PRINCE GEORGE'S COUNTY ECONOMIC DEVELOPMENT CORPORATION
WORKFORCE SERVICES DIVISION
1801 McCormick Drive, Suite 400
Largo, Maryland 20774

CONFLICT OF INTEREST POLICY FOR LOCAL WORKFORCE DEVELOPMENT BOARD

POLICY NUMBER:	1.400.100.002
EFFECTIVE:	October 18, 2016
APPROVING AUTHORITY:	Charlene Wade, Board Chair
RESPONSIBLE STAFF:	LOCAL WDB MEMBERS

SUMMARY:

This document provides the format and organization of WSD policy, to ensure that board members private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a board member from becoming involved in a situation that would result in a conflict or to give the appearance of a conflict.

POLICY:

Members of the Local Workforce Investment Boards (LWIB) and their employees are subject to the ethics laws enacted by their local jurisdiction pursuant to State Government §15-803 et seq. Maryland Annotated Code (Maryland Policy Issuance Incorporated by reference). To the extent that local board and their employees are subject to more than one jurisdiction, in the event of a conflict among the ethics rules, the most stringent rule will apply.

Each member of the LWIB serves without compensation, but is entitled to reimbursement for expenses in accordance with the Maryland Standard State Travel regulations, COMMAR 23.02.01 (Incorporated by reference).

PROCEDURE:

The Prince George's County Economic Development Corporation – Workforce Services Division (PGCEDC-WSD) may require each WDB members to either sign an acknowledgement that he/she is aware of the Ethics requirements and agrees to comply by signing and/or sign the agenda for every WDB meeting which will include the statement, "*Board Members will adhere with provisions of the Prince George's County*

Workforce Development Board Conflict of Interest Policy when conducting the business outlined in this agenda". Note: WDB Conflict of Interest Policy must be sent to each WDB member prior to every WDB meeting if the aforementioned language is not included on the sign-in sheet and/or agenda, and included below: A member of the LWIB may not:

- A member's employer may not participate in any way in a future bid on procurement where the member helped to draft specifications. In order to avoid potential conflicts as circumstance change, members whose employers may wish to participate in a future procurement will refrain from involvement in specification development.
- No board member may participate in a matter under consideration by the board regarding the provision of services by the board member or the entity the board member represents. Local board members, who represent One Stop partners and who serve on committees that oversee the One Stop system or the allocation of resources that would potentially be allocated to their programs, refrain from discussing or voting on any matter that would impact the programs they represent.
- No board member may participate in any matter in which the board member, a qualifying relative or a business associated with the board member or qualifying relative, has a direct financial interest. Non participation should include disclosure of the conflict and abstention from discussing and voting on the matter.
- No board member may intentionally use the prestige of his or her public position for that board member's private gain or that of another.
- Except in the discharge of an official duty, no board member may disclose or use confidential information acquired by reason of the board member's public position and not available to the public for personal economic benefit or for the economic benefit of another. Board members may not use their status in marketing their private businesses.
- Any board member with a potential or actual conflict of interest must disclose that fact in writing to the board chairman as soon as the potential conflict is discovered and to the extent possible before the agenda for a meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the board member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such board member must excuse him/herself from the remainder of the discussion and the voting.
- No board member may solicit or accept any gratuity, gift or item of monetary value from suppliers, contractors or subcontractors of the board. Gifts of nominal value, less than or equal to $20 are permissible.

- The board shall adopt appropriate penalties, sanctions or other disciplinary actions, including termination, on a case by case basis, for board members who violate any portion of this policy.

- Each board member shall sign a statement that he or she has reviewed this policy and is aware of his or her responsibilities under it. A new statement shall be signed if this policy is modified.

- No board member may engage in any other activity determined by the LWIB to constitute a conflict of interest as specified in the Local plan.

- No board member may engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State.

REASON FOR POLICY:

The Department of Labor, as part of its assessment of the workforce system of Maryland, identified the need for the development of a policy that guides local workforce agencies.

RELATED POLICY:

- The Workforce Innovation and Opportunity Act of 2014 (WIOA) Sec. 101, 102, and 107
- Workforce Innovation and Opportunity Act – Notice of Proposed Rulemaking, 20 CFR §§ 679.430, 683.200,
- Uniform Administrative Requirements
- Cost Principles, and Audit Requirements for Federal Awards Final Rule (Uniform Guidance),
- Guidance on administrative, cost, and audit provisions for federal grants
- 2 CFR 200, State Government §15-501 et seq. and §15-803 et seq.
  Maryland. Economic Development Code Ann. § 5-510, Maryland Annotated Code; COMAR 3.02.01.
- Public Law 113-128 Section 101(f) - State Board Conflict of Interest
- Public Law 113-128 Section 102(b) (2) (E) - State Plan Conflict of Interest Assurance
- Public Law 113-128 Section 107(h) - Local Board Conflict of Interest
- Public Law 113-128 Section 121(d) (4) - One-Stop Operators
- Proposed 20 CFR 679.430 Proposed 679.130(f) (1) through (3) - Criteria to certify One Stops
- Proposed 20 CFR 679.410(a) (3) and (c) - Local board must avoid inherent conflict of interest
- Proposed 20 CFR 679.430 - Entities performing multiple functions
- Proposed 20 CFR 683.200(c) (5) - Administrative Rules, Costs, Limitations – Title I WIOA and
- 29 USC § 3111(f) specifically sets forth WDC's obligations regarding conflict of interest.
- Wagner-Peyser
- 29 CFR 97.36(3)
- 2 CFR Part 200.112 and 200.318 and Part 2900 - Office of Management and Budget Uniform

EXCLUSIONS TO THE POLICY:

None

DEFINITIONS:

LWIB – Local Workforce Investment Board

Direct Financial Interest" means ownership of an interest as the result of which the owner has received within the past 3 years, is currently receiving, or in the future is entitled to receive, more than $1,000 per year; or ownership of more than 3% of a business entity; or ownership of securities of any kind that represent, or are convertible into, ownership of more than 3% of a business entity.

"Procurement contract" has the meaning provided in section 11-101 of the State Finance and Procurement Article.

"Qualifying relative" means a spouse, parent, child, brothers, sister or other member of the household

Conflict of Interest - Conflict between the official responsibilities and the private interests of a person or entity that is in a position of trust. 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 interest can be established either through ownership or employment.

Immediate Family - Immediate Family consists of the individuals' parents (including step-parents), spouse, domestic partner, children (including step-children), siblings, grandchildren, grandparents, and any relative by marriage (an "in-law")

Individual - (1) an individual; i.e., officer, or agent, or (2) any member of the individual's immediate family (spouse, partner, child, or sibling), or (3) the individual's business partner.

Organization - A 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.

Stakeholders- individuals not related but have direct or indirect management or responsibility for managing the WIOA workforce system (including WIOA executive staff, supervisors, local elected officials,

contractors (e.g., adult, dislocated worker, or youth program vendors), WDB and subcommittee members, WIOA employees, and Prince George's County One Stop center partner staff.

Material Financial Interest- in an entity is a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a *Responsible Person* or *Family Member's* judgment with respect to transactions to which the entity is a party. This includes all forms of compensation.

FORMS:

None

REVISION DATE:
None

APPROVING SIGNATURES:

Charlene Wade, Board Chair
Prince George's County Workforce Development Board