



## Code of Conduct and Conflict of Interest Policy

**Policy Number: 3006, Rev. 1**

**Effective Date: 9-16-20**

**Supersedes:** Code of Conduct and Conflict of Interest Policy # 3006, effective 7-1-15

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### **PURPOSE:**

The Pierce County Workforce Development Council (WDC) and WorkForce Central are 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.

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

To accomplish these purposes, the Pierce County WDC established the following definitions, actions, and guidelines for interpretation.

### **Code of Conduct:**

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

### **Ethical Principles:**

It is the Pierce County 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.

It is the Pierce County 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 Pierce County 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:** Pierce County 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 Pierce County WDC actions, members should differentiate between descriptive comments, which relate to actions already taken by the Pierce County WDC, and statements, which imply future Pierce County WDC decision-making, or the ability to influence decision-making.

**Information Sharing:** Pierce County WDC and committee members are encouraged to share information with the community about Pierce County 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. Additional information to be shared with the community includes the Operations Plan, request for proposals, notice of meetings, meeting minutes, and policies.

**Disclosure of Associations:** Pierce County 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 Pierce County WDC. Where a direct or indirect financial conflict of interest exists, a Pierce County WDC or committee member may not vote or serve on a rating team. When associations raise appearance of fairness as an issue, Pierce County 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 Pierce County WDC member or a member of a Pierce County 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 (RFP), or any matter regarding the release of funding or the provision of services, a Pierce County WDC member or a member of a Pierce County WDC committee must disclose any real, implied, apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting must reflect the disclosure.
5. Pierce County WDC members or a member of a Pierce County 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 Pierce County 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 Pierce County WDC 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 Pierce County WDC where that information is not available to the public at large, or divulge such information in advance of the time decided by the Pierce County 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.
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 Pierce County WDC and the Executive Board.
10. Membership on the Pierce County 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.

Individual - (1) an individual; i.e., employer, 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.

Organizational Conflicts of Interest – Because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

## **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
- 20 CFR 679.130(f)(1) through (3) - State board must use criteria to certify One Stops to avoid inherent conflict of interest
- 20 CFR 679.410(a)(3) and (c) - Local board must avoid inherent conflict of interest
- 20 CFR 679.430 - Entities performing multiple functions





## WorkForce Central

### Conflict of Interest Disclosure Form

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#### ACKNOWLEDGEMENT AND DISCLOSURE FORM

I have read the WorkForce Central Code of Conduct and Conflict of Interest Policy #3006, Rev. 1, and agree to comply fully with its terms and conditions at all times during my service as a Pierce County Workforce Development Council or Committee member. If at any time following the submission of this form I become aware of any actual or potential conflicts of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify the Pierce County Workforce Development Council Chair and WorkForce Central CEO in writing.

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest:

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1. I have received a copy of the WorkForce Central Code of Conduct and Conflict of Interest Policy #3006, Rev. 1.
2. I have read and understand the policy and I agree to comply with this policy.
3. I have disclosed the existence and nature of any financial or competing interest that may give rise to an actual or potential conflict of interest, under the policy.

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

Member Printed Name: \_\_\_\_\_

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