



PROGRAM INSTRUCTION

SUA-25-PI-19

12/23/2024

TO: Sub-recipients of the State Unit on Aging

FROM: Josie Rodriguez, Administrator, State Unit on Aging

SUBJECT: Conflicts of Interest Policies and Procedures

CONTENT: This Program Instruction specifies the procedure the Nebraska State Unit on Aging will follow to safeguard against conflicts of interest on the part of the State agency, employees, and agents of the State who have responsibilities relating to Title III programs, including area agencies on aging, governing boards, advisory councils, staff, and volunteers in accordance with section 1321.47(a)(9) of the Older Americans Act regulations and all other applicable Federal requirements.

This program instruction provides additional details related to conflicts of interest and should be used in conjunction with Title 15 NAC and all applicable requirements. It specifies that the State Unit on Aging will ensure Area Agencies on Aging and agents administering Title III programs also have policies in place to safeguard against conflicts of interest in accordance with this section of the Act.

The Nebraska State Unit on Aging functions within the Nebraska Department of Health and Human Services. State Unit on Aging employees will ensure compliance with the Conflict of Interest policy outlined in the Nebraska DHHS Workplace Policies.

The State Unit on Aging will ensure the conflicts of interest policies and procedures include mechanisms to identify, avoid, remove, and remedy conflicts of interest in a Title III program at organizational and individual levels, including:

- (1) Ensuring that State agency employees and agents administering Title III programs do not have a financial interest in a Title III program;
- (2) Ensuring that no organization which provides a Title III service is subject to a conflict of interest;
- (3) Conducting annual monitoring with all Area Agencies on Aging to include a review of their conflict of interest policies and procedures.
- (4) Ensuring that no individual or member of the immediate family of an individual involved in the administration or provision of a Title III program has a conflict of interest;

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you

- (5) Prohibiting the officers, employees, or agents of the Title III program from soliciting or accepting gratuities, favors, or anything of monetary value from grantees, contractors, and/or subrecipients, except where policies and procedures allow for situations where the financial interest is not substantial, or the gift is an unsolicited item of nominal value;
- (6) Requiring Area Agencies on Aging and other agencies that operate a Title III program have policies in place to prohibit the employment or appointment of Title III program decision-makers, staff, or volunteers with a conflict that cannot be adequately removed or remedied;
- (7) The State Agency will require a Title III program to take the following actions in order to remedy or remove such conflicts;
 - a. Removing and remedying actual, perceived, or potential conflicts that arise due to an employee or agent's financial interest in a Title III program;
 - b. Requiring that a Title III program takes reasonable steps to suspend or remove Title III program responsibilities of an individual who has a conflict of interest, or who has an immediate family member with a conflict of interest, which cannot be adequately removed or remedied;
 - c. Documenting conflict of interest mitigation strategies, as necessary and appropriate, when a State agency or Title III program operates an Adult Protective Services or guardianship program.
 - d. Notifying the State Unit on Aging of the conflict of interest and actions taken to remedy or remove the conflict of interest.
- (8) The State agency will apply the following disciplinary actions for violations of conflict of interest policies by officers, employees, or agents of the Title III program which are not remedied by the agent;
 - a. The SUA will send a letter notifying the entity of non-compliance.
 - b. Entity must submit to the state unit on aging within 45 days a proposed plan to ensure compliance with all applicable guidance.
 - c. Failure to comply with the submission and compliance of the plan constitutes non-compliance with the Act and may result in withdrawal of designation and follow Title 15 (2) 004, withdrawn of designation procedure.

Individual conflicts include:

- (1) An employee, or immediate member of an employee's family, maintaining ownership, employment, consultancy, or fiduciary interest in a Title III program organization or awardee when that employee or immediate family member is in a position to derive personal benefit from actions or decisions made in their official capacity;
- (2) One or more conflicts between the private interests and the official responsibilities of a person in a position of trust;
- (3) One or more conflicts between competing duties; and
- (4) Other conflicts of interest identified in guidance issued by the Assistant Secretary for Aging and/or by State agency policies.

Organizational conflicts include:

- (1) One or more conflicts between competing duties, programs, and/or services; and

(2) Other conflicts of interest identified in guidance issued by the Assistant Secretary for Aging and/or by State agency policies.

If you have questions, please contact the SUA at 402-471-2307 or via email at DHHS.Aging@nebraska.gov.