

## CONFLICT OF INTEREST AND CODE OF CONDUCT POLICY

### Purpose

This policy is designed to help the Bergen County Workforce Development Board (Bergen WDB; Board) identify situations that present real, perceived, or potential conflict of interest(s), and to provide a procedure which will maintain fairness and equity in carrying out its duties. This policy also aims to guide all stakeholders on the appropriate standards of conduct expected when representing the Board.

### Background

The Bergen WDB is required under federal and state laws to have policies and procedures addressing, among other things, conflicts of interest. A Conflict of Interest and Code of Conduct Policy is required to ensure that individuals and representatives of organizations entrusted with public funds will not personally or professionally benefit from the award, administration, oversight, or expenditure of such funds.

Conflicts of interest are not uncommon and not inherently illegal. Rather, they need careful attention and a process for handling them appropriately. It is important to note that a “conflict of interest” exists if an action could be influenced (i.e., perceived conflict of interest) — it is not necessary that influence actually take place.

The Bergen WDB recognizes that by its very nature and composition, conflicts of interest and issues concerning the appearance of fairness may arise. According to 20 CFR § 683.200 (c)(5)(ii) neither membership on the Board or its committees nor receipt of Workforce Innovation and Opportunity Act (WIOA) funds to provide training and related services, by itself, violates these conflict of interest provisions. Therefore, it is essential for all individuals described herein to be sensitive and err on the side of caution when real, potential, or perceived conflict or fairness matters occur.

Individuals at all levels of participation in Bergen County’s public workforce system funded by the WIOA and other grants awarded to the Bergen WDB are expected to read, understand, and apply this policy.

### Definitions

**Affiliation:** A staff member of the organization, a member of the organization’s board, a volunteer of the organization, vendor of the organization, or a current client of the organization.

**Immediate Family:** A Member’s spouse, parent, in-law, guardian, child, brother, sister, foster child, grandchild, grandparent, and any person, whether or not related to the Member, who resides in the same household as the Member.

**Member:** For the purpose of this policy, “Member” means any member, employee, vendor, client, representative, or citizen volunteer, elected and appointed official of:

- the Board and its committees/subcommittees,
- any One-Stop Partner,

- the One-Stop Operator,
- any service or training provider
- any grant recipient or subrecipient, and
- anyone authorized to act on behalf of the Board or who exercises any functions related to WIOA and other grants awarded to the Bergen WDB.

**One-Stop Operator:** The entity or consortium of entities that coordinates the service delivery of required one-stop partners and service providers, and that is selected consistent with WIOA.

**One-Stop Partner:** Organization(s) responsible for administering the funds of the specified program in a local area; the entity responsible for fulfilling the roles and responsibilities of a one-stop partner program. A program becomes a one-stop partner when it begins carrying out the program or activity in a local area -- providing any of the services its grant, contract, or program requires.

The chart below identifies the required one-stop partner programs, followed by a section on the additional partners.

<b>Required Department of Labor programs</b>	
Adult (WIOA title I formula)	Senior Community Service Employment Program (title V of the Older Americans Act of 1965)
Dislocated Worker (WIOA title I formula)	Trade Adjustment Assistance activities (Trade Act of 1974, as amended)
Youth (WIOA title I formula)	Jobs for Veterans State Grants (Chapter 41 of title 38)
YouthBuild (WIOA title I)	Unemployment Compensation programs
Indian and Native American Programs (WIOA title I)	Wagner-Peyser Act ES, as authorized under the Wagner-Peyser Act, as amended by WIOA title III
National Farmworker Jobs Programs (NFJP)/Migrant and Seasonal Farmworker Programs (WIOA title I)	Reentry Employment Opportunities (REO) program (formerly referred to as the Reintegration of Ex-Offenders (ReXO) program) (Section 212 of the Second Chance Act of 2007 and WIOA sec. 169)
Job Corps (WIOA title I)	
<b>Required Department of Education programs</b>	
AEFLA program (WIOA title II)	Career and technical education programs at the postsecondary level, authorized under the Carl D. Perkins Career and Technical Education Act of 2006
State VR program, authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV	
<b>Required Department of Health and Human Services programs</b>	
Programs authorized under the Social Security Act title IV, part A (TANF) <sup>1</sup>	Community Services Block Grant Employment and Training activities (Community Services Block Grant Act)
<b>Required Department of Housing and Urban Development (HUD) program</b>	
Employment and training programs	

**Organization:** A government, for-profit, or not-for-profit entity.

**Recuse:** Recusal is not the same as abstaining (not voting). A recusal means that an individual is not participating in deliberations or debates, making recommendations, giving advice, considering findings, or in any other way assuming responsibility for or participating in any aspect of the work or decision-making relating to the matter where there are potential conflicts of interest.

### **Conflict of Interest Provisions**

While it is not practical to enumerate all situations that might give rise to a violation of this policy, the conducts given below indicate some that should be avoided:

1. Members are prohibited from using their affiliation with the Board to secure for themselves or others privileges or advantages that they would not ordinarily receive were it not for their appointment.
2. Members are required to disclose to the Board, and its committees, their outside affiliations.
3. Members with a financial interest in an organization, and who are affiliated with an organization, may be present during Board meetings where program evaluation reports and funding recommendations are being presented and acted upon. However, said Members shall recuse themselves from voting and discussion, but be available to answer specific questions or to provide further information upon request.
4. Members are prohibited from accepting or soliciting gifts, favors, or other items of value that are given or offered for the purpose of influencing Members directly or indirectly in discharging their duties.
5. No Member shall undertake any service or employment that may be expected to prejudice their judgment in the exercise of their duties as a Member.

### **Code of Conduct Provisions**

During the performance of Bergen WDB activities, an individuals' actions are a reflection upon the Bergen WDB. It is extremely important that all Members act in a courteous, friendly, helpful and prompt manner in dealing with both the Bergen WDBs internal and external stakeholders (the public, customers, and officials).

### **Procedures**

According to 20 CFR § 683.200 (c)(5)(i), a Board or committee member *“must neither cast a vote on, 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 that member or that member’s immediate family.”*

Before any Board or committee action or activity, an individual who believes they may have a conflict of interest shall publicly disclose the nature of the conflict. Members involved in an acknowledged conflict of interest shall recuse themselves from the matter. Such disclosure and recusal shall be reflected in the minutes of the meeting.

It is the duty of all Members to ask for an opinion if they have any doubts that a specific situation involves a conflict of interest. If anyone has reasonable cause to believe a Member has failed to disclose an actual or possible conflict of interest, he or she shall inform the Member of such belief and afford the Member opportunity to explain the alleged failure to disclose. The meetings' governing Board, committee or subcommittee, shall determine by majority vote whether a conflict of interest exists.

Disciplinary actions may be taken up to and including removal of a Member, in accordance with the Bergen WDB Bylaws, for violation of this policy. The Executive Committee may evaluate any violations of this policy on a case-by-case basis and recommend to the Board, if and what actions are appropriate.

### **Annual Statements**

Prior to or at the first meeting of the year of the Board, committee, subcommittee, or council (or at the time when a Member first becomes affiliated with the organization) the Bergen WDB staff shall provide each Member a copy of the Conflict of Interest and Code of Conduct Policy and Annual Statement. Each Member shall annually sign the Annual Statement which shall be promptly completed and returned to the Executive Director of the Bergen WDB even if the Member has no conflicts to disclose. Any Member who refuses or fails to sign such a statement can be prohibited from participating in discussion or action by the Board or any committee, subcommittee, or council until such statement is signed.

DRAFT

**Bergen County Workforce Development Board**  
**CONFLICT OF INTEREST & CODE OF CONDUCT POLICY**  
**ANNUAL STATEMENT**

The Bergen County Workforce Development Board (Bergen WDB) has adopted a Conflict of Interest and Code of Conduct Policy (Policy) as referenced in Article X of the Bergen WDB bylaws. Each year, each Member, as defined in this Policy, shall sign an annual statement. The undersigned certifies the following statements:

1) I have received a copy of the Policy; 2) I have read and understand the Policy; 3) I agree to comply with the Policy; and 4) I agree to promptly report to the Bergen WDB Executive Director any changes in this statement that may arise during the forthcoming year.

For the purposes of determining actual, apparent, or potential conflicts of interest(s), please check all that apply:

- I (or an immediate family member) am a representative of the Bergen WDB
  - Appointed or Advisory Board Member (or an Alternate thereof)
  - Committee, Council, or Subcommittee Member
  - Other (please specify \_\_\_\_\_)
- I (or an immediate family member) am an employee of
  - Bergen WDB
  - One-Stop Operator
  - One-Stop Partner or WIOA-funded\* Contractor, Service or Training Provider
  - Other organization (including private sector employer) that receives WIOA\* funds
- I, my organization, or an immediate family member has an affiliation\*\* with following
  - Bergen WDB
  - One-Stop Operator
  - One-Stop Partner or WIOA-funded\* Contractor, Service or Training Provider
  - Other organization (including private sector employer) that receives WIOA\* funds
  - Other (please describe on the back or attach an explanation)
- I am not aware of any current relationship, interest, or situation that might result in, or give the appearance of, a conflict of interest. I have no current or potential conflict(s) to disclose.

\* WIOA, Federal/State Department of Labor grants, and other grants awarded to the Bergen WDB

\*\*Example: Board/committee member, vendor, client, representative, volunteer, or other business/contractual connection

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Print Name

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Organization and Title

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Signature

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Date

*Electronic signatures and signed statements returned via email or facsimile are acceptable.  
Email to Carol Polack at [carpol@bergen.org](mailto:carpol@bergen.org) OR fax to (201) 996-6975*