

**STANISLAUS COUNTY WORKFORCE DEVELOPMENT BOARD
CONFLICT OF INTEREST POLICY
AND CODE OF CONDUCT**

A. CONFLICT OF INTEREST POLICY AND PROCEDURE

Statement of Policy: *It is the policy and expectation of the Stanislaus County Workforce Development Board (SCWDB) that its Members will fulfill the fiduciary duties applicable to their service as Members of the WDB. Due to the legal and statutory structures of the WDB, it is expected that conflicts of interest will arise and this policy is intended to provide a framework that will allow the work of the SCWDB to be achieved without the fact of or appearance of impropriety. Where this document references “Member” it shall mean any agent, WDB employee, officer, and Board Member. The SCWDB and all other agencies receiving direct financial assistance through the Workforce Innovation and Opportunity Act (WIOA) in the SCWDB region shall avoid conflict of interest, real or apparent, by observing the following requirements:*

1. SCWDB is required under state law and the federal Workforce Innovation and Opportunity Act of 2014 to have policies to address conflicts of interest, among other things. The fiduciary duties of Members under state law and the WIOA include, without limitation, a continuing responsibility to thoroughly comply with conflicts-of-interest principles.
2. Each Member shall sign an Attestation denoting that the Conflict of Interest and Code of Conduct Policies have been read, are understood, and that the Member pledges to conduct him/herself in accordance with such policies and procedures during their service to the Board.
3. Each Member must also provide a disclosure of potential conflicts created by his or her position(s) outside of their service to the SCWDB. Such conflicts are detailed on the Disclosure of Conflict(s) of Interest form.
4. No Members shall use his or her position, or the knowledge obtained from his or her position, in such a manner that conflicts with the interest of the SCWDB or results in personal gain to the Member, or a third party that the Member is employed by, has a fiduciary relationship with, or to whom the Member provides services.
5. Any Member that has, or believes he or she has, a conflict of interest must disclose such potential conflict in accordance with the procedures established by the SCWDB in this policy and shall do so in writing on a prescribed form. In accordance with 20 CFR 683.200(c)(5)(i) *“...a State WDB member, Local WDB Member, or WDB standing committee member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or that Member’s immediate family.*

The following are deemed conflicts of interest that create a duty of the Member to fully disclose such interest immediately:

- a. If Member has a significant personal financial interest in a proposed transaction involving the SCWDB.
 - b. If Member is employed by, or is Trustee, Director, or Officer of any individual, organization or entity that shall have a financial interest in a proposed transaction involving the SCWDB.
 - c. If a Member represents a third party either through personal, professional, or confidential relationship and such party shall have a financial interest in a proposed transaction involving the SCWDB.
 - d. No Member shall solicit or accept gratuities or favors from suppliers or potential suppliers, including subcontractors.
 - e. No Member shall participate in the selection, award or administration of a procurement supported by WIOA funds where, to the individual's knowledge, any of the following has a financial or substantial interest in any organization which may be considered for award:
 - i. the officer, employee, agent or SCWDB Member;
 - ii. any Member of his or her immediate family;
 - iii. his or her partner, or;
 - iv. a person or organization which employs, or is about to employ, any of the above.
6. In the event that a SCWDB Member has an interest, directly or indirectly, in a business entity that would have a direct pecuniary effect due to any official action taken by the SCWDB, the Member shall declare, before a vote or discussion on the matter, the nature and extent of the interest and shall not voluntarily discuss the proposed SCWDB action. A Member shall not be excluded from the meeting following such declaration. Furthermore, this limitation on discussion shall not prohibit the Member from providing factual information in response to direct questions concerning the matter from other Members. The disclosure shall be reflected in the minutes of the meeting of the SCWDB.
7. If an award of funding is made with Member violating the requirements of this procedure, the SCWDB is empowered to immediately suspend the obligation; the suspension subject to review at the next regular or special meeting of the SCWDB. The balance of the Board, excluding the Member(s) with potential conflict, will then determine what final corrective actions necessary. Actions will be taken in accordance with this Conflict of Interest Policy and Code of Conduct, and could include: removal of the Member, suspension of the obligation, termination of the obligation, or civil action to recover any monetary damages.
8. This policy is not meant to necessarily rule out transactions between the SCWDB and other persons or entities where an interest or a relationship between the Member and such a person or entity exists. This policy does, however, require proper disclosure and documentation of such relationships so that all decisions regarding these possible transactions are made in the best interest of the SCWDB. As stated in 20 CFR Section 683.200(c)(5)(ii) "*Neither membership on the State WDB, the Local WDB, or a WDB standing committee, nor the*

receipt of WIOA funds to provide training and related services, by itself, violates the conflict of interest provisions.”

9. Nothing in this policy should be construed to prevent any Member’s participation in WIOA programs. SCWDB membership should not result in an employer receiving any more or any less consideration for trainees. What is important is to insure that the officer, employee, agent or SCWDB Member does not approve his/her own training package, or contract for services, but that the system of approval allows for objective determinations.

B. CODE OF CONDUCT

A written set of standards (Code of Conduct) governing the performance of the WDB and its employees, officers, or agents related to real or apparent conflicts of interest is a requirement (29 CFR 95.42). The following standards shall apply for the WDB, its employees, and its WDB standing committees:

1. Adherence to the Conflict of Interest Policies.
2. Adherence to procurement procedures that serve to minimize the appearance of conflicts, in addition to eliminating actual conflicts. Members who represent One Stop Operators, Partners or actual or potential Service Providers and who serve on committees that oversee the One Stop System or the allocation of resources that would potentially be allocated to their programs shall refrain from discussing or voting on any matter that would impact the programs they represent.
3. A Member’s employer may not participate in any way in a future bid on procurement where the Member helped to draft specifications. In order to avoid potential conflicts as circumstances change, Members whose employers may wish to participate in a future procurement will refrain from involvement in specification development or procurement processes.

A Member shall not become a recipient, directly or indirectly, of any salary payments or loans or gifts or any free service or discounts or other fees from or on behalf of any person or organization engaged in any transaction with the SCWDB except that a disclosed token gift of a value within applicable Federally allowable maximums may be approved by the board.

C. STATEMENTS OF ECONOMIC INTERESTS

1. All Members shall file statements of economic interests disclosing all sources of income, interests in real property and investments and business positions in business entities located in or doing business in Stanislaus County. Such statements shall be completed annually.
2. The Director of Stanislaus County Workforce Development shall furnish to each Member a Form 700- Annual Statement of Economic Interests. The Director shall retain a copy of each Member’s completed Statement and shall forward the originals to the Clerk of the Board of Supervisors for Stanislaus County at:

Clerk of the Board of Supervisors
Attention: Elizabeth (Liz) King
1010 Tenth Street, Suite 6700
Modesto, CA 95354

The Clerk of the Board shall retain the originals in the Clerk of the Board Office.