

Overview: The Palm Springs Unified School District Governing Board desires to maintain the highest ethical standards and help ensure decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision. ~ Board Bylaws 9270

To this end the Palm Springs Unified School District Governing Board has established policies governing Conflict of Interest, Financial Interest, Gifts, and Honoraria.

In addition, Federal Regulation 7CFR 3016.36(b)(3) and 3019.42 requires entities receiving federal funds to develop and implement a written code of conduct designed to govern the performance of employees engaged in procurement.

As representatives of the Palm Springs Unified School District Nutrition Services Department, all employees are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgment. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside the Palm Springs Unified School District.

The following Code of Conduct shall govern the performance, behavior and actions of the Palm Springs Unified School District Nutrition Services Department, including, employees, directors, or agents who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts; or the administration and supervision of contracts.

Code of Conduct

- No employee, directors or agent of the Palm Springs Unified School District Nutrition Services Department shall participate in the selection, award or administration of a bid or contract supported by federal funds if a conflict of interest is real or apparent to a reasonable person.
- Conflicts of interest may arise when any employee, directors or agent of the Palm Springs Unified School District Nutrition Services Department has a financial, family or any other beneficial interest in the vendor selected or considered for an award.
- No employee, directors or agent of the Palm Springs Unified School District Nutrition Services Department shall, award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors. Those circumstances where interests, financial or otherwise, are not substantial or are within the limits of applicable Federal, State and local laws and the policies and procedures of the Palm Springs Unified School District, the Superintendent's Cabinet shall determine whether the conflict is material under the circumstances.
- The Palm Springs Unified School District Nutrition Services' employees, directors, and agents will not solicit gifts, including but not limited to travel packages or other incentives, and/or

donations from prospective contractors. However, incentive language may be included as part of the competitive procurement (formal bid and request for proposal) solicitation language to acquire the most favorable terms for the operation and benefit of the non-profit food service account. Such incentives include but are not limited to volume rebates, timely payment discounts, program promotion assistance, upfront savings, etc.

Gifts/Donations

In accordance with Government Code 89503 and 2 CCR 18730, no member of a state board or commission or designated employee of a state or local government agency shall accept gifts from any single source in any calendar year with a total value of more than four hundred and sixty dollars (\$460), 2015 Fair Political Practices Commission gift limit, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests (Form 700), as outlined in the “disclosure category” portion of the agency’s conflict of interest code. (Section 89503).

In the event, unsolicited gifts are received by Nutrition Services personnel, the gifts may be applied towards employee appreciation gatherings, applied to A thank you card acknowledging the gift will be sent, explaining the use of the items.

Unsolicited gifts, in excess of the nominal value limit will be reported to the District annually via Unsolicited Gift Log, including disposition of gift, becoming part of an official record, and will be available for public access. Nominal value is deemed to be a gift valued at \$20 or less.

If a gift is perishable (i.e. fruit basket, flowers, etc.) it may, with approval, be given to charity, shared with the office, or destroyed.

Gift Exclusions

The following items are examples of items that are not considered gifts and that may be accepted by an employee:

- Modest refreshments (such as coffee and pastries), greeting cards, plaques and other items of little intrinsic value
- Discounts available to all employees and/or attendees, at meeting, training, or conference, and rewards or prizes connected to competitions (i.e. raffles) open to all attendees, where an obligation to purchase products or services does not exist.

Unsolicited donations of any value will be reported to the Governing Board for acceptance, becoming part of the official record, and will be available for public access. A thank you card acknowledging the donation will be sent, explaining the use of the items.

Under no circumstances will receipt of unsolicited gifts or donations create an obligation, expectation and/or be a consideration in evaluating and recommending competitive procurement awards.

Non-Compliance

In the event, this practice and applicable Board Policies are not followed; the incident will immediately be reported to the Assistant Superintendent of Human Resources for review. Incidents deemed to be a violation of Board Policy and the outlined practice shall be subject to discipline, up to and including termination.