties.

The above must be promptly reported directly to the employee's supervisor or human resources. Confidentiality shall be maintained to the extent possible and practicable. Upon receiving notice of the relationship, the agency may address any situation as necessary in consultation with human resources. This may include, but is not limited to, the changing of reporting relationships or transferring any of the employees involved. Failure to provide notification may result in discipline up to and including termination of employment. Employees may not be eligible for representation and indemnification by the State if a lawsuit is filed in connection with a prohibited transaction or romantic relationship.

Employees are under a continuing obligation to promptly report romantic relationships with coworkers that develop at any time during their employment.

Employees must follow their employing agency's policies concerning outside employment if a policy is in place.

Failure to adhere to these standards may result in disciplinary action, up to and including dismissal.

#### **15D. Record Retention**

Any records or forms received pertaining to a conflict of interest will be kept in the employee's file in accordance with the State of Idaho's general records retention schedule found [here](#).

#### **15.E References**

Idaho Statute 18-1359(b) Using Public Position for Personal Gain

Idaho Statute 18-1359(e) Using Public Position for Personal Gain

**Idaho Division of Human Resources**  
Executive Branch Statewide Policy  
Section 15F: Conflict of Interest Disclosure Form

**Type of Disclosure** (check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Conflict of Interest | <input type="checkbox"/> Romantic Relationship |
| <input type="checkbox"/> Relative or Friend   | <input type="checkbox"/> Outside Employment    |
| <input type="checkbox"/> Nepotism             | <input type="checkbox"/> Other: _____          |

**Disclosing Party Information**

Name: \_\_\_\_\_ Agency/Division/Program: \_\_\_\_\_

Work Location: \_\_\_\_\_ Job Title: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

**Description of the Conflict of Interest:**

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If the conflict of interest is due to a relationship between you and the other party, please answer the following questions:

1. How long has the relationship existed? \_\_\_\_\_
2. What date (or approximate date) did the relationship start? \_\_\_\_\_
3. What is the current status of the relationship? \_\_\_\_\_
4. Is the affected party in your direct chain-of- command? \_\_\_\_\_
5. If the relationship is romantic, is the relationship consensual? \_\_\_\_\_

What is your analysis of the impact this conflict of interest may have on your workplace and/or your position? What solutions do you recommend?

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Please provide any other applicable details:

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**Certification Statement**

I certify that the information on this form to the best of my knowledge and belief is true and accurate. I understand that any misleading or incorrect information or omission of material facts may be just cause for disciplinary action up to and including termination of employment. I understand my obligation to promptly report personal relationships that develop during my employment.

\_\_\_\_\_  
(Disclosing Party's Signature)

\_\_\_\_\_  
(Date)

**Routing Instructions**

Please sign and route this completed form to your supervisor and human resources for consideration.

CC: Supervisor  
Personnel File