

OREGON MILITARY DEPARTMENT	NUMBER: AGP-99.100.21
ADJUTANT GENERAL PERSONNEL	EFFECTIVE DATE: June 1, 2023
SUBJECT: Conflict of Interest Policy	

APPLICABILITY: This policy applies to all Oregon Military Department (OMD) State employees, volunteers, and interns.

AUTHORITY/REFERENCE: ORS 244 – Government Ethics, AGP-99.100.20 Code of Ethics Policy, DAS Policy 50.090.01 Managing Improper Governmental Conduct (dated February 2023), Oregon Government Ethics Law, “A Guide for Public Officials” (dated April 2021), and Oregon Government Ethics Commission “Government Ethics Laws Overview (dated May 2022).”

ATTACHMENTS: OMD Conflict of Interest Declaration and Determination Form.

PURPOSE: To provide guidance to staff and ensure the activities of each individual within the organization reflect service as ethical public servants that are within the highest ethical standards. This policy describes the circumstances under which agency staff are responsible for evaluating their activities or relationships outside OMD for the possibility of personal gain or influence using OMD resources or information. The Adjutant General Personnel (AGP) office engage with staff to ensure that agency business, the use of agency resources, and staff roles outside the agency do not present a conflict of interest. This policy is tied to Oregon State ethics laws. AGP ensures that any conflict is resolved in a way that will not impact the business of OMD and maintains the reputation of the agency.

BACKGROUND: OMD employees are keepers of the public trust and must be transparent about all their activities whether inside the workplace or outside activities that may impact the workplace. All individuals have a responsibility to avoid even the appearance of engaging in a conflict of interest.

Oregon Government Ethics law identifies and defines two types of conflicts of interest. An actual conflict of interest is defined in ORS 244.020(1) and a potential conflict of interest is defined in ORS 244.020(13). A public official, such as OMD employees, are met with a conflict of interest when participating in official action which would or could result in a financial benefit or detriment to the public official, a relative of the public official, or a business with which either is associated.

POLICY GUIDANCE:

1. It is a conflict of interest for OMD staff to:

- A. Use information, resources, or their position accessed through their employment for personal gain, whether their own or others.
 - B. Engage in personal activities or roles that could reflect negatively on OMD.
2. OMD staff shall report any potential conflict of interest to the AGP HR Director for a determination.
3. Conflicts of interest may occur through relationships with other individuals to include:
 - A. Vendors or contractors.
 - B. Co-workers or other professional associates, to include agency management.
 - C. Participation or membership in community groups, boards or professional associations.
 - D. Family or other personal relationships.
4. The AGP HR Director (Appointing Authority) shall review and make a determination about potential conflicts of interest that result from any outside relationships or opportunities that involve OMD staff or businesses including:
 - A. Close, personal or professional relationships.
 - B. Vendors or contractors.
 - C. Non-OMD employment.
 - D. Board or commission memberships.
 - E. Gifts.
5. OMD staff shall not use their positions to:
 - A. Obtain favors or other personal or financial benefits.
 - B. Grant favors or unwarranted benefits.
 - C. Avoid a financial detriment.
6. OMD staff shall receive approval from the Appointing Authority before engaging in activities that could create a conflict of interest with their employment responsibilities.
7. OMD staff shall receive approval from the Appointing Authority before receiving compensation from public or private agencies, businesses, individuals, or organizations. Staff shall not:
 - A. Be compensated for work that is considered part of their agency job.
 - B. Use state equipment/resources or copyrighted material obtained with public funds for activities related to outside employment.
8. OMD staff working for compensation outside their agency employment as a second job shall not accept employment that:
 - A. Conflicts with performance of their agency job duties.
 - B. Results in individual benefit(s) due to their role at OMD.

- C. Involve unethical practices that could impact their ability to perform their agency job duties.
9. OMD staff shall receive approval from the Appointing Authority before participating as a member of any public or private board or commission not required by employment. The Appointing Authority shall ensure that:
- A. Membership does not conflict with OMD job duties.
 - B. Staff provide a statement to the board or commission that the membership position does not represent OMD.
10. OMD staff shall not solicit money or other gifts related to the performance of their duties. OMD staff shall consult with the Appointing Authority when gifts are being offered. Examples could include accepting contractor gifts with logos (hats, shirts, cups, etc.) that could implicitly indicate support or favoritism.
11. OMD staff shall avoid engaging in inappropriate close personal relationships where one person has authority over the other's conditions of employment. If such a relationship were to have potential to develop, both parties must immediately disclose it to the Appointing Authority prior to anything developing. Influence or power over someone would include:
- A. Formal and informal supervisory relationships such as managers, supervisors, lead-workers and the employees they oversee/manage.
 - B. Any relationships that create an inherent conflict of interest due to potential OMD roles in making or influencing employment decisions such as performance management and evaluation, promotion, discipline and dismissal, or work schedule and time off.
12. OMD staff who are uncertain about whether alternative employment, relationships, opportunities, or gifts may impact their ability to perform their job and create a conflict of interest shall contact their supervisor and request a determination from the Appointing Authority.
13. After a determination has been made, the final written notification will be placed in the employee's personnel file and local supervisory file for record keeping and reference. The records will be maintained for ten years beyond the termination date of the employee.

RESPONSIBILITIES:

- A. Appointing Authority/AGP HR Director: Review and evaluate requests and determines if there is a conflict of interest. Provide written notification to the employee and their supervisor of the determination to include any necessary restrictions or conditions that must be adhered to going forward to avoid the conflict of interest.
- B. Employee's Supervisor: Responsible for monitoring the employee's adherence to any restrictions or conditions as applicable and outlined in their determination letter.

- C. Employee: Provide written notification to the Appointing Authority of any potential conflict of interest using the COI Declaration and Determination Form. Responsible for complying with any restrictions or conditions as outlined by the Appointing Authority. Required to notify the supervisor or Appointing Authority of any changes to the situation which might impact whether or not the potential COI continues to exist.

INQUIRIES / QUESTIONS: Questions pertaining to this guidance may be directed to AGP at (503) 509-2152.

A handwritten signature in black ink that reads "Tracy Garcia". The signature is written in a cursive style with a large, sweeping initial "T".

Tracy Garcia
Director
Adjutant General State Personnel