



**STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**

DEPARTMENTAL POLICY AND PROCEDURES

Subject: Conflict of Interest

Effective Date: May 6, 2014

PURPOSE: To assure that the interests and activities of all members serving on a departmental board, commission, or committee, do not conflict or give the appearance of conflicting with the provision of unbiased service to the public.

POLICY: All members serving on a departmental board, commission, or committee will comply with the attached Conflict of Interest Policy.

PROCEDURES: All members serving on a departmental board, commission, or committee will receive a copy of the Conflict of Interest Policy, Conflict of Interest Policy Acknowledgment form, and Conflict of Interest Disclosure form. All members will be required to sign the Conflict of Interest Policy Acknowledgment form, and complete the Conflict of Interest Disclosure form annually. Said forms will be returned to the Commissioner's Designees who will keep the signed copies on file.

The Commissioner's Designees* and their respective departmental boards, commissions, and committees will be as follows:

* **Administrator of the Division of Occupational Safety and Health**
Occupational Safety and Health Review Commission;

* **Administrator of the Division of Workers Compensation**
Medical Advisory Committee and Medical Payment Committee;

* **Administrator of the Division of Workforce Services**
Workforce Development Board; and

* **Administrator of Workplace Regulations and Compliance**
Board of Boiler Rules, Elevator and Amusement Device Safety Board, and Prevailing Wage Commission.

The Commissioner's Designees shall make copies of the aforementioned forms. The Commissioner's Designees shall provide copies of said forms to the presiding officers of the governing bodies. Said forms shall be available for public review.

Prior to the transaction of business by any governing body, all members shall be reminded by the presiding officer or legal counsel to disclose their financial or personal interests in accordance with the Conflict of Interest Policy.



**STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE 37243**

CONFLICT OF INTEREST POLICY

1. Purpose. To assure that the individual interests of members do not conflict or give the appearance of conflicting with their duties while serving in their respective positions.

2. Applicability. This policy shall apply to all individuals serving on the following: Board of Boiler Rules, Elevator and Amusement Device Safety Board, Medical Advisory Committee, Medical Payment Committee, Occupational Safety and Health Review Commission, Prevailing Wage Commission, and Workforce Development Board.

3. Definitions.

3.1 Conflict of Interest. A circumstance in which a member's individual interest impairs, or gives the appearance of impairing, his or her ability to make unbiased decisions or provide unbiased public services. Also, any matter before the governing body in which a member has a financial or personal interest, which is in conflict or gives the appearance of conflict with the discharge of the member's duties.

3.2 Financial interest means ownership by a member of five percent (5%) or more of the stock of a corporation or any other business entity, or where the company is a business entity, which does not use stock for ownership, the legal or beneficial ownership of five percent (5%) or more of the business. This interest applies to the member or the member's relatives. For the purposes of this policy, a relative includes spouses, parents, siblings, or children.

3.3 Personal interest means an interest in any contract, employment or work in which the member has a public duty to vote for, let out, overlook, or in any manner to superintend any work or any contract which comes before the governing body.

4. Conduct.

A. A member shall not engage in conduct, which impairs, or gives the appearance of impairing, the member's ability to make an unbiased decision or provide unbiased public service.

B. A member shall not knowingly take any action, which might prejudice his or her ability, or another member's ability, to make an unbiased decision on any matter in which the member or the member's relatives have a financial or personal interest.

C. A member shall abstain from voting on any matter involving a person or entity in which the member or the member's relatives have a financial or personal interest.

D. A member who is employed by, or has contracted to provide services to a person or entity seeking specific approval or action, shall abstain from voting on the approval or action.

E. A member shall not participate as an expert witness in a contested case before his or her governing body.

F. A member shall not solicit or accept any gift, gratuity, favor, entertainment, loan, or unusual discount from any person or entity, which has obtained or is seeking to obtain a decision on any matter from the governing body. This prohibition does not include food or drink or other entertainment as part of a meal or event if the value of such items does not exceed Fifty-eight Dollars (\$58.00) per occasion; nor does it include items of insignificant value routinely given in the ordinary course of business.

G. A member shall not accept honoraria or other compensation for activities, which are, or should be, performed as part of one's official duties, except as provided by the Comprehensive Travel Regulations of the Department of Finance and Administration.

5. Disclosure.

A. All members shall annually review the Conflict of Interest Policy, and submit their Conflict of Interest Policy Acknowledgment forms and Conflict of Interest Disclosure forms to the Commissioner's Designees. The Commissioner's Designees shall provide copies of said forms to the presiding officers of the Boards, Commissions, and Committees. Said forms shall be available for public review.

B. Prior to the transaction of business by any Board, Commission, or Committee, all members shall be reminded by the presiding officer or legal counsel to disclose their financial or personal interests in accordance with the Conflict of Interest Policy.

C. Any member, upon determining that a matter taken up by a Board, Commission, or Committee presents a conflict of interest under this policy shall immediately notify the presiding officer and publicly acknowledge such conflict.

D. All members shall make every reasonable effort to avoid even the appearance of a conflict of interest.

E. The vote of any such member having a conflict of interest who does not so inform the Board, Commission, or Committee of such conflict may be avoidable if challenged. When a challenge is made, the Board, Commission, or Committee shall investigate the matter, determine whether or not a conflict exists, and decide what should be done given the circumstances.



**STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
Nashville, Tennessee**

CONFLICT OF INTEREST POLICY ACKNOWLEDGMENT

Name: _____
(PLEASE PRINT)

Appointed to: _____

I hereby certify that I have received and read the Conflict of Interest Policy. I have reviewed said policy, and I agree to abide by its terms.

I am now reporting my financial interest(s) on the attached Conflict of Interest Disclosure form. I understand that I will be required to always publicly acknowledge my interest(s) whenever my governing body considers a related matter. I also understand that I have an annual obligation to report my interest(s).

Signature

Date



**STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
Nashville, Tennessee**

CONFLICT OF INTEREST DISCLOSURE

**As an appointed member of the _____,
I, _____, hereby disclose the following matter(s) in which
I have a financial interest:**

SIGNATURE

DATE