



2 South Main Street 2nd Floor Pleasantville, NJ 08232
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Atlantic County Workforce Development Board

Conflict of Interest Policy

Purpose : A Conflict-of-Interest Policy is required to ensure that individuals or representatives of the Atlantic County Workforce Development Board who are entrusted with the stewardship of public funds, will not personally or professionally benefit from the award, administration, or expenditure of such funds. If this code is in conflict with another statute, the purpose shall be based on the law of the State of New Jersey and the guidelines of the federal government, including adherence to the mission and vision of the ACWDB.

Background : Grantees, subrecipients and contractors funded under WIOA Section 102(b)(2)(E), and Section 107(h), must implement codes of conduct and conflict of interest policies and procedures as stipulated in WIOA law, regulations, and guidance; Office of Management and Budget (OMB) Circulars; State regulations; and State WIOA policies. The Atlantic County WDB recognizes that by its very composition, conflicts of interest and issues concerning the appearance of fairness may arise, therefore each member, staff person and customer will be afforded the expectation of fairness and honesty to accomplish this purpose.

ACWDB establishes the following definitions, actions, and guidelines for interpretation:

CODE OF CONDUCT

During the performance of duties, Atlantic County WDB members' and staffs' actions are a reflection upon the integrity of Atlantic County WDB. It is extremely important that all Atlantic County WDB and committee members, including sub-recipients, contractors, and partners act in a courteous, friendly, helpful, and prompt manner in dealing with the public, customers, and officials.

ETHICAL PRINCIPLES

It is the Atlantic County WDB's policy to be knowledgeable of and comply with all applicable laws and regulations of the United States and the State of New Jersey in a manner that will reflect a high standard of ethics. Compliance does not comprise one's entire ethical responsibility; rather it is a minimum, and an essential condition for adherence to mission and duties.

GUIDELINES FOR INTERPRETATION

Areas of concern are those actions or lack of actions which may lead to conflict of interest or the appearance of conflict of interest or to a perception of unfairness related to Atlantic County WDB and committee meetings. Specific areas which may pose problems include but are not limited to, comments made in public, information sharing, and disclosure of associations.



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Comments Made in Public: Atlantic County WDB and committee members are encouraged to act in a public relations capacity for the Atlantic County WDB. This includes public speaking engagements and comments in a public forum.

Information Sharing: Atlantic County WDB and committee members are encouraged to share information with the community about Atlantic County WDB activities. To the extent possible, access to information regarding procurement of services should be available at the same time and under the same circumstances to all parties. Additional information to be shared with the community includes request for proposals, Memorandum of Understandings, and any contracts, notice of meetings, meeting minutes, and policies.

Disclosure of Associations: Atlantic County WDB and committee members have professional and personal associations throughout the community. Such associations have been and will continue to be of significant benefit to the Atlantic County WDB. Where a direct or indirect financial conflict of interest exists, an ACWDB or committee member may not vote or serve on a rating team. When associations raise appearance of fairness as an issue, ACWDB and committee members should qualify statements in public by disclosing the association and minutes of the meeting and actions taken to reflect the integrity of the process.

CONFLICT OF INTEREST POLICY

1. Each grant recipient and subrecipient must **maintain a written code of standards or conduct** governing the performance of persons engaged in the award and administration of WIOA contracts and sub grants.
2. No individual in a decision-making capacity shall engage in any activity if a conflict of interest (real, implied, apparent, or potential) is involved. This includes decisions involving the selection, award, or administration of a sub grant or contract supported by Workforce Innovation and Opportunity Act (WIOA) or any other federal funds.
3. Atlantic County WDB members or committee members cannot cast a vote or participate in any decision-making about providing services by such member (or by any organization that member directly represents) or on any matter that would provide any direct financial benefit to the member or to the member's organization.
4. Before any public discussions regarding the release of a Request for Proposal (RFP), or any matter regarding the release of funding or the provision of services, an Atlantic County WDB member or a member of the Atlantic County WDB committee must disclose any real, implied, apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting must reflect the disclosure.



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5. Atlantic County WDB members or a member of an Atlantic County WDB committee or agents of the agencies making awards, cannot solicit or accept gratuities, favors, or anything of monetary value from awardees, potential awardees, or other parties to agreements.
6. Disciplinary actions may be taken up to and including termination of board membership for violation of this policy by any individual. The Executive Board may evaluate any violations of these provisions on a case-by-case basis and make recommendations to the County Executive, if penalties, sanctions, or other disciplinary action is appropriate.
7. Individuals shall not use for their personal gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their work on committee or board, or other working relationships with the Atlantic County WDB, where that information is not available to the public at large. Nor shall they divulge such information in advance of the time decided by the Atlantic County WDB for its release.
8. Procured One Stop Operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers.
9. Membership on the Atlantic County WDB or being a recipient of WIOA funds to provide training or other services, is not, in and of itself a violation of conflict-of-interest provisions of WIOA or corresponding regulations.

DEFINITIONS

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 a grant applicant, then participates in the selection or award of funding for that organization. Financial or other interest can be established either through ownership or employment.

Individual

(1) an individual includes the employer, 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.



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Organizational Conflicts of Interest

Because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

REFERENCES

- 20 CFR 683.200(c)(5) - Administrative Rules, Costs, Limitations – Title I WIOA and Wagner-Peyser
- 29 CFR 97.36(3)
- 2 CFR Part 200 and Part 2900 - Office of Management and Budget Uniform Guidance on administrative, cost, and audit provisions for federal grants
- 2 CFR 200.318
- Atlantic County code chap. 20- Code of Ethics