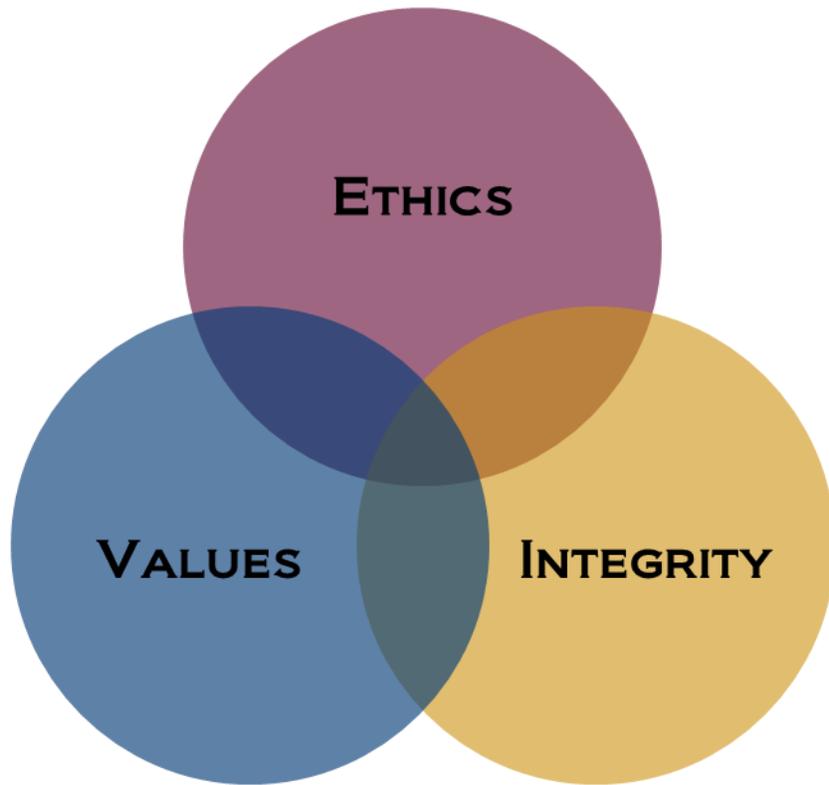


# Code of Conduct

## Conflict of Interest Facilitator's Guide



This is one of two modules that are part of the Code of Conduct training series for local agency staff. Code of Conduct focuses on WIC Program requirements for local agency employees that work with WIC participants and authorized vendors.

# CODE OF CONDUCT: CONFLICT OF INTEREST

<b>Who:</b>	<p><b>Who is this training designed for?</b></p> <p>The WIC Program Manual (WPM) Section 190-00 <i>Staff Training</i> requires that WIC local agencies deliver Code of Conduct training annually. This training is designed for the WIC local agency as a means to meet this requirement.</p>
<b>What:</b>	<p><b>What is this training about?</b></p> <p>This training provides information on WIC Program local agency-vendor conflict of interest requirements and procedures.</p> <p><b>WIC Program authorities that reference confidentiality include:</b></p> <ul style="list-style-type: none"> <li>• WPM 150-10 <i>Conflict of Interest: Local Agencies and Vendors</i></li> <li>• WIC Vendor Agreement, Article I: Termination of Vendor Agreement, Rule 6</li> <li>• Title 7, Code of Federal Regulations (CFR) 246.12 (h)(xix); 246.12 (r); and 246.12 (t)</li> </ul>
<b>Why:</b>	<p><b>Why is this training required?</b></p> <p>Because local agency staff is required to meet a high standard of accountability, it is important that they have a good understanding of Program rules in order to evaluate and address or avoid situations that may potentially create a conflict of interest.</p>
<b>Duration:</b>	2 – 2½ hours
<b>Materials:</b>	<p>Trainee Workbook            Activity Materials            Computer and projector for PowerPoint slides            Pens and pencils            Blank 8 ½-by-11-inch sheets of paper for each trainee</p>
<b>Set-up:</b>	<p>Small groups (2 – 10): use pairs            Medium groups (10-50): use tables of 4-6 trainees            Large groups (50+): use tables of 4-6 trainees</p> <p><b>Note:</b> For larger groups, trainer may want to limit sharing from all table groups and focus more on taking a few responses as time permits.</p>

## Agenda

- |  |            |
|--|------------|
| 1. Welcome and Introductions                         | 5 minutes  |
| 2. Warm-Up Activity, Review of Agenda and Objectives | 10 minutes |
| 3. Definition of Conflict of Interest                | 20 minutes |
| 4. WIC Conflict of Interest Policy and Requirements  | 15 minutes |
| 5. Identifying Conflict of Interest                  | 20 minutes |
| 6. Putting It into Practice                          | 30 minutes |
| 7. Disclosure Process                                | 10 minutes |
| 8. Closing Remarks and Evaluation                    | 10 minutes |

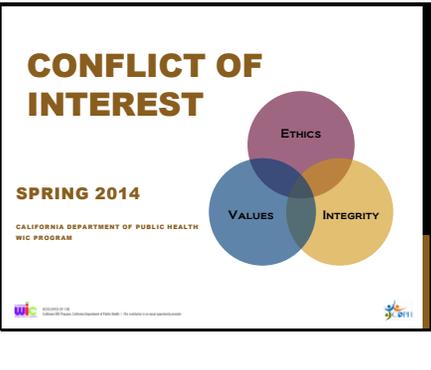
## **Objectives**

At the end of this training, trainees will be able to:

- Understand the meaning of conflict of interest
- Understand California WIC policies regarding conflict of interest
- Become familiar with evaluating and addressing situations that might create a conflict of interest

**Purpose: To welcome trainees, introduce trainer(s), and conduct warm-up activity.**

Slide 1



**Welcome** trainees  
**Introduce** trainer(s)  
**Housekeeping:** Training duration (2-2.5 hours)/break time  
**Review** Agenda and Objectives (pp. X & Y in workbook)

Slide 2



**Warm-up Activity: Tear It Up!**

**SAY:** Let's start with an exercise about communicating clearly. Please pick up your blank sheet of paper and hold it in front of you. Now, close your eyes and follow the directions I will give you – and no peeking! Oh, and you cannot ask questions either.

Give the following directions, carrying them out yourself with your own sheet of paper, pausing after each instruction to give the group time to comply.

**SAY:** The first thing I want you to do is fold your sheet of paper in half.

Now tear off the upper-right hand corner.

Fold it in half again, and tear off the upper left-hand corner of the sheet.

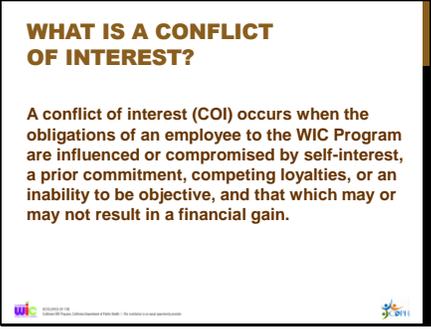
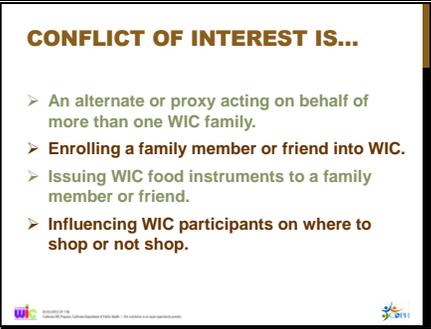
**Look** to make sure all tearing is completed.

**SAY:** Now open your eyes and let's see what you have. If I did a good job of communicating and you did a good job of listening, all of our sheets should look the same!

**Hold** your sheet up for everyone to see. It is highly unlikely any sheet will match yours exactly. Observe the differences. There will probably be laughter.

**ASK:** Why doesn't anyone's paper match mine? (You will probably get responses like, "You didn't let us ask questions," or "Your directions could be interpreted in different ways.")

**SAY:** What this shows us is that understanding the message is just as important as how it is communicated. Conflict of interest can be confusing and there are a lot of gray areas. This training will help clarify these areas.

3. Definition of Conflict of Interest		20 minutes
<p><b>Purpose: To familiarize trainees with the scope of what information is identified as conflict of interest by WIC.</b></p>		
Slide 3	 <p><b>PURPOSE</b></p> <ul style="list-style-type: none"> <li><b>Requirement</b> <ul style="list-style-type: none"> <li>Local agency written policy</li> <li>Ensure no conflict of interest</li> </ul> </li> <li><b>Education</b> <ul style="list-style-type: none"> <li>What is conflict of interest?</li> <li>How does this affect me?</li> </ul> </li> <li><b>Dialogue</b> <ul style="list-style-type: none"> <li>Materials to reinforce</li> <li>Examples to practice</li> </ul> </li> </ul>	<p><b>SAY:</b> WIC Federal and State regulations, as described in the WIC Program Manual, require local agencies to have written policy so we can avoid conflict of interest. The WPM also requires that we conduct annual staff training on conflict of interest and have staff sign a <i>Conflict of Interest Statement</i> that says we <u>understand</u> the WIC Program’s Conflict of Interest policy.</p> <p><b>Facilitator Note:</b> There is no specific date or timeline for this training, but it must be conducted at least once every twelve months.</p>
Slide 4	 <p><b>WHAT IS A CONFLICT OF INTEREST?</b></p> <p>A conflict of interest (COI) occurs when the obligations of an employee to the WIC Program are influenced or compromised by self-interest, a prior commitment, competing loyalties, or an inability to be objective, and that which may or may not result in a financial gain.</p>	<p><b>ASK:</b> Who will tell me what conflict of interest means to them?</p> <p><b>SAY:</b> Another way to think of conflict of interest is “conflict of roles.” Or a situation where someone could question your motivation... for example, why didn’t you have someone else distribute your neighbor’s food instruments, or why you encouraged a participant to shop at the grocery store you shop at every week.</p> <p>Basically, a <b>conflict of interest</b> is when a local agency staff person’s decisions are influenced by their personal interests, or they appear to be influenced and raise questions.</p>
Slide 5	 <p><b>CONFLICT OF INTEREST IS...</b></p> <ul style="list-style-type: none"> <li>&gt; An alternate or proxy acting on behalf of more than one WIC family.</li> <li>&gt; Enrolling a family member or friend into WIC.</li> <li>&gt; Issuing WIC food instruments to a family member or friend.</li> <li>&gt; Influencing WIC participants on where to shop or not shop.</li> </ul>	<p><b>ASK:</b> Do you think a conflict of interest is only something that is done intentionally? Why or why not?</p> <p><b>Allow</b> time for trainee responses and conversation.</p> <p>Answer: No, sometimes it is just perception or misunderstanding. But it is our responsibility to avoid deliberate and unintentional conflicts of interest.</p> <p><b>SAY:</b> Let’s look at some examples.</p>

Slide 6	<p><b>CONFLICT OF INTEREST IS...</b></p> <ul style="list-style-type: none"> <li>&gt; Favoritism toward any vendor.</li> <li>&gt; WIC employee or their spouse being the owner of a WIC authorized vendor.</li> <li>&gt; Receiving benefits from a vendor.</li> </ul> 	<p><u>Facilitator Note:</u> After this section, offer a 10-minute break.</p>
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**4. WIC Conflict of Interest Policy and Requirements 15 minutes**

**Purpose: Familiarize trainees with the Program requirements for conflict of interest rules.**

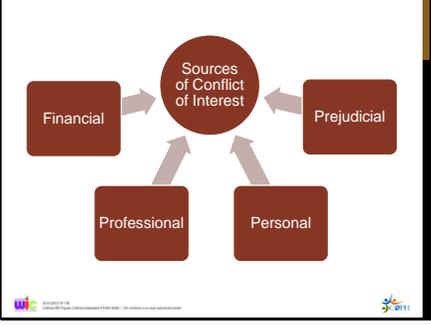
Slide 7	<p><b>LOCAL WIC AGENCY REQUIREMENTS (WPM 150-10)</b></p> <ol style="list-style-type: none"> <li>1. Establish a COI policy.</li> <li>2. Ensure no COI exists.</li> <li>3. Have staff sign a COI statement.</li> <li>4. Make the COI policy and statement available to the State Agency.</li> </ol>	<p><b>SAY:</b> This is what is required by the State WIC Office.</p> <ul style="list-style-type: none"> <li>• Local agencies establish a COI policy <i>by educating and supervising staff. Education like this training.</i></li> <li>• Local agencies have to make sure there is no conflict of interest <i>like those we discussed on the last two slides</i></li> <li>• All staff, State and local agency WIC, have to sign a Conflict of Interest statement <i>upon employment and once every three years to coincide with the local agency's contract cycle</i></li> <li>• If requested, we must provide the State with a copy of the local agency COI policy and statement</li> </ul>
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Slide 8	<p><b>LOCAL WIC AGENCIES MAY...</b></p> <p>Establish their own COI policy and statement</p> <p>Use the same criteria covered in WPM 150-10</p> 	<p><b>SAY:</b> The State allows local agencies to create their own COI policy and statement, as long as it contains the same criteria covered in WPM 150-10.</p>
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Slide 9	<p><b>WHAT IS OUR LOCAL AGENCY'S CONFLICT OF INTEREST POLICY?</b></p> 	<p><b>ASK:</b> Who can tell me something about our local agency conflict of interest policy and procedures?</p> <p>Enter either:</p> <ul style="list-style-type: none"> <li>• Is the same as the State WIC COI policy, OR</li> <li>• Add some descriptive bullets if you want, or just verbally describe the policy.</li> </ul>
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<b>5. Identifying Conflict of Interest</b>	<b>20 minutes</b>
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**Purpose:** Providing more in-depth detail to help trainees recognize situations that are, or could be perceived as a conflict of interest.

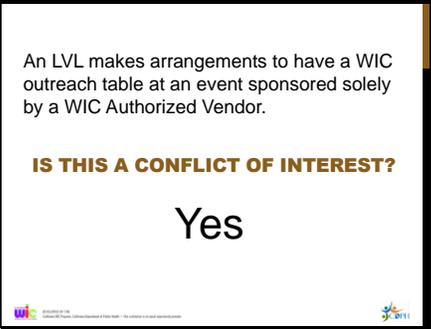
Slide 10		<p><b>SAY:</b> Let's spend some time talking about different ways you might have a conflict of interest situation.</p> <p><b>Financial:</b> This means there is money involved. Or maybe you receive gifts or benefits that influence your opinion.  <b>ASK:</b> Who will share an example of something that might be a financial conflict of interest?</p> <p><b>Professional:</b> The participant probably thinks of you as a WIC expert, which means you could have a lot of influence on their decisions, such as where to go grocery shopping.  <b>ASK:</b> Who will share an example of something that might be a professional conflict of interest?</p> <p><b>Personal:</b> You have a close personal relationship with someone who works for a WIC authorized vendor, and this could be conceived as possibly influencing your opinion.  <b>ASK:</b> Who will share an example of something that might be a personal conflict of interest?</p> <p><b>Prejudicial:</b> This can occur if someone has a bias against a particular type of store, or a person, for example. While entitled to your personal opinion, it shouldn't affect you professionally.  <b>ASK:</b> Who will share an example of something that might be a prejudicial conflict of interest?</p>
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<p>Slide 11</p>	<p><b>WHAT TO LOOK FOR</b></p> <p>When there is a real, potential or perceived competing interest with your function as a WIC local agency employee.</p> 	<p><b>SAY:</b> A conflict of interest exists when your other private interests or activities create an incentive for you to work in a way that may not be in the best interest of the WIC Program.</p> <p>Think about your personal relationships, financial investments, your day-to-day activities like shopping, and decide if anything seems like a conflict of interest. Keep in mind that the situation might not be really obvious, but if something raises questions about your job at WIC, it could be a conflict of interest.</p> <p>In a minute we can look at some scenarios and practice deciding if it seems like there is a conflict of interest, but first, please tell me what is wrong with this situation.  <b>CLICK TO MOVE TO NEXT SLIDE</b></p>
<p>Slide 12</p>		<p><b>WAIT</b> for answers to come up.</p> <p><b>EXPLAIN</b> this is literally the fox guarding the hen house. The fox has a personal motive that will interfere with his responsibilities as security supervisor, and he is more likely to eat the chickens rather than be their bodyguard.</p>
<p>Slide 13</p>	 	<p><b>SAY:</b> Please share your thoughts on what we've just discussed and let me know if you have any questions.</p>

<p>Slide 14</p>	<p><b>EXAMPLE OF COI</b></p> <p>You or any individual related to you by blood or marriage has a financial interest in any grocer authorized to accept WIC food instruments.</p> 	<p><b>SAY:</b> This is an example of a situation that would be considered a conflict of interest. Your spouse may work for a WIC authorized grocer, or you may have purchased stock in a store that is WIC authorized and the better business they do, the higher profit.</p>
<p>Slide 15</p>		<p><b>SAY:</b> Please take a moment to read this slide. As you can see, the patient appears a little concerned that the doctor may be more interested in making money from their investment than doing what is best for the patient's health. An obvious conflict of interest.</p>
<p>Slide 16</p>	 <p><b>TESTING YOUR KNOWLEDGE</b></p> <p>Conflict of Interest Scenarios</p> 	<p><b>SAY:</b> This activity will give us a chance to think about different situations and if they sound like a conflict of interest, based on what we have discussed so far.</p>

<p>Slide 17</p>	<p>An LVL provides a WIC participant the name and location of only a few WIC authorized vendors in the area.</p> <p><b>IS THIS A CONFLICT OF INTEREST?</b></p> <p>Yes</p> 	<p><b>READ</b> slide and advance animation up to the question, “Is this a conflict of interest?” Allow the trainees time to respond and discuss, then advance animation to show the answer.</p> <p><b>ASK:</b> What alternatives do you suggest that will not violate conflict of interest?</p>
<p>Slide 18</p>	<p>A WIC Authorized Vendor has a table set up at a community health fair sponsored by the county health department.</p> <p><b>IS THIS A CONFLICT OF INTEREST?</b></p> <p>No</p> 	<p><b>READ</b> slide and advance animation up to the question, “Is this a conflict of interest?” Allow the trainees time to respond and discuss, then advance animation to show the answer.</p>
<p>Slide 19</p>	<p>A local agency WNA recommends large chain stores to a WIC participant because she believes these stores stock all the WIC foods and provide better customer service.</p> <p><b>IS THIS A CONFLICT OF INTEREST?</b></p> <p>Yes</p> 	<p><b>READ</b> slide and advance animation up to the question, “Is this a conflict of interest?” Allow the trainees time to respond and discuss, then advance animation to show the answer.</p> <p><b>ASK:</b> What alternatives do you suggest that will not violate conflict of interest?</p>

<p>Slide 20</p>	<p>A local agency site supervisor allows a WIC authorized vendor to place their weekly ad in the local WIC agency waiting area.</p> <p><b>IS THIS A CONFLICT OF INTEREST?</b></p> <p>Yes</p> 	<p><b>READ</b> slide and advance animation up to the question, “Is this a conflict of interest?” Allow the trainees time to respond and discuss, then advance animation to show the answer.</p> <p><b>ASK:</b> What alternatives do you suggest that will not violate conflict of interest?</p>
<p>Slide 21</p>	<p>A participant says they are new in town and would like a list of authorized vendors. The local agency front desk staff gives her a list of all the vendors in her neighborhood.</p> <p><b>IS THIS A CONFLICT OF INTEREST?</b></p> <p>No</p> 	<p><b>READ</b> slide and advance animation up to the question, “Is this a conflict of interest?” Allow the trainees time to respond and discuss, then advance animation to show the answer.</p>
<p>Slide 22</p>	<p>A local agency Breastfeeding Peer Counselor encourages participants not to shop at a certain vendor because they are charging WIC shoppers high prices.</p> <p><b>IS THIS A CONFLICT OF INTEREST?</b></p> <p>Yes</p> 	<p><b>READ</b> slide and advance animation up to the question, “Is this a conflict of interest?” Allow the trainees time to respond and discuss, then advance animation to show the answer.</p> <p><b>ASK:</b> What alternatives do you suggest that will not violate conflict of interest?</p>

<p>Slide 23</p>		<p><b>READ</b> slide and advance animation up to the question, “Is this a conflict of interest?” Allow the trainees time to respond and discuss, then advance animation to show the answer.</p> <p><b>ASK:</b> What alternatives do you suggest that will not violate conflict of interest?</p> <p><u>Facilitator Note:</u> After this section, offer a 10-minute break.</p>
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<p><b>6. Putting It into Practice</b></p>	<p><b>30 minutes</b></p>
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**Purpose:** A chance for trainees to practice evaluating different situations to determine if there is, or could be a conflict of interest violation, and discuss why.

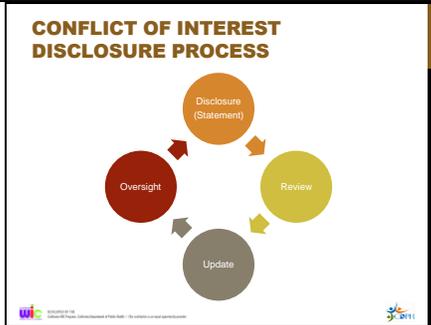
<p>Slide 24</p>		<p><b>SAY:</b> That was a good warm-up with some of the straight-forward COI scenarios. But there are a lot of shades of gray when it comes to deciding whether or not you might have a conflict of interest situation. As you evaluate the different scenarios I’m going to provide to you, the rule of thumb is whether or not your actions could show favoritism or bias, influence someone unfairly, create a questionable situation, etc.</p> <p>For this activity we will (either break into small groups or discuss together, depending on the size of your audience) and talk about these conflict of interest examples. After a few minutes we will discuss as a group.</p>
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7. Disclosure

10 minutes

**Purpose:** Explain the requirements of signing the Conflict of Interest Statement and making sure to update it when needed, as well as the expectation that this information will be monitored by the local agency.

Slide 25



**SAY:** Everyone that works for WIC has to sign a Conflict of Interest Statement. This means there is a process to make sure we have full disclosure. Following the process in the slide, in the top box is the Conflict of Interest Disclosure Statement. After it is signed it will be reviewed by supervisors.

Here are a couple of things to remember:

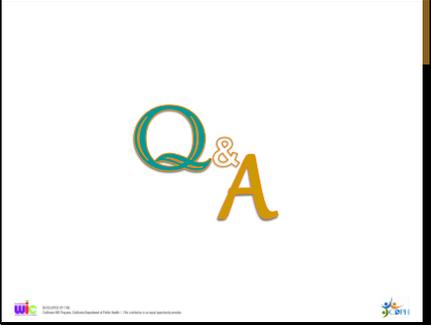
- The Conflict of Interest Disclosure Statement must be signed according to the local agency’s internal policy (at least once every three years).
- After it is signed it will be reviewed by supervisors. If there are questions, the employee can give more information or we can check with the State to ask for clarification.
- If something changes in your life that could affect the possibility for a violation of conflict, it’s important, that you discuss this with your supervisor and sign a new statement that explains what might be a conflict of interest.

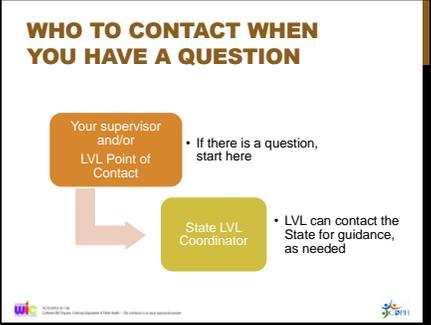
Some examples are:

- You get married... or divorced.
- You receive an inheritance.
- You take a second job.

Oversight means that we are responsible to take action if we see conflict of interest, and work with the State WIC Office as needed.

I want to let you know that the State also holds vendors accountable for COI requirements as they are listed in their WIC Vendor Authorization Agreement.

Slide 26		<p><b>SAY:</b> Today we have talked about what conflict of interest means, and how it might happen on the job, in both big and little ways. The scenarios we discussed gave us a chance to stop and think about how our actions might be intentional or accidental, and that it might look questionable to someone, especially the public.</p> <p><b>ASK:</b> What are your questions about today's training?</p>
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Slide 27	<p><b>WHO TO CONTACT WHEN YOU HAVE A QUESTION</b></p> 	<p><b>SAY:</b> I am available to help answer questions you have on anything we've covered in today's training, and please discuss specific conflict of interest questions with your supervisor.</p>
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<b>8. Closing Remarks and Evaluation</b>	<b>10 minutes</b>
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**Purpose:** To end with a recap of important points; obtain evaluation information; and acknowledge trainees for completing the training.

Slide 28	<p><b>THANK YOU FOR PARTICIPATING!</b></p> 	<p><b>SAY:</b> What we have discussed today comes down to some hard and fast rules:</p> <ul style="list-style-type: none"> <li>• Everyone must sign a Conflict of Interest Statement;</li> <li>• Update the form if something in your life changes;</li> <li>• Do not knowingly do something that could benefit or disadvantage a specific WIC applicant, participant, or vendor; and</li> <li>• When in doubt, ask!</li> </ul> <p><b>THANK</b> trainees for their participation.</p> <p><b>INSTRUCT</b> trainees to tear off and complete the training evaluation at the back of their workbooks.</p>
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## Activity 1 – Answers

### Conflict of Interest Scenarios

1. An LVL provides a WIC participant the name and location of only a few WIC authorized vendors in the area.

**Yes, this is a conflict of interest because the WIC employee is being selective and promoting only specific vendors instead of providing information for all that are in the specified area.**

2. A WIC local agency has a table set up at a community health fair sponsored by the county health department.

**No. It is okay to participate in a health fair event sponsored by the county because there is not a display of preferential treatment when the county is the only sponsor.**

3. A local agency WNA recommends large chain stores to a WIC participant because she believes these stores stock all the WIC foods and provides better customer service.

**Yes because this is showing favoritism toward large chain stores and a bias against smaller vendors.**

4. A local agency site supervisor allows a WIC authorized vendor to place their weekly ad in the local WIC agency waiting area.

**Yes because the vendor providing the weekly ad is being promoted in the WIC waiting area, even if it's done in an indirect manner like this.**

5. A participant says they are new in town and would like a list of authorized vendors. The WIC counselor gives her a list of all the vendors in her neighborhood.

**No. It is acceptable to give the participant a current listing of all WIC authorized vendors that are active in a specified area that has been defined by a general geographic parameter like a zip code or city name.**

6. A local agency Breastfeeding Peer Counselor encourages participants not to shop at a certain vendor because they are charging WIC shoppers high prices.

**Yes because this is discriminating against a specific vendor and using professional influence to discourage someone from shopping there.**

7. An LVL makes arrangements to have a WIC table at an event sponsored by a WIC authorized vendor.

**Yes, because the event is sponsored by a vendor and being part of the event shows preferential treatment, possibly giving the appearance that the local WIC agency endorses, and promotes shopping at this vendor.**

## Activity 2 – Answers

### Putting It into Practice

#### Community Events

1. Can local agency staff have a booth or participate in a community event sponsored by a vendor or large chain store that is also WIC authorized?

**No. It shows favoritism on the part of the local agency to be associated with a WIC authorized vendor.**

2. Can local agency staff participate in a community event not sponsored by a WIC authorized vendor, such as the fruit and veggie fest sponsored by *Network for a Healthy California*, that takes place in a WIC authorized vendor's parking lot?

**Yes, as long as the event is not sponsored by the vendor.**

3. Can WIC authorized vendors attend or participate in an event sponsored by a WIC agency, if the invitation is provided to all of their WIC authorized vendors in their service area?

**No. This gives the *appearance* of conflict of interest even if the invitation is extended to all vendors in the service area because the local agency has no control over who actually shows up and is represented.**

#### Infant Formula

4. Can a local agency inform WIC participants which WIC authorized vendor stocks a specific special formula?

**Yes, but only if the formula is a prescribed formula. This cannot be done for all infant formulas.**

#### Outreach

5. Can local agency staff have a booth or table in a WIC authorized store or parking lot to prequalify WIC participants?

**No. This is considered a conflict of interest and appears to endorse the vendor.**

6. Can WIC authorized vendors promote their stores in the medical community, leaving flyers or speaking about WIC at the medical facility's classes?

**No. It is considered a conflict of interest if the solicitation takes place at or near a local agency clinic in the facilities.**

### **Store Tours**

7. Can local agency staff conduct store tours with WIC participants in a WIC authorized store?

**No. This will show a preference toward that vendor.**

### **Vendor Lists**

8. Can a local agency print and post a dated vendor list for its geographical service area and change it every two weeks with a disclaimer that the list may not be all inclusive?

**It is preferred that your agency uses the list on the WIC website. The Excel document on the web allows users to sort the list by zip code or any of the other columns displayed. Go green and refer the participant to the list on the web instead. If your local agency chooses to print out a list, you must replace the list once a week on the same day the vendor list on the WIC website is updated (every Tuesday).**