

## Northwest Workforce Development Board (WDB)

### Conflict of Interest Policy and Code of Conduct

#### A. CONFLICT OF INTEREST POLICY AND PROCEDURE

**Statement of Policy:** *It is the policy and expectation of the Northwest Workforce Development Board (NW WDB) that its Members will fulfill the fiduciary duties applicable to their service as Members of the NW WDB. Due to the legal and statutory structures of the NW WDB, it is expected that conflicts of interest will arise and this policy is intended to provide a framework that will allow the work of the NW WDB to be achieved without the fact of or appearance of impropriety. **Where this document references “Member” it shall mean any agent, WDB employee, WIOA subcontractor employee, officer, Committee Member, Ex-Officio, non-voting Member and Board Member.** The NW WDB and all other agencies receiving direct financial assistance through the Workforce Innovation and Opportunity Act (WIOA) in the Northwest Missouri region shall avoid conflict of interest, real or apparent, by observing the following requirements:*

1. NW WDB is required under state law and the federal Workforce Innovation and Opportunity Act of 2014 (WIOA) to have policies to address conflicts of interest, among other things. The fiduciary duties of Members under state law and the WIOA include, without limitation, a continuing responsibility to scrupulously comply with conflicts-of-interest principles (DWD Issuance 15-2011).
2. Each Member shall sign an Attestation denoting that the Conflict of Interest and Code of Conduct Policies have been read, are understood, and that the Member pledges to conduct him/herself in accordance with such policies and procedures during their service to the Board.
3. Each Member must also provide a disclosure of potential conflicts created by his or her position(s) outside of their service to the NW WDB. Such conflicts are detailed on the Disclosure of Conflict(s) of Interest form.
4. No Members shall use his or her position, or the knowledge obtained from his or her position, in such a manner that conflicts with the interest of the NW WDB or results in personal gain to the Member, or a third party that the Member is employed by, has a fiduciary relationship with, or to whom the Member provides services.
5. Any Member that has, or believes he or she has, a conflict of interest must disclose such potential conflict in accordance with the procedures established by the NW WDB in this policy and shall do so in writing on a prescribed form. In accordance with WIOA Section 107 (h) *“A member of a local board, or a member of a standing committee, may not— (1) vote on a matter under consideration by the local board— (A) regarding the provision of services by such member (or by an entity that such member represents); or (B) that would provide direct financial benefit to such member or the immediate family of such member; or (2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan. “*

The following are deemed conflicts of interest that create a duty of the Member to fully disclose such interest immediately:

- i. If Member has a significant personal financial interest in a proposed transaction involving the NW WDB.
  - ii. If Member is employed by, or is Trustee, Director, or Officer of any individual, organization or entity that shall have a financial interest in a proposed transaction involving the NW WDB.
  - iii. If a Member represents a third party either through personal, professional, or confidential relationship and such party shall have a financial interest in a proposed transaction involving the NW WDB.
  - iv. No Member shall solicit or accept gratuities or favors from suppliers or potential suppliers, including subcontractors.
  - v. No Member shall participate in the selection, award or administration of a procurement supported by WIOA funds where, to the individual's knowledge, any of the following has a financial or substantial interest in any organization which may be considered for award:
    - a. the Member is a vendor for the goods or services;
    - b. the Member is a subcontractor of a vendor for the goods or services;
    - c. the Members serves in a board capacity for any such vendors or subcontractors.
    - d. the Member is from an organization which employs, or is about to employ, any of the above.
6. In the event that a NW WDB Member has an interest, directly or indirectly, in a business entity that would have a direct pecuniary effect due to any official action taken by the NW WDB, the Member shall declare, before a vote or discussion on the matter, the nature and extent of the interest and shall not voluntarily discuss the proposed NW WDB action. A Member shall not be excluded from the meeting following such declaration. Furthermore, this limitation on discussion shall not prohibit the Member from providing factual information in response to direct questions concerning the matter from other Members. The disclosure shall be reflected in the minutes of the meeting of the NW WDB.
7. If an award of funding is made with Member violating the requirements of this procedure, the NW WDB Executive Committee is empowered to immediately suspend the obligation; the suspension subject to review at the next regular or special meeting of the NW WDB. The balance of the Board, excluding the Member(s) with potential conflict, will then determine what final corrective actions are

necessary; actions that could include removal of the Member, suspension of the obligation, termination of the obligation, or civil action to recover any monetary damages.

8. This policy is not meant to rule out transactions between the NW WDB and other persons or entities where an interest or a relationship between the Member and such a person or entity exists which require proper disclosure and which are documented as being the outcome of established Procurement Policies, and are determined to be in the best interest of the NW WDB.

9. Nothing in this policy should be construed to prevent any Member's participation in WIOA programs. NW WDB membership should not result in an employer receiving any more or any less consideration for trainees. What is important is to insure that the officer, employee, agent or NW WDB Member does not approve his/her own training package, or contract for services, but that the system of approval allows for objective determinations.

## **B. CODE OF CONDUCT**

A written set of standards (Code of Conduct) governing the performance of the WDB and its employees, officers, or agents related to real or apparent conflicts of interest is a requirement (29 CFR 95.42). The following standards shall apply for the WDB, its employees and its Youth Council Members:

1. Adherence to the Conflict of Interest Policies.

2. Adherence to procurement procedures that serve to minimize the appearance of conflicts, in addition to eliminating actual conflicts. Members who represent One Stop Operators, Partners or actual or potential Service Providers and who serve on committees that oversee the One Stop System or the allocation of resources that would potentially be allocated to their programs shall refrain from discussing or voting on any matter that would impact the programs they represent.

3. A Member's employer may not participate in any way in a future bid on procurement where the Member helped to draft specifications. In order to avoid potential conflicts as circumstances change, Members whose employers may wish to participate in a future procurement will refrain from involvement in specification development or procurement processes.

4. A Member shall not become a recipient, directly or indirectly, of any salary payments or loans or gifts or any free service or discounts or other fees from or on behalf of any person or organization engaged in any transaction with the NW WDB except that a disclosed token gift of a value within applicable Federally allowable maximums may be approved by the Executive Committee.

## Northwest Workforce Development Board

### Conflict of Interest Policy and Code of Conduct Board Member

I, \_\_\_\_\_, a Member of the Northwest Workforce Development Board do hereby attest and affirm that I have read and understand the Conflict of Interest Policy and Code of Conduct duly adopted on March 21, 2012.

I also hereby declare and promise to carry out my responsibilities in relation to upholding the Conflict of Interest Policy and Code of Conduct during my term as a Board Member.

Board Member

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Northwest Workforce Development Board

### **Conflict of Interest Policy and Code of Conduct WDB Committee Member, Ex-Officio, Non-voting NW WDB Member, WDB Staff and Subcontractor Staff**

I, \_\_\_\_\_, a staff member of the Northwest Workforce Development Board, staff member of WIOA subcontractor, member of a WDB Committee, or Ex-officio, non-voting NW WDB Member do hereby attest and affirm that I have read and understand the Conflict of Interest Policy and Code of Conduct duly adopted on March 21, 2012.

I also hereby declare and promise to carry out my responsibilities in relation to upholding the Conflict of Interest Policy and Code of Conduct during my tenure as a WDB Committee Member, Ex-Officio, non-voting NW WDB Member, WDB or subcontractor staff.

Member

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

# Northwest Workforce Development Board

## Disclosure of Conflict(s) of Interest

I, \_\_\_\_\_, a Member of the Northwest Workforce Development Board of Directors, NW WDB Committee Member, Ex-officio, non-voting NW WDB Member, WDB Staff Member, or WIOA Subcontractor Staff Member hereby disclose the following conflict(s) of interest with another position that I hold outside of the WDB.

- I have no conflicts to disclose.
- I represent a private sector employer that has current business/contractual dealings with the NW WDB, or one or more of the One Stop Operators, Partners, or other WIOA-funded service providers.
- I have a family member who is employed by a current or potential WIOA-funded service provider or by another organization that provides services directly to the NW WDB.
- I serve in a board capacity for a WIOA-funded, or potential WIOA-funded service provider/subcontractor.
- I represent a WIOA-funded service provider/subcontractor.
- I represent a One Stop Operator.
- I represent a One Stop Partner.
- Other: (please describe nature of the conflict)

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For the reasons stated above, I promise and attest that I will hereby declare, before a vote or discussion on the matter, the nature and extent of the conflict. I will hereby voluntarily withhold from participating in any discussions pertaining to this matter and abstain from voting on the subject. I further understand that this shall not prohibit me from responding to any direct questions on the matter from other Members.

Member Signature

Witness Signature

Signed: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

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