

NORTH CENTRAL COUNTIES CONSORTIUM

**CODE OF CONDUCT**

**I. Purpose**

This Code of Conduct implements and interprets State and Federal requirements governing Workforce Development Boards (WDB) and activities funded by the Workforce Innovation and Opportunity Act (WIOA). The Political Reform Act (Government Code Section 81000, et seq.) and the Fair Political Practices Commission regulations (2 Cal. Code of Regs. Sec. 18730) are incorporated into this Code of Conduct by reference.

**II. Effective Date**

This policy shall take effect upon adoption by the North Central Counties Consortium (NCCC).

**III. Definitions**

- A. The term “official” means any NCCC Governing Board, WDB or, or NCCC employee or agent, or any citizen volunteer authorized to act on behalf of the WDB or NCCC. The term includes, but is not limited to, all individuals who participate in the making of WDB or NCCC policy, procurement, fund obligation, contract management or personnel decisions.
- B. The term “immediate family” means a spouse, parent, in-law, guardian, child, brother, sister foster child, grandchild, grandparent, or other person to whom the official is not related but who resides in the same household. The relatives listed above need not reside in the same household to be included as immediate family.

**IV. Trust**

Officials shall treat their position as a public trust.

- A. WDB and NCCC powers and resources are to be used for the benefit of the public rather than for personal benefit.
- B. Officials shall establish and implement policies in good faith, as equitably and economically as possible, regardless of their personal views.
- C. Whistle-blowing is appropriate in the event of unlawful or improper actions. Anyone who observes any unlawful or improper actions by an official is expected to report them. Customarily, the actions are reported to the official’s employer. If the employer appears to be involved in the improper actions, the report can be made to a higher level, to NCCC’s Executive Director or to the WDB’s Chair or the NCCC Governing Board’s Chair.

“Whistle-blowing” differs from “leaking” because leakers act covertly and are essentially unaccountable for the consequences of their actions. It is improper to harass or punish officials who seek accountability through whistle-blowing. Leakers are not similarly protected.

- D. Citizens shall have a fair and equal opportunity to express their views to officials. Often it is impossible for an official to talk personally with every concerned citizen, but obtaining an appointment or a chance to speak at a WDB or NCCC meeting should not appear to depend upon friendship or animosity.
- E. Officials shall not give the appearance of impropriety in their official conduct. Officials should not accept any personal gift, meal or entertainment valued at \$50.00 or more. The official should consider the decisions he or she may have to make and shall exercise conservative judgment as to whether accepting a gift in any amount is appropriate. The key question for an individual official is, “By accepting this gift/meal/entertainment, am I giving preferential treatment to the gift giver, or am I giving the appearance to reasonable people of giving favor to the individual?” If the answer is “yes” to either question, then the official should not even accept a gift below the \$50.00 threshold.

Officials, as representatives of the WDB or NCCC or while conducting business on behalf of the WDB or NCCC, may accept gifts for the benefit of NCCC and may be guests at meals or entertainment activities. For example, gifts as part of a company grant or giving program should be accepted, and shall become the property of NCCC. Gifts for employee awards, volunteers, and community cooperation are allowed. Donations to NCCC programs are also allowed.

- F. Officials shall devote NCCC resources, including paid time, equipment, computers, supplies, and capital assets, to public benefit. Time paid for by NCCC is intended for NCCC business. Supervisors should not ask subordinates to perform personal services. Office supplies are for NCCC use only.

NCCC may adopt procedures allowing for limited personal fax transmissions, photocopies and telephone calls to be made under specified circumstances. This procedure may also permit limited completion of personal tasks on computers.

Officials should not use WDB or NCCC letterhead or refer to their public position when requesting personal benefits or resolving personal disputes.

- G. Political activities shall not be engaged in on NCCC time or property. No NCCC employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours.

This section does not restrict the right of NCCC employees to express personal political views, so long as these views do not adversely impact the quality or content of WDB or

NCCC services or policy making. For example, a staff member should not express a racist sentiment while servicing a customer or otherwise representing the WDB or NCCC. Similarly, an NCCC employee while on NCCC premises or during work hours can express personal political views to co-workers but may not distribute flyers for a political campaign.

The WDB or NCCC may take a position on pending State or Federal legislation or rulemaking. Officials may then provide information or otherwise act as directed on that position. Federal and State grant funds may not support lobbying activities.

## V. **Objectivity**

WDB and NCCC decisions shall be based on the merits of each issue. Judgment shall be independent and objective.

- A. If an official's individual financial or personal interests will be specifically affected by a decision, the official is to withdraw from participating in the WDB and NCCC decision. This prohibition applies to all WDB and NCCC meetings, standing committees, "task group" or "ad hoc workgroup" meetings, and discussions before or during meetings which involve lobbying for or against a WDB or NCCC action or agenda item or which deliberate towards a decision. This includes the personal or financial interests of the official's immediate family and household. Recusal and disqualification involves a statement such as, "My brother-in-law is part owner of the property under discussion. Therefore, I will not be speaking or voting on this lease."

State law distinguishes between actual conflict of interest, which definitely would affect the official, and potential conflict, where the effect is not certain. In the case of a potential conflict, the WIOA official must disclose the conflict but may be permitted to participate in the decision. A formal or informal opinion should be requested when a potential conflict arises.

The law also makes an exception where the official's financial interests are included with a whole class of citizens. In this case an informational disclosure may be appropriate, such as, "We will be voting on the Colusa Career Center. My sister's family is receiving training from the Center along with the rest of the community."

State law focuses primarily on elected officials and appointees to boards and commissions, but the ethical principle extends to all officials. For example, a NCCC program monitor should not monitor an on-the-job training (OJT) contract at a business owned by his sister. The relationship should be disclosed and a different, disinterested NCCC employee should conduct the monitoring.

- B. Officials shall avoid bias or favoritism, and shall respect cultural differences as part of decision-making and the conduct of WDB and NCCC business.
- C. Intervention on behalf of constituents or friends is limited to assuring fairness and clarifying policies or improving service to citizens. Officials should avoid giving

citizens any reason to believe they would receive better or different services if they had a personal connection with the official.

## **VI. Accountability**

Open government allows citizens to make informed judgments and to hold officials accountable.

- A. Officials shall exercise their authority in open meetings supported by public records subject to the normal and usual exceptions, including but not limited to 1) pending or threatened litigation, 2) personnel decisions, 3) contract negotiations where disclosure of NCCC's position may inflate costs or prevent NCCC from carrying out its mission as effectively as possible, and 4) a decision to sanction a WDB member or NCCC Director where that member or Director wishes to contest the facts supporting the sanction in a confidential meeting and the Board concurs with the confidentiality request.
- B. Each official is encouraged to improve WDB and NCCC systems by identifying problems and proposing improvement. NCCC officials who believe a policy or practice is not achieving its stated purpose, is creating unintended harm, or is inefficient, should express such concerns and should suggest possible improvements.
- C. NCCC systems shall be self-monitoring, with procedures in place to ensure appropriate actions. Managers should make sure their practices for purchasing, contracting, and hiring include routines that elicit fair choices and assure protection of NCCC assets. Such routines include checklists, separation of duties, bank account reconciliations, and reports to management.
- D. Any official's immediate family shall not receive preferential treatment in employment or in the receipt of NCCC funded services. NCCC's service providers shall adopt and shall comply with nepotism provisions no less restrictive than this paragraph.
- E. No official shall also be an NCCC contractor, subcontractor or vendor without full disclosure and authorization from the NCCC Governing Board. This section shall not apply to WDB members who 1) are salaried officials for public or nonprofit entities, or who serve on the boards of such entities, and 2) who provide vendor services to NCCC clients utilizing the same rates as for the general public. For example, the NCCC Governing Board need not approve community college tuition arrangements merely because a community college president sits on the Governing Board.
- F. The WDB's Officers, Committee Chairs, Council Chairs and Executive Committee members may not represent, serve on the board of, or work for a public, private for profit or nonprofit NCCC contractor or subcontractor. WDB and NCCC Governing Board members should be especially careful to disclose and avoid conflict of interest situations. The Governing Board and/or other Local Elected Officials serving as a member will be held to the most restrictive state or local interpretation of public conduct.

## **VII. Leadership**

- A. Officials shall obey both the letter and the spirit of all laws and regulations.
- B. Leadership shall facilitate, rather than block, open discussion. Officials have an ethical obligation to avoid behavior such as strained interpretation of rules, refusal to return telephone calls to a specific person, or arbitrarily delaying a decision.

## **VIII. Informal or Formal Opinions**

An informal or formal opinion concerning a given conflict of interest or ethical situation may be requested. Such requests should be directed to NCCC's Executive Director or, if the situation involves the Executive Director, the WDB Chair or the Chair of the NCCC Governing Board.

## **IX. Sanctions**

Officials are subject to sanctioning by the NCCC Governing Board, up to and including dismissal. Individuals and entities may also be barred from doing business with NCCC.

NCCC employees and contractors are also subject to sanctions under NCCC procurement, personnel policies and contract provisions. To the extent that this Code of Conduct and NCCC procurement, personnel policies and contract provisions overlap or are perceived to conflict, the most restrictive interpretation shall apply.