

Revised _____

2.15. RESPECTING BOARDS

Section 110(a)(2)(E)(ii) of the Federal Clean Air Act requires compliance with the requirements respecting state boards under Section 128. Section 128 requires each implementation plan to contain the following requirements ~~that~~ :

- (1) any board or body which approves permits or enforcement orders under this Act shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Act, and
- (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A state may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraphs (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.

North Dakota has no boards that approve permits or enforcement orders. Anyone that approves permits or enforcement orders must comply with the following conflict of interest requirements:

~~1) A conflict of interest is defined as the conflict between the duties assigned to the employee and the self-interest or other interests of the employee. Employees must avoid any interest, influence or relationship that might conflict or appear to conflict with the best interests of the Department of Health or the State of North Dakota, or that might affect one's working judgment or loyalty. Employees must avoid any situation in which their loyalty may be divided and promptly disclose to their division director, section chief or supervisor any situation where an actual or potential conflict may exist.~~

~~2) If employees have a potential conflict of interest in any program, contract or legal matter involving the Department of Health or reasonably related to their position with the Department of Health, the employees must notify the division director, section chief or supervisor in writing of the potential conflict and the cause of the potential conflict and remove themselves from any negotiations, deliberations or decisions involving the conflict.~~

1. The State of North Dakota, as the employer, must avoid any interest, influence or relationship that might conflict or appears to conflict with the interest of the state, or that might affect one's working judgement. Employees must avoid any situations where their loyalties may be divided and promptly disclose any situations to their supervisors where

actual or potential conflicts may exist. This policy applies to all employees regardless of status.

2. Conflict of interest means a conflict between the duties assigned to the employee and the self-interest of the employee or the employee's immediate family. Examples of potential conflict situations include, but are not limited to:

- Owning or having a significant financial or other relationship with a supplier or vendor to the state.
- Having a financial interest in any business transaction with the state.
- Receipt of gifts of more than a nominal value.

"Gifts" means tokens, meals and refreshments, entertainment, or other benefit of more than a nominal value (i.e. \$60).

"Immediate family" means any member of the employee's family including a parent, spouse, child, sibling, grandparent, step- (parent, child, sibling), or in-laws (parent, child and sibling).

3. Conflicts of interest will be avoided through open disclosure practices and corrective actions.

An employee with a conflict must disclose the conflicting interest, and remove himself/herself from any related negotiations, deliberations, or decisions. However, employees may state their positions and respond to questions when their knowledge may be of assistance.

4. An employee may not accept or give anything of value for official position, opinion, or action or nonperformance of a legal duty or for purposes of attempting to influence any other public official or employee in the exercise of an official action. A "thing of value" does not mean a campaign contribution properly received and reported in accordance with NDCC

16.1-08.1.

5. Employees may accept meals and refreshments if they are infrequent, of nominal value, and in connection with state business.
6. If an employee receives a gift or a benefit of more than nominal value, the employee must report it promptly to his/her supervisor. The item(s) must be returned, shared or donated to a suitable charity.
7. Gifts may not be accepted if offered with the intent to directly or indirectly influence or give the impression of such influence.
8. Any employee who is determined to have violated this policy will be subject to disciplinary action, up to and including termination of employment.