



---

## Workforce Innovation and Opportunity Act Policies and Procedures

---

### CODE OF CONDUCT and CONFLICT OF INTEREST POLICY

**Policy Number: 3006**

**Effective Date: 07-01-2015**

**SUPERSEDES:** Conflict of Interest Policy # 42-52-1212, effective December 6, 2012

---

#### **PURPOSE:**

The Pierce County Workforce Development Council (WDC) is committed to maintaining the highest of standards of ethical conduct and to guard against problems arising from real, perceived, or potential conflict of interest. All partners at all levels of participation in the WorkSource System funded by the Workforce Innovation and Opportunity Act (WIOA) are expected to read, understand and apply this policy to ensure system integrity and effective oversight of the WorkSource System.

Standards of conduct covering conflicts of interest governing the performance of WorkForce Central employees may be found in WorkForce Central's Personnel Rules and Regulations, Article 11.

#### **BACKGROUND**

Grantees, subrecipients and contractors funded under WIOA must implement codes of conduct and conflict of interest policies and procedures as stipulated in WIOA law, regulations and guidance; Office of Management and Budget (OMB) Circulars; State regulations; and State WIOA policies. A conflict of interest policy is required to ensure that individuals or representatives of organizations entrusted with public funds will not personally or professionally benefit from the award, administration, or expenditure of such funds.

In addition, the Pierce County WDC recognizes that by its very composition, conflicts of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for the WDC members to be sensitive and error on the side of caution when potential or real conflict or fairness matters occur.

To accomplish these purposes, the WDC establishes the following definitions, actions, and guidelines for interpretation.

#### **Code of Conduct:**

During the performance of duties, your actions are a reflection upon the Pierce County WDC as well as a reflection upon you. It is extremely important that all WDC and committee members, including subrecipients, contractors and WorkSource Partners act in a courteous, friendly, helpful and prompt manner in dealing with the public, customers and officials.

#### **Ethical Principles:**

- **Compliance with the Law:** It is the WDC's policy to be knowledgeable of and comply with all applicable laws and regulations of the United States and the State of Washington in a manner that will reflect a high standard of ethics. Compliance does not comprise one's entire ethical

responsibility; rather it is a minimum, and an essential condition for adherence to mission and duties.

- **Professional Standards:** It is the WDC's policy that its representatives be knowledgeable of emerging issues and professional standards in the field and conduct themselves with professional competence, fairness, efficiency and effectiveness.

#### **Guidelines for Interpretation:**

Areas of concern are those actions or lack of actions which may lead to conflict of interest or the appearance of conflict of interest or to a perception of unfairness related to WDC business outside Council and Committee meetings. Specific areas which may pose problems include but are not limited to, comments made in public, information sharing, and disclosure of associations.

**Comments Made in Public:** WDC and committee members are encouraged to act in a public relations capacity for the Pierce County WDC. This includes public speaking engagements and comments in a public forum. Because there is interest in WDC actions, members should differentiate between descriptive comments, which relate to actions already taken by the Council, and statements, which imply future WDC decision-making, or the ability to influence decision-making.

**Information Sharing:** WDC and committee members are encouraged to share information with the community about WDC activities. To the extent possible, access to information regarding procurement of services should be available at the same time and under the same circumstances to all parties. Such information includes the Operations Plan, request for proposals, notice of meetings, meeting minutes, and policies.

**Disclosure of Associations:** WDC and committee members have professional and personal associations throughout the community. Such associations have been and will continue to be of significant benefit to the WDC. Where a direct or indirect financial conflict of interest exists, a WDC or committee member may not vote or serve on a rating team. When associations raise appearance of fairness as an issue, WDC and committee members should qualify statements in public by disclosing the association and minutes of the meeting should reflect the disclosure.

#### **CONFLICT OF INTEREST POLICY:**

1. Each grant recipient and subrecipient must maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of WIOA contracts and sub grants.
2. No individual in a decision-making capacity shall engage in any activity if a conflict of interest (real, implied, apparent, or potential) is involved. This includes decisions involving the selection, award, or administration of a sub grant or contract supported by Workforce Innovation and Opportunity Act (WIOA) or any other federal funds.
3. A WDC member or a member of a WDC committee cannot cast a vote or participate in any decision-making about providing services by such member (or by any organization that member directly represents) or on any matter that would provide any direct financial benefit to the member or to the member's organization.
4. Before any public discussions regarding the release of a Request for Proposal, or any matter regarding the release of funding or the provision of services, a WDC member or a member of a WDC committee must disclose any real, implied, apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting should reflect the disclosure.

5. WDC members or a member of a WDC committee or agents of the agencies making awards cannot solicit or accept gratuities, favors, or anything of monetary value from awardees, potential awardees, or other parties to agreements. However, the WDC allows for situations where the gift is an unsolicited item of nominal value worth \$50.00 or less.
6. Disciplinary actions may be taken up to and including termination of board membership for violation of this policy by any individual. The WDC Coordinating Committee may evaluate any violations of these provisions on a case-by-case basis and recommend to the Executive Board, if and what penalties, sanctions or other disciplinary action are appropriate.
7. Individuals shall not use for their personal gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their committee, board or working relationships with the WDC where that information is not available to the public at large, or divulge such information in advance of the time decided by the WDC for its release.
8. One Stop Operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers. [WIOA Section 121 (d)(4)]
9. Any organization that has been selected or otherwise designated to perform more than one function related to WIOA must develop a written plan that clarifies how the organization will carry out its multiple responsibilities while demonstrating compliance with WIOA, corresponding regulations, relevant Office of Management and Budget circulars, and this conflict of interest policy. This plan must limit conflict of interest or the appearance of conflict of interest, minimize fiscal risk, and develop appropriate firewalls within that single entity performing multiple functions. The plan must be agreed to by both the WDC and the Executive Board.
10. Membership on the WDC, or being a recipient of WIOA funds to provide training or other services, is not itself a violation of conflict of interest provisions of WIOA or corresponding regulations.

#### **DEFINITIONS:**

Conflict of Interest - Conflict between the official responsibilities and the private interests of a person or entity that is in a position of trust. A conflict of interest would arise when an individual or organization has a financial or other interest in or participates in the selection or award of funding for an organization. Financial or other interest can be established either through ownership or employment.

Immediate Family - Immediate Family consists of the individuals' parents (including step-parents), spouse, domestic partner, children (including step-children), siblings, grandchildren, grandparents, and any relative by marriage (an "in-law")

Individual - (1) an individual; i.e., officer, or agent, or (2) any member of the individual's immediate family (spouse, partner, child, or sibling), or (3) the individual's business partner.

Organization - A for-profit or not-for-profit entity that employs, or has offered a job to, an individual defined above. An entity can be a partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or a sole proprietor.

**REFERENCES:**

- [Public Law 113-128 Section 101\(f\) - State Board Conflict of Interest](#)
- [Public Law 113-128 Section 102\(b\) \(2\) \(E\) - State Plan Conflict of Interest Assurance](#)
- [Public Law 113-128 Section 107\(h\) - Local Board Conflict of Interest](#)
- [Public Law 113-128 Section 121\(d\) \(4\) - One-Stop Operators](#)
- [Proposed 20 CFR 679.430 Proposed 679.130\(f\) \(1\) through \(3\) - Criteria to certify One Stops](#)
- [Proposed 20 CFR 679.410\(a\) \(3\) and \(c\) - Local board must avoid inherent conflict of interest](#)
- [Proposed 20 CFR 679.430 - Entities performing multiple functions](#)
- [Proposed 20 CFR 683.200\(c\) \(5\) - Administrative Rules, Costs, Limitations – Title I WIOA and Wagner-Peyser](#)
- [29 CFR 97.36\(3\)](#)
- [2 CFR Part 200.112 and 200.318 and Part 2900 - Office of Management and Budget Uniform Guidance on administrative, cost, and audit provisions for federal grants](#)
- [Revised Code of Washington \(RCW\) 42.20.070 - Misappropriation and falsification of accounts by a public officer; RCW 42.20.080 – Other violations by officers](#)
- [RCW 42.52.160 – Use of persons, money or property for private gain](#)

**ATTACHMENT**

Code of Conduct & Conflict of Interest Disclosure

**INQUIRIES**

Direct Inquiries To:  
WorkForce Central  
3650 South Cedar Street  
Tacoma, WA 98409-5714  
(253) 472-8094 or 1-800-999-8168

**APPROVED**

**APPROVED BY WDC**

  
\_\_\_\_\_  
Linda Nguyen, WFC CEO

Date 9/17/15

Date: 9/17/15

**EQUAL OPPORTUNITY - EQUAL ACCESS**

WorkForce Central is an equal opportunity employer and provider of employment and training services. Free auxiliary aids and services are available upon request for individuals with disabilities. Washington Relay Service – 711.