

CODE OF CONDUCT AND CONFLICT OF INTEREST POLICY - STAFF

POLICY NUMBER: 901.A

VERSION: 2016-10

DATE ADOPTED: OCTOBER 17, 2016

OVERVIEW:

It is Oahu Metropolitan Planning Organization's policy to maintain the highest ethical standards and to comply with all applicable laws, rules, and regulations. This Code of Conduct and Conflict of Interest Policy governs the activities of the staff of the Oahu Metropolitan Planning Organization (OahuMPO). It is OahuMPO's goal to create a reputation for integrity, fairness and respectfulness; of responsibility, trust, and sound judgment. This policy does not apply to Policy Board members or to members of any advisory committee.

The OahuMPO's Code of Conduct and Conflict of Interest Policy establishes a code of conduct for Oahu Metropolitan Planning Organization's employees. The OahuMPO's Code of Conduct and Conflict of Interest Policy provides guidelines for identifying and disclosing conflicts of interest and includes procedures to be followed should conflicts of interest, or situations that may result in the appearance of a conflict of interest, arise.

Questions about this policy should be directed to the OahuMPO Executive Director.

I. DEFINITIONS

OahuMPO: The Oahu Metropolitan Planning Organization which is the Metropolitan Planning Organization for the island of Oahu

Code of Conduct and Conflict of Interest Policy: The written statement of acceptable behavior by OahuMPO's Staff that ensures that OahuMPO operates according to the highest ethical standards.

Compliance Officer: The Executive Director of the Oahu Metropolitan Planning Organization or his or her designee is responsible for implementing and administering the Code of Ethical Conduct.

Financial Interests: An interest held by an individual, the individual's spouse, or dependent children which is: (1) an ownership interest in a business. (2) a creditor interest in an insolvent business, (3) an employment, or prospective employment for which negotiations have begun, (4) an ownership interest in real or personal property, (5) a loan or other debtor interest, (6) a directorship or officership in a business.

Immediate Family: Includes parent, child, grandparent, grandchild, brother, sister, husband, wife, and domestic partner.

Staff: All OahuMPO employees, including the Executive Director.

Policy: Code of Conduct and Conflict of Interest Policy

II. STANDARDS OF CONDUCT

A. CONFLICTS OF INTEREST.

A conflict of interest arises when a staff member or any member of his or her immediate family has financial interests that could influence or interfere with, or give the impression of influencing or interfering with, the staff member's ability to perform that staff member's official responsibilities or duties. A conflict of interest also arises when there is a situation or situations which may result in inappropriate financial gain by the staff member or their immediate family. Both results are damaging to OahuMPO. No staff member shall take any official action directly or indirectly affecting:

1. A business or other undertaking in which the staff member has a substantial financial interest; or
2. A private undertaking in which the staff member is engaged as an employee, counsel, advisor, consultant, representative, or other agency capacity.

No staff member shall acquire financial interests in any business or other undertaking which the staff member has reason to believe may be directly or indirectly involved in official action to be taken by the staff member.

No staff member shall assist any person or business or act in a representative capacity for any entity other than OahuMPO before any state or county agency for a contingent compensation.

No staff member shall assist any person or business or act in a representative capacity for any entity other than OahuMPO for a fee or other compensation to secure passage of a bill or ordinance or to obtain a contract, claim, or other transaction or proposal in which the staff member has participated or will participate as a staff member, nor shall the staff member assist any person or business or act in a representative capacity for any entity or person other than OahuMPO for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the legislature, city council, or any state or county agency.

B. GIFTS.

No staff member shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift

is intended to influence the staff member in the performance of the staff member's official duties or is intended as a reward for any official action on the staff member's part.

Gifts of Aloha. This policy does not preclude the acceptance of items of nominal or insignificant value which are not related to any particular transaction or activity of a staff member or OahuMPO. In general, gifts of aloha with a market value of \$20 or less singly, and aggregating to no more than \$100 annually from any single source, may be accepted, but shall be documented on a *Conflict of Interest Disclosure Report*, the form of which is attached to this policy. NOTE: staff members involved in a procurement process may never accept a gift from any respondent(s) or potential respondent(s) regardless of the dollar value of the gift.

Travel Reimbursement by a Government Entity. The reimbursement of travel expenses by another department or agency of State, County, or Federal government or by another metropolitan planning organization, including the costs of lodging, meals, and any event attendance fees, is permitted provided that the purpose of the trip was for the conducting of official business or attendance at a conference, training, workshop, or other event related to the official duties of the staff member.

- C. CONFIDENTIAL INFORMATION.** No staff member shall disclose information or use information for personal gain which by law is not available to the public and which the staff member acquires in the course of their official duties, or use the information for personal gain.
- D. FAIR TREATMENT.** No staff member shall use or attempt to use their official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including, but not limited to the following:
1. Seeking other employment or contract for services for oneself by the use or attempted use of the staff member's position;
 2. Accepting, receiving, or soliciting compensation or other consideration for the performance of the staff member's official duties or responsibilities except as provided by law;
 3. Using work time, equipment, or other facilities for personal or private business purposes;
 4. Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business who the staff member supervises or manages in their official capacity.
- E. OUTSIDE EMPLOYMENT.** (i.e., "moonlighting") outside of OahuMPO is permitted provided:

1. It does not interfere with the staff member's work at OahuMPO or OahuMPO's operations; and
2. It does not violate this policy; and
3. It does not give the appearance of a conflict of interest.

F. PROCUREMENT. Pursuant to 2 Code of Federal Regulations ("CFR") §200.318, OahuMPO staff shall follow its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 CFR. In the absence of documented procurement procedures within OahuMPO, or in the event OahuMPO procurement procedures conflict with State procurement procedures, staff shall follow State procurement procedures as implemented by the Hawaii Department of Transportation. In the event that State procurement procedures conflict with Federal procurement requirements as documented in 2 CFR 200, staff shall follow Federal requirements.

G. POLITICAL PROCESS. Staff members retain their right to express their personal opinion on political matters or candidates. However, staff members may not use their official position within OahuMPO to try to influence the outcome of a political campaign or process.

a. PROHIBITED activities and actions:

- i. Using a job title or position while engaging in political activity;
- ii. Using official authority or job title to influence or interfere with an election;
- iii. Soliciting or discouraging the political activity of any person who has business before OahuMPO;
- iv. Engaging in campaigning or any political activity while at work;
- v. Engaging in any political activity using government property (e.g., OahuMPO computers, office supplies, paper, postage, etc.), or while using a government vehicle;
- vi. Engaging in political activity in any government office;
- vii. Running for office in a partisan election;
- viii. Wearing political buttons or displaying political preferences while in the office or while working in an official capacity outside of the office;
- ix. Allowing one's name or likeness to be used in campaign literature in their professional capacity;
- x. Hosting a fundraiser for a political candidate and recruiting attendees using the staff member's official title;
- xi. Soliciting, accepting, or receiving uncompensated individual volunteer services from a subordinate for any political purpose.

H. CUMULATIVE APPLICATION. This Policy shall be cumulative of and supplemental to all applicable provisions of state and federal laws and regulations. Compliance with the Policy does not excuse or relieve any person from any obligation imposed by any applicable state or federal laws or regulations. To the extent that there is any conflict between this Policy with any applicable city, state, or federal law or regulations, the city, state, or federal law or regulations shall prevail over this Policy.

III. OBLIGATION TO REPORT VIOLATIONS AND COOPERATION

It is the duty of all staff members to be aware of this Policy, and to identify conflicts of interest or situations that may result in the appearance of a conflict of interest and to disclose those situations, conflicts, or potential conflicts to: (1) the employee's supervisor, (2) the Executive Director, (3) the Policy Board, or (4) other designated person(s), as appropriate.

A. CONFLICT OF INTEREST DISCLOSURE REPORT. Staff members shall complete the attached Conflict of Interest Disclosure Report ("report") when:

1. There is any potential violation of this Policy, or
2. There is any potential situation which may reasonably be expected to result in a violation of this Policy, or
3. There is any potential situation which does or may reasonably be expected to result in the appearance of a violation of this Policy, or
4. They witness or are a party to any violation of criminal law involving fraud, bribery, or gratuity.

The report shall be completed by the staff member and turned into the staff member's immediate supervisor or other appropriate person as soon as the relevant situation becomes known to the employee, or as soon thereafter as is practical.

Any staff member with a conflict of interest or appearance of a conflict of interest shall not be involved in any decision or official action of OahuMPO. When a conflict of interest is present or relevant to a meeting of the OahuMPO Policy Board or any advisory committee meeting, the conflict shall be noted in the meeting minutes.

IV. STATEMENT OF POLICY

If it is determined that a staff member has failed to comply with this policy, possible disciplinary action, depending upon the severity of the infraction, may include:

1. Documentation of the infraction(s) as part of the staff member's annual performance appraisal;
2. Referral for legal investigation and/or prosecution;
3. Termination of employment by OahuMPO; and
4. Any other action permitted by law.

ACKNOWLEDGMENT

I acknowledge that I have received, reviewed and understand Oahu Metropolitan Planning Organization's Code of Conduct and Conflict of Interest Policy (Policy). I agree to comply with the Policy and understand that I will be subject to disciplinary action if I violate the Policy.

Signature

Date

Printed Name

