



Conflict of Interest and Code of Conduct Policy

Purpose

The Gloucester County Workforce Development Board is committed to maintaining the highest standards of ethical conduct and to guarding against problems arising from real, perceived, or potential conflicts of interest. All partners at all levels of participation in the Gloucester County Workforce 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 Gloucester County workforce system.

Standards of conduct covering the code of ethics and conflicts of interest governing the performance of Gloucester County staff and WIOA-funded staff can be found in Gloucester County Human Resources Manual.

Affected Parties

This policy applies to Gloucester County WDB committee members and staff, American Job Center partners, and staff as well as WIOA grantees, recipients, and subrecipients.

Review and approval: **November 2, 2022**

References:

20 CFR 679.410(a)(3) and (c) – the local board must avoid inherent conflict of interest

20 CFR 679.430

20 CFR 97.36 (3)

2 CFR Part 200 and Part 2900

2 CFR 200.318

Local Government Ethics Law (N.J.S.A.40A: 9-22.1)

[https://www.nj.gov/labor/wioa/forms_pdfs/WD-PY21-6Local%20GovernancePolicy%20\(Final\).pdf](https://www.nj.gov/labor/wioa/forms_pdfs/WD-PY21-6Local%20GovernancePolicy%20(Final).pdf)

<https://www.nj.gov/labor/wioa/documents/resources/WD-PY22-2PY22WIOABudgetMonitoringandPerformance%20Information.pdf>

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). 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 Gloucester 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 Gloucester County WDB members to be sensitive and err on the side of caution when potential or real conflict for fairness matters occur.

Policy

The Gloucester County WDB recognizes the need for a cohesive Code of Conduct and Conflict of Interest Policy. However, it should be noted that the New Jersey Department of Labor has not clarified or submitted to the local area its policy as it pertains to the One-Stop Career Center/American Job Center partner's conflict of interest and code of conduct. Nevertheless, the following, are the criteria that the Gloucester County WDB members and staff will follow.

1. Each grant recipient and subrecipient must maintain a written code of standards or conduct governing the performance of persons engaged in the award in the administration of WIOA contracts and sub-contracts.
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 sub-grants or contracts supported by the WIOA or any other federal funds.
3. A Gloucester County WDB member or a member of a 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. (See WDB Bylaws)
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 Gloucester County WDB member or a member of a Gloucester County committee must disclose any real, implied apparent, or optional conflicts of interest before engaging in the discussion. The minutes of the meeting must reflect the disclosure.
5. Gloucester County WDB members or subcommittee members 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.
6. Disciplinary actions may be taken up to and including termination of board membership for violation of this policy by any individual. The Gloucester 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 officially designated purposes, any information obtained as a result of their committee, board, or working relationships with the Gloucester 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 Gloucester County for its release.
8. The One-Stop Operator 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 the Conflict-of-Interest Policy. This plan must limit conflict of interest or the appearance of a conflict of interest, minimize fiscal risks, and develop appropriate firewalls within that single entity performing multiple functions. The plan must be agreed to by both the Gloucester County WDB Executive Director and the Executive Committee.

10. Membership on the Gloucester 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.

Code of Conduct

During the performance of duties, the Gloucester County WDB member staff actions are a reflection of the Gloucester County WDB. It is important that all Gloucester County WDB and committee members, including sub-recipients, contractors, and American Job Center partners act in a courteous, friendly and helpful, and prompt manner in dealing with the public, customers, and officials.

WDB/WIOA AMERICAN JOB CENTER STAFF

<https://www.gloucestercountynj.gov/DocumentCenter/View/252/23-Conflict-of-Interest-Nepotism-PDF>

<https://www.gloucestercountynj.gov/DocumentCenter/View/246/15-Code-of-Ethics-PDF?bId=>

WDB MEMBERSHIP

The Gloucester County WDB members follow the WDB By-Laws that define conflict of interest and are understood by its membership.

From Gloucester County Workforce Development Board By-Laws

ARTICLE XI

CONFLICT OF INTEREST

For the Workforce Development Board, a conflict of interest is hereby defined as that subject matter in which any Committee member or employee has an actual or potential private, personal, or business interest.

It is the policy of the Workforce Development Board and its committees that every member, affiliate, or employee strives to maintain the highest standard of ethics while conducting the business of the Workforce Development Board. It is recognized, however, that from time to time a conflict may exist between the personal or business interests of the member and the business of the Workforce Development Board.

To avoid such actual or potential conflicts, Committee members are to announce the actual or potential conflict of interest before any discussion on the subject matter. Thereafter, the Committee member or members shall refrain from discussing, voting, or influencing any other Committee member on the particular subject.

WIOA Funded Programs

RFP AND BID REVIEWS CONFLICT OF INTEREST CERTIFICATION

The following is from Gloucester County Purchasing Department and the certification/statement is signed off by the RFP/Bid reviewers:

Conflict of Interest Certification for Gloucester County Competitive Contracting or Request for Proposal Evaluations

Project Title: - RFP-# – REQUEST FOR PROPOSAL FOR

Pursuant to Competitive Contracting as per State Statute 40A:11-4.1

The undersigned hereby certifies that I have reviewed the conflict-of-interest standards in the Local Government Ethics Law (N.J.S.A.40A: 9-22.1), as appropriate, and that I do not have a conflict of interest with respect to the evaluation of this proposal. I further certify that I am not engaged in any negotiations or arrangements for prospective employment or association with any of those submitting proposals or their parent or subsidiary organization.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Name (Print) _____

Signature _____

Procurement of the One-Stop Operator

The following documents the procurement process to ensure that the Gloucester County WDB does not create a conflict of interest when procuring the One-Stop Operator. For clarification purposes, the Gloucester County WDB established a shared services agreement with the Gloucester County Improvement Authority (GCIA) for the sole purpose of procuring the One-Stop Operator thereby ensuring that the WDB follows WIOA laws and regulations.

One-Stop Operator Procurement Task Force Confidentiality and Conflict of Interest Policy and Disclosure Form

Confidentiality

Having been designated to serve on the One-Stop Operator Procurement Task Force for the Gloucester County Workforce Development Board (under the auspices of the Gloucester County Improvement Authority (GCIA) which is a corporation formed pursuant to the laws of the State of New Jersey and also qualifies as a contracting unit), I recognize that I owe a fiduciary duty of care to the Gloucester County Workforce Development Board. This includes a duty of confidentiality. All information and documentation that I receive from the Gloucester County Workforce Development Board and others in connection with my service on the One-Stop Operator Procurement Task Force will be treated with strict confidentiality. Neither the contents nor the existence of this information or documentation will be shared with anyone other than members of said Task Force or the WDB staff. I will direct any questions regarding my confidentiality obligations to the Workforce Development Board Executive Director.

Conflicts of Interest

As a member of the One-Stop Operator Procurement Task Force for the Gloucester County Workforce Development Board, I recognize that I owe a fiduciary duty of loyalty to the Gloucester County Workforce Development Board. This duty requires me to avoid conflicts of interest and to act at all times in the best interests of the Gloucester County Workforce Development Board. The purpose of the conflicts of interest policy (set forth below) is to help inform members of the One-Stop Operator Procurement Task Force about what constitutes a conflict of interest, assist members in identifying and disclosing actual and potential conflicts, and help ensure the avoidance of conflicts of interest where necessary. This policy may be enforced against individual One-Stop Operator Procurement Task Force members as described below:

1. One-Stop Operator Procurement Task Force members have a fiduciary duty to conduct themselves without conflict with the interests of the Gloucester County Workforce Development Board. In their capacity as One-Stop Operator Procurement Task Force members, they must subordinate personal, individual business, third-party, and other interests to the welfare and best interests of the Gloucester County Workforce Development Board.
2. A conflict of interest is conduct, a transaction, or a relationship that presents or might conflict with a Task Force member's obligations owed to the Gloucester County Workforce Development Board and the Task Force member's personal, business, or other interests.
3. All conflicts of interest are not necessarily prohibited or harmful to the Gloucester County Workforce Development Board. However, full disclosure of all actual and potential conflicts, and a determination by the disinterested members of the full Board of Trustees – with the interested Task Force member(s) recused from participating in debates and voting on the matter – is required.
4. All actual and potential conflicts of interest shall be disclosed by One-Stop Operator Procurement Task Force members to the Gloucester County Workforce Development Board Executive Director through this disclosure form and/or in writing to the Gloucester County Workforce Development Board Executive Director should a subsequent conflict arise. Disinterested

members of the Gloucester County Workforce Development Board and the Executive Director shall decide whether a prohibited conflict exists and what subsequent action is appropriate (if any). The Gloucester County Workforce Development Board Executive Director shall inform the Task Force member of such determination and action. The Gloucester County Workforce Development Board shall retain the right to modify or reverse such determination and action, and shall retain the ultimate enforcement authority concerning the interpretation and application of this policy.

5. One-Stop Operator Procurement Task Force members have been provided with a copy of this policy and are required to complete and sign the acknowledgment and disclosure form below. All completed forms shall be provided to and reviewed by the Gloucester County Workforce Development Board Executive Director and all other conflict information, if any, provided by Task Force members.

6. One-Stop Operator Procurement Task Force members must be free of apparent or real conflicts of interest. Under the Uniform Guidance at 2 CFR 200.318(c) (1), conflicts of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated has a financial or other interest or a tangible personal benefit from a firm considered for a contract.

CONFLICTS OF INTEREST ACKNOWLEDGMENT AND DISCLOSURE FORM

I have read the conflicts of interest policy set forth above and agree to comply fully with its terms and conditions at all times during my service as a One-Stop Operator Procurement Task Force member for the Gloucester County Workforce Development Board. 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 Gloucester County Workforce Development Board Executive Directors in writing.

Disclosure of Actual or Potential Conflicts of Interest:

I acknowledge and agree that my selection for service on the One-Stop Operator Procurement Task Force for the Gloucester County Workforce Development Board and the opportunities made available to me by serving on the Task Force constitute good and valuable consideration for entering into this agreement, the receipt and sufficiency of which I hereby acknowledge.

In my individual capacity:

Signature: _____

Name: _____

Date: _____

References:

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20 CFR 679.430

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