



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: January 17, 2020 Number: 2020-03

CONFLICT OF INTEREST AND CODE OF CONDUCT POLICY

PURPOSE

The Workforce Development Board (WDB) of Solano County 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 WDB Board Members, WDB employees, and any vendors 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. Where this document references “Member,” it shall mean any agent, WDB employee, officer, and Board Member.

QUESTIONS

Questions relating to this policy should be directed to Heather Henry, President/Executive Director, at 707-863-3501 or at hhenry@solanowdb.org.

ATTACHMENTS

- Attachment A: Definitions
- Attachment B: Disclosure of Conflict(s) of Interest

POLICY

Federal and State regulations require WDB to maintain a written Conflict of Interest Policy governing the performance of its employees, officers, and agents, as well as persons appointed to its boards, committees and workgroups engaged in the selection, award, and administration of contracts or the design of such proposals the contracts are based on.

Pursuant to the California Political Reform Act of 1979 (Government Code Section 81000 et seq.), WDB is also required to adopt a local Conflict of Interest Policy in accordance with California Code of Regulations, Title 2, Division 6, §18730, that requires both the disclosure of financial interests and implements disqualification requirements under state law. This Policy constitutes the local conflict of interest code for WDB. Violation of the provision of a local conflict of interest code is subject to the administrative, criminal and civil sanctions of the Political Reform Act.

The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of

Regionals Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference in this policy.

Individuals holding designated positions within the local conflict of interest code shall file their statements of economic interest with the WDB, which will retain the statements and make the statements available for public inspection and reproduction (Gov. Code, § 81008). Upon receipt of the statements of economic interest for WDB Board Members, WDB shall make and retain all original statements in its designated office.

CONFLICT OF INTEREST

It is the policy and expectation of the WDB 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 WDB to be achieved without the fact of or appearance of impropriety. The WDB and all other agencies receiving direct financial assistance through WIOA in Solano shall avoid conflict of interest, real or apparent, by observing the following requirements:

1. 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.
2. 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 WDB 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.
3. No Member shall solicit or accept gifts, gratuities or favors from suppliers or potential suppliers, including subcontractors.

Disclosure

1. 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 WDB in this policy and shall do so in writing on a prescribed form. 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 WDB.
 - b. If Member is employed by, or is Trustee, Director, or Officer of any individual, organization or entity that shall have a direct or indirect financial interest in a proposed transaction involving the WDB.

- 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 WDB.
 - d. 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 WDB 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.
2. 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."

In the event that a WDB Member has an interest, directly or indirectly, in a business entity that would have a direct financial effect due to any official action taken by the WDB, 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 WDB action. Any such member shall recuse him or herself from participation prior to the official vote. 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 WDB.

3. If an award of funding is made with Member violating the requirements of this policy, the WDB is empowered to immediately suspend the obligation; the suspension is subject to review at the next regular or special meeting of the WDB. 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.
4. This policy is not meant to necessarily rule out transactions between the WDB 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 WDB. 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."

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

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 financially impact the programs they represent.
3. Any Member that develops or drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. 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.
4. It is the policy of the WDB to discourage ex parte communications with any WDB Member or any other person serving as an evaluator during the Request for Qualification (RFQ) and the Request for Proposal (RFP) process. A WDB Member or evaluator will not solicit nor receive any oral consideration. Any written communication to a WDB Member or evaluator from potential contractors will be distributed to all WDB Members by the WDB President/Executive Director or his or her designee. Potential contractors who attempt to improperly influence the process will receive adverse scores. Any and all written communications should be provided to staff to be distributed to WDB members. Any other communication should be rejected by WDB Members.

5. It shall be the policy of the WDB that individual Members cannot commit the WDB; rather, only the action by the WDB, or the authorized actions of the WDB Executive Committee, can constitute WDB commitments.

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 WDB except that a disclosed token gift of a value within applicable Federally allowable maximums may be approved by the board.

STATEMENTS OF ECONOMIC INTERESTS

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 Solano County.

1. Annual Statements are to be filed annually by the April 1 deadline set forth in the FPPC Form 700 guidelines and shall be filed in accordance with Gov. Code §87200.
2. An Assuming Office Statement is to be filed within 30 days of a Member's appointment to the WDB.
3. A Leaving Office Statement is to be filed within 30 days of a Member's resignation.

The WDB's President/Executive Director or designee shall furnish to each Member a Form 700- Annual Statement of Economic Interests and retain the original copy of each Member's completed Statement in its office. Statements will be made available for public inspection and reproduction (Gov. Code. §81008) upon request.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Innovation and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal and state guidelines.

REFERENCES

Law

- [Workforce Innovation and Opportunity Act \(WIOA\)](#)
- [CA Gov. Code §87200](#)
- [CA Gov. Code. §81008](#)
- [Political Reform Act of 1974 \(2019\)](#)

Federal Guidance

- [2 CFR 200.319 \(a\)](#)
- [20 CFR 679.430](#)
- [20 CFR 683.200, \(c\)\(5\)i; \(c\)\(5\)ii; \(c\)\(5\)iii](#)
- Training and Guidance Letter TEGL 35-10 - [Transparency and Integrity in the Workforce Investment Boards Decisions](#)

State Guidance

- [FPPC Form 700 guidelines](#)

Approved by

Workforce Development Board of Solano County
Solano County Board of Supervisors

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 of award of funding for an organization. Financial or other interest can be established either through ownership or employment.

Member – Member refers to a member of the Workforce Development Board of Solano County or any Committees, unless otherwise specified. It shall also include any agent, WDB employee, or officer.

Employee – Refers to an employee of the Workforce Development Board of Solano County and any vendor, agency, or organization

Financial Interest – Includes possible disadvantage to a competitor of the business or nonprofit entity which the member represents.

Immediate Family – Immediate Family consists of the individual's parents (including step-parents), spouse, domestic partner, children (including step-children), siblings, grandchildren, grandparents, and any relative by marriage (an "in-law").

Individual – (1) an individual; i.e., officer, or agent, or (2) any member of the individual's immediate family, 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 partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or a sole proprietorship.

Indirect Interest – As defined by Gov. Code §87103 - Any interest owned by the spouse or dependent child or a designated occupant, by an agent on behalf of a designated occupant, by any business entity, or trust controlled by a designated occupancy, in which a designated occupancy, his or her agent, spouse and dependent children own directly, indirectly or beneficially, a ten percent (10%) or greater interest.



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

DISCLOSURE OF CONFLICT(S) OF INTEREST

I, _____, a Member of the Workforce Development Board (WDB) of Solano County, or WDB Staff Member hereby disclose the following conflict(s) of interest with another position that I hold outside of WDB.

Check All That Apply (provide details below)

- I have no conflicts to disclose.
- I represent a private sector employer that has current business/contractual dealing with the WDB, or one or more of the One Stop Operators, Partners, or other WIOA funding Service Providers/Contractors.
- I have a family member(s) who is employed by a current or potential WIOA funded Service Provider/Contractor or by another organization that provides services directly to the WDB.
- I represent a WDB WIOA funded Service Provider/Contractor.
- I represent a One Stop Operator.
- I represent an AJCC Partner.
- Other

Please provide details of the conflict: _____

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 the conflict. I will hereby voluntarily withhold from participating in any financial 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 or from engaging in programmatic or operating discussions.

Member Signature

Signed: _____
Print Name: _____
Date: _____



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

Conflict of Interest and Code of Conduct Policy
Board/Committee Member

I, _____, a Member of the Workforce Development Board (WDB) of Solano County, do hereby attest and affirm that I have read and understand the Conflict of Interest Policy and Code of Conduct duly adopted on January 17, 2020.

I also hereby declare and promise to carry out my responsibilities in relation to upholding the Conflict of Interest Policy and Code of Conduct during my term as a Board and/or Committee Member.

Member Signature

Signed: _____

Print Name: _____

Date: _____



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
CONFLICT OF INTEREST AND CODE OF CONDUCT POLICY
(Issued January 17, 2020)

The Workforce Development Board (WDB) of Solano County's Conflict of Interest and Code of Conduct Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been given to me to retain for future reference, and I have been provided with the location on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Conflict of Interest and Code of Conduct Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult my supervisor if I have any questions about the information contained in the policy. I understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____