



# Northern Middle Tennessee Workforce Board Inc.

## Workforce Innovation and Opportunity Act Policy Letter

**Subject:** Conflict of Interest Policy

**From:** Susie Bourque, Director of Policy, Planning and Contract Services

### BACKGROUND:

Section 107(h) of the Workforce Innovation and Opportunity Act identifies the requirement of information to prevent a Conflict of Interest for Local Board members. Section 121(d)(4) of the Workforce Innovation and Opportunity Act identifies the requirement of information to prevent a Conflict of Interest for Board Members, Board Staff, One-Stop Operators and other workforce service providers.

### I. PURPOSE:

This policy is to ensure that Local Board members or workforce system staff will not personally or professionally benefit from a service that would provide direct financial benefit to such member or the immediate family of such member. This policy will establish the guidelines for sub recipients, contractors, staff and board members to prevent actual, potential, or questionable conflicts of interest.

### II. DEFINITIONS:

- a. Conflict of Interest is a circumstance in which a member's individual interest impairs, or gives the appearance of impairing, his or her ability to make unbiased decisions or provide unbiased public services. Also, any matter before the Board or workforce system staff in which a member has a financial or personal interest, which is in conflict or gives the appearance of conflict.
- b. Financial interest means ownership by a member of five percent (5%) or more of the stock of a corporation or any other business entity, or where the company is a business entity, which does not use stock or ownership, the legal or beneficial ownership of five percent (5%) or more of the business. This interest applies to the member of the member's relatives. For the purposes of this policy, a relative includes spouses, parents, siblings, or children.
- c. Personal interest means an interest in any contract, employment or work in which the member has a public duty to vote for, let, overlook, or in any manner to superintend any work or any contract which comes before the Board or workforce system staff member.

### **III. INSTRUCTIONS**

#### **Board Members**

- a. A member will not engage in conduct, which impairs, or give the appearance of impairing, the member's ability to make an unbiased decision or provide unbiased public service.
- b. A member will not knowingly take an action, which might prejudice his or her ability, or another member's ability, to make an unbiased decision on any matter in which the member or the member's relative have a financial or personal interest.
- c. A member will abstain from voting on any matter involving a person or entity in which the member or the member's relatives have a financial or personal interest.
- d. A member who is employed by, or has contracted to provide services to a person or entity seeking specific approval or action, will abstain from voting on the approval or action.
- e. A member will not participate as an expert witness in a contested case before the Board.
- f. A member will not solicit or accept any gift, gratuity, favor entertainment, loan, or unusual discount from any person or entity, which has obtained or is seeking to obtain a decision on any matter for the Board. This prohibition does not include food or drink or other entertainment as part of a meal or event if the value of such items does not exceed fifty-five dollars (\$55) per occasion; nor does it include items of insignificant value routinely given in the ordinary course of business.
- g. A member will not accept honoraria or other compensation for activities, which are, or should be, performed as part of one's official duties, except as provided by the State of Tennessee Comprehensive Travel Regulations.

#### **Board Member Disclosure**

- a. All members will annually review the Conflict of interest Policy, and submit their Conflict of Interest Policy Acknowledgement form and Conflict of Interest Disclosure form to the NCAC to be forwarded to the Tennessee Department of Labor and Workforce Development.
- b. Prior to the transaction of business that will require a vote by the Board, all members will be reminded by the presiding officer to disclose their financial or personal interest in accordance with the Conflict of Interest Policy.
- c. Any member, upon determining that a matter taken up by the Board presents a conflict of interest under this policy will immediately notify the presiding officer and publicly acknowledge such conflict.
- d. All members will make every reasonable effort to avoid even the appearance of a conflict of interest.
- e. The vote of any such member having a conflict of interest who does not so inform the Board of such conflict may be voidable if challenged. When a challenge is made, the Board will investigate the matter, determine whether or not a conflict exists, and decide what should be done given the circumstances.
- f. Board Members will not direct day-to-day services at the career centers.

### **Workforce System Staff**

- a. A Workforce System Staff will not engage in conduct, which impairs, or gives the appearance of impairing, the ability to make an unbiased decision or provide unbiased public service.
- b. When a Workforce System Staff has a close relationship, access to program services should not be based on such relationship or based on political influence.
- c. Determination of applicant eligibility or program benefit (training, gas card, money etc.) shall not be made by a staff member who is related to the applicant or close personal acquaintance of the applicant.
- d. Documentation will be maintained in the participant file indicating that participant eligibility was not determined by a staff member who is related to the applicant or close personal acquaintance of the applicant.
- e. Staff to the Board will not direct day-to day services at the career centers.

### **IV. SERVICE DELIVERY**

The following entities will not provide direct service during the intake or eligibility determination of a family member or close acquaintance, Workforce System staff will attest to this statement on the attached form (Attachment 1):

- a. Chief Local Elected Officials
- b. Local Workforce Development Board members
- c. Local Workforce Development Board subcommittee members
- d. WIOA executive staff and supervisors
- e. WIOA employees
- f. Job Center Partner staff
- g. WIOA Subrecipients and/or contractors

### **V. DOCUMENTATION**

Training will be provided to existing Board members and new members as they join the Board. Workforce System staff are trained as they enter employment. Documentation will be maintained regarding potential conflicts as provided on the Conflict of Interest Disclosure forms from the Local Workforce Development Board members. Documentation will be available for review as necessary.

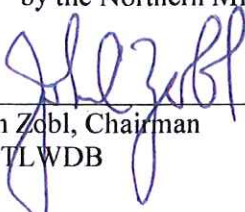


**VI. CONTACT:**

Questions concerning the above may be addressed to the Director of Policy and Planning.

**EFFECTIVE DATE:**

Effective October 1, 2018 and will remain in effect until amended, modified, or set aside by the Northern Middle Tennessee Local Workforce Development Board.



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John Zobl, Chairman  
NMTLWDB