

POLICY NO: 792-14

CONFLICT OF INTEREST POLICY

A. PURPOSE

The County of Cape May (“County”) finds it essential that the conduct of its employees hold the respect and confidence of the general public. County employees must, therefore, avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated. To ensure propriety and preserve public confidence, persons employed by the County should have the benefit of specific standards to guide their conduct and some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them.

B. DEFINITION

A “conflict of interest” exists whenever a person misuses, or gives the appearance of misusing, a position of public trust for private benefit or personal advantage. A conflict may occur anywhere along a broad spectrum of actions ranging from overtly criminal conduct to behavior that could potentially lead to a *perception* of ethical impropriety.

C. STATEMENT OF POLICY

1. The County recognizes that its employees occupy a position of trust and, therefore, accepts an unequivocal obligation to preclude the occurrence of legal and ethical impropriety, including the appearance of impropriety, on the part of its employees. The County forbids any conduct that places, or appears to place, an employee’s personal, financial, propriety, or familial interests in conflict with the County’s best interests or the County’s contractual obligations. Department Heads shall not knowingly condone a clear conflict of interest and will be held accountable for enforcing this policy. To facilitate compliance, the County requires self-disclosure of an existing conflict or potential conflict. A potential conflict is defined as any circumstance that creates a reasonable doubt of a conflict of interest as defined above.
2. This policy applies to all County employees, volunteers and individuals holding an elected or appointed position within the County.
3. The examples outlined below are offered to illustrate a few of the types of conflict that require both self-disclosure by the employee and corrective action. The following items are to be understood as illustrative guidelines, and not as a comprehensive or exhaustive list of prohibitions:

- a. Unauthorized use of County information, findings, facilities, property or derivative tangible or intangible products for private financial advantage, direct or indirect;
- b. Unauthorized use of privileged, proprietary County information, gained through a position with the County, including any affiliated vendor, for use in private business or in private, non-County-affiliated endeavors;
- c. Exerting intentional, direct or indirect influence in contractual matters or other operational matters between the County (including its vendors) and any private entity in which a personal, financial, proprietary and/or familial interest is involved;
- d. Pursuing and/or maintaining any non-County business interest and/or professional endeavor that significantly interferes with the employee's commitment of time and professional energy to the County;
- e. Unauthorized acceptance or extension of monetary, personal, or other reasonably discernible favors or benefit from or to a private entity with which the County conducts business or persons with whom the County conducts business (this includes accepting any money, gift or exchange of services between a County employee and any resident, client or member of the public who is seeking service/assistance from the County);
- f. Undisclosed familial relationships with vendors or employees where one party to the relationship holds either decisional authority, recommending authority, or significant influence over the economic and/or employment standing of the other party; and/or
- g. Solicitation or acceptance of personal favors (including sexual favors) from employees or a private entity in exchange for favorable treatment, which includes, but is not limited to, financial consideration, improvement in employment status, or other significant consideration related to County operations.

NOTE: Several of the above subparagraphs include conduct that involves being named and/or benefitting, directly or indirectly, from any Power of Attorney, Will, contract or other legal document in which the County employee met or developed a relationship with a third party by way of their employment with the County which resulted in the employee benefitting or being named in such document.

4. Some conflicts of interest may arise unintentionally. Other situations, though not constituting an actual conflict of interest, may carry an appearance of impropriety. This policy applies to both unintentional conflicts and the appearance of a conflict.
5. Full disclosure to the Director of Human Resources and County Counsel is required in all cases. Some situations may be amenable to County authorization, or to practices to insulate the County and/or the employee from conflicts of interest or appearances of impropriety. Certain potential conflict situations may be managed in an acceptable manner through close scrutiny and strict adherence to prescribed conditions.
6. Any potential conflict that is not disclosed as set forth above shall be deemed unauthorized.
6. It is not the intent of this policy to authorize or encourage needless intrusion upon any individual's personal behavior or endeavors. It requires self-disclosure. While vigilant enforcement is expected, reckless or malicious disclosure of alleged conflict or rumor-mongering by third parties is discouraged and may be subject to discipline.

D. PROCEDURE

1. Disclosure: Self-disclosure must be immediately provided in writing to the Director of Human Resources and County Counsel. This is not only the least intrusive means of ensuring compliance with this policy but also affords the opportunity for mutually compatible resolution of actual or potential conflicts of interest. The responsibility for full self-disclosure rests with each employee.
 - a. All employees who are named in any capacity in a Power of Attorney, Will or other legal document of any non-relative, as of the implementation of this policy, must immediately disclose same if the person so named met or formed a relationship by way of their County employment.
2. Consultation & Review: The Director of Human Resources is available for consultation by any employee who is uncertain as to whether a specific set of circumstances constitutes a conflict or potential conflict in violation of this policy. Such consultation will be treated as confidential to the greatest degree practicable in conformity with County policy and applicable law. Following consultation, responsibility for formal self-disclosure remains with each individual employee.

E. CONSEQUENCES OF CONFLICTS OF INTEREST

1. Disclosed conflicts will be managed in a manner acceptable to the County and the employee wherever feasible and warranted.
2. Undisclosed conflicts may result in sanctions ranging from notice to discontinue a specific activity to termination of employment.