



Policy: 15-WIOA-11
Subject: Conflict of Interest Policy
Effective date: 3/20/18
Expiration Date: Continuing

Purpose: The Workforce Board recognizes its responsibility to ensure that its members conduct themselves in an unbiased manner and serve the goals established for the workforce system. It is the responsibility of the Board to guard against conflicts of interest that might compromise its integrity and objectivity.

This policy has been prepared to outline the Board's approach to identifying and evaluating potential conflicts of interest and assisting its members in addressing conflict of interest issues before a member takes an official action that might result in a breach of trust.

Policy:

Conflict of interest exists if a Board member's vote leads to any form of immediate direct financial or personal gain for that member or for his/ her family or the entity he/she represents. The term conflict of interest refers especially to situations in which financial or other personal considerations may compromise, or may have the appearance of compromising, the decisions made by a Board member. A conflict of interest is material if an ordinary person would take it into account in making a decision. Only material conflicts of interest are within the scope of this policy.

- At appointment to the board, and every two years in advance of application for local board recertification, each member will read this conflict of interest policy and attest to understanding and complying with requirements herein. These signed forms will be retained as part of the board's certification documentation.
- No entity or individual that develops or drafts specifications, requirements, statements of works, request for proposals, invitations to bid (IFB) or any other solicitation compete or submit a proposal under that procurement action.
- No member, employee, officer, or agent of the Grundy Livingston Kankakee Workforce Board or members of its committees shall participate in the award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the member, employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of these, has a financial or other interest in the firm selected for award.

- Information contained on any proposals submitted by offers/bidders is maintained in a manner that is confidential, to avoid the use of the information to another offeror/bidder's advantage and to prevent collusive bidding.
- No person involved in the Procurement process will divulge any information regarding any procurement prior to the release of the Procurement
- Workforce Board members, members of any committees and its employees or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
- Neither membership on the Workforce Board or a standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions.

Disclosure

- Members shall publicly disclose (possible, real, apparent) conflict of interest pertaining to any act or transaction of the board prior to the board addressing said act or transaction
- Disclosure must include all relevant facts so that the disinterested Board members can make a fully informed decision (i.e., cannot "disclose" a conflict of interest by merely stating that member has a conflict of interest)
- Cannot abstain from voting due to conflict of interest without public disclosure
- If a member/individual does not know whether he/she has a conflict of interest, he/she can protect himself or herself by asking for a board determination of whether or not a real or apparent conflict of interest exists (prior to the board addressing said act or transaction) followed by full disclosure of all facts related to the conflict situation
- A member can seek and rely upon advice from legal counsel concerning possible conflicts of interest
- The Board may discuss the disclosure to determine if a real or apparent conflict of interest exists
- The Board Chair, or whoever is presiding in the place of the Chair, shall make any final determination whether a conflict of interest exists
- If it is determined there is a real conflict of interest, the member must abstain from any involvement, discussion and vote regarding the consideration of the matter. A Workforce Board member or member of any Workforce Board committees shall not cast a vote on, nor participate in any decision-making capacity on the provision of services by such member (or any organization that member represents), nor on any matter which would provide any direct financial benefit to that member.

- If it is determined there is an apparent (or perceived) conflict, whereby an organization or agency that a board member is affiliated with can benefit from the influence of this individual, or there are circumstances that would cause a reasonable person with knowledge of the relevant facts to question the individual's impartiality in the official matter, the member must abstain from any involvement, discussion and vote.
- Any Board member who believes another member has a conflict may disclose said possible conflict to the board, during an open meeting. The board shall hear statements from both parties and, if necessary, discussion shall be held.
- The process of assessing potential conflict of interest may occur in advance of a meeting that has the act or transaction on the agenda, or may occur at the beginning of a meeting or before the item is taken up by the board. However, full disclosure, any discussion and actual determination of real or apparent conflict of interest, along with any resolution and action taken to address the conflict must occur during the public meeting and be part of the public record (minutes).
- The board may require conflicted member(s) to leave the room during discussion and voting on issues, and in any event the conflicted member may not participate in the discussion of such an issue
- Any board member abstaining from voting for reason of conflict of interest shall not be considered present for that vote.

Recusal

- Whereas transaction-specific disclosures may lead to a board member abstaining from related activities during a meeting, a board member may also recuse him/herself from any participation in multiple phases of any matter if a conflict of interest exists. This includes for example, participation in all phases of a competitive procurement or non-competitive selection or designation (whichever process may apply) of service providers, services, one-stop operator, eligible training providers, etc.
- In addition, for competitive procurement, the Board will assure that physical and electronic access to information that would limit the efficacy of a recusal, and prevent fairness and impartiality of the outcome is restricted. The recused member(s) will not have access to any documents, reports, data, decisions, transactions or information including:
 - Any information acquired during activities conducted in the planning phase for proposals or solicitations.
 - Access to any information or documents, or access to proceedings during the review and selection phases.

Documentation

- The minutes of board and committee meetings shall document compliance with these conflict of interest requirements which will include detailed minutes reflecting the disclosure of facts and circumstances of conflict of interest and any discussion of (possible) conflict of interest and outcome of discussion and disclosure, including determination of conflict of interest, course of action pursued and the board's rationale for course pursued