

THE WORKFORCE BOARD OF NORTHERN COOK COUNTY

LOCAL AREA WIA Policy 2006 – Conflict of Interest Policy

TO: ALL WIA CONTRACTORS

FROM: _____
Jennifer Stasch
Director of Administration

SUBJECT: Conflict of Interest Policy

DATE: June 2, 2006

Purpose: The purpose of this letter is to update and clarify the policy for Conflict of Interest related to activities and services conducted with WIA and other funds under the Workforce Board of Northern Cook County (Workforce Board) contracts.

References: 20 CFR 667.200
29 CFR 95.42
29 CFR 97.36
WIA Legislation and Rules and Regulations
Department of Commerce and Economic Opportunity

Background: The Workforce Board of Northern Cook County is releasing a Conflict of Interest policy in order to ensure that contractors, individuals or representatives of Contractors entrusted with public funds will not personally or professionally benefit from the award or expenditure of such funds aligned with the Contractor’s Agreement with the Workforce Board, DOL and DCEO policy, and other applicable rules and regulations.

Policy

Statement: The Contractor hereby agrees that in administering this Agreement, it will take every reasonable course of action in order to maintain the integrity of this Agreement and to avoid any favoritism or questionable or improper conduct. The Agreement will be administered in an impartial manner, free from personal financial or political gain. The Contractor, its executive and management staff and employees, in administering this Agreement, will avoid situations, which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain. The Contractor and its employees are subject to the provisions of Section 117(g) of WIA.

Workforce Board Conflict of Interest Policy

Interest of Public Officials/Employees. If the Contractor is a local government, the Contractor certifies that no officer or employee of the Contractor and no member of its governing body and no other public official of the locality in which the program objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such objectives shall participate in any decision relating to any Agreement negotiated under a program grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or has any financial interest, direct or indirect, in such Agreement or in the work to be performed under such Agreement.

If the Contractor is a nongovernmental entity, such a financial interest is permissible provided full disclosure of said interest is made in advance of any decisions relative to the award of a Agreement giving rise to such interest and further provided that the officer, employee, or member of the governing body so affected shall remove himself or herself from the room during any discussion, deliberation or voting in connection with the awarding of such a Agreement and provided further, that the Board determines in writing, that the best interest of the project or services provided outweighs the conflict of interest issue.

Violations of the provision may result in suspension or termination of this Agreement, and recovery of grant funds provided hereunder. Violators may be criminally liable under other applicable State laws and subject to actions up to and including felony prosecution. Safeguards, evidenced by rules or bylaws, shall be established to prohibit persons from engaging in actions which create or which appear to create a conflict of interest as described herein.

DEFINITION

"Conflict of Interest" refers to the conflict between the public obligation and the private interests of the persons or entities identified under Paragraph 3.

1. Contractor and subcontractor shall ensure that no individual in a decision-making capacity shall engage in any activity, including participation in the selection, award, or administration of a subgrant or contract supported by WIA funds, if a conflict of interest (real, implied, or apparent) would be involved.
2. Contractor or subcontractor shall not cast a vote, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to the contractor or to the contractor's organization.

3. A conflict of interest under paragraph 1 and 2 would arise when:
 - a. An individual; i.e., employee, officer, or agent,
 - b. Any member of the individual's immediate family (partners, spouse, children, or siblings),
 - c. The individual's partner, or
 - d. An organization which employs, or is about to employ an individual (individual has received a job offer from the organization) who has financial or other interest, either through ownership or employment, and participates in the selection or award of funding for that organization or firm.
1. The officers, employees, or agents of the Contractor will neither solicit nor accept gratuities, favors, or anything of monetary value from awardees, potential awardees, or other parties to agreements.
2. The Contractor nor the subcontractor in receipt of WIA funds to provide training or other services shall be construed, by itself, to violate provisions of the Act or Regulations.
3. The Contractor or subcontractor code of conduct shall contain penalties, sanctions, or other disciplinary actions in accordance with federal and state law for violations of the provisions against conflict of interest.

Action

Required: This information should be disseminated to all Contractor staff in a decision-making capacity.

Inquiries: Questions regarding any aspect of this policy should be directed to the Workforce Board's Director of Administration.

Effective

Date: Immediately