



Workforce Innovation and Opportunity Act Policy
Workforce Snohomish

CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS

Policy Number: 2040

Effective Date: July 1, 2015

A. BACKGROUND

In conformance with Washington State Policy Number 5405, Conflict of Interest, Workforce Snohomish has developed this policy and recognizes that by its very composition, conflicts of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff members to be sensitive and err on the side of caution when potential or real conflict or fairness matters occur.

Workforce Snohomish recognizes that many Workforce Snohomish Board and other committee members are selected because of their expertise and involvement in youth services, training, education, employment, and employer services. These members should have every opportunity to share their talent, knowledge, and experience within the parameters of fairness.

Workforce Snohomish also recognizes that Workforce Snohomish Board and other committee, and staff members and WorkSource Snohomish County partner staff members may have professional and/or personal associations which could lead to conflicts of interest or appear to lead to unfairness.

B. PURPOSE

Consistent with OMB Circular Uniform Administrative Requirements (CFR 200) regarding Codes of Conduct, Workforce Snohomish has developed the following written standards of conduct governing the performance of its employees, officers, and agents engaged in the award, administration, and management of contracts. Workforce Snohomish wishes to guard against problems arising from real, perceived, or potential conflicts of interest and to maintain an appearance of fairness. To accomplish this purpose, Workforce Snohomish establishes the following definitions, actions and guidelines for interpretation as well as procedures for reporting potential third-party conflicts. Additional Workforce Snohomish staff member requirements

related to Conflict of Interest may be found in the Workforce Snohomish PERSONNEL POLICIES and are outside the scope of this policy.

This Code of Conduct shall be in force for all Workforce Snohomish initiatives and any subsidiaries of Workforce Snohomish that exist now or in the future. Any violations of this Code of Conduct will include disciplinary actions.

C. DEFINITIONS AND ACTIONS

For the purpose of this memorandum, a ***member of an individual's family*** is defined as the individual's mother, father, son, daughter, grandfather, grandmother, grandson, granddaughter, step-child, foster parent, foster child, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, or domestic partner.

1. Conflict of Interest

No member of the Workforce Snohomish Board of Directors or other committee shall cast a vote on the provision of services by that member, by any ***member of her/his family***, or by any organization with which that member is directly affiliated or about to be affiliated or vote on any matter which would provide direct or indirect financial benefit to that member, to any ***member of her/his family***, or to any agency with which that member is affiliated or about to be affiliated. Additionally, no member of the Workforce Snohomish Board of Directors or other committee shall lobby members of Workforce Snohomish or any Workforce Snohomish committee in private or in public on behalf of any action before the Workforce Snohomish Board of Directors or committee that may benefit the member personally, any ***member of her/his family***, or any organization with which that member is directly affiliated or is about to be affiliated. Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff should act in accordance with standards of appearance of fairness in all matters.

2. Appearance of Fairness

The issue of the appearance of fairness arises out of associations; past, present, and future. While not a financial issue, as in conflict of interest, the association may appear unfair to the public. Associations which may cause an unfair appearance are memberships on boards of directors, advisory boards, professional and personal associations, and membership-like associations. Whenever a Workforce Snohomish Board of Directors, other committee, or staff member or WorkSource Snohomish County partner staff member is in doubt about a possible problem with appearance of fairness, s/he will disclose the association from which the problem arises. Disclosure of association(s) does not prohibit a Workforce Snohomish Board, or other committee member from voting or participating in other Workforce Snohomish business unless prohibited by the Workforce Snohomish Board of Directors or its Executive Committee. Associations are those which pertain to memberships in organizations or contractual agreements such as those between partners, stockholders, or employers and employees as well as those which arise out of custom, shared interests, friendships, or other relationships.

3. Gratuities

Staff members, officers and agents of Workforce Snohomish are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts or prospective contractors/bidders.

Staff members, officers, committee members and agents of Workforce Snohomish are not to give, offer, or promise, directly or indirectly, anything of value to any representative of a client, of a potential client, of a governmental entity, or of a funding agency in connection with any transaction or business that the Corporation may have with such client, potential client, governmental entity, or a funding agency. This Code of Conduct shall be in force for all Workforce Snohomish initiatives and any subsidiaries that may exist now or in the future. Any violations of this Code of Conduct will include disciplinary actions.

D. GUIDELINES FOR INTERPRETATION

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 Workforce Snohomish business or Workforce Snohomish Board, other committee, and staff member and WorkSource Snohomish County partner actions outside Workforce Snohomish meetings. Specific areas which may pose problems include, but are not limited to, comments made in public, information sharing, disclosure of associations, and service to participants.

1. Comments Made in Public

Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff members are encouraged to act in a public relations capacity for Workforce Snohomish and the WorkSource Snohomish County system. This includes public speaking engagements and comments in a public forum. Because there is interest in Workforce Snohomish actions, Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff members should differentiate between descriptive comments, which relate to actions already taken by Workforce Snohomish, and statements which imply future Workforce Snohomish decision making or the ability to influence decision making.

2. Information Sharing

Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff members are encouraged to share information with the community about Workforce Snohomish and WorkSource Snohomish County activities. All must protect against implying that actions taken by a specific interested party may result in favorable consideration by Workforce Snohomish or the WorkSource Snohomish County system. To the extent possible, access to information regarding procurement of services should be available at the same time and under the same circumstances to all parties. Such information includes the

Strategic and Operations Plans, requests for proposals, notice of meetings, meeting minutes, and policies.

3. Disclosure of Associations

Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff members have professional and personal associations throughout the community. Such associations have been and will continue to be of significant benefit to Workforce Snohomish and the WorkSource Snohomish County system. Where a direct or indirect financial conflict of interest exists, a Workforce Snohomish Board or other committee member may not vote or serve on a rating team. Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff must disclose all such associations.

Each board and other committee member shall be required to complete the Workforce Snohomish CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS REPORT annually (see Attachment A). This document must be also be completed any time during the year within 30 days of a change in status that may result in either a conflict of interest or potential issue with an appearance of fairness.

Additionally, **prior to rating** any Request for Proposal issued by Workforce Snohomish, every Board, and other committee member participating in the review of proposals must complete the DISCLOSURE OF CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS ISSUE FOR PROCUREMENT ACTION (see Attachment B).

When associations raise conflict of interest or appearance of fairness as an issue, Workforce Snohomish Board and other committee members must state such associations prior to voting on a matter before the relevant body and abstain from voting as directed by the Chair of that body. Minutes of the meeting should reflect the resultant abstention.

4. Service to Participants

No Workforce Snohomish staff member or WorkSource Snohomish County partner staff member may register her/himself or a *member of her/his family* into any WorkSource Washington system program. Any family member seeking to be served through a WorkSource Washington system program must be screened for eligibility and served by the supervisor overseeing that specific program provided the supervisor is without a conflict of interest relative to the individual to be served. Should the supervisor overseeing that specific program have a conflict of interest, the individual will be served by another staff member in a comparable position who does not have a conflict of interest relative to the individual to be served.

Any individual being served by a WorkSource Washington program who becomes employed by Workforce Snohomish or a WorkSource Snohomish County partner or any other Workforce Snohomish funded sub recipient in either a subsidized or unsubsidized capacity must be exited from all WorkSource programs on or before the date of hire by Workforce Snohomish, the WorkSource Snohomish County partner, or other Workforce Snohomish funded subrecipient.

No active participant may have access to the Statewide Management Information System, Services, Knowledge, and Information Exchange System (SKIES).

5. Guidance

Workforce Snohomish recognizes that the above guidelines do not address all areas of possible interpretation of conflict of interest and appearance of fairness. Workforce Snohomish Board, other committee, and staff members and WorkSource Snohomish County partner staff members are encouraged to seek further guidance as the need arises.

E. REPORTING POTENTIAL THIRD PARTY ISSUES

Workforce Snohomish accepts third party reports of potential conflict of interest and appearance of fairness issues. Workforce Snohomish's goal is to resolve any such potential issues informally whenever possible as outlined in the following procedures.

1. Verbal Concern

Any concerns about the actions of a Workforce Snohomish Board, other committee, or staff member or WorkSource Snohomish County partner staff member should be expressed verbally to the President/CEO of Workforce Snohomish unless the concern is in regard to the President/CEO in which case it should be brought to the Executive Committee. The President/CEO or Executive Committee will interpret these guidelines or offer other resolution as appropriate. If no acceptable resolution is found, a written concern may be addressed to the President/CEO or Executive Committee.

2. Written Concern

The President/CEO or Executive Committee will review the written concern and may elect to offer a verbal resolution, a written recommendation for resolution, or convene an *ad hoc* committee to study and resolve the concern. If an *ad hoc* committee is convened, it will issue a written resolution. If no acceptable resolution is reached, or if the concern is in regard to the President/CEO, the matter will be referred to the Executive Committee or the Board of Directors as indicated.

3. Executive Committee or Board of Directors Concern

If the matter is referred to the Executive Committee or the Board of Directors, the Executive Committee or Board of Directors shall have responsibility for taking steps to achieve resolution which may include mediation, referral to the Personnel Committee for consideration, or other action as appropriate.

Reference:

ESD Policy #5405
OMB Circular Uniform Administrative Requirements (CFR 200)

Supersedes:

Memorandum #04-01

Attachments:

A - Conflict of Interest and Appearance of Fairness Report
B – Disclosure of Conflict of Interest/Appearance of Fairness Issue for Procurement Action

Workforce
Snohomish



Board of Directors and Committees

CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS REPORT

Workforce Development Council Snohomish County Bylaws, dated January 15, 2013, in Article 9, Conflict of Interest and Appearance of Fairness, read:

All members of the Board of Directors and all members of any Committees and Sub-Committees established hereunder are subject to Workforce Development Council Snohomish County*Conflict of Interest and Appearance of Fairness.*

- I do not have a conflict of interest or appearance of fairness issue.
- I have a potential conflict of interest or appearance of fairness issue as follows (describe):

By signing below, I indicate that I have read and understand the above-referenced policy, have accurately stated any potential conflict of interest or appearance of fairness issue(s), and agree to abide by the terms of the policy.

Signature: _____

Print Name: _____ Date: _____

Board of Directors Committee(s): _____

**Workforce
Snohomish**



**DISCLOSURE OF CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS ISSUE
FOR PROCUREMENT ACTION**

Request for Proposal or Other Procurement Action:_____

Date of Release: _____

Date of Review: _____

I, _____ hereby indicate that in conformance with
(Rater's Name)

Workforce Snohomish WIOA Conflict of Interest and Appearance of Fairness Policy #2040 (check as many as apply):

I have no conflict of interest related to any bidder under the above referenced Request for Proposals or other procurement action.

I have no conflict of interest related to any bidder under the above referenced Request for Proposals or other procurement action but disclose the following association(s) (attach additional sheets as necessary):

I have no appearance of fairness issues related to any bidder under the above referenced Request for Proposals or other procurement action.

I have no appearance of fairness issues related to any bidder under the above referenced Request for Proposals or other procurement action but disclose the following association(s) (attach additional sheets as necessary):

Rater's Signature

Date

Reviewed by

Date