



Cattaraugus-Allegany Workforce Investment Board, Inc. Conflict of Interest Policy and Procedures and Code of Conduct

Adopted by Board Resolution June 8, 2001

Amended by Board Resolution January 3, 2003; June 27, 2008; June 19, 2009

A. CONFLICT OF INTEREST POLICY AND PROCEDURE

Statement of Policy: *It is the policy and expectation of the Cattaraugus-Allegany Workforce Investment Board, Inc. (CAWIB) that its members will fulfill the fiduciary duties applicable to their service as members of CAWIB. Due to the legal and statutory structures of the CAWIB, 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 CAWIB to be achieved without the fact of or appearance of impropriety. Where this document references “member” it shall mean any agent, employee, officer, Youth Council and Board member. The CAWIB and all other agencies receiving direct financial assistance through the Workforce Investment Act (WIA) in Cattaraugus and Allegany Counties shall avoid conflict of interest, real or apparent, by observing the following requirements:*

1. CAWIB is required under state law and the federal Workforce Investment Act of 1998 (the WIA) to have policies to address conflicts of interest, among other things. The fiduciary duties of Members under state law and the WIA include, without limitation, a continuing responsibility to scrupulously comply with conflicts-of-interest principles.
2. Each Member shall sign an Attestation, within 30 days appointment to the CAWIB, and annually thereafter by July 30th of each year, denoting that the Conflict of Interest and Code of Conduct Policies and Procedures have been read, are understood, and that the member pledges to conduct him/herself in accordance 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 CAWIB within 30 days appointment to the CAWIB and annually thereafter by July 30th each year. Such conflicts are detailed on the Disclosure of Conflict(s) of Interest form.
4. No Member 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 CAWIB 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 CAWIB in this policy and shall do so in writing on a prescribed form. In accordance with 20CFR Section 667.200(a)(4)(i) “...a local WIB member or Youth Council 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 a member of his immediate family.”

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

- i. If Member has a significant personal financial interest in a proposed transaction involving the CAWIB
- ii. 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 CAWIB.
- iii. 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 CAWIB.
- iv. No Member shall solicit or accept gratuities, or favors from suppliers or potential suppliers, including subcontractors.
- v. No Member shall participate in the selection, award or administration of a procurement supported by WIA 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:
 - a. the officer, employee, agent or CAWIB member;
 - b. any member of his or her immediate family;
 - c. his or her partner, or;
 - d. a person or organization which employs, or is about to employ, any of the above.

6. In the event that a CAWIB 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 CAWIB, 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 CAWIB 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 CAWIB.

7. If an award of funding is made with member violating the requirements of this procedure, the CAWIB Executive Committee is empowered to immediately suspend the obligation; the suspension subject to review at the next regular or special meeting of the CAWIB. The balance of the Board, excluding the member(s) with potential conflict, will then determine what final corrective actions are necessary; actions that 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 rule out transactions between the CAWIB and other persons or entities where an interest or a relationship between the Member and such a person or entity exists which require proper disclosure and which are documented as being the outcome of established Procurement Policies and Procedures, and are determined to be in the best interest of the WIB. ¹As stated in 20CFR Section 667.200 *Neither membership on the State Board, the Local Board, the Youth Council nor the*

¹ From Chautauqua WIB P & P

receipt of WIA funds to provide training and related services, by itself, violates these conflict of interest provisions.

9. Nothing in this procedure should be construed to prevent any member's participation in WIA programs. CAWIB 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 CAWIB 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 WIB and its employees, officers, or agents related to real or apparent conflicts of interest is a requirement. The following standards shall apply for the WIB, its employees (as applicable under the Board reference) and its Youth Council Members:²

1. Adherence to the Conflict of Interest Policies and Procedures.
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
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.⁴
4. 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 CAWIB except that a disclosed token gift of a value within applicable Federally allowable maximums may be approved by the Executive Committee.⁵

² From NYATEP Guide and regulations

³ Paraphrased from Baltimore WIB model

⁴ From Baltimore WIB model

⁵ Paraphrased from submission of YC Chair



**Cattaraugus-Allegany Workforce Investment Board, Inc.
Annual Attestation of Adherence to
Conflict of Interest Policy and Procedures and Code of Conduct**

I, _____, a member of the Cattaraugus-Allegany Workforce Investment Board, Inc. Board of Directors do hereby attest and affirm that I have read and understand the Conflict of Interest Policy and Procedures and Code of Conduct duly adopted on June 8, 2001, and amended on January 3, 2003, June 27, 2008, and June 19, 2009.

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

Board Member

Signed: _____

Date: _____

Witness

Signature: _____

Print Name: _____

Date: _____



**Cattaraugus-Allegany Workforce Investment Board, Inc.
Annual Disclosure of Conflict(s) of Interest**

I, _____, a member of the Cattaraugus-Allegany Workforce Investment Board of Directors hereby disclose the following conflicts of interest with another position that I hold outside of the WIB.

- I have no conflicts to disclose.
- I represent a private sector employer that has current or past business/contractual dealings with the CAWIB, or one or more of the One Stop Operators, Partners, or other WIA-funded service providers.
- I have a family member who is employed by a current or potential WIA-funded service provider or by another organization that provides services directly to the CAWIB.
- I represent a WIA-funded service provider.
- I represent a One Stop Operator.
- I represent a One Stop Partner.
- Other: (please describe nature 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 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.

Member Signature

Witness Signature

Signed: _____
 Print Name: _____
 Date: _____

Signed: _____
 Print Name: _____
 Date: _____