

Wisconsin State Fair Park Procedures to Ensure Proper Implementation of Ethics and Conflict of Interest Statutes, Rules and Policies; Appeals Procedures for Competitive Events

April, 2008

Wisconsin State Fair Park (WSFP) employees, including but not limited to those involved in determining the eligibility for and the outcome of competitive events of the Wisconsin State Fair (WSF) are required to avoid situations and actions that could create doubt on the fairness of competitions. Participants in competitions and the public must have confidence that WSF competitions remain above reproach. To this end, WSFP employees shall abide by the State of Wisconsin's ethics and conflict of interest statutes and administrative rules as well as WSFP Board policies.

Procedures provide practical guidance to employees on the appropriate implementation of statutes, rules and policies. This document's purpose is to identify:

- applicable ethics and conflict of interest statutes, administrative rules and policies;
- positions that must demonstrate compliance with these statutes, administrative rules and policies;
- reporting requirements for employees applying for and working in these positions;
- reviewing and approval requirements of employee reports;
- compensating actions to be taken to avoid ethics or conflict situations; and
- identifying and summarizing procedures for rendering decisions involving complaints, protests and appeals of competitive events (matters of eligibility and judging outcomes).

ETHICS AND CONFLICT OF INTEREST STANDARDS:

Under s. 19.45(11)(a) Wis. Stats., the Office of State Employee Relations is directed to create administrative rules to implement a code of ethics for state employees. The rules developed by the Office of State Employee Relations are found in the Wisconsin Administrative Code, Chapter ER-MRS 24, CODE OF ETHICS. While incorporating these rules as its own, the Wisconsin State Fair Park Board provides additional guidance on employee behavior in Board Resolution Number 014-07.

POSITIONS COVERED:

Positions covered by standards include those involved with processing entry forms, determining eligibility, selecting judges, judging, and the appeals processes for competitive events. The position of WSFP Executive Director and the Agricultural Director are of special interest. Examples of other positions typically included in one of the categories above are the WSF Agriculture Programming Coordinator, show superintendents and administrative staff processing entry forms. Similar positions involved in horticulture, crafts, culinary and other competitive events also fall under these standards.

For the avoidance of doubt, the standards do not apply to the numerous part-time staff with industry experience and contacts that provide necessary support services to the competitions but have no role in processing entry forms, determining eligibility, selecting judges, judging, or the appeals process.

REPORTING REQUIREMENTS:

Employees working positions noted above and other positions that may be identified from time to time shall complete one or more reports including an Outside Activities Report(s) and/or a Potential Conflict of Interest Report(s). Outside Activity Report forms are available from WSFP Human Resources Manager and Potential Conflict of Interest Report forms are available from and/or will be provided to part-time applicants by managers of competitions.

WSFP permanent full-time employees and part-time employees working more than 1,200 hours per year shall complete an Outside Activities Report(s) as a means of identifying and avoiding any and all types of ethics and conflict of interest issues. Permanent employees and part-time employees applying for and involved in processing entry forms, determining eligibility, selecting judges, judging, or the appeals processes for any competitive event shall complete a Potential Conflict of Interest Report.

REVIEWING REPORTS:

Outside Activity Reports are reviewed by the Executive Director. The only exception is the Executive Director's Outside Activity Report, which is reviewed by the WSFP Board's Administrative and Finance Committee. If an employee request to participate in an outside activity is denied because of a potential conflict, the reasons for denial shall be explained in a memorandum to the employee and a copy of the memorandum shall be attached to and filed with the report in the WSFP human resources

department. If a determination of approval or denial cannot be easily made, the issue shall be submitted to the State of Wisconsin Ethics Board for an opinion. The Executive Director shall provide an annual report summarizing employee outside activities, including information on approvals and denials.

Potential Conflict of Interest Reports shall be reviewed by the WSFP program manager responsible for hiring part-time employees for those positions where ethics and conflict of interest issues may arise. The manager shall obtain the Executive Director's approval where a potential conflict could occur and compensating controls are required.

COMPENSATING FOR POTENTIAL CONFLICTS OF INTEREST:

Because of the need for industry expertise to operate animal shows and other competitions, WSFP will need to hire part-time employees with potential conflicts of interests. Strategies that shall be applied by managers to minimize concerns include:

1. When given a choice of applicants with similar experience and skills, hire the applicant with no potential conflicts;
2. Where a potential conflict of interest could occur and choices are limited, place the individual in a competition other than the one applied for where similar skills are needed but no potential conflict could occur;
3. Where there is no choice but to hire an applicant with specific expertise for a competition and the potential of a conflict could occur, create checks and balances in program management so participants in the show and the public have reasonable assurance that an actual conflict of interest could not occur. While not meant to be all inclusive, examples of appropriate compensating controls follow:
 - questions of eligibility shall be reviewed by the show superintendent and at least two others who have appropriate industry knowledge but are not employed by WSFP; and
 - questions as to judging decisions shall be reviewed by the show superintendent or program manager and at least two others who have appropriate industry knowledge but are not employed by WSFP.

In all cases, WSFP managers should discuss the review of the Potential Conflict of Interest Report with applicants to ensure their understanding of issues and agreement as to a change in job placement to a different competition than applied for, or compensating controls needed to protect the integrity of a competition. The report, including manager comments and necessary controls, shall be signed by the applicant, the manager and the Executive Director with copies provided to employee, the employee's supervisor and human resources.

To ensure participants understand actions taken to control the potential of any ethics or conflicts of interest issues, information on WSFP control procedures shall be included in the rules and regulations publications for each competitive program of the WSF, including:

- livestock competitions;
- horticulture, crafts & culinary competitions; and
- 4-H and other youth competitions in which Wisconsin State Fair Park employees are involved.

For additional information on this subject, contact the Wisconsin State Fair Park Executive Director at (414) 266-7020

Wisconsin State Fair Park Board Resolution Number 014-07

Resolution stating Board policy on ethical conduct of employees and conflicts of interest.

WHEREAS, as identified in Article 3.01(2)-Board Responsibilities, Rules of Procedures of the State Fair Park Board, the Wisconsin State Fair Park Board shall provide overall direction and shall adopt such policies as are necessary for the management of State Fair Park including the supervision and conduct of fairs, exhibits and promotional events at State Fair Park; and

WHEREAS, the Wisconsin State Fair Park Board has determined that it is in the best interest of State Fair Park and its employees to have clear statements as to appropriate employee conduct. Now, therefore be it

RESOLVED that the Wisconsin State Fair Park Board approves the following standards for Wisconsin State Fair Park employee conduct regarding ethical behavior and conflicts of interest:

1. The conduct of persons employed by the Wisconsin State Fair Park shall comply in all respects to the State of Wisconsin's Code of Ethics, Chapter ER-MRS 24, CODE OF ETHICS.
2. Employees shall avoid direct, indirect and apparent conflicts of interest. Such conflicts often occur when an employee's private interest, usually of a personal financial or beneficial nature, is contrary to or in some way undermines his or her job duties and responsibilities.
3. Employees hold a position of public trust and shall not use their positions for personal gain, whether that gain is financial or otherwise. Employees shall not receive compensation other than from their job as a Wisconsin State Fair Park employee for services rendered in any matters that affect any outcome at State Fair Park.
4. Employees shall not directly or indirectly solicit, accept, or agree to accept from another person or entity anything of value that would, or would appear to, influence them in the performance of their job or create an opportunity for the commission of fraud against the State.
5. Employees shall not participate in any business transacted between the Wisconsin State Fair Park and private concerns in which the employee or his or her spouse, children, parents, siblings and other persons permanently residing in the employee's household have a financial or beneficial interest.

Employees and certain members of their family shall not be allowed to own or exhibit any animals or articles in any competition or competitive event in which the employee is involved in either the management (defined as having a role in determining eligibility of entries or having direct or apparent authority over those that determine eligibility) or judging (defined as having a role in the selection of a judge, actual judging, the appeals process after judging is complete or having direct or apparent authority over those in these positions). Family members shall be defined as spouse, children, parents, siblings and other persons permanently residing in the employee's household.

All outside employment or activity is subject to direct and indirect official control, inspection, review, and audit. Employees must obtain prior written approval from the Executive Director for any outside employment or activity.

The Executive Director must obtain prior written approval from the Administrative and Finance Committee for any outside employment or activity conducted by him or her.

Approval shall not be provided for any outside employment or activity which is in conflict with an employee's duties and responsibilities at State Fair Park. Employees shall submit an annual report on outside employment and activity, which shall include a statement certifying that outside employment and activities do not conflict with employment duties and responsibilities, by June 30th of each year to the Executive Director. The Executive Director shall submit an annual report on outside employment and activity, which shall include a statement certifying that outside employment and activities do not conflict with employment duties and responsibilities, by June 30th of each year to the Administrative and Finance Committee.

The Executive Director shall submit a report to the Board of Directors by June 30th of each year that identifies instances of noncompliance with the outside employment and activity policy and a list of outside employment and activity requests that were denied, including the reason(s) for denial. Now, therefore be it

FURTHER RESOLVED that the Executive Director take all actions necessary to effectively implement this policy, including updating rules and regulations for each competitive program operated as part of the State Fair as well as other activities and events produced or undertaken by State Fair Park. Changes to rules and regulations shall be submitted for approval by the appropriate Wisconsin State Fair Park Board committee and special advisory committee by January 31, 2008. Now, therefore be it

FURTHER RESOLVED that one of the rules submitted for approval be a requirement that any ownership or beneficial interest by a State Fair Park employee in any entry in a competitive event be disclosed in entry or other documents. Now, therefore be it

FURTHER RESOLVED that the State Ethics Board shall be contacted for an opinion in situations where there is a significant concern over the application of this policy including its rules and regulations.

Attested to by:

ORIGINAL SIGNED RESOLUTION ON-FILE

Bennie Joyner, Jr., Secretary

September 17, 2007