Reviewed: 6/3/2025

ADMINISTRATIVE POLICIES/PROCEDURES

Issuance No: A-3
Issuance Date: 7/1/2023
Subject: Conflict of Interest/Code of Conduct

CONFLICT OF INTEREST POLICY AND PROCEDURE

It is the policy and expectation of the Workforce Development Board of North Missouri (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.

Where this document references "Member" it shall mean any agent, WDB employee, WIOA sub-recipient, employee, officer, Committee Member, Ex-Officio, non-voting Member, and Board Member.

The WDB and all other agencies receiving direct financial assistance through the Workforce Innovation and Opportunity Act (WIOA) in the North Missouri region shall avoid conflict of interest, real or apparent, by observing the following requirements:

- The WDB is required under state law and the federal Workforce Innovation and Opportunity Act of 2014 (WIOA) 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 scrupulously comply with conflicts-of-interest principles (see current OWD Issuance).
- Each Member shall sign an Attestation denoting that the Conflict of Interest and Code of Conduct Policies have been read and understood and that the Member pledges to conduct him/herself by following such policies and procedures during their service to the Board.
- Each Member must also provide a disclosure of potential conflicts created by his or her position(s) outside of their service to the WDB. Such conflicts are detailed in the Disclosure of Conflict(s) of Interest form.
- 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 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.

Any Member that has, or believes he or she has, a conflict of interest must disclose the potential conflict in accordance with the procedures established by the WDB in this policy and shall do so in writing on a prescribed form. In accordance with WIOA

Section 107 (h) *"A member of a local board, or a member of a standing committee, may not— (1) vote on a matter under consideration by the local board— (A) regarding the provision of services by such member (or by an entity that such member represents); or (B) that would provide direct financial benefit to such member or the immediate family of such member; or (2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan. "*

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

- If Member has a significant personal financial interest in a proposed transaction involving the WDB.
- If Member is employed by or is a Trustee, Director, or Officer of any individual, organization, or entity that shall have a financial interest in a proposed transaction involving the WDB.
- If a Member represents a third party either through a personal, professional, or confidential relationship and such party shall have a financial interest in a proposed transaction involving the WDB.
- No Member shall solicit or accept gratuities or favors from suppliers or potential suppliers, including subcontractors.
- 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 the award:
    - the Member is a vendor for the goods or services;
    - the Member is a subcontractor of a vendor for the goods or services;
    - the Member serves in a board capacity for any such vendors or subcontractors.
    - the Member is from an organization that employs or is about to employ, any of the above.

If a WDB 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 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. 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 WDB.

If an award of funding is made with a Member violating the requirements of this procedure, the WDB Executive Committee 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 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.

This policy is not meant to 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 that 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 WDB.

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 insure that the officer, employee, agent, or WDB Member does not approve his/her 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 to the WDB, its employees, and its Committee Members.

- Adherence to the Conflict of Interest Policies.
- 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.
- A Member's employer may not participate in any way in a future bid on procurement where the Member helped to draft specifications. 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 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 Executive Committee.

The Workforce Development Board of North Missouri is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri TTY users can dial 711. This information can be translated into another language if requested. Please contact the WDB Office for translation assistance.

Esta información se puede traducir a otro idioma si se solicita. Comuníquese con la Oficina de la Junta de Desarrollo de la Fuerza Laboral para obtener ayuda con la traducción.

Ces informations peuvent être traduites dans une autre langue sur demande. Veuillez contacter le bureau du Conseil de développement de la main-d'œuvre pour obtenir de l'aide en matière de traduction.

Code of Conduct & Clonflict of Interest

Board Member

I, _____, a Member of the Workforce Development Board of North Missouri do hereby attest and affirm that I have read and understand the Conflict of Interest and Code of Conduct Policy

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 Member.

Board Member

Signed: _____Date: _____

Witness

Signed: _____Date: _____

Print Name: _____

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WDB Committee Member, Ex-Officio, Non-voting WDB Member, WDB Staff, and Sub-recipient Staff

I, _____, a staff member of the Workforce Development Board of North Missouri, staff member of a WIOA sub-recipient, member of a WDB Committee, or Ex-officio, non-voting WDB Member do hereby attest and affirm that I have read and understand the Conflict of Interest and Code of Conduct Policy

I also hereby declare and promise to carry out my responsibilities in relation to upholding the Conflict of Interest and Code of Conduct Policy during my tenure as a WDB Committee Member, Ex-Officio, non-voting WDB Member, WDB, or sub-recipient staff.

Member

Signed: _____Date: _____

Witness

Signed: _____Date: _____

Print Name: _____

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Disclosure of Clonflict(s) of Interest

I, _____, a Member of the Workforce Development Board of North Missouri, WDB Committee Member, Ex-officio, non-voting WDB Member, WDB Staff Member, or WIOA Sub-recipient Staff Member hereby disclose the following conflict(s) of interest with another position that I hold outside of the WDB.

- ☐ I have no conflicts to disclose.
- ☐ I represent a private sector employer that has current business/contractual dealings with the WDB, or one or more of the One Stop Operators, Partners, or other WIOA-funded service providers.
- ☐ I have a family member who is employed by a current or potential WIOA-funded service provider or by another organization that provides services directly to the WDB.
- ☐ I serve in a board capacity for a WIOA-funded, or potential WIOA-funded service provider/subcontractor.
- ☐ I represent a WIOA-funded service provider/subcontractor.
- ☐ 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:_____

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