



**SAN JOAQUIN COUNTY WORKNET
 EMPLOYMENT AND ECONOMIC DEVELOPMENT DEPARTMENT
 POLICIES AND PROCEDURES DIRECTIVE**

DIRECTIVE NO.	EFFECTIVE DATE	APPLICABILITY	PAGE
23-12	February 26, 2024	Departmental	1 of 4
SUBJECT: CONFLICT OF INTEREST			

I. PURPOSE

The San Joaquin County Workforce Development Board (WDB), a recipient of Workforce Innovation and Opportunity Act (WIOA) funds, is committed to maintaining the highest standards of ethical conduct and guarding against problems arising from real, perceived, or potential conflicts of interest. All partners, regardless of their level of engagement with the WDB, are expected to read, understand, and apply this policy to ensure system integrity.

II. GENERAL INFORMATION

Recipients, subrecipients, and contractors receiving funding under WIOA must implement codes of conduct and conflict of interest policies outlined in WIOA legislation, regulations, and guidance, as well as in Office of Management and Budget (OMB) Circulars, state regulations, and state WIOA policies. The implementation of a conflict-of-interest policy is crucial to ensure that those entrusted with public funds, whether individuals or representatives of organizations, do not derive personal or professional benefits from the allocation, management, or expenditure of such funds.

The WDB acknowledges the inherent potential for conflicts of interest and concerns related to the appearance of fairness within its composition. Recognizing this, it is imperative for WDB members to exercise heightened awareness and caution when faced with actual or potential conflicts or fairness-related issues. The WDB is committed to upholding transparency, ethical conduct, and proactively addressing situations that may compromise the integrity of its decision-making processes. Members are encouraged to adhere to established codes of conduct, ensuring the highest standards of fairness and ethical behavior in all WDB activities.

This PPD supersedes PPD D-28 Conflict of Interest, dated January 2016.

References

- [WIOA Public Law 113-128 Sections 101\(f\),102\(b\) \(2\)\(E\), 107\(h\) and 121\(d\)\(4\)](#)
- Title 20 Code of Federal Regulations (CFR) [679.410](#), [679.430](#), and [683.200\(c\)\(5\)](#)
- Title 29 CFR [95.42](#) and [97.36](#)
- Title 2 CFR Part [200.112](#), [200.318](#), and [Part 2900](#)
- [California Political Reform Act, Government Code sections 87100 et seq](#)
- [San Joaquin County Administrative Manual Section 1101](#)

Definitions:

Conflict of Interest – A conflict that occurs when the official duties of an individual or entity clash with their personal interests, particularly in a position of trust. Such a conflict arises when a person or organization involved in the decision-making process for the allocation of funds possesses a financial or other interest in the organization under consideration. This interest may be established through ownership or employment.

Immediate Family - Immediate family consists of an individual's parents (including stepparents), spouse, domestic partner, children (including stepchildren), siblings, grandchildren, grandparents, and any relative by marriage (an "in-law").

Individual - (1) an individual, i.e., 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.

III. POLICY

It is the administrative policy of the Employment and Economic Development Department (EEDD) that no employee, officer, or agent participate in the selection, award, or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. The department is committed to establishing proper protocols aimed at eliminating conflict of interest or the appearance of conflict of interest. All personnel are expected to adhere to the policies and procedures outlined in this directive.

This policy is based on EEDD interpretation of WIOA law and subsequent federal, state, and local laws, regulations, and policies and will be reviewed and updated based on any additional federal or state guidance.

IV. PROCEDURE

The department will ensure that conflict of interest and/or the appearance of conflict of interest is minimized through the development of proper protocols, policies and procedures that include, but are not limited to the following requirements:

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 subgrants.
2. Individuals in decision-making roles must refrain from engaging in any activity that presents a conflict of interest, whether real, implied, apparent, or potential. This extends to decisions related to the selection, award, or administration of subgrants or contracts supported by the Workforce Innovation and Opportunity Act (WIOA) or any other federal funds.
3. Recipients of Federal awards must disclose in writing any potential conflict of interest to the department.
4. A WDB member or a member of a WDB committee cannot cast a vote or participate in any decision-making relating to 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, that member's immediate family, or the member's organization.
5. Prior to engaging in any public discussions concerning the release of a Request for Proposal (RFP) or any matters related to funding or service provision, a WDB member or committee member must openly disclose any real, implied, apparent, or potential conflicts of interest. The meeting minutes should accurately capture and document these disclosures.
6. Members, employees, or representatives of the WDB are prohibited from seeking or accepting gratuities, favors, or any items of monetary value from service providers, vendors, independent contractors, or other service providers. This extends to refraining from accepting gifts or gratuities from organizations or individuals engaged in business with the County or the WDB.
7. Members, employees, service providers, or representatives of EEDD violating any provisions of these standards are subject to the administrative, criminal and civil sanctions provided in the [California Political Reform Act, Government Code sections 87100 et seq.](#)
8. Individuals are prohibited from using information acquired through their involvement with the WDB for personal gain, the benefit of others, or any purpose not officially designated. This includes information not available to the public. Additionally, individuals should refrain from disclosing such information before the WDB's predetermined release time.

9. America's Job Center of California (AJCC) one-stop Operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers.
10. An organization chosen or designated to perform multiple functions under WIOA must create a written plan outlining how it will fulfill these responsibilities in accordance with WIOA, relevant regulations, OMB circulars, and the conflict-of-interest policy. This plan should effectively alleviate conflicts of interest, reduce fiscal risks, and establish suitable firewalls within the single entity handling diverse functions. Both the WDB and the County Board of Supervisors must approve this plan.
11. Membership on the WDB or being a recipient of WIOA funds to provide training or other services, is not itself a violation of conflict-of-interest provisions of WIOA or corresponding regulations.

V. QUESTIONS REGARDING THIS DIRECTIVE

May be referred to the Executive Director of EEDD via Managers or designee.

VI. UPDATE RESPONSIBILITY

The Executive Director of EEDD and/or designee will be responsible for updating this directive, as appropriate.

VII. APPROVED



PATRICIA VIRGEN
EXECUTIVE DIRECTOR

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