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TYPE OF DOCUMENT:

YUMA COUNTY

WORKFORCE DEVELOPMENT BOARD

CONFLICT OF INTEREST POLICY

DOCUMENT APPROVAL:

Yuma County Board of Supervisors:
November 18, 2019, Consent Item No. 6.

YUMA COUNTY-WORKFORCE DEVELOPMENT BOARD

CONFLICT OF INTEREST POLICY

Adopted by Yuma County Board of Supervisors: November 18, 2019

PURPOSE

The Yuma County Workforce Development Board is committed to carrying out the functions of the Workforce Innovation and Opportunity Act as described on 20CFR§679.370. This policy provides a framework to allow the Local Board to carry out its functions effectively while protecting the integrity of its processes and business transactions.

BACKGROUND

Carrying out the functions of the Local Board will require securing services and collaborations from the business community, training and education providers, and other entities. Due to Yuma County's small population, the scarcity of training and service providers in the area, and the distance from the nearest service delivery area in Arizona, it is expected that conflicts of interest will arise.

This policy is not meant to rule out transactions between the Local Board and other individuals or entities where an interest or a relationship between the Member and such an individual or entity exists which require proper disclosure and which are documented as being the outcome of established Procurement Policies, and are determined to be in the best interest of the Local Board and the community. As stated in 20CFR 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."

This policy was created following the requirements of the Workforce Arizona Council as outlined on its Conflict of Interest Policy Approved on February 28, 2019 and Local Governance Policy (adopted on June 5, 2019).

SCOPE

This policy applies to all appointed members of the Yuma County Workforce Development Board.

POLICY

All Board members must adhere to the following rules regarding conflict of interest:

1. A local Board member **may not vote** on any matter that would provide direct financial benefit to the member, or the member's immediate family, or on matters of the provision of services by the member, or the entity the member represents.

   The Board member will declare a conflict of interest, recuse from voting, and *may* be required to leave the meeting if:
   a. The Board member has a significant personal financial interest in a proposed transaction involving the Local Board.

   b. The Board member is employed by an organization or entity that shall have a financial interest in a proposed transaction involving the Local Board.

   c. The Board 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 Local Board.

   No Board member shall participate in the selection, awards 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:

   ➤ The Board member;
   ➤ Any member of his/her immediate family;
   ➤ An individual or organization which employs, or is about to employ, any of the above.

2. A local Board member must avoid even the appearance of a conflict of interest. Prior to taking office, Local Board members must provide to the Local Board Chair a *written declaration* of all **substantial** business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive, contracts or funding from the Local Board.

All Board members will **review and sign the conflict of interest policy annually** or within 30 days of any changes in such business interests or relationships, and (if applicable) will complete and sign the written **Declaration of Conflict of Interest**. The Local Board will appoint an individual to review the disclosure information in a timely manner and advise the Local Board Chair and appropriate members of potential conflicts.

3. Prior to a discussion, vote, or decision on any matter before a Local Board, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official Local Board action, the member **must disclose** the nature and extent of the interest or relationship and **must abstain** from discussion and voting on or in any other way participating in the decision on the matter.

    All abstentions must be recorded in the minutes of the Local Board meeting and be maintained as part of the official record.

4. It is the responsibility of the Local Board members to monitor potential conflicts of interest and bring them to the Local Board's attention in the event a member does not make a self-declaration.

5. In order to avoid a conflict of interest a Local Board must ensure that the Local Board's workforce service providers for WIOA Title 1B adult, dislocated worker, and youth programs must not employ or otherwise compensate a current Local Board member or Local Board employee who is employed or compensated by the Local Board or its administrative entity, fiscal agent, or grant recipient to support the Local Board in carrying out its duties.

6. A local Board must ensure that the Local Board, its members, and its administrative staff do not have any supervisory responsibility for the daily activities of its workforce service providers, workforce system partners or contractors. *There must be complete separation between governance functions and operating functions within an organization including different reporting structures.*

7. Local Board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.

8. Local Board members are also prohibited from providing equipment, material or supplies unless pursuant to an award or contract that issues after a public competitive bidding process.

PENALTIES

If an award of funding is made with the Board member violating the requirements of this procedure, the Local Board's Executive Committee is empowered to immediately suspend the obligation. The suspension is subject to review at the next regular or special meeting of the Local Board. The balance of the Board, excluding the Board member(s) with the potential conflict, will then determine what final corrective actions are to take place: actions could include removal of the Member, suspension of the obligation, termination of the obligation, or civil action to recover any monetary damages.

YUMA COUNTY-WORKFORCE DEVELOPMENT BOARD

CONFLICT OF INTEREST POLICY

BOARD MEMBER:

I, _____, a member of the Yuma County Local Workforce Development Board, do hereby attest and affirm that I have read and understand the Conflict of Interest Policy.

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

Board Member

Signature: _____

Date: _____

Witness

Signature: _____

Date: _____

DECLARATION OF CONFLICT OF INTEREST

I,_____ hereby declare a conflict of interest

_____

_____

_____

_____

_____

_____

_____

_____

I acknowledge that I may need to recuse myself from voting, or leave the meeting room when discussion of declared conflict of interest matters take place, or may not be able to participate in the selection and awards of contracts, or all of the above.

The above Declaration will be reviewed by the Executive Committee and will be reported to the full Board. NOTE: If a legal question arises as to the potential conflict, Arizona@Work legal counsel may need to be consulted to provide legal advice to the Local Board.

Board Member

Signature: _____

Date: _____