



**Workforce Southwest Washington
Policies and Procedures**

**CONFLICT OF INTEREST
POLICY #: 1006 Rev 3**

Date of Original Policy: 3/26/2014
Effective Revision Date: 5/17/2023

BACKGROUND:

A Conflict of Interest Policy is required in order to ensure that individuals or representatives of organizations entrusted with public funds will not personally or professionally benefit from the award or expenditure of such funds. This policy is established to provide direction for sub-recipients, contractors, staff, and board members of Workforce Southwest Washington (WSW) in order that business can be conducted within guidelines that will prevent actual, potential, or questionable conflicts of interest.

POLICY:

Before any matter is brought before any committee of WSW for action, an individual who believes they may have a conflict of interest must announce that fact to the voting body and excuse themselves from any further discussion and/or vote on the matter in question. Board members will be asked to sign a Conflict of Interest statement annually at the June meeting of Workforce Southwest Washington. This policy is referenced in the bylaws.

- 1) No individual shall participate in the selection, award, or administration of a contract supported by any funds where a real or apparent conflict of interest would be involved. Such a conflict would arise when the individual, any member of their immediate family, partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other gainful interest in the firm selected for an award. The individual shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub agreements. However, WSW may set standards for situations in which the gift is an unsolicited item of nominal value and can be shared by the members of the organization as a whole.
 - If an unsolicited item is given, it must not exceed \$50.00 in value per source per year.
- 2) Each sub-recipient shall maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of WSW contracts.
- 3) Each sub-recipient shall ensure that no person in a decision-making capacity shall engage in any activity, including participation in the selection, award, or administration of a contract supported by WSW funds if a conflict of interest, real, implied, apparent, or potential would be involved.

- 4) An individual of WSW shall not cast a vote, nor participate in any decision-making capacity on the provision of services by such individual (or any organization which that individual directly represents), nor any matter which would provide any direct financial benefit to the individual, to the individual's immediate family, or to the individual's organization.
- 5) Individuals shall not use, for their own private 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 WSW and not available to the public at large or divulge such information in advance of the time prescribed for its authorized release.
- 6) The standards of conduct shall provide for disciplinary actions, up to, and, including termination of employment, penalties, sanctions, board membership or contract for violations of this policy by any individual.

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 WSW and local Chief Elected Official.

One-Stop operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers, as specified in the SWDB and/or WSW conflict of interest policy.

Any organization that has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian Tribe, must maintain written standards of conduct covering 'organizational conflicts of interest'.

Membership on WSW Board or being a recipient of WIOA funds to provide training or other services, is not by itself a violation of conflict of interest provisions of WIOA or corresponding regulations. Unless and until a situation arises where there is a conflict of interest. For example, under circumstances where a board member's organization through which they volunteer or serve stands to benefit, the board member will recuse themselves from discussion and decision making.

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 interests can be established either through ownership or employment.

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

Individual: An employee, officer, board member, WSW committee member, sub-recipient, subcontractor, or agent of WSW.

Partner: A business associate of an individual, whether an equal participant in a business with the individual, a supervisor or sub-ordinate.

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 to be impartial in conducting a procurement action involving a related organization.

EQUAL OPPORTUNITY:

Workforce Southwest Washington (WSW) is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available up on request to individuals with disabilities. Washington Relay 711

REFERENCES:

- WIOA Public Law [113-128](#) Section 101(f) - State Board Conflict of Interest
- WIOA Public Law [113-128](#) Section 102(b)(2)(E) - State Plan Conflict of Interest Assurance
- WIOA Public Law [113-128](#) Section 107(h) - Local Board Conflict of Interest
- WIOA Public Law [113-128](#) Section 121(d)(4) - One-Stop Operators
- [20 CFR 679.130\(f\)\(1\) through \(3\)](#) - State board must use criteria to certify One Stops to avoid inherent conflict of interest
- [20 CFR 679.410\(a\)\(3\) and \(c\)](#) - Local board must avoid inherent conflict of interest
- [20 CFR 679.430](#) - Entities performing multiple functions
- [20 CFR 683.200\(c\)\(5\)](#) - Administrative Rules, Costs, Limitations – Title I WIOA and Wagner-Peyser
- 29 CFR 97.36(3)
- [2 CFR 899 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](#)
- [Revised Code of Washington \(RCW\) 42.20.070](#) - Misappropriation and falsification of accounts by a public officer
- [RCW 42.20.080](#) – Other violations by officers
- [RCW 42.52.160](#) – Use of persons, money or property for private gain
- Employment Security Department WIOA [Policy #5405 Revision 2](#), Conflict of Interest

SUPERSEDES:

SWWDC Policy #1006 Conflict of Interest, Revision 1, Dated 5/27/15
WSW Policy # 1006 Revision 2, Conflict of Interest, Dated 8/26/2015

WEBSITE:

<http://workforcesw.org/providers#OperationsPolicies>

INQUIRES

Please contact Traci Williams twilliams@workforcesw.org (360) 567-1070 for questions.