Conflict of Interest Policy

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1. Purpose

Buncombe County Government is committed to protecting the integrity of its operations and ensuring employees act in the community's best interests. This policy provides clear guidance to identify and avoid conflicts of interest to ensure accountability, compliance with applicable laws and safeguard public trust.

2. Applicability

This policy applies to all Buncombe County departments and employees unless there is a conflict with GS 153A-103 related to hiring, discharging, and supervising employees. Such exclusion is noted at the end of this policy. Otherwise, departments may adopt and enforce policies that are more restrictive than County Policy.

3. Policy

3.1. Roles and Responsibilities

3.1.1. Buncombe County Government recognizes the right of employees to pursue personal, professional, and community interests outside of their employment. Employees must ensure these interests do not compromise their ability to perform County work objectively and in the public's best interest, nor create actual, potential, or perceived conflicts of interest. County responsibilities are expected to take precedence over outside interests.

3.1.2. A conflict of interest exists when a County employee's private interests interfere with County Operations or the performance of their duties and responsibilities.

3.1.3. Employees are prohibited from engaging in situations where their private interests improperly influence the performance of their duties.

3.1.4. Employees must adhere to this policy's provisions for:

- Gifts and favors
- Family member employment
- Consensual relationships
- Confidential information

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- Contracts and insider trading
- *Secondary employment is subject to the Buncombe County Secondary Employment Policy, which provides approval and disclosure requirements for any paid work, business activity, or income-generating endeavor undertaken by an employee outside their employment with Buncombe County.*

3.1.5. Employees should understand that it is not feasible to provide an exhaustive list of situations that would constitute violations to this policy. In such situations, employees must seek guidance from their chain of command and ensure their actions uphold the County's Core Values.

3.2. **Gifts and Favors**

3.2.1. Employees may not accept or grant gifts, favors, or items of value that could influence or appear to influence County operations or their official duties. This includes gifts, meals, services, loans, things of value, or promises from or to any person or vendor.

3.2.2. County employees may accept the following gift and favor exclusions:

- Items or souvenirs of nominal value (under $35.00) such as calendars, pens, cups, tee shirts, or other novelty or promotional items
- Modest refreshments, not offered as part of a meal
- Prizes or giveaways open to all participants at conferences or events
- Meals at conferences or events available to all participants
- Attendance, meals, travel, and/or lodging provided at events where the employee participates in an official capacity

3.3. **Employment of Family Members**

3.3.1. No employee may supervise or influence the employment conditions of a family member. This includes situations that involve direct or indirect supervisory, oversight, or chain of command responsibilities.

3.3.2. Employees must complete an annual disclosure of family member employment, and updates must be submitted promptly if circumstances change.

3.3.3. If such a relationship occurs, the County may implement safeguards and/or take reasonable actions to remedy the conflict. County Manager (or designee) approval is required if safeguards or remedies are proposed to mitigate conflicts of interest.

3.3.4. Board of County Commissioners (BOCC) approval is required for hiring or any changes in employment conditions of a family member of the County Manager, Sheriff, Register of Deeds, Internal Audit Director, Finance Director, County Attorney, Clerk to the Board, and any other position that reports directly to the BOCC or an external committee.

3.4. **Limitations of Consensual Relationship**

3.4.1. Romantic, intimate, live-in, or sexual relationships between a supervisor and anyone in their chain of command are prohibited. This includes situations that involve direct or indirect supervisory, oversight, or chain of command responsibilities.

3.4.2. Employees must disclose consensual relationships that may create conflicts of interest.
3.4.3. If such a relationship occurs, the County may implement safeguards and/or take reasonable actions to remedy the conflict. County Manager (or designee) approval is required if safeguards or remedies are proposed to mitigate conflicts of interest.

3.5. **Outside Engagements**
3.5.1. The County recognizes the value of employees participating in civic, professional, and community organizations. These engagements may enrich the County's work but also present potential conflicts of interest if they intersect with County business.
3.5.2. Employees must disclose participation in outside engagements with entities that do business with or receive funding from Buncombe County, including activities such as service on boards, commissions, nonprofit organizations, and professional associations. Engagements with entities that do not do business with or receive funding from Buncombe County, along with volunteer activities or political involvement that are unrelated to County business and do not affect an employee's impartiality, are not subject to disclosure.
- Outside Engagements do not include Secondary Employment. *See Buncombe County Secondary Employment Policy, which provides approval and disclosure requirements for any paid work, business activity, or income-generating endeavor undertaken by an employee outside their employment with Buncombe County.*

3.5.3. Employees may not use County resources, time, or confidential information in connection with outside engagements.
3.5.4. Engagements must not impair the employee's ability to perform their County duties objectively and effectively.
3.5.5. Annual disclosure of outside engagements is required, and updates must be submitted promptly when circumstances change.
3.5.6. The County Manager (or designee) may require safeguards, recusal from certain decisions, or withdrawal from an engagement if a conflict of interest is identified.

3.6. **Confidential Information**
3.6.1. Employees are prohibited from disclosing or misusing confidential information for private benefit. Examples include, but are not limited to: Acquiring financial interest in any property transaction or enterprise, gaining any financial benefit from the transaction, and intentionally helping another gain financial benefit from the transaction

3.7. **Contracts and Insider Trading**
3.7.1. Employees are prohibited from having direct or indirect financial interests in contracts with the County or using information obtained through employment for personal gain or to benefit others.

3.7.2. Employees are prohibited from directly or indirectly joining in a transaction based on, information obtained through their County employment.
3.7.3. Employees are prohibited from transmitting any knowledge learned as a result of their employment with the County to any person other than those required by their official responsibilities.

Required Disclosures

3.7.4. Employees are required to complete annual disclosures, and updates must be submitted promptly when circumstances change, as outlined in the Conflict of Interest Disclosure Procedures.
3.7.5. Disclosures are required for:
- Family Member Employment
- Consensual Relationships
- Outside Engagements

4. **Policy Non-Compliance**
Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

5. **Audit**
All policies for Buncombe County may be subject to audit or review as outlined in the Internal Auditor's Statement.

6. **Definitions**
6.1. **Consensual Relationship** – A romantic, intimate, live-in or sexual relationship entered into voluntarily by both parties.
6.2. **Conflicts of Interests** exist when a County employee's private interests interfere, or appear to interfere, with County Operations or the performance of their duties and responsibilities
- ***Actual* Conflicts of Interest** – there is a direct conflict between an employee's current duties and their existing private interests
- ***Potential* Conflicts of Interest** – an employee's duties and private interests could conflict in the future
- ***Perceived* Conflicts of Interest** – the appearance that an employee's private interests could improperly influence the performance of their duties exists.

6.3. **Family Member** – A relative by blood or marriage of nearer kinship than first cousin. (ex: Spouse, domestic partner, parent, guardian, child, sibling, grandchild, grandparent, cousin, aunt, uncle, niece, nephew, and the various combinations of half, step, in-law, and adopted relationships that can be derived from the family members named herein or other relationships that would suggest a familial bond such as loco parentis).
6.4. **Influence over Employment Conditions** – Influence over an individual's employment, schedule, promotions, salary or additional pay, conditions of employment and other personnel considerations.

6.5. **Outside Engagements** – Participation in external organizations or enterprises outside County duties, such as service on boards, commissions, nonprofit organizations, professional associations, or any entity that does business with or receives funding from Buncombe County.
6.6. **Private Interests** – Personal, professional, or business interests of the employee or those they associate with, including family and close contacts.
6.7. **Secondary Employment** – See Buncombe County Secondary Employment Policy, which defines Secondary Employment as any paid work, business activity, or income-generating endeavor undertaken by an employee outside of their employment with Buncombe County, including, but not limited to:
- Employment with another public or private employer, including part-time or seasonal work; Self-employment, freelance or contract work;
- Operation of a business, including sole proprietorships, partnerships, or other business entities;
- Advisory, consulting, or board service roles that provide compensation; Rental income, commissions, royalties, or other financial interests that generate taxable income; and,
- Any activity or engagement that results in income reported for tax purposes, regardless of the amount or frequency, and regardless of whether the income is earned directly or through a third party.

6.8. **Vendor** – An individual or entity providing or seeking to provide goods or services to the County.
6.9. **Workforce** – Employees, contractors, and volunteers under the County's direction.

7. Approval and Revision History

Policy Origination Date:	November 2, 2021
Requires Board Approval:	☒Yes ☐No
Policy Exclusions:	None
Board Approval Dates:	10/21/25 11/7/23 11/2/21
Revision History:	11/2/21 – Policy created from Personnel Ordinance 10/13/23 – Format updated and SOP reference added 09/25/25 – Removed secondary employment content (now standalone policy); reformatted using County policy template

8. Background