



WDB

Workforce Development Board

Burlington

BURLINGTON COUNTY WORKFORCE DEVELOPMENT BOARD CODE OF CONDUCT & CONFLICT OF INTEREST POLICY

DATE: August 10, 2022

PURPOSE

The Burlington County Workforce Development Board, as the Governor's chosen administrative entity for the Workforce Innovation and Opportunity Act in Burlington County. The Burlington County WDB 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 partners at all levels of participation in the Burlington County workforce development area 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 of the Burlington County workforce development system.

BACKGROUND

Grantees, subrecipients and contractors funded under WIOA must implement codes of conduct and conflict of interest policies and procedures as stipulated in WIOA law, regulations, and guidance; Office of Management and Budget (OMB) Circulars; state regulations; and state WIOA policies. A conflict-of-interest policy is required to ensure that individuals or representatives of organizations entrusted with public funds will not personally or professionally benefit from the award, administration, or expenditure of such funds.

In addition, the Burlington County WDB recognize that by its very composition, conflicts of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for the Burlington County WDB members to be sensitive and err on the side of caution when potential or real conflict or fairness matters occur.

To accomplish these purposes, the Burlington County WDB established the following definitions, actions, and guidelines for interpretation.

CODE OF CONDUCT

During the performance of duties, Burlington County WDB member staff actions are a reflection upon the Burlington County WDB. It is extremely important that all Burlington County WDB and committee members, including sub-recipients, contractors, and American Job Center Partners act in a courteous, friendly,

helpful, and prompt manner in dealing with the public, customers, and officials.

ETHICAL PRINCIPLES

It is the Burlington County WDB's policy to be knowledgeable of and comply with all applicable laws and regulations of the United States and the State of New Jersey in a manner that will reflect a high standard of ethics. Compliance does not comprise one's entire ethical responsibility; rather it is a minimum, and an essential condition for adherence to mission and duties.

It is the Burlington County WDB's policy that its representatives be knowledgeable of emerging issues and professional standards in the field and conduct themselves with professional competence, fairness, efficiency, and effectiveness.

GUIDELINES FOR INTERPRETATION

Areas of concern are those actions or lack of actions which may lead to conflict of interest or the appearance of conflict of interest or to a perception of unfairness related to Burlington County WDB business outside council and committee meetings. Specific areas which may pose problems include but are not limited to, comments made in public, information sharing, and disclosure of associations.

Comments Made in Public: Burlington County WDB and committee members are encouraged to act in a public relations capacity for the Burlington County WDB. This includes public speaking engagements and comments in a public forum.

Information Sharing: Burlington County WDB and committee members are encouraged to share information with the community about Burlington County WDB activities. To the extent possible, access to information regarding procurement of services should be available at the same time and under the same circumstances to all parties. Additional information to be shared with the community includes the Operations Plan, request for proposals, notice of meetings, meeting minutes, and policies.

Disclosure of Associations: Burlington County WDB and committee members have professional and personal associations throughout the community. Such associations have been and will continue to be of significant benefit to the Burlington County WDB. Where a direct or indirect financial conflict of interest exists, a Burlington County WDB or committee member may not vote or serve on a rating team. When associations raise appearance of fairness as an issue, Burlington County WDB and committee members should qualify statements in public by disclosing the association and minutes of the meeting should reflect the disclosure.

CONFLICT OF INTEREST POLICY

1. Each grant recipient and subrecipient must maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of WIOA contracts and sub grants.
2. No individual in a decision-making capacity shall engage in any activity if a conflict of interest (real, implied, apparent, or potential) is involved. This includes decisions involving the selection, award, or administration of a sub grant or contract supported by Workforce Innovation and

Opportunity Act (WIOA) or any other federal funds.

3. A Burlington County WDB member or a member of a Burlington County WDB committee cannot cast a vote or participate in any decision-making about providing services by such member (or by any organization that member directly represents) or on any matter that would provide any direct financial benefit to the member or to the member's organization.
4. Before any public discussions regarding the release of a Request for Proposal (RFP), or any matter regarding the release of funding or the provision of services, a Burlington County WDB member or a member of a Burlington County WDB committee must disclose any real, implied, apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting must reflect the disclosure.
5. Burlington County WDB members or a member of a Burlington County WDB committee or agents of the agencies making awards cannot solicit or accept gratuities, favors, or anything of monetary value from awardees, potential awardees, or other parties to agreements. However, the Burlington County WDB allows for situations where the gift is an unsolicited item of nominal value worth \$50.00 or less.
6. Disciplinary actions may be taken up to and including termination of board membership for violation of this policy by any individual. The Burlington County WDB may evaluate any violations of these provisions on a case-by-case basis and recommend to the Executive Board, if and what penalties, sanctions or other disciplinary action are appropriate.
7. Individuals shall not use for their personal gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their committee, board or working relationships with the Burlington County WDB where that information is not available to the public at large or divulge such information in advance of the time decided by the Burlington County WDB for its release.
8. One Stop Operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers.
9. Any organization that has been selected or otherwise designated to perform more than one function related to WIOA must develop a written plan that clarifies how the organization will carry out its multiple responsibilities while demonstrating compliance with WIOA, corresponding regulations, relevant Office of Management and Budget circulars, and this Conflict-of-Interest Policy. This plan must limit conflict of interest or the appearance of conflict of interest, minimize fiscal risk, and develop appropriate firewalls within that single entity performing multiple functions. The plan must be agreed to by both the Burlington County WDB and the Executive Board.
10. Membership on the Burlington County WDB or being a recipient of WIOA funds to provide training or other services, is not itself a violation of conflict-of-interest provisions of WIOA or corresponding regulations.

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

Individual

(1) an individual, i.e., employer, officer, or agent, or (2) any member of the individual's immediate family (spouse, partner, child, or sibling), 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 a partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or a sole proprietor.

Organizational Conflicts of Interest

Because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

REFERENCES

- 20 CFR 683.200(c)(5) - Administrative Rules, Costs, Limitations – Title I WIOA and Wagner-Peyser
- 29 CFR 97.36(3)
- 2 CFR Part 200 and Part 2900 - Office of Management and Budget Uniform Guidance on administrative, cost, and audit provisions for federal grants
- 2 CFR 200.318

Conflict of Interest Disclosure Form

ACKNOWLEDGEMENT AND DISCLOSURE FORM

I have read the Burlington County Code of Conduct and Conflict of Interest Policy and agree to comply fully with its terms and conditions at all times during my service as a Burlington County Workforce Development Board or Committee member. If at any time following the submission of this form, I become aware of any actual or potential conflicts of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify the Burlington County Workforce Development Board Chair and Director in writing.

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest:

1. I have received a copy of the Burlington County Workforce Development Board Code of Conduct and Conflict of Interest Policy.
2. I have read and understand the policy and I agree to comply with this policy.
3. I have disclosed the existence and nature of any financial or competing interest that may give rise to an actual or potential conflict of interest, under the policy.

Member Signature: _____

Member Printed Name: _____

Date: _____