

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 avoid and properly manage any conflict of interest between an employee’s public duty and their private interest, including outside 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 requires certain actions by state employers and employees in any matter where an employee, in the course of their official duties, or members of an employee’s household, may 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 interests¹.

15B. Definitions

Conflict of Interest: defined by Idaho Code section 74-403(4) as any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person’s household, or a business with which the person or a member of the person’s household is associated, unless the pecuniary benefit² arises out of the following:

- a. An interest or membership in a particular business, industry, occupation, or class required by law as a prerequisite to the holding by the person of the office or position.

¹ This is a statewide policy that allows for the baseline of the policy. Agency Appointing Authorities may expand on this policy to broaden conduct expectations, with DHR approval.

² Defined by Idaho Code section 18-1351(7) as any benefit to a public official or member of his household in the form of money, property or commercial interests, the primary significance of which is economic gain.

- b. Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged.
- c. Any interest which the person has by virtue of his profession, trade, or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade, or occupation.
- d. Any action by a public official upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the general public are affected by the outcome of the action in a substantially similar manner and degree.

Romantic Relationship: marriage, engagement, dating, or other relationships consisting of mutual, ongoing, and voluntary interactions involving expressions of affection and intimacy.

Relative: defined by Idaho Code section 18-1361 as any person related to the public servant by blood or marriage within the second degree.

15C. Conduct Expectations

Employees must promptly report in writing directly to the employee's supervisor or human resources any potential conflicts of interest. Confidentiality shall be maintained to the extent possible and practicable.

Upon receiving notice of the relationship, the agency must address the situation as necessary in consultation with human resources. This may include, but is not limited to, the changing of reporting relationships, transferring any of the employees involved, or requiring the employee to withdraw from the conflict.

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:
 - 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 with 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.
- Compensation from Outside Sources. Employees may not accept compensation from outside sources for doing their job. This includes:
 - Gratuities. Gifts, favors, services, loans, gift certificates or entertainment received by employees from the public could be interpreted to influence the performance of the employees' official duties. Therefore, employees may not accept gratuities or other benefits exceeding a total retail value of \$50.00 per person/ organization per calendar year. Gifts, etc. such as pencils, pens, or other small gifts are exempt.
 - Honoraria. Employees cannot accept honoraria from the public, associations, corporations, or governmental entities for appearances or services given in the course of their official duties.
- Nepotism. No employee shall work under the immediate supervision of a supervisor who is a spouse, child, parent, brother, sister, or the same relation by marriage.
- Romantic Relationships. The state recognizes that it is not uncommon for couples who are 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.

Romantic relationships between an employee and their direct/immediate supervisor are prohibited.

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

- Serving on Boards, Commissions, or Committees. Employees may not accept or serve in any policy making position or office of a private organization, board, commission, or committee in which an opportunity for a conflict of interest between the activity and the employing agency is reasonably anticipated, except upon prior written approval from the employee's Appointing Authority.
- Providing Medical Services and/or Treatment to Coworkers. Except for in emergency situations, employees may not provide medical and/or therapeutic treatment and services to other agency employees during work hours.

Employees must also 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.
- Outside employment, which creates a conflict of interest with their official duties.
- Cohabitation with other individuals, which may create a real or perceived conflict of interest with their official duties.

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

Failure to provide notification of a potential conflict of interest 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.

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](#).

15E. References

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

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

Idaho Code 18-1356 Gifts to Public Servants by Persons Subject to their Jurisdiction

Idaho Code 74-404 Required Actions in Conflicts

15F. Forms

Conflict of Interest Disclosure Certification Form