



**Ohio Valley Employment Resource**  
PO Box 181  
Marietta, OH 45750



Proudly serving Monroe, Morgan, Noble & Washington Counties, since 2000

## **Ohio Valley Employment Resource Policy Letter No. 2-15**

### **Conflict of Interest**

#### **PURPOSE**

This purpose of this policy is to establish a Conflict of Interest Code for the leadership members of the WIOA area of Monroe, Morgan, Noble and Washington Counties, which includes the Council of Governments, Workforce Development Board and any standing committees, as well as staff to the boards. The leadership will serve without bias in the oversight of the Workforce Innovation and Opportunity Act.

**I. APPROVALS: COG motion 2-15 on 10-5-15; WDB motion 10-15 on 12-14-15**

**II. EFFECTIVE DATE: 7/1/2015**

**III. REFERENCES**

In accordance with the Workforce Innovation and Opportunity Act and the Federal Regulations and as dictated by the assurances and certifications contained in the state-area subgrant agreement, various Federal and State laws and common practice of public organizations, the leadership members of the WIOA area adopt the following policy and implementing guidelines in order to ensure the avoidance of conflicts of interest.

**IV. POLICY**

No member shall grant or give the appearance of granting, special consideration, treatment or advantage to any citizen, organization or institution beyond that which is granted to every other citizen, organization or institution. Because a conflict of interest automatically gives the appearance of advantage, any member having a real or perceived conflict of interest on any issue shall declare that circumstance and refrain from discussion or voting on that issue.

**V. IMPLEMENTING GUIDELINES**

1. No member shall cast a vote on the provision of services by that member (or any organization which that member directly represents) or vote on any matter which would provide direct financial benefit to that member.

2. No member shall accept gratuities, favors or anything of monetary value from those persons, organizations and agencies participating in any area grants or contracts.
3. No member shall use or direct the use of area funded equipment, or personnel for their private purposes.
4. No member shall disclose confidential information to further their personal interests.
5. No member shall engage in any personal business transaction or private arrangement for personal profit which was based upon privileged information as a result of their area membership.
6. No member shall use their position for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves.

## **VI. MATTERS OF CLARIFICATION**

1. WIOA subgrant agreement Assurances and Certifications require that the Subrecipient or Grant Recipient establish safeguards to prohibit members from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties. The area adheres to this requirement both for its employees and for its members, and defines nepotism as a conflict of interest for its members and employees. Family ties vary significantly from person to person, and accordingly no definition of closeness of family ties such as father, mother, sibling, first cousin, is offered. Instead, the definition of family ties is left to the member or employee to declare, at the time of declaring, the possible conflict. As a guide, close family ties might be presumed to include, direct ancestors or decedents, siblings, their descendants, and spouses of any of those persons. Please declare any possible relationship to avoid any conflict, real or apparent, including non-related but close relationships that would prohibit you from making an impartial decision.
2. No organization, business or association is expressly denied participation in the benefits or in the opportunity to provide services under the Workforce Innovation and Opportunity Act because it has a relationship to a member of the area's leadership. It should be clear that all such organizations, businesses and associations have an equal right to compete for provision of WIOA-funded services and training. Conflict of interest in such situations is avoided when the member possessing such relationship declares the possibility of conflict and abstains from discussion or voting on the issue. It should also be understood that the passage of general plans and broad policy documents does not constitute a conflict of interest unless the provider of a WIOA-funded service is specifically mentioned in the material being approved. An exception to this rule is the specific mention of a public institution as a provider, because such public institutions are presumed to be subject to control of their boards of directors and not of any one individual who may appear to be in conflict.

**VII. OPERATIONAL MATTERS**

1. To ensure the Policy on Conflict of Interest is kept in view of the members and employees of the area, it shall be read carefully, at least annually by all COG, board members and OVER employees.
  
2. The Executive Committee of the Workforce Investment Board shall serve as a "Board of Ethics" to accept complaints regarding possible undeclared conflicts of interest and to make determinations regarding unclear issues. Any member may submit such a matter or question to the Chair or any Executive Committee member in writing. The Board will make all recommendations and decisions in writing. The decision of the Executive Committee will be binding, unless revoked by the Executive Committee. In all cases, the anonymity of that member seeking advisory action shall be preserved by that member of the Executive Committee receiving initial notice, unless that person requests in writing that his or her name be used. All discussions and votes by the Executive Committee on matters relating to conflict of interest shall be closed to the public. If within thirty (30) days of receiving a conflict of interest notification in writing, the Executive Committee fails to make a determination on the matter, the complainant may take the matter to the Workforce Development Board at the next regular session.

**VIII. Duties of Board Members**

1. It shall be the duty of all Board members to:
  - a. Recuse themselves from their official Board duties if there is a conflict of interest.
  - b. Advise the Board of any potential conflicts of interest
  - c. Ask the Board for an opinion if they have any doubts that a specific situation involves a conflict of interest.

**IX. Violations of the Conflict of Interest Code**

1. If after an investigation, the Board believes that this code has been violated it can recommend to the Governor or the Chief Elected Officials of the area that the individual who has violated the code be removed as a member of the leadership.
  
2. The Governor or the Chief Elected Officials of the local area has the authority to remove a member for a violation of this code, even if the Board has not made such a recommendation.

As a leadership member of the area, I understand and will abide by this policy.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date