

## **Governor's Workforce Investment Division Policy No. 13-00**

**Subject: Conflict of Interest**

**Effective Date: October 31, 2000**

**Purpose:** To provide conflict of interest provisions for Workforce Investment Boards, Youth Councils, and staff of Workforce Investment Boards and Youth Councils

**Reference:** West Virginia Code 6-B-2-5; West Virginia Code 61-10-15; Section 117(g) of the Workforce Investment Act of 1998.

**Background:** All members of local Workforce Investment Boards, Youth Councils, and their staffs serve a public interest and have a clear obligation to conduct all affairs in a manner consistent with the concept of public trusts. All decisions of local Boards and Youth Councils should be based on promoting the best interest of the public good.

**Policy:** Local Workforce Investment Boards members, Youth Council members, and their staffs shall abide by the following provisions:

All Workforce Investment Board and Youth Council members are subject to the State of West Virginia's current conflict of interest provisions found in the **West Virginia Governmental Ethics Act**.

Every local Workforce Investment Board shall adopt in its bylaws conflict of interest standards that meet the minimum standards set forth in this policy guidance letter. The standards shall apply to all Workforce Board members, Youth Council members, and their staff.

A member of a local board or youth council must neither cast a vote on, nor participate in any decision-making capacity on the provision of services by such member or by an organization that such member directly represents; nor on any matter that would provide any direct benefit to such member or the immediate family of such member. Immediate family means a spouse residing in the individual's household and any dependent child or children and dependent parent or parents.

A board or council member who participates in decisions relating to specific terms of a contract, the determination of performance standards in a contract, or the development of Request for Proposals or other processes leading to a contract, is prohibited from receiving any direct financial benefit from any resulting contract.

Any Board or Council member with a potential conflict of interest must disclose that fact to the Local Workforce Investment Board as soon as the potential conflict is discovered. If the potential conflict of interest is discovered during a board or council meeting, the member must declare such potential conflict and excuse themselves from the remainder of the discussion and vote on that item.

A board or council member shall not engage in any business transaction or private for profit arrangement, which accrues from that member's position on the board.

## **VIOLATIONS OF CONFLICT OF INTEREST PROVISIONS**

If the Board believes that a conflict of interest provision has been violated, it can recommend to the Governor's Workforce Investment Division and the chief elected official of the workforce area that the member who has violated a provision be removed as a member of the board.

The Governor or the chief elected official can remove a member of the board for a violation of conflict of interest code with or without a recommendation from the board.

**Action:** Conflict of interest provisions should be provided and explained to Workforce Investment Board members, Youth Council members, and their staff. It is the responsibility of Board members to:

Recuse themselves from board issues if there is a conflict of interest

Advise the board or council of any conflict of interest

Ask the board for an opinion if they have any doubts of a situation involving conflict of interest

The West Virginia Ethics Commission is available to assist Workforce Boards, Youth Councils and their staff with questions and clarification of provisions covered by the Governmental Ethics Act and related issues. They can be reached at 304-558-0664.

**Questions:** Questions should be directed to the Governor's Workforce Investment Division, 1900 Kanawha Boulevard, East Building 6, Room B617, Charleston, WV 25305. Toll free telephone number is: 1-877-967-5498.

**Expiration Date:** Effective until modified or rescinded by the West Virginia Workforce Investment Council.