



Workforce Innovation and Opportunity Act

Code of Conduct/Conflict of Interest Policy and Procedures

No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title-I financially assisted program or activity.



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PURPOSE: The Northeast Workforce Development Board (NEWDB) is committed to guard against problems arising from real, perceived, or potential conflict of interest. This issuance serves as a guidance to the workforce system to ensure that WIOA Title I workforce development activities is conducted in a manner to prevent conflict of interest.

BACKGROUND: NEWDB, Youth Committee members, Standing Committee members, board staff, service provider staff or agents 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.

MESSAGE:

The NEWDB ensures that safeguards are in place and 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.

Any 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 the NEWDB 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.

NEWDB Code of Standards

A member of a local board, or a member of a standing committee, may not— (1) vote on a matter under consideration by the local board— (A) regarding the provision of services by such member (or by an entity that such member represents); or (B) that would provide direct financial benefit to such member or the immediate family of such member; or (2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

NEWDB, Standing Committee members, board staff, service provider staff or agents must at all times seek to promote, enhance, and protect the interests of NEWDB in every manner possible, and avoid taking any action that may be averse to those interests. A conflict of interest arises when a member's outside activities influence the performance of that member's responsibilities in a manner that is contrary to the NEWDB's interests. NEWDB members must be alert to any situation that might involve even the appearance of impropriety and must disclose that situation promptly to the NEWDB Chair.

NEWDB, Standing Committee members, board staff, service provider staff or agents making awards cannot solicit or accept gratuities, favors, or anything of monetary value from awardees, potential awardees, or other parties to agreements.

No individual in a decision-making capacity shall engage in any activity, including participation in the selection, award, or administration of a contract if a conflict of interest, or appearance of a conflict of interest, would be 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.

Such a conflict would arise when a financial or other interest in the participant selected for Title I services are held by:

- An individual with decision-making capability
- An immediate family member or persons living in the same household of the individual or
- The individual's partner, or
- An organization, which employs, or is about to employ, any of the individuals identified above.

NEWDB, Standing Committee members, board staff, service provider staff or agents 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, the members family 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, NEWDB, Standing Committee members, board staff, service provider staff or agents 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.

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 for the NEWDB 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.

The NEWDB has established effective firewalls to distinguish the roles and responsibilities for entities acting in more than one role in the one-stop delivery system. Specifically, in the case of the Title I service provider acting as the One Stop Operator, the NEWDB requires any entity serving more than one role in the one-stop delivery system to demonstrate it is in compliance with the following State and Federal Regulations:

- WIOA 107(h)
- WIOA CFR 20 679.430
- Relevant Office of Management and Budget (OMB) circulars
- Uniform Guidance
- State of Oklahoma Conflict of Interest Policy

Further, any entity serving in more than one role in the one-stop delivery system must also provide proper internal controls and firewalls to ensure that the entity, in its role as operator, does not conflict with its role of service provider. Any organization that has been selected by the NEWDB 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 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 NEWDB and Chief Local Elected Official.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) Section 121(d)(S)(A)
- WIOA 107(h)
- 2 CFR § 200
- 20CFR § 679.430
- 20CFR § 683.200
- Training and Employment Guidance Letter (TEGL) No. 35-10
- OWDI #23-2017
- Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

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.

POLICY ADDITIONS AND CLARIFICATIONS: The NEWDB Executive Director is authorized to issue additional instructions, guidance, approvals, forms, etc. to further implement the requirements of this policy.

Approved by:

Heather Smoot
Heather Smoot
Northeast Workforce Development Board Chair

8/14/19
Date



Code of Conduct/Conflict of Interest Agreement

I, _____, a NEWDB member or NEWDB Standing Committee member, declares that I understand, and agree with and will adhere to the Northeast Workforce Development Board Code of Conduct/Conflict of Interest policy.

Signature:

NEWDB Member and/or Standing Committee Member

Date



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Code of Conduct/Conflict of Interest Agreement

I, _____, declare that I understand and agree with the above Northeast Workforce Development Board Code of Conduct/Conflict of Interest Policy.

Signature:

Northeast Workforce Development Board Staff

Date



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