



## CONFLICT OF INTEREST

### **Workforce Innovation and Opportunity Act Policies and Procedures**

**EFFECTIVE DATE:** April 19, 2019

**POLICY #:** A403

#### **I. PURPOSE**

To provide the Seattle-King County Workforce Development Council (WDC) a Code of Conduct to maintain fairness and equity in its decision-making and awarding and allocation of Workforce Innovation and Opportunity Act (WIOA) monies as well as any other monies received by the WDC.

#### **II. BACKGROUND**

A conflict-of-interest policy ensures 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. As recipients of public funds, the WDC must assure that its staff, directors, and contractors use these resources for the benefit of the public rather than for personal benefit.

#### **III. DEFINITIONS**

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

#### **IV. POLICY**

- A. For Individuals** -

1. No individual shall participate in the selection, award, or administration of a contract or grant funded by WIOA or other federal, state or county of city funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the individual, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for award.
2. No individual shall cast a vote or participate in any decision-making capacity on the provision of services by such individual (or any organization which that individual directly represents), or any matter which would provide any direct financial benefit to the individual, to the individual's immediate family, or to the individual's organization.
3. No individual shall solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to sub agreements. Individuals may receive unsolicited, gifts of value no greater than \$50 from parties unconnected to any person or organization that intends to respond to a proposal, has responded to a proposal, or has received an award, as described in WDC policy #03-2002 V5 Procurement.
4. 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 WDC and not available to the public at large or divulge such information in advance of the time prescribed for its authorized release.
5. Disciplinary actions, up to, and, including termination of employment or board membership, will be applied for violations of this policy by any individual.

#### **B. For Contractors and Subcontractors**

1. Each contractor and subcontractor shall maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of WDC contracts and subcontracts.
2. Each contractor and subcontractor shall ensure that no person in a decision-making capacity shall engage in any activity, including participation in the selection, award, or administration of a contract or subcontract supported by WDC funds if a conflict of interest, real, implied, or apparent, would be involved.
3. The standards of conduct shall provide for disciplinary actions, up to, and, including termination of employment for violations of the code of conduct.
4. Failure to comply with this policy may result in the termination of contracts with the WDC and disqualification for future contracting opportunities.

#### **V. PROCEDURES**

- A.** Before any matter is brought before any committee of the WDC for action, an individual who believes they may have a conflict of interest must announce that fact to the voting body and excuse themselves from any further discussion and/or vote on the matter in question.
- B.** Violations of this policy must be reported and will be investigated. Any individual, contractor or subcontractor who believes a violation of this policy has occurred must report to the WDC CEO, or if

the possible violation pertains to the CEO, the Board Chair for investigation and determination whether a violation has occurred and whether the violation should result in sanctions.

## VI. REFERENCE

<b>AUTHORITY</b>	<b>RULE OR REGULATION</b>	<b>REFERENCE AND WEBLINK</b>
WA Employment Security Department	Conflict of Interest	<a href="#">WIOA Title I Policy 5405 Rev 1 January 30, 2017</a>
WA Employment Security Department	Procurement and Selection of One-Stop Operators and Service Providers	<a href="#">WIOA Title I Policy 5404 Rev 1 August 19, 2016</a>
Revised Code of Washington	Misappropriation and falsification of accounts by a public officer	<a href="#">RCW 42.20.070</a>
Revised Code of Washington	Other violations by officers	<a href="#">RCW 42.20.080</a>
Revised Code of Washington	Use of persons, money or property for private gain	<a href="#">RCW 42.52.160</a>
Code of Federal Regulations	Local board must avoid inherent conflict of interest	<a href="#">20 CFR 679.410(a)(3) and (c)</a>
United States Congress	Workforce Innovation and Opportunity Act: Local Board Conflict of Interest	<a href="#">Public Law 113-128 Section 107(h)</a>

## VII. HISTORY

<b>VER.</b>	<b>DATE</b>	<b>ACTION AND APPROVALS</b>
V.1	2002	Original version released
V.2	1/20/2009	Revision 1 released
V.3	9/15/15	Revision 2 developed
V.4	02/14/19	Policy revised in the new format with updated references to ESD policy 5405 Rev 1 and released for public comment
	04/19/19	V.4 published