

Frequently Asked Questions and Answers

Conflicts of Interest

The Conflicts of Interest provision states as follows:

The Community Rehabilitation Provider (CRP) represents and warrants that no part of the amount paid to it for services shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the CRP in connection with any work contemplated or performed relative to this Agreement.

The Community Rehabilitation Provider acknowledges, understands, and agrees that these Terms and Conditions shall be null and void if the CRP is, or within the past six (6) months has been, an employee of the State of Tennessee or if the Community Rehabilitation Provider is an entity in which a controlling interest is held by an individual who is, or within the past six (6) months has been, an employee of the State of Tennessee.

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- Q:** If I currently employ someone that retired from their employment with the State of Tennessee within the last six (6) months, would my employment of this person represent a conflict of interest?
- A:** No. Provided the individual does not own or have a controlling interest in the business, the fact that he or she is employed by a CRP and worked for the State of Tennessee, or a political subdivision of the State, within the past 6 months would not represent a conflict of interest under the LOA.
- Q:** I am currently a substitute teacher who wishes to provide services as a CRP under an LOA. I have been retired from the State for more than 6 months; however, I have taken a position as a substitute teacher within my local county. Am I able to sign a Letter of Agreement without my employment with the schools system being considered a conflict of interest?
- A:** The fact that the person contracting under a LOA is also a substitute teacher, or a former substitute teacher, would not be considered a conflict of interest, since employment as a teacher in a local school system is typically not considered State employment.
- Q:** I am an employed full time by a Community Rehabilitation Provider (CRP) and also have an adjunct (part-time) teaching position with the University of Tennessee. Does my position at UT represent a conflict of interest in relation to my employment with the CRP?

A: The fact that an individual is an employee of a CRP while also working part-time as an employee of the State of Tennessee would not necessarily represent a conflict of interest. However, each case will need to be reviewed based on individual circumstances.

Q: Does the conflict of interest provision in the LOA apply to VR services provided by individuals employed by Tennessee Board of Regents or University of Tennessee institutions?

A: Yes. Employees of Board of Regents or University of Tennessee institutions are considered State employees.

Q: I am an owner of a CRP offering a position to a potential candidate who currently works for the State of Tennessee; however, the person I want to hire will not have an ownership or controlling interest in the CRP. Would there be a conflict of interest if I hired this individual?

A: Yes. The terms of the Letter of Agreement are provided below.

General Letter of Agreement document:

D. OTHER TERMS AND CONDITIONS.

Conflicts of Interest. The Community Rehabilitation Provider warrants that no part of the amount paid to it for services shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Community Rehabilitation Provider in connection with any work contemplated or performed relative to these Terms and Conditions.

(Note that hiring an individual who is a former state of Tennessee employee would not be considered a conflict of interest if the individual has not been employed by the State of Tennessee in the last 6 months.)

Q: I am a retired State of Tennessee employee. I have been retired more than 6 months. I am no longer paying into the TCRS; but I do receive retirement money. Is this a conflict of interest?

A: No. This situation would not be considered a conflict of interest, since the individual has not been employed by the State within the last 6 months.)

Q: I am a full time employee of a ____? [e.g., municipal, county]____ school system and I also own my own non-profit ____?_____ agency and I want to contract with the State to provide Pre-Employment Transition services. I am currently the only employee in my non-profit agency. Would this be considered a conflict of interest?

A: No. An individual's employment with a _____ school system would not be considered a conflict of interest. Note, however, that the school may have restrictions on conduct providing services under a LOA business on school time.