

  <p>MARICOPA COUNTY WORKFORCE DEVELOPMENT BOARD</p>	SECTION/REFERENCE:	POLICY NUMBER: 01
	ORIGINAL ISSUE DATE: December 2020	REVISION DATE: August 2022
	AUTHORIZED BY: Maricopa County Workforce Development Board	
SUBJECT: Conflict of Interest Policy		

Purpose: To provide the Maricopa County Workforce Development Board (MCWDB) system with a Code of Conduct to maintain fairness and equity in its decision-making, awarding and allocation of Workforce Innovation and Opportunity Act (WIOA) Title I-B monies as well as any other monies received by the system. All staff, partners, subrecipients and any other organization funded with Federal dollars and other monies are expected to read, understand, and apply this policy to ensure system integrity.

Background: A conflict of interest policy ensures 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 possibility of a conflict of interest is inherent when an organization or entity is designated or is seeking to be designated to perform more than one of the following functions in the Local Workforce Development Area (LWDA): local fiscal agent, staff to the MCWDB, member of the MCWDB, one-stop operator (OSO), and providers of services for adults, dislocated workers, and youth. As recipients of public funds, the MCWDB must assure that its staff, members, and grantees use these resources for the benefit of the public rather than for personal benefit. This policy is intended to supplement but not replace any applicable county, state and federal laws governing conflict of interest.

Who should read this policy: The staff, grantees and their staff, sub-grantees, or other agencies providing program services funded through the MCWDB.

Definitions:

- A. Conflict of Interest:** Refers to circumstances in which an individual or an organization the individual represents has competing interests that may affect the individual’s ability to act objectively and without bias. There may be circumstances or actions that have the potential to undermine the impartiality of an individual because of a possible clash between the individual's own interests and their organizational role, or between competing organizational roles when an individual serves in more than one organizational role. 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.
- B. Real/Actual conflict of interest:** A real conflict of interest exists when an individual in his or her official capacity participates in a decision-making process that has a direct effect on the financial interest of his or her personal or business interest or a member of his or her family.

- C. **Apparent conflict of interest:** The appearance of a conflict of interest arises where an employee is assigned to participate in an official duty matter where an organization with which the employee has a covered relationship is or represents a party to that matter, or where the matter is likely to affect the interests of a household member, and there are circumstances that would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the official matter.
- D. **Organizational conflict of interest:** An organizational conflict of interest can arise when actions are taken or may appear to be taken by any entity involved in more than one role, such that the performance of that entity in one role affects its interest in its other role(s). Organizational conflicts must be mitigated with complete separation of duties, supervision, and restrictions on information access.
- E. **Individual:** An individual, i.e., employee, officer, board member or agent, or any member of the individual's immediate family (spouse, partner, child, or sibling), or the individual's business partner.
- F. **Organization:** A public agency, 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.

Policy

For Individuals

- A. No individual shall participate in the selection, award, or administration of a contract or grant funded by WIOA Title I-B or other federal, state, or county funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the individual, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.
- B. No individual shall cast a vote or participate in any decision-making capacity on the provision of services by such individual (or any organization which that individual directly represents), or any matter which would provide any direct financial benefit to the individual, to the individual's immediate family, or to the individual's organization.
- C. No individual shall solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to sub agreements. Individuals may receive unsolicited, gifts of value no greater than \$10 from parties unconnected to any person or organization that intends to respond to a proposal, has responded to a proposal, or has received an award.
- D. 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 or working relationships with the MCWDB and not available to the public at large or divulge such information in advance of the time prescribed for its authorized release.
- E. Disciplinary actions, up to, and, including termination of employment, will be applied for violations of this policy by any individual.

- F. Conflict of Interest and Ethics provisions for MCWDB members are outlined in Article X of the MCWDB Bylaws and in Section XIII of the Shared Governance Agreement.

For Contractors and Subcontractors

- A. Each contractor and subcontractor shall maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of MCWDB contracts and subcontracts.
- B. Each contractor and subcontractor 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 or subcontract supported by MCWDB funds if a conflict of interest, real, implied, or apparent would be involved.
- C. The standards of conduct shall provide for disciplinary actions, up to, and including termination of employment for violations of the code of conduct.
- D. Failure to comply with this policy may result in the termination of contracts with the MCWDB and disqualification for future contracting opportunities.

Between the CEO and the MCWDB: Conflicts between the MCWDB and the Chief Elected Official (CEO) are addressed in the Shared Governance Agreement.

PROCEDURE

Violations of this policy must be reported and will be investigated. Any individual, contractor, or subcontractor who believes a violation of this policy has occurred must report it in writing within 90 days to the MCWDB’s Executive Director. If the possible violation pertains to the Executive Director, the violation must be reported to the Board Chair. An investigation will be conducted to determine if a violation has occurred and whether the violation should result in sanctions.

REFERENCES

State Workforce Policy # 1: Workforce Innovation and Opportunity Act (WIOA) Local Governance Policy
State Workforce Policy #8: Conflict of Interest Policy
Arizona Law on Conflict of Interest ASRS Section 38-501 et. Seq.

Policy Management

Administrative revisions to the policy which are consistent with local, state, and federal laws, may be made by the Maricopa County Workforce Development Board Executive Director, with notice to the MCWDB Board’s Executive Committee. All other substantive revisions will go to the MCWDB’s Executive Committee for review and recommendation to the full MCWDB for approval.