

Staff Conflict of Interest

Policy

USDA Federal Regulations

(27) The State agency's policies and procedures for preventing conflicts of interest at the local agency or clinic level in a reasonable manner. At a minimum, this plan must prohibit the following WIC certification practices by local agency or clinic employees, or provide effective alternative policies and procedures when such prohibition is not possible:

- (i) Certifying oneself;
- (ii) Certifying relatives or close friends, or
- (iii) One employee determining eligibility for all certification criteria and issuing food instruments, cash-value vouchers or supplemental food for the same participant.

Grants and Agreements Federal Regulations:

- (a) Each USDA awarding agency must establish conflict of interest policies for its Federal awards
- (b) Non-Federal entities must disclose in writing any potential conflicts of interest to the USDA awarding agency or pass-through entity
 - (1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award and administration of Federal awards. No employee, officer or agent may participate in the selection, award, or administration of a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a non-Federal entity considered for a Federal award. The non-Federal entity may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
 - (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of the relationships with a parent company affiliate, or subsidiary organization, is unable or appears to be unable to be impartial in conducting a Federal award action involving a related organization.

Iowa Department of Public Health (IDPH) General Conditions:

- a. The provisions of Iowa Code Chapter 68B shall apply to this agreement. In the event a conflict of interest is proven to the Department, the Department shall terminate the contract, and the Contractor shall be liable for any excess costs to the Department as a result of

- contract default.
- b. The Contractor shall establish safeguards to prevent employees, consultants, or members of governing bodies from using their positions for purposes that are, or give the appearance of being, motivated by the desire for private gain for themselves or others with whom they have family, business, or other ties.
 - c. The Contractor shall report any related party transaction to the Department. Written approval from the Department shall be required prior to such transaction.
 - d. The Contractor represents and warrants that no relationship exists or will exist during the Contract period between the Contractor and the Department that is a conflict of interest. No employee, officer, or agent of the Contractor or a subcontractor shall participate in the selection, award, or administration of a contract or subcontract if a conflict of interest exists.

Authority

USDA Federal Regulations: 7 CFR Part 246.4 (a)(27)

Grants and Agreements Federal Regulations: 2 CFR Part 400.2

IDPH General Conditions: 11. Conflict of Interest

Procedure

The purpose of this procedure is to prevent conflict of interest or the illusion of partiality by WIC employed or contracted WIC staff towards themselves, their close personal relationships, vendors, or other participants. Local WIC agencies shall ensure that every precaution is taken to prevent possible conflicts of interests by employed and contracted WIC staff.

All employed and contracted WIC staff must read and sign the Staff Conflict of Interest Form at the time of hire. All potential conflicts of interest at the time of hire or during employment must be identified and appropriate measures should be in place to maintain the integrity of the WIC program. The signed and dated form must be filed in the employee's personnel file. If a WIC staff member becomes a WIC participant or becomes employed by a WIC approved vendor during employment, a new Staff Conflict of Interest Form should be signed and filed in the employee's personnel file.

Example: A support staff who works for the agency for five years receives an evening position as a pharmacy technician, in addition to the WIC position, at a local Special Purpose Vendor. The employee must identify the change on a new conflict of interest form. The form should be signed and filed in the employee's personnel file.

Close Personal Relationships

Close personal relationships include relatives that are within the second degree of relation and affinity and include spouses, parents, children, grandchildren, grandparents, siblings, aunts, uncles, nieces, nephews, and first cousins by blood or by marriage.

At least one other local agency employee must be involved in the certification process and issuing benefits to staff or their relatives or close friends. See Policy “Issuing Food Instruments”.

Vendors

Each local WIC agency must inform all staff hired to work in the WIC Program that they are prohibited from using their position to influence a WIC participant’s selection of a WIC vendor. Local agencies must establish safeguards to prevent employees from using their positions for the purposes that are, or give the appearance of being, motivated by the desire for private gain for themselves or others with who they have a close personal relationship, business or other ties.

Separation of Duties

The staff person who determines eligibility cannot be the same person who determines the medical or nutrition risk, but either person can issue the benefits. See policies “Issuing Food Benefits” Separation of Duties”.

Suspected fraud or abuse

All employed or contracted WIC personnel may confidentially report suspected fraud or abuse by another employee. The report may be anonymous. See the procedure “Collecting Fraud and Abuse Data”.