

SW Workforce Investment Board Conflict of Interest Policy and Code of Conduct

Conflict of Interest Policy

In compliance with Workforce Innovation and Opportunity Act Section 107 (h)(1-2), Uniform Guidelines § 200.112 and 200.318, DWD Policy Issuance 19-2016, Section 3.6 of the WIB's bylaws, and the DWD Financial Manual (July 2016) each LW Board must establish a conflict of interest and code of conduct policy. These policies will ensure that Members of the Board, WIB staff, Chief Elected Official (CEO) designee(s), and staff of WIOA subcontractors entrusted with public funds will not personally or professionally benefit from the award or expenditure of such funds.

- a. Prohibit board members, officers, agents, and employees (**as may be applicable**) from entering into discussion or voting on any matters where they have a conflict of interest (real, implied or apparent). This limitation on discussion shall not prohibit board members, officers, agents, and employees (hereinafter "members") from providing factual information in response to direct questions concerning the matter from other members. The disclosure must be reflected in the minutes of the meeting of the sub-recipient;
- b. Prohibit members from soliciting or accepting gratuities, favors, or anything of monetary value from awardees, potential awardees or other parties to agreements;
- c. Prohibit members from bidding on, casting a vote on, or participating in any decision-making capacity on the provision of services by themselves or any organization they represent;
- d. Prohibit members from receiving any direct financial benefit from any resulting contract which they participated in the development of Invitations for Bid, Requests for Proposals, contract specifications/standards, board discussion/decision related to specific terms of a contract, or other bid processes leading to the award of a contract;
- e. Prohibit members from participating in selection, or in the award or administration of a contract supported by Federal funds with a real or apparent conflict involving members, any member of their immediate family, their partner(s), or the organization which employs (or is about to employ) any of the above, or has a financial or other interest in any of the above;
- f. Require all members to disclose a potential or actual conflict of interest to the sub-recipient as soon as the conflict is discovered and, to the extent possible, before the agenda for taking action on the matter is prepared. If a conflict is discovered during a meeting, members must verbally declare a conflict and such declaration must be clearly noted in the minutes;

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- g. Require members to sign an annual attestation of review and adherence to the Conflict of Interest Policy and Procedures and Code of Conduct;
- h. Provide for disciplinary action to be applied for violations of above standards.

Forms signed by members must be maintained by the Sub recipient and will be reviewed by the DWD Financial Management Unit or Quality Assurance staff during their annual monitoring visits.

Each board member shall sign an attestation denoting that the conflict of interest and code of conduct and that the member pledges to conduct him/herself in accordance with such policies during their service to the Board.

All WIB staff and WIOA subcontractor staff shall sign an attestation denoting that the conflict of interest and code of conduct policies and that the employee pledges to conduct him/herself in accordance with such policies during employment with the WIB or the WIOA subcontractor.

When a potential conflict of interest is identified, members must abstain from voting or approving the specific matter.

In accordance with WIOA Section 107 (b) (1-2) 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.

No member shall use his or her position, or the knowledge obtained from his or her position, in such a manner that conflict with the interests of the WIB or results in personal gain to:

- The Member
- A third party that employs the Member
- A third party with whom the member has a fiduciary relationship
- A third party to whom the Member provides services.

The following are interpreted as conflicts of interest that create a duty to fully abstain from votes or approval processes

- Has a significant personal financial interest in a proposed transaction involving the WIB.
- 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 WIB.

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- 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 WIB.
- Shall not 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 officer, employee, agent or board member;
 - b. any member of his or her immediate family; his or her partner, or; person or organization which employs, or is about to employ, any of the above.

In the event that a board 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 WIB, the board member shall declare, before a vote or discussion on the matter, the potential conflict of interest and shall not voluntarily discuss the proposed WIB action. A board 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 abstention shall be reflected in the minutes of the meeting of the WIB.

In the event that a WIB or WIOA subcontractor employee 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 WIB, the employee should notify WIB management and refrain from participating in procurement or transaction approval processes.

If an award of funding is inadvertently made that violates the requirements of this procedure, the WIB Executive Committee is empowered to immediately suspend the obligation and the suspension shall be subject to review at the next regular or special meeting of the WIB. The balance of the board, excluding any 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.

This policy is not intended to rule out transactions between the WIB 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 WIB.

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

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This Code of Ethics has been developed to create awareness of, and bring attention to, the expectations of how the members or the Workforce Investment Board of Southwest Missouri are to conduct themselves.

By signing this document:

- I will conduct all member responsibilities with fairness, honesty, and integrity.
- I will avoid all Conflicts of Interest, real or perceived, or any other improprieties.
- I will treat all board members, staff personnel, represented agencies, both public and private, all guests, and any other persons with whom I have contact in the course of my duties as a board member, with dignity and respect.
- I will help create and sustain an atmosphere conducive to the spirit of this code.

I, _____, do hereby attest and affirm that I have read and understand the Conflict of Interest Policy and Code of Conduct duly adopted on December 18, 2012 and revised on July 28, 2017.

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 Board Member, Board Staff or Subcontractor Staff.

Staff Member

Signed: _____

Print Name: _____

Date: _____

Witness

Signature: _____

Print Name: _____

Date: _____