

The Seventh Planning District Consortium Workforce Development Board

Administrative Office

4000 Viking Dr., Suite A-1, Bossier City, LA 71111 | (318) 632-2022

Matt Wheeler, Chairman | Candle Sattler, Interim Director of Workforce Development

DATE: December 4, 2020

TO: The Seventh Planning District Consortium Workforce Development Board (Local Workforce Development Area 70), the Coordinating & Development Corporation LWDA 70 staff, Local Workforce Development Area 70 American Job Center, Contractors, and Partners

SUBJECT: CODE OF CONDUCT AND CONFLICT OF INTEREST POLICY

PURPOSE

Seventh Planning District Consortium Workforce Development Board (LWDA 70) and The Coordinating & Development Corporation (CDC) LWDA 70 staff are 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 LWDA 70 members, LWDA 70 staff, Local Workforce Development Area 70 American Job Center, contractors, and partners at all levels of participation in the One-Stop System 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 One-Stop System.

BACKGROUND

Grantees, subrecipients and contractors funded under WIOA must implement codes of conduct and conflict of interest policies and procedures as specified in WIOA; corresponding federal and state regulations and guidance publications; relevant Office of Management and Budget (OMB) circulars; and state conflict of interest 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.

The LWDA 70 recognizes that by its very composition, conflicts of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for LWDA 70 members, LWDA 70 staff, LWDA 70 America Job Centers, contractors, and partners to be sensitive and error on the side of caution when potential or real conflict or fairness issues occur. To accomplish these purposes, the LWDA 70 establishes the following definitions, actions, and guidelines.

American Job Center Locations



cdconline.org

Bienville Parish
2434 Manning St.
Ringgold, LA 71068
(318) 894-9173

Bossier Parish
4000 Viking Dr., Suite B-1
Bossier City, LA 71111
(318) 741-7363

Caddo Parish
125 E. Louisiana Ave.
Vivian, LA 71082
(318) 676-5721

Claiborne Parish
507 W. Main St.
Homer, LA 71040
(318) 927-3338

DeSoto Parish
142 Lake Rd.
Mansfield, LA 71052
(318) 871-2391

Lincoln Parish
307 N. Homer St., Suite 307
Ruston, LA 71270
(318) 251-5023

Natchitoches Parish
303 Bienville St.
Natchitoches, LA 71457
(318) 357-2414

Red River Parish
615 E. Carroll St., 3rd Floor
Coushatta, LA 71019
(318) 932-9570

Sabine Parish
1125 W. Mississippi Ave., Suite A
Many, LA 71449
(318) 256-2698

Webster Parish
902 Lee St.
Minden, LA 71055
(318) 371-3024



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EFFECTIVE DATE

The Directive is effective immediately.

REFERENCES

- Public Law 113-128 Section 101(f) - State Board Conflict of Interest
- Public Law 113-128 Section 102(b)(2)(E) - State Plan Conflict of Interest Assurance
- Public Law 113-128 Section 107(h) - Local Board Conflict of Interest
- Public Law 113-128 Section 121(d)(4) - One-Stop Operators
- 20 CFR 679.130(f)(1) through (3) - Criteria to certify One Stops
- 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) Procurement
- 2 CFR Part 200.112, 200.318 and Part 2900 - Office of Management and Budget Uniform Guidance on administrative, cost, and audit provisions for federal grants

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.

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

Individual - (1) an individual; i.e., 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.

CODE OF CONDUCT POLICY

During the performance of duties, your actions are a reflection upon the LWDA 70 and CDC as well as a reflection upon you. It is extremely important that all LWDA 70 and committee members, LWDA 70 staff, American Job Centers, contractors, and partners act in a courteous, friendly, helpful and prompt manner in dealing with the public, customers and officials.

Ethical Principles:

Compliance with the Law: It is the LWDA 70's policy that all LWDA 70 members, LWDA 70 staff, LWDA 70 American Job Centers, contractors, and partners be knowledgeable of and comply with all applicable laws and regulations of the United States and the State of Louisiana in a manner that will reflect a high standard of ethics. Compliance does not comprise one's entire ethical code of conduct or responsibility; rather it is a minimum, and an essential condition for adherence to mission and duties.

Professional Standards: It is the LWDA 70's policy that its representatives be knowledgeable of emerging issues and professional standards in the field and to conduct themselves with professional competence, fairness, efficiency and effectiveness.

Guidelines:

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 LWDA 70 business inside or outside board 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: LWDA 70 and committee members are encouraged to act in a public relations capacity for the LWDA 70. This includes public speaking engagements and comments in a public forum. Because there is public interest in LWDA 70 actions, members should differentiate between descriptive comments, which relate to actions already taken by the board, and statements, which imply future LWDA 70 decision-making, or the ability to influence decision-making.

Information Sharing: LWDA 70 and committee members are encouraged to share information with the community about LWDA 70 activities. To the extent possible, access to information regarding board activities and procurement of services should be available at the same time and under the same circumstances to all parties. Such information includes the Strategic Plan, request for proposals, notices of meetings, meeting minutes, and policies.

Disclosure of Associations: LWDA 70 and committee members have professional and personal associations throughout the community. Associations include those which pertain to memberships in organizations or contractual agreements between partners, stakeholders, or employers and employees, as well as associations which arise out of custom, shared interests, friendships, or other relationships.

Such associations have been and will continue to be of significant benefit to the LWDA 70. Where a direct or indirect financial conflict of interest exists, an LWDA 70 or committee member may not vote or serve on a rating team. When associations raise appearance of fairness as an issue, LWDA 70 and committee members should qualify statements in public by disclosing the association and minutes of the meeting should reflect the disclosure.

Whenever a LWDA 70 representative is in doubt about possible problems with appearance of fairness, they should disclose the association.

Boards:

It is the policy and expectation of the Workforce Development Board (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 may 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, officer, service provider contractor, and Board Member. The WDB and all other agencies receiving direct financial assistance through the Workforce Innovation and Opportunity Act (WIOA) shall avoid conflict of interest, real or apparent.

It is the responsibility of each member to govern the actions of all other Members in compliance with the Conflict of Interest Policy. If a Member thinks there is a possibility of a conflict of interest, real or apparent, on the part of another Member, it is his or her affirmative responsibility to immediately bring the matter to the attention of the Workforce Development Board Director. Therefore, no WDB Member will discuss, present proposals, or vote on any issue as to which the Member has an economic interest unless specifically questioned by the other Members as part of a scheduled opportunity for all interested parties to present information. A Member may vote on and may discuss any matter what would not have any impact on the Member.

No official or employee of the WDB or contracting agency authorized in their official capacity to negotiate, make, accept, or approve, or to take part in the negotiating, making, accepting, or approving any contract or subcontract in connection with a project shall have directly or indirectly any financial or personal interest in any such contract or subcontract. It shall be against the policy of the WDB or contracting agency for any employee or volunteer to directly or indirectly ask, demand, exact, solicit, accept, receive, or agree to receive anything of value for themselves or any other person or entity in return for:

- being influenced in the performance of their job or position;
- being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or to make opportunity for the commission of any fraud on the WDB or contracting agency; or
- being induced to do or admit to any act in violation of their official duties.

Each Member shall annually confirm a statement that affirms such person:

1. has received a copy of the Seventh Planning District Consortium Workforce Development Board Conflict of Interest Policy;
2. has read and understands the policy; and
3. has agreed to comply with the policy.

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 subgrants. This policy can be adopted if none exists with a written acknowledgement to be maintained on record.
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. Before any public discussions regarding the release of a Request for Proposal, or any matter regarding the release of funding or the provision of services, an LWDA 70 member or LWDA 70 committee member must disclose any real, implied, apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting should reflect the disclosure.
4. An LWDA 70 member or a member of a LWDA 70 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, immediate family or to the member's organization.
5. LWDA 70 members or a member of a LWDA 70 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 LWDA 70 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 LWDA 70 members may evaluate any violations of these provisions on a case-by-case basis and recommend to the Executive Committee, 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 LWDA 70 where that information is not available to the public at large, or divulge such information in advance of the time decided by the LWDA 70 for its release.

8. One Stop Operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers. (WIOA Section 121 (d)(4))

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 LWDA 70 and the Executive Committee. (20 CFR 430)

10. Membership on the LWDA 70 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.

Firewalls:

Proper firewalls must be in place to ensure the transparency and integrity of the procurement process and demonstrate to the public and to the Department of Labor that the selection process was impartial, and that no preferential treatment was given to the awardee. A "firewall" is an established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, including confidentiality and disclosure agreements.

No entity or individual that has any role in the issuance of a solicitation may compete or submit a proposal under that procurement action, including the development of requirements, drafting the Request for Proposals (RFP) or Letter of Intent for Bid (IFB), evaluation of proposals/bids, and identification of the best entity.

Violations of any provision of this Conflict of Interest Policy by Board Members, Board staff, or program operators may be cause for immediate dismissal. All are subject to any penalties, sanctions, or other disciplinary measures set forth in applicable federal, state, or local laws.

ACTION

Notify all affected parties of the Code of Ethics and Conflict of Interest directive herein.
Review this policy on an annual basis.

FILING INSTRUCTIONS

Retain this directive until further notice.

INQUIRIES

If you have any questions regarding this directive, please contact the Compliance Officer at (318) 632-2022.

Passed and Approved on this 4 Day of December, 2020.



The Seventh Planning District Consortium Workforce Development Board
Title: Matt Wheeler, Chairperson

12/4/2020

Date

ATTACHMENT

The Seventh Planning District Consortium Workforce Development Board Disclosure of Conflict(s) of Interest Form.

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THE SEVENTH PLANNING DISTRICT CONSORTIUM WORKFORCE DEVELOPMENT BOARD DISCLOSURE OF CONFLICT(S) OF INTEREST

I, _____, a Member of the Seventh Planning District Consortium Workforce Development Board, or the Coordinating & Development Corporation LWDA 70 staff member, hereby discloses the following conflict(s) of interest with another position that I hold outside of the LWDA 70.

Check All That Apply

- I have no conflicts to disclose.
- I represent a private sector employer that has current business/contractual dealings with the LWDA 70, or one or more of the One Stop Operators, Partners, or other WIOA funded Service Providers/Contractors.
- I have an immediate family member(s) who is employed by a current or potential WIOA funded Service Provider/Contractor or by another organization that provides services directly to the LWDA 70.
- I represent a WIOA funded Service Provider/Contractor.
- I represent a One Stop Operator.
- I represent An AJCC Partner.
- Other: (please describe the 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.

Signed: _____ Print Name: _____ Date: _____

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