



Conflict of Interest Policy

Approved 01.18.18

PURPOSE: WOWB is committed to guard against problems arising from real, perceived, or potential conflict of interest. This policy serves as guidance to ensure that WIOA title I workforce development activities are conducted in a manner to prevent conflict of interest.

BACKGROUND: Grantees, sub-recipients, and contractors funded under WIOA must implement conflict of interest policies and procedures as stipulated in the WIOA law, Code of Federal Regulations and guidance, Office of Management and Budget (OMB) Circulars, State regulations, and State WIOA policies.

DEFINITION:

- **Firewall:** an established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, including confidentiality and disclosure agreements.

POLICY: A conflict of interest policy is required to ensure that those entrusted with public funds will not personally or professionally benefit from the award, administration, or expenditure of public funds.

Safeguards must be in place, ensuring that stewards of the programs and all those served in the programs are not only eligible and suitable but also protected from being part of the perception of impropriety, and conflict of interest.

A local organization that has been selected to perform more than one role including fiscal agent, one-stop operator, and a direct provider of services must develop a written agreement with WOWB and the Chief Local Elected Official (CLEO) to clarify how the organization will carry out its responsibilities. The agreement must include the terms that demonstrate compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, the organization's conflict of interest policies, and the State's conflict of interest policy.

The State's Conflict of Interest Requirements are as follows:

- 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.
- As specified in 20 CFR § 678.610(c) and in conformity with 20 CFR § 679.430 for demonstrating internal controls and preventing conflict of interest, the written roles and responsibilities and standards of conduct must include a description of the firewalls used to mitigate conflict of interest in circumstances including, but not limited to, situations where the entity acts in more than one role in the one-stop delivery system or performs more than one function in the procurement process as well

as situations in which the non-Federal entity uses a sole source selection.

- 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.
- A WOWB member or a member of a WOWB 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.
- 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 WOWB member or a member of a WOWB 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.
- WOWB members or a member of a WOWB 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.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: WOWB will disseminate the Conflict of Interest Policy to all WOWB contractors, staff and board members. All contractors, staff and board members will be responsible for following this policy.

POLICY ADDITIONS AND CLARIFICATIONS: The WOWDB Staff is authorized to issue additional instructions, guidance, forms, etc., to further implement the requirements of this policy. The WOWDB Executive Director/Staff is further authorized to make needed and necessary compliance changes to this policy as the need arises due to changes in state interpretation or guidance. Periodic changes should be necessary to continually improve the systems. The WOWDB Executive Director/Staff is further authorized to approve any service provider procedures that are needed in order to implement this policy locally. It will not be necessary to have Board approval of Service Provider procedures as WOWDB Executive Director/Staff will approve procedures as necessary and appropriate. Service Providers are cautioned to always be aware of and have a thorough knowledge of current state guidelines that may be issued along with required forms and procedures.