



CODE OF CONDUCT AND CONFLICT OF INTEREST

PURPOSE

This policy is established to provide direction and guidelines on conducting business in an open, sensitive manner that will prevent actual, potential, or questionable conflicts of interest. All Board members, staff, subrecipients, and partners of Workforce Alliance of the North Bay (Alliance) are expected to read, understand and apply this policy to ensure integrity and effective oversight of the Workforce System.

SCOPE

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

RESPONSIBLE PARTY

Workforce Alliance of the North Bay
Regional Workforce Development Board

REFERENCES

- WIOA (Public Law 113-128) Sections 101(f); 102(b)(2)(E); 107(h); 121(d)(4)
- Title 20 CFR "WIOA Final Rule" Sections 697.430; 679.130(f)(1) through (3); 679.410(a)(3) and (c); 679.430; 683.200(c)(5)
- Title 2 CFR Part 200 and Part 2900 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)
- California Fair Political Practices Commission (FPPC) Political Reform Act

DOCUMENTS

- [Workforce Alliance of the North Bay Regional Workforce Development Board Bylaws](#)
- Conflict of Interest Code (COIC) for the Workforce Alliance of the North Bay Board
- [Statement of Economic Interest \(Form 700\)](#)

DEFINITIONS

Conflict of Interest: An employee, officer, agent, or any member of the organization that has interest in a financial gain or tangible benefit and who participates in the selection, award, or administration of a contract supported by a federal award (Uniform Guidance Section 20.318[c][1]).

Conflict of Interest Code: Statement filed with the California Fair Political Practices Commission (FPPC) that reflects the current structure of the organization and properly identifies officials and employees who should be filing Statements of Economic Interests (Form 700s).

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, reporting hierarchy of managers and staff that provide clear separation between job duties and responsibilities, and conflict of interest/confidentiality/disclosure agreements.

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

Individual: An employee, officer, board member, committee member, subrecipient, subcontractor or agent of Alliance.

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.

Partner: A business associate of an individual, whether an equal participant in a business with the individual, a supervisor or sub-ordinate.

Representative: All Alliance Board Members, staff, subrecipients, and partners.

POLICY

I. Code of Conduct

During the performance of duties, individuals' actions are a reflection upon Alliance. It is important that all Board members, staff, subrecipients, and partners act in a courteous and friendly, helpful and prompt manner in dealing with the public, customers, other employees, officials and members of both internal and external organizations of Alliance.

A. Ethical Principles

All Alliance Board Members, staff, subrecipients, and partners hereafter referred to as Representatives shall conduct themselves in an honest and ethical manner, including ethical handling of perceived, potential and actual conflicts of interest between Alliance interests and the personal and financial interests of an Alliance representative.

1. Compliance with the Law

It is Alliance's policy to be knowledgeable of and comply with applicable laws and regulations of the United States and State of California in a manner that will reflect a high standard of ethics. Compliance does not comprise one's entire ethical responsibility; rather it is at minimum, an essential condition for adherence to the organization's mission and duties.

2. Professional Standards



It is Alliance'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.

Representatives should conform with the Alliance nondiscrimination and equal opportunity policy and the provisions under Section 188 of the Workforce Innovation and Opportunities Act prohibiting discriminatory behavior.

3. Ethics Training

Per the Regional Workforce Development Board bylaws, each member shall receive training in ethics. The training will consist of at least two hours of training in general ethics principles and ethics laws relevant to public service every two years. WANB RWDB members will utilize an online training program available via the Fair Political Practices Commission (FPPC) website, [Local Officials Ethics Training Course](#), established to allow local officials to satisfy the requirements of AB 1234 on a cost-free basis. This training will be completed within six months of becoming a member of the board. When the training is finished, the member must print the Certificate of Completion provided at the end and submit it to the WANB staff for filing.

B. 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 Alliance business outside board 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.

1. Comments Made in Public:

Representatives are encouraged to act in a public relations capacity for Alliance. This includes public speaking engagements and comments in a public forum. Because there is public interest in Alliance's actions, Representatives should differentiate between descriptive comments, which relate to actions already taken by the Board, statements which imply future Alliance decision-making, or the ability to influence decision making.

2. Information Sharing:

Representatives are encouraged to share information with the community about Alliance's activities. To the extent possible, access to information regarding Board activities and procurement of services should be available at the same time and under the same circumstances to all parties. Such information includes the local workforce plan, requests for proposals, notice of meetings, meeting minutes, and policies.

3. Disclosure of Associations:

Representatives have professional and personal associations throughout the community. Associations include those which pertain to membership in organizations or contractual agreements between partners, stakeholders, or employers or employees, as well as associations which arise out of custom, shared interests, friendships, or other relationships.

Such associations have been and will continue to be of significant benefit to Alliance. Where a direct or indirect financial conflict of interest exists, Representatives may not vote or serve on a rating team. When associations raise appearance of fairness as an



issue, Representatives should qualify statements in public by disclosing the association and minutes of the Board meeting should reflect the disclosure. Whenever an Alliance representative is in doubt about a possible problem with appearance of fairness, they should disclose the association.

II. Conflict of Interests

- A. Each grant recipient and subrecipient shall maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of Alliance contracts and sub-agreements. This policy can be adopted if none exists. A written acknowledgement adopting this policy must be maintained on record.
- B. 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 contract supported by WIOA or any other federal funds.
- C. 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, an Alliance Board member or Representative must disclose any real, implied or apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting should reflect the disclosure.
- D. An individual of the Board shall not cast a vote, nor participate in any decision-making capacity on the provision of services, or any organization which that individual directly represents, nor any matter which would provide any direct financial benefit to the individual, to the individual's immediate family, or to the individual's organization.
- E. An individual of the Board or Alliance Representative cannot solicit or accept gratuities, favors, or anything monetary value from awardees, potential awardees, or other parties to agreements. However, the Alliance allows for situations where the gift is an unsolicited item of a nominal value worth \$50.00 or less and can be shared by the members of the organization as a whole.
- F. The standards of conduct shall provide for disciplinary action, including termination of employment, board membership or contract for violations of this policy by any individual. The Alliance's Workforce Development Board (WDB) Executive Committee may evaluate any violations of these provisions on a case-by-case basis and recommend to the entire board, if and what penalties and sanctions or other disciplinary actions are appropriate.
- G. Individuals shall not use, for their own private 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 Alliance where the information is not available to the public at large, or divulge such information in advance of the time prescribed for its authorized release.
- H. One-Stop operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers, as specified in this conflict of policy. In the event the WDB staff acts in the capacity of the One-Stop operator, staff must disclose any potential conflict of interests arising from relationships with training providers and other service providers. In addition to the requirement for conflict disclosure the One-Stop operator may not perform any of the following: convening system stakeholders to assist in the development of the local plan; be responsible for oversight of itself, manage or significantly participate in the competitive selection process for One-Stop operators; select or terminate One-Stop operators, career services, and youth providers;



negotiate local performance accountability measures; or develop and submit budget for activities of Alliance.

- I. An 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 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 by both the WDB and the Executive Board.
- J. Membership on the WDB or being a recipient of WIOA funds to provide training or other services, is not by itself a violation of conflict of interest provisions of WIOA or corresponding regulations. Unless and until a situation arises where there is a conflict of interest.

III. Conflict of Interest Code

WANB has adopted the Conflict of Interest Code for the Workforce Alliance of the North Bay Board, that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designed positions must disclose their financial interests as specified in the agency's conflict of interest code. WANB will review the conflict of interest code at least every other year to ensure it remains current and accurate and submit it to the FPPC for certification of approval.

To help identify potential conflicts of interest, the law requires public officials and employees in designated positions in a conflict of interest code to report their financial interests on a form called Statement of Economic Interests (Form 700). The conflict of interest codes and the Form 700s are fundamental tools in ensuring that officials are acting in the public's best interest and not their own. WANB staff will coordinate the completion and filing of the Form 700s for designated positions in accordance with the FPPC.

POLICY UPDATE HISTORY

December 12, 2019 – New Policy

INQUIRIES

Questions regarding this policy can be sent to Operations Unit.

