



WIAP # 1-99

SUBJECT: WIA Code of Conduct

Statutory Reference: WIA§111 & §117

WDC Review Date: 7/26/99

Effective Date: 10/1/99

BACKGROUND

This code of conduct addresses conflicts of interest, nepotism, and kickbacks/gratuities and governs the activities of WIA board members at the state and local levels as well as employees, agents, and officers of WIA recipients and subrecipients.

POLICY

In order to ensure that the citizens of Idaho have complete confidence in individuals appointed by the Governor to serve on the Idaho Workforce Development Council (Council), in members appointed to serve on local Idaho Works Boards and local Youth Councils (local boards), and in other public servants administering Workforce Investment Act (WIA) funds, the following Code of Conduct is adopted:

A. DEFINITIONS

1. "Immediate Family" shall refer to persons related by blood, marriage or decree of court, within the second degree, to a voting member of the Council or local boards; or to the employees, officers and agents of grantees and subgrantees. This includes the spouse, child, parent, sibling, grandparent, aunt, uncle, niece, nephew, cousin, stepparent, stepchild, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or any other persons related by decree of court within the second degree.
2. "Financial benefit" shall refer to any economic gain or entitlement that results from any relationship with any organization or individual participating in a workforce investment activity.
3. "Entity" shall refer to any association, organization, business, government entity or other legal entity, whether operated for profit or not, in which the voting member or immediate family of a voting member has a private financial relationship, employment relationship or ownership interest.

B. CONFLICT OF INTEREST RESTRICTIONS FOR COUNCIL AND LOCAL BOARD MEMBERS

1. Members of the Council or any local board shall not:
 - A) Vote on any matter under consideration;
 - 1) regarding the provision of WIA Title I funded services by such member, or by an entity that such member represents; or
 - 2) that would provide direct financial benefit to such member or the immediate family of such member.
 - B) Engage in any business transaction or private arrangement that could reasonably be expected to result in a conflict between the private interest of a member and his or her official Council or board responsibility.
 - C) Participate in:
 - 1) the designation of any local workforce investment areas;
 - 2) the negotiation of or decision to award contracts or grants;
 - 3) the settlement of any claims or charges in any contracts or grants;
 - 4) the certification of any eligible providers; or
 - 5) the selection of One-Stop Operators;for any entity in which they have a financial or personal interest.
 - D) Engage in any other activity determined by the Governor or by state law to constitute a conflict of interest.
2. Misuse of Information. Members of the Council or local boards shall not use, for their own private gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their council or board membership and not available to the public at large, or divulge such information in advance of the time prescribed for its authorized release.
3. Misuse of Board Facilities and Equipment. Members of the Council or local boards shall not use any council or board equipment, supplies, or property for their own private gain, for the gain of others, or for other than officially designated purposes.
4. Duties of Council and Local Board Members. It shall be the duty of all Council and local board members to:
 - A) Seek legal advice from the Attorney General or from independent counsel if they have any doubts that a specific situation involves a real or potential conflict of interest.

- B) If the legal advice is that a conflict may exist, they shall prepare a written statement describing the potential conflict of interest and the matter to be acted upon, and shall deliver the statement to their appointing authority.
 - C) Recuse themselves from their duties if it is determined that there is a conflict of interest.
5. Violations of the Conflict of Interest Policy. If the Council or a local board believes that this policy has been violated, a recommendation may be made to the Governor or to the chief elected officials of the local workforce investment area that the individual who has violated the policy be removed as a member. Even if no recommendation is made for removal, the Governor or the chief elected officials of the local workforce investment area may remove a member of the Council or a local board for a violation of this policy.

C. CONFLICT OF INTEREST RESTRICTIONS FOR GRANTEEES AND SUBGRANTEEES

No employee, officer or agent of the grantee or subgrantee shall participate in the selection, award or administration of a contract supported by WIA funds if a conflict of interest, real or apparent, would occur. Such a conflict would occur when the employee, officer or agent; any member of his immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above; has a financial or other interest in the firm selected for award.

D. NEPOTISM

No individual may be placed in a WIA employment activity if a member of that individual's immediate family is directly supervised by or directly supervises that individual.

E. KICKBACKS, GIFTS, FAVORS, AND GRATUITIES

No member of any Council or local board, or employee, officer or agent of any grantee or subgrantee under WIA shall solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors or parties to subagreements. This prohibition shall not apply to unsolicited trivial benefits, not to exceed a value of fifty dollars (\$50.00), that are incidental to personal, professional, or business contacts and that do not involve a substantial risk of undermining official impartiality.

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