

# Southwest Iowa Local Workforce Development Board

---

## Conflict of Interest Policy

**Date Adopted:** January 24, 2022

**Effective Date:** January 24, 2022

### **References:**

Public Law 113-128 Section 107(h) - Local Board Conflict of Interest

Public Law 113-128 Section 121(d) (4) - One-Stop Operators

### **Purpose**

The Southwest Iowa Workforce Area (SWIWA) 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 workforce 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 workforce system.

### **Background**

Grantees, sub-recipients 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 Southwest Iowa Workforce Development Board (SWIWDB) recognizes that by its very composition, conflicts of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for the SWIWDB members and members of its standing committees to be sensitive and err on the side of caution when potential or real conflict or fairness matters occur.

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

### **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 SWIWDB

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.

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

**Information Sharing:** SWIWDB and committee members are encouraged to share information with the community about SWIWA 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 request for proposals, notice of meetings, meeting minutes, and policies.

**Disclosure of Associations:** SWIWDB and committee members have professional and personal associations throughout the community. Such associations have been and will continue to be of significant benefit to SWIWA. Where a direct or indirect financial conflict of interest exists, a SWIWDB or committee member may not vote or serve on a rating team. When associations raise appearance of fairness as an issue, SWIWDB 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 sub-recipient 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 SWIWDB member or a member of a board 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 SWIWDB member or a member of a board 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. SWIWDB members or a member of a board 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.
6. Disciplinary actions may be taken up to and including termination of board membership for violation of this policy by any individual. The SWIWDB Executive Committee may evaluate any violations of these provisions on a case-by-case basis and recommend to the CEOs, 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 SWIWDB where that information is not available to the public at large, or divulge such information in advance of the time decided by the SWIWDB 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 the SWIWDB
  10. Membership on the SWIWDB, 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.
  11. SWIWDB Members must disclose any conflicts or potential conflicts to the LWDB Executive Committee within five business days of said conflict. Declarations can be made using the Conflict of Interest Declaration Form (Attachment A).

## **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, and grandparents.

*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.

**ATTACHMENT A**

**Southwest Iowa Local Workforce Area  
Conflict of Interest Declaration Form**

I, \_\_\_\_\_, a Member of the Southwest Iowa Workforce Development Board or committee, Chief Elected Officials (CEO), or staff member hereby affirm that I have read and understand the Conflict-of-Interest Policy. I also hereby declare and promise to carry out my responsibilities in relation to upholding the Conflict-of-Interest Policy during my term as a Board Member, Committee Member, CEO, or Staff Member.

I disclose the following conflict(s) of interest:

**Check All That Apply:**

\_\_\_\_ I represent an organization that has current business/contractual dealings with SWIWA or one or more of its Core or Required WIOA Partners, or other WIOA funded Service Providers/Contractors.

\_\_\_\_ I have an immediate family member(s) who is employed by a current or potential WIOA funded Service Provider/Contractor or by another organization that that has current business/contractual dealings with SWIWA, or one or more of its Core or Required WIOA Partners, or other WIOA funded Service Providers/Contractors.

\_\_\_\_ I represent a WIOA funded Service Provider/Contractor.

\_\_\_\_ I represent an entity that provides monitoring and/or oversight of SWIWA or any of its partners.

\_\_\_\_ I represent a WIOA Core or Required Partner.

\_\_\_\_ Other: \_\_\_\_\_

For any conflicts checked above, please describe the nature of the conflict(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ I have no conflicts at this time.

I have received a copy, read, and fully understand the Southwest Iowa Workforce Area, (SWIWA) Conflict of Interest Policy and agree to abide by its requirements.

For the reasons stated above, I promise and attest that I will hereby declare, before a vote or discussion on the matter, the nature and extent of any conflict. I will hereby voluntarily withhold from participating in any discussions pertaining to this matter and abstain from voting on the subject. I further understand that this shall not prohibit me from responding to any direct questions on the matter from other Members. I further understand that my duty to disclose conflicts hereunder is an ongoing duty and I will continue to abide by this Policy as long as I remain a Member of: the SWIWA Chief Elected Officials, the SWIWDB or its Committees, or the SWIWDB Staff.

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

Print Name: \_\_\_\_\_

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