



# POLICY MANUAL

No. WDB 1

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OCTOBER 16, 2019

**POLICY:** CONFLICT OF INTEREST

**APPROVED**

PHILLIP W. COTHRAN  
Chair, Workforce Development Board

## INTRODUCTION

With regard to Workforce Innovation and Opportunity Act (WIOA) funded contracts, subcontracts, and purchase orders for (1) services to be provided by any contractor, sub-contractor, staff member of the Workforce Development Department (WDD), member of the Workforce Development Board (WDB) or entity they represent (collectively, "Interested Parties" and individually, as "Interested Party"), or (2) in which the Interested Party has, or has the potential to have, a financial interest; the objective of this Policy is to:

- Promote and maintain the faith and confidence of the public and assure the interests of the County will be protected in all contracts.
- Ensure the provision of comprehensive, quality employment related, and supportive services responsive to the needs of employers, job seekers, and the community.
- Ensure that individuals or representatives of organizations entrusted with public funds not personally or professionally benefit from the award or expenditure of such funds.

This policy is established to provide direction for the Interested Parties, as defined above, in order that business can be conducted within guidelines that will prevent actual, potential, or questionable conflicts of interest.

## BACKGROUND

WIOA mandates that workforce development boards be comprised of leaders from the business community, workforce, and education, including representatives from community based organizations, providers of adult education and literacy, and institutions of higher education. Recognizing that key providers of workforce development and training services comprise the membership of the workforce board, which directs the distribution of funds for such services, WIOA permits the provision of WIOA funded services by members of a local board or a local board's standing committee and the entities they represent as long as processes are in place that prevent a conflict of interest.

WIOA prohibits a member of the local board or standing committee from voting on a matter under consideration by the local board regarding the provision of services by the member or by an entity that the member represents or that would provide direct financial benefit to the member or his/her immediate family.

The WDB is committed to providing effective workforce development, training, and improving the County's economy, while maintaining the highest moral and ethical standards. All partners at all levels of participation in WDB programs funded by WIOA are expected to read, understand, and apply this policy to ensure system integrity and effective oversight of WDB programs.

Staff members of WDD, contractors, and sub-contractors with decision-making authority must also comply with the policy set forth by the WDB.

## REFERENCES

- Title 2 Code of Federal Regulations Part 200
- WIOA Sections 107(a) and 107(h) and 121(d)(4)
- California Government Code Section 1090 and 1091.2
- San Bernardino County Workforce Development Board Bylaws, Sections 4.04 and 5.04
- San Bernardino County Workforce Development Department Administrative Handbook

**POLICY**

As to Conflict of Interest, no Interested Party shall, in a decision-making capacity, engage in any activity if a conflict of interest is involved, even in perception of impropriety or conflict of interest. This includes decision-making that involves the selection, awarding or administering of grant or contract supported by WIOA funds. As such, no Interested Party shall participate in a decision, including but not limited to, casting a vote, on any matter which has direct bearing on services to be provided by the Interested Party or any organization with which he or she is associated, or would otherwise be the basis for a conflict of interest.

The following standards are established and must be used for the processing of all WIOA funded contracts, subcontracts, and purchase orders directly or indirectly involving an Interested Party :

1. Prior to the submission of an application, proposal, or bid for funding, but no later than contract award, a Conflict of Interest Full Disclosure Certification (attached to this Policy) must be completed by the Interested Party to fully disclose and appropriately characterize the Interested Party's relationship, include any family member, with the entity seeking funding.
2. One Stop Operators must disclose any potential conflicts of interest arising from relationships with training and other service providers.
3. The cost of services charged to the County must be equal to or less than the price charged by the entity to others for comparable services.
4. The Interested Party shall refrain from contacting or having discussions with WDB members or County staff for the purpose of lobbying for the approval of any contract, subcontract, or purchase order related to services to be provided by the Interested Party or entity the Interested Party represents, or that financially benefits the Interested Party, his/her family, or the entity the Interested Party represents.
5. The awarding of any contract, subcontract, or purchase order must be based on a competitive or standard application process, unless there is a determination at a meeting of the WDB that the Interested Party or entity is a sole source provider.
6. The Interested Party cannot solicit or accept gratuities, favors, or anything of monetary value from awardees or other parties to an agreement.

The following additional standards are established and must be complied with for all contracts, subcontracts, purchase orders, grants and subgrants, directly or indirectly financially benefitting WDB or committee members:

1. Contracts, subcontracts, purchase orders, grants or subgrants, related to services to be provided by the WDB or committee member, or entity the member represents, or that financially benefits the WDB or committee member, his/her family, or the entity the member represents can only be approved at a meeting of the full WDB, unless the Executive Board is so authorized per the WDB Bylaws.
2. The WDB or committee member will recuse himself/herself from making, participating in making, or in any way attempting to use his/her official position to influence a decision on a contract, subcontract, purchase order, grant or subgrant.
3. The WDB or committee member will recuse himself/herself from any meeting, including but not limited to a WDB or committee meeting, where there is discussion pertaining to the contract, subcontract, purchase order, grant and/or subgrant. A full recusal is necessary – the member must leave the room during discussion and vote, if any, and will not be counted towards a quorum of the WDB or committee. The conflict of interest disclosure made during WDB or committee meetings shall be documented in the meeting minutes.



**WORKFORCE DEVELOPMENT  
CONFLICT OF INTEREST  
FULL DISCLOSURE CERTIFICATION**

I hereby certify under penalty of perjury that the Conflict of Interest Statement completed below fully discloses and appropriately characterizes my relationship, including that of any family member, with the entity seeking to provide Workforce Innovation and Opportunity Act (WIOA) funded services pursuant to a contract, subcontract, or purchase order with the County of San Bernardino and, to the best of my knowledge, warrants that the cost of the services to be provided is equal to or less than the price charged by the entity to others for comparable services.

**Name of Entity Applying:** \_\_\_\_\_

**Name of service/program/grant applying for:** \_\_\_\_\_

**Name of Interested Party:**  
\_\_\_\_\_

**Interested Party's connection to the Workforce Development Board (WDB) or the Workforce Development Department (WDD):**

I am (*check all that apply*):

- A Board Member                       A Committee Member  
 Staff                                       Currently under contract with the WDB/WDD for \_\_\_\_\_

**Conflict of Interest Statement:**  
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\_\_\_\_\_

\_\_\_\_\_  
Interested Party Signature

\_\_\_\_\_  
Interested Party Printed Name

\_\_\_\_\_  
Date