

TO: HELP Grant Review Board, Kay G., Sue H., John H.,
Barry S., and Anne G.
CC: Evan M., Bob I.
FROM: Jodi Bjornson, General Counsel
RE: HELP Grant issue
DATE: May 16, 2007

Background:

Dave Spencer previously served as Chief of Employer Services for WSI. During that time, Mr. Spencer was instrumental in devising the HELP Grant Program, and, by all accounts, is intimately familiar with the Program. Currently, grants are approved by an internal three-person review board.

After Mr. Spencer's employment with WSI ceased, he apparently began an independent safety consulting business which includes assisting employers in obtaining HELP Grants. Mr. Spencer reportedly will complete the grant application for an employer-client and perform other necessary tasks in the grant approval and award process.

Questions were raised by WSI staff regarding the appropriateness of Mr. Spencer performing this role for an employer/client. Specifically, whether Mr. Spencer had a conflict with this type of activity in light of his integral role in the development and implementation of the HELP Grant Program and whether the HELP Grant Review Board should interact with Mr. Spencer in this capacity.

Issue:

Whether Mr. Spencer's previous employment with WSI legally precludes him from acting as a consultant and assisting employers in obtaining HELP Grants.

Short Answer:

Based on the information relayed to me, I could find no legal authority to support Mr. Spencer's current consultant activities are prohibited.

Explanation:

Mr. Spencer was an at-will state employee. I could find no authority to support his actions in his capacity as a self-employed safety consultant are prohibited. There were no constraints on his separation from WSI and Mr. Spencer is free to exercise his right to engage in the lawful profession of his choice. Nor is there anything found in the WSI Employee Handbook or the Business Code of Conduct that would prohibit WSI staff from interacting with Mr. Spencer as a consultant assisting employers in obtaining HELP Grants.

In the absence of verifiable facts to support an inappropriate arrangement or interaction between WSI employees and Mr. Spencer, or inappropriate conduct on the part of Mr. Spencer that would serve to establish conflict of interest or other concerns, it is my opinion WSI may proceed as usual with the review process in place. Nonetheless, staff should continue to be encouraged to bring concerns of this nature forward to review and address, if necessary.