



**M E M B E R S**

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- TAMALA LEWIS
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- TOD SWORD
- VAN NGUYEN
- WANZA TOLLIVER
- DR. WILLIE HAGAN

**DATE:** December 7, 2017

**TO:** South Bay Workforce Investment Board, South Bay Workforce Investment Board, Inc., South Bay One-Stop Business & Career Centers, Youth Programs, Contractors, and Partners

**SUBJECT: DIRECTIVE NO. 17-04  
CODE OF CONDUCT AND CONFLICT OF INTEREST POLICY**

**PURPOSE**

The South Bay Workforce Investment Board (SBWIB) and South Bay Workforce Investment Board, Inc. (SBWIB, Inc.) 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 SBWIB members, SBWIB, Inc. employees, South Bay One-Stop Business & Career Centers, youth programs, 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 SBWIB recognizes that by its very composition, conflicts of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for SBWIB members, SBWIB, Inc. employees, South Bay One-Stop Business & Career Centers, youth programs, 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 SBWIB establishes the following definitions, actions, and guidelines.

JAN VOGEL  
**EXECUTIVE DIRECTOR**

## 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 step-children), 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 SBWIB and SBWIB, Inc. as well as a reflection upon you. It is extremely important that all SBWIB and committee members, SBWIB, Inc. employees, South Bay One-Stop Business & Career Centers, youth programs, 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 SBWIB's policy that all SBWIB members, SBWIB, Inc. employees, South Bay One-Stop Business & Career Centers, youth programs, contractors, and partners be knowledgeable of and comply with all applicable laws and regulations of the United States and the State of California 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 SBWIB'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 SBWIB 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:* SBWIB and committee members are encouraged to act in a public relations capacity for the SBWIB. This includes public speaking engagements and comments in a public forum. Because there is public interest in SBWIB actions, members should differentiate between descriptive comments, which relate to actions already taken by the board, and statements, which imply future SBWIB decision-making, or the ability to influence decision-making.

*Information Sharing:* SBWIB and committee members are encouraged to share information with the community about SBWIB 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:* SBWIB 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 SBWIB. Where a direct or indirect financial conflict of interest exists, an SBWIB or committee member may not vote or serve on a rating team. When associations raise appearance of fairness as an issue,

SBWIB and committee members should qualify statements in public by disclosing the association and minutes of the meeting should reflect the disclosure.

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

### **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. 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 SBWIB member or SBWIB 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 SBWIB member or a member of a SBWIB 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. SBWIB members or a member of a SBWIB 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 SBWIB 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 SBWIB Coordinating Committee 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 SBWIB where that information is not available to the public at large, or divulge such information in advance of the time decided by the SBWIB 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 SBWIB and the Executive Committee. (20 CFR 430)

10. Membership on the SBWIB, 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.

**ACTION**

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

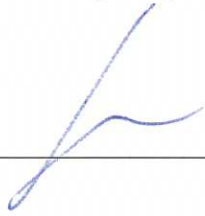
**FILING INSTRUCTIONS**

Retain this directive until further notice.

**INQUIRIES**

If you have any questions regarding this directive, please contact the Compliance Manager at (310) 970-7730.

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Jan Vogel  
Executive Director



**ATTACHMENT**

South Bay Workforce Investment Board Disclosure of Conflict(s) of Interest Form

*The SBWIB is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

**SOUTH BAY WORKFORCE INVESTMENT BOARD**

**DISCLOSURE OF CONFLICT(S) OF INTEREST**

I, \_\_\_\_\_, a Member of the SBWIB Workforce Investment Board, or SBWIB, Inc. staff member, hereby discloses the following conflict(s) of interest with another position that I hold outside of the SBWIB.

**Check All That Apply**

- I have no conflicts to disclose.
- I represent a private sector employer that has current business/contractual dealings with the SBWIB, 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 SBWIB.
- 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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