

Northwest Workforce Council

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POLICY AND PROCEDURES DIRECTIVE

EFFECTIVE DATE: June 30, 2016

WIOA POLICY NUMBER: WIOA 01-37

SUBJECT: CODE OF ETHICS, CONFLICT OF INTEREST & PROTECTED DISCLOSURE POLICIES

Background:

The Northwest Workforce Council is committed to maintaining the highest of standards of ethical conduct and guarding against problems arising from real, perceived or potential conflicts of interest. Every Board member, employee and subcontractor is expected to read, understand and apply this policy.

The Northwest Workforce Council (NWC) recognizes that by its very composition conflicts of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for the NWC Board of Directors and staff members to be sensitive and err on the side of caution when potential or real conflict or fairness matters occur.

The Northwest Workforce Council recognizes that many members of NWC Board of Directors are selected because of their expertise and involvement in youth services, training, education, employment, and employer services. These members should have every opportunity to share their talent, knowledge, and experience within the parameters of fairness. The NWC also recognizes that NWC board members, advisory committee and staff members may have professional and/or personal associations which could lead to conflicts of interest or unfairness – real or apparent.

The Northwest Workforce Council is required to guard against problems arising from real, perceived, or potential conflicts of interest and to maintain an appearance of fairness. To accomplish these purposes, the NWC establishes the following definitions, actions, and guidelines for interpretation.

- I. **Code of Ethics:** During the performance of duties, your actions are a reflection upon the NWC as well as a reflection upon you. It is extremely important that all Board Members, employees and subcontractors act in a courteous, friendly, helpful and prompt manner in dealing with the public, customers, other employees, supervisors, officials, and members of both internal and external organizations of the NWC.

Ethical Principles: All Northwest Workforce Council board/committee members, employees and subcontractors hereafter referred to as Representatives will conduct themselves in an honest and ethical manner, including the ethical handling of perceived, potential and actual conflicts of interest between NWC interests and the personal or financial interests of a NWC representative.

- A. **Compliance with the Law:** It is the NWC's policy to be knowledgeable of and comply with all applicable laws and regulations of the United States and the State of Washington 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.
- B. **Professional Standards:** It is the NWC's policy that its representatives be knowledgeable of emerging issues and professional standards in the field and conduct themselves with professional competence, fairness, efficiency and effectiveness.
- C. **Responsibility to NWC Employees:** NWC is committed to treating employees with honesty and respect, and to provide a safe and healthy work environment. The NWC fully supports all relevant laws to protect and safeguard the rights and opportunities of all people to seek, obtain, and hold employment without regard to race, religion, sexual orientation, marital status, disability, age, national origin or other protected status. It is the NWC's intent to provide an environment free of unlawful harassment and discrimination.

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 NWC business or NWC, committee, and staff actions outside NWC meetings. Specific areas which may pose problems include, but are not limited to, comments made in public, information sharing, and disclosure of associations.

- A. **Comments Made in Public:** Representatives are encouraged to act in a public relations capacity for the NWC. This includes public speaking engagements and comments in a public forum. Because there is interest in NWC actions, Representatives should differentiate between descriptive comments, which relate to actions already taken by the NWC, and statements, which imply future NWC decision-making, or the ability to influence decision-making.
- B. **Information Sharing:** Representatives are encouraged to share information with the community about NWC activities. All must protect against implying that actions taken by a specific interested party may result in favorable consideration by the NWC. 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. Such information includes the

local workforce plan, requests for proposals, notice of meetings, meeting minutes, and policies.

- C. **Disclosure of Associations:** Representatives have professional and personal associations throughout the community. Associations include those which pertain to memberships in organizations or contractual agreements such as between partners, stockholders, or employers and employees, as well as those which arise out of custom, shared interests, friendships, or other relationships.

Such associations have been and will continue to be of significant benefit to the NWC. Where a direct or indirect financial conflict of interest exists, representatives may not vote or serve on a rating team. Representatives must disclose all such associations. When associations raise appearance of fairness as an issue, representatives should qualify statements in public by disclosing the association. Minutes of the meeting should reflect the disclosure. NWC staff shall not serve on boards of directors or advisory boards of organizations which are subgrantees or subrecipients of NWC as those terms are defined under the WIOA, public law 113-128

Whenever a NWC representative is in doubt about a possible problem with appearance of fairness, they should disclose the association from which the problem arises. Disclosure of association(s) does not prohibit an NWC Board member or committee member from voting or participating in other NWC business unless prohibited by the Board of Directors.

II. **Conflict of Interest**

A Conflict of Interest Policy is required in order to ensure that board members, and employees of NWC entrusted with public funds will not personally or professionally benefit from the award or expenditure of such funds.

A. **Definitions:**

Conflict of Interest – Conflict between the official responsibilities of an NWC representative and the private interests of that representative. A conflict of interest would arise when that representative has a financial or other interest in, or participates in the selection or award of funding for an organization or individual. Financial or other interest can be established either through ownership or employment.

Individual – (1) NWC board member, employee or agent; (2) any member of the individual's immediate family (spouse, partner, child, 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 foreign or domestic, or a sole proprietor.

Organizational Conflict 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.

B. Conflict of Interest Policy:

1. All procurement or financial award transactions, without regard to dollar amounts, shall be conducted in a manner that avoids conflict of interest or the appearance of conflict of interest, as defined above. No representative of NWC, board member, committee member, officer, staff or agent, shall cast a vote, nor participate in any decision-making capacity, in the selection, award or administration of a contract or financial award, if a real, implied or apparent conflict of interest would be involved. A board member, officer, staff or agent shall declare when a conflict of interest could occur.
2. No NWC board member or member of an NWC standing committee shall cast a vote or participate in any decision-making on any matter that would provide any direct financial benefit to the member or the member's organization, or any matter about providing services by such member (or any organization that the member directly represents).
3. Receipt of WIOA funds by any NWC board member to provide training and related services shall not be construed, by itself, to violate this policy, or provisions of the WIOA or its regulations.
4. NWC Employees shall not provide agency services, or directly participate in provision of agency services to their friends, relatives, or former co-workers. Examples include, but are not limited to: determining eligibility for services of any of above or referring to employers for consideration of employment.
5. NWC Officers, members, employees and agents shall neither solicit nor accept gratuities, favors or anything of monetary value from subgrantees, contractors, potential subgrantees or contractors, nor clients or potential participants of agency workforce development services.
6. The prior paragraph does not apply where the financial interest is not substantial (not more than \$50.00) or the gift is an unsolicited item of nominal intrinsic value (not more than \$50.00).
7. Any violations of these provisions against conflict of interest shall be evaluated by the Executive Committee on a case-by-case basis to determine if and what penalties, sanctions, or other disciplinary actions are appropriate, in accordance with any applicable state and local laws.
8. This policy will be reviewed annually, preferably at the first calendar quarter NWC Board meeting of the year.

III. **Protected Disclosure of Employee Concerns -Policy**

The Northwest Workforce Council is committed to lawful and ethical behavior in all of its activities and requires its employees to conduct themselves in a manner that complies with all applicable laws and regulations. If at any time a concern exists regarding the propriety or legality of any action contemplated to be taken or that has been taken by any NWC employee, or grantee, contractor, vendor, as the action relates to NWC activities, the employee can address the issue directly by going to the employee's manager or to the next level of management as needed until matters are satisfactorily resolved.

Alternatively, if the employee is not comfortable speaking to a manager or does not feel the issue has been properly addressed, the employee may contact the NWC Equal Opportunity Officer (EEO) or the Executive Director.

Should either the Equal Opportunity Officer (EEO Officer) or the Executive Director receive a complaint from an employee under this policy, the Board Chair or the Executive Committee shall be notified of such complaint. Under this policy, those who report illegal or improper activity will be protected. Efforts will be made to treat a report of unethical or illegal conduct as confidential, consistent with the need to investigate and prevent or correct the action. The individual making the report will not be discharged, threatened, harassed, or discriminated against for reporting in good faith what they perceive to be wrongdoing, violations of law, or unethical conduct.

Retaliatory Action Unlawful:

1. It is unlawful for any employee to take retaliatory action against another employee because the employee provided information in good faith in accordance with the provisions that an improper governmental action occurred.
2. In order to seek relief, a NWC employee shall provide a written notice of the charge of retaliatory action to the Equal Opportunity Officer (EEO) of the NWC that:
 - (a) Specifies the alleged retaliatory action; and
 - (b) Specifies the relief requested.
3. The charge shall be delivered to the NWC no later than (30) thirty days after the occurrence of the alleged retaliatory action. The NWC has (30) thirty days to respond to the charge of retaliatory action and request for relief.

“Retaliatory action” means:

- (a) Any adverse change in a NWC employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or

unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or

- (b) Hostile actions by another employee towards a NWC employee that were encouraged by a supervisor or senior manager or official.

References

WorkSource System Policy #5405 – Conflict of Interest
WIOA Section 107(h) - Local Board Conflict of Interest