

**Policy Name: Board Conflict of Interest and Code of Conduct**  
**Policy#: WIOA-2019-071**  
**Adoption Date: September 3, 2019**

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#### PURPOSE

To provide policy guidance to comply with federal and state conflict of interest and code of conduct regulations under the Workforce Innovation and Opportunity Act.

#### BACKGROUND

With the passage of WIOA, Georgia's legislature passed House Bill 348 now codified at O.C.G.A. § 34-14-1,2, to support the State's implementation of WIOA. The new state law provides a broader foundation for the State Workforce Development Board and the Technical College System of Georgia's Office of Workforce Development to develop rules, regulations, and policies which will further support the implementation and administration of the WIOA-funded programs across the state. The newly enacted rules found in Chapter 692 define all local workforce system parties and provide guidance on their duties and responsibilities.

#### STATE POLICY

#### DEFINITIONS

"Board" shall be defined as the State Workforce Development Board, any Local Elected Official Board, or any Local Workforce Development Board.

"Board Member" shall be defined as any member of the State Workforce Development Board, any Local Elected Official Board, any Local Workforce Development Board, or any individuals serving on any councils or standing committees created under any of the aforementioned Board.

"Chief Local Elected Official" shall be defined as that individual who is elected by the Local Elected Official Board in those Local Workforce Development Areas which are comprised of more than one county or municipality. In those Local Workforce Development Areas which are comprised of one county or municipality, "Chief Local Elected Official" shall be the chief elected executive officer of a unit of general local government in that area.

"Conflict of Interest" shall be defined as the instance in which a Public Official's private and or personal interest might prevent or appear to prevent the Public Official from exercising his or her official judgment, discretion, powers, or duties in an unbiased manner.

"Fiscal Agent" shall be defined as a city/county government, or regional commission that is responsible for administering WIOA funds for a Local Workforce Development Area.

"Immediate Relative" shall be defined as a spouse, partner, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, half-sister, or individual residing in the same household.

"Local Elected Official Board" shall be defined as a board, group, or entity which may exist in those Local Workforce Development Areas which are comprised of more than one county or municipality, and which shall be comprised of the mayors and county commission chairpersons within that area.

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"Local Workforce Development Area" shall be defined as an area that has been designated under Section 106 of Public Law Number 113-128.

"Local Workforce Development Board" shall be defined as a board established under Section 106 of Public Law Number 113-128.

#### CONFLICT OF INTEREST AND CODE OF CONDUCT

"Conflict of Interest" shall be defined as the principle in which a Public Official's private and or personal interest might prevent or appear to prevent the Public Official from exercising his or her official judgment, discretion, powers or duties in an unbiased manner.

"Board" shall include any Local Elected Official Board or any Local Workforce Development Board.

"Board Member" shall include any Local Elected Official Board, any Local Workforce Development Board, or any councils or standing committees created under any aforementioned board.

"Immediate Relative" shall be defined as means a spouse, partner, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, grandchild, first cousin, father-in-law, mother-in-law, son in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, or individual residing in the same household.

1. A Board Member shall not:
  - a. vote on a matter under consideration by a Board if such vote:
    1. Involves the provision of services by such Board Member (or any entity or organization the Board Member represents, or in which he or she holds an ownership or pecuniary interest) or a Board Member's Immediate Relative;
    2. Would provide a direct or indirect financial benefit to the Board Member (or any entity or organization the Board Member represents, or in which he or she holds an ownership or pecuniary interest) or a Board Member's Immediate Relative; or
    3. Involves in any other conduct or activity determined to constitute a Conflict of Interest.
  - b. Directly or indirectly accept or solicit any gratuities, favors, or anything involving more than de minimis monetary value from any person with whom the Board Member interacts in his or her capacity as a recipient of federal funds. This section includes without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider.
  - c. Participate in the selection, award or administration of a procurement supported by federal funds in any case where the Board Member is aware that any member of his or her immediate family, business partner, or any organization that employs or is about to employ any of those persons, has any financial or material interest in any organization that may be considered for an award of federal funds.

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- d. Advocate for or cause the advancement, appointment, employment, promotion, or transfer of an Immediate Relative to any office or position administering or handling federal funds under the Workforce Innovation and Opportunity Act, including without limitation, any potential or actual supplier, contractor, subcontractor, grant recipient or other service provider.
2. A Board Member shall disclose and divulge the existence of an actual or potential Conflict of Interest prior to any vote or participation in the decision-making process involving the actual or potential Conflict of Interest. Such disclosure shall be expressly noted in the Board's minutes and such member shall refrain from participating in any further discussion on the matter.
3. In the event that an actual or potential Conflict of Interest exists, the affected Board Member shall recuse himself or herself from voting on the impacted topic and shall also refrain from participating in any discourse involving the impacted topic other than bringing the actual or potential Conflict of Interest to the Board's attention.

Additionally, in the meeting minutes, the Board shall recite the nature of the actual or potential Conflict of Interest and the recusal of the impacted Board Member with respect to the vote and discussion of the impacted topic.

4. In the event that a Board Member is uncertain whether an actual or potential Conflict of Interest exists, the Board Member shall notify the Board and the remainder of the Board shall vote to determine whether an actual or potential Conflict of Interest exists.
  - a. In the event that the Board determines that an actual or potential Conflict of Interest exists, the impacted Board Member shall follow 692-1-1-.06 (3) and recuse himself or herself from voting and participating in the decision-making process.
  - b. In the event that the Board determines that no actual or potential Conflict of Interest exists, the impacted Board Member shall be entitled to vote and participate in the decision-making process. The Board shall recite in the meeting minutes the nature of the perceived Conflict of Interest and the reasons for determining why a Conflict of Interest did not exist.
5. The Chairperson of the Board, prior to any vote involving the following, shall inquire if a Conflict of Interest exists among Board Members:
  - a. the awarding or modification of a contract; or
  - b. the provision of services; or
  - c. a pecuniary interest.

A conflict of interest provision, as prescribed by O.C.G.A. § 34-14-1,2 and provided by Office of Workforce Development, shall be signed and dated by each board member, submitted to the Office of Workforce Development and retained by the board for review.

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LOCAL POLICY

The Southwest Georgia Workforce Development Board (WDB) has adopted additional local policy criteria to include the following:

If a Board Member and/or Board Member Immediate Relative (as defined above) is directly or indirectly affiliated with a contract for services involving WDB grant funding, prior approval is required by the WDB prior to contract execution.

REFERENCES

WIOA Section 107(b)

O.C.G.A. § 34-14-1,2

GA R & R 692-1

Technical College System of Georgia, Office of Workforce Development (OWD), Workforce Implementation Guidance (WIG) GA-15-007R July 31, 2019

Adoption Date: September 3, 2019