

CODE OF CONDUCT / CONFLICT OF INTEREST

Southern 14 Workforce Investment Board, Inc., LWIA #26

Pursuant to 2 CFR Part 200.112, no Southern 14 Workforce Investment Board (LWIA #26) member shall participate in the selection or in the award of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Additionally, no employee, officer, or agent of the grantee/subgrantee, or governing body of the grantee shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Such a conflict shall arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or an organization which employs any of the previously identified, has a financial or other interest in the entity selected for any award. All parties should disclose any personal, business, or volunteer affiliations that may give rise to a real or apparent conflict of interest. This provision does not prohibit a community-based organization, education agency, employer, or other service provider represented by an LWIA #26 member from receiving a subgrant for the provision of training and/or services to participants. However, when such a conflict of interest arises, LWIA #26 members must abstain from voting on the award of the subgrant. The grantee is prohibited from awarding a subgrant

- 1) To any LWIA #26 member for performing administrative services (i.e., consultant services, accounting services, etc.); or
- 2) To any LWIA #26 member or entity with which he/she is affiliated which results in direct personal gain to the LWIA #26 member.

In addition, the Southern 14 Workforce Investment Board, Inc. and its Service Provider officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from service providers, potential service providers (i.e., persons who perform services of type contracted for), or parties to grants.

- 1) No LWIA #26 member shall review or vote on a proposal from a competing organization or entity that is in direct competition for the same dollars.
- 2) Any member, employee, officer, or agent of the grantee/sub-grantee, which violates the standards within the code of conduct, will be subject to a review of each alleged instance by the full council. At this time, the person in question may present information and/or testimony contrary to the allegation. All appropriate corrective action will be decided upon by the full council.

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

All proposals submitted will be handled in a confidential manner, in accordance with the Uniform Guidance at 2 CFR 200.318 and 200.319, by the Board, as well as Board staff to ensure that no potential entity that may compete under the procurement has unfair access to any procurement developed or drafted specification, requirements, statement of works, requests for proposals or evaluated proposals.

Board members, Board staff, service provider staff, and their immediate family shall not be prohibited from applying and/or receiving WIOA or Trade services provided they meet the program eligibility guidelines. They will be required to follow the procedures set forth by the program and acceptance will be based on the program eligibility guidelines alone.

Service provider staff employed by the agency awarded the contract for the southern counties, as well as Board members residing in one of the seven southern counties will apply for services through the agency awarded the contract for the northern seven counties. Those employed by the agency awarded the contract to serve the northern seven counties, as well as Board Members residing in the northern seven counties, will apply for services through the agency awarded to serve the southern seven counties. The employee and or the immediate family member should request training or other WIOA services from their agency's WIOA Director. Who in turn will contact the Southern 14 Executive Director. The Southern 14 Executive Director, will make arrangements with the appropriate agency, based on the description above.

Board members and their immediate families should request WIOA services through the Southern 14 Executive Director, who will make arrangements with the appropriate agency, based on the description above.

Board staff and their immediate family will be served by the service provider agency contracted for the county of their residence. Board Staff should request the Southern 14 Executive Director to insure that the employee has utilized proper time and reported to the full Board at the next regular Board meeting. Timesheets reflecting the time used will be forwarded to the career planner assigned to the employee to be included in the participant file.

The Southern 14 Executive Director and their immediate family will be served by the Career Planner assigned to the county of their residence. The request for services should be reported to the Southern 14 Board Chair before application and reported to the full Board at the next regularly scheduled meeting. Timesheets reflecting the time used will be forwarded to the career planner assigned to the employee to be included in the participant file.

The career planner assigned to the participant will provide the same services and maintain the same confidentiality as given to any other WIOA participant. No one should determine eligibility, administer/proctor testing or process any application for themselves, a co-worker, or an immediate family member. All employees must use either vacation or personal time to complete an application or other WIOA-related services. Copies of time sheets documenting the time should be maintained in the participant file.

FOREIGN TRAVEL

Pursuant to WIOA section 191(e), no funds received shall be used for foreign travel.

PUBLICITY

No funds provided under this grant shall be used for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation,

administrative action, or order issued by the executive branch of any state or local government itself. Nor shall the recipient, related to any activity designed to influence the enactment of the legislation, appropriations, regulations, administrative actions, or Executive Order proposed or pending before the Congress, or any state government, state legislature, or local legislature body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of as a state, local or tribal government in policymaking and administrative processes within the executive branch of that government.

REPORTING OF WASTE, FRAUD AND ABUSE

Pursuit of P.L. 113-114, Division E, Title VI, Section 743, no entity receiving federal funds may require employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

Allegations regarding fraud, program abuse or criminal Misconduct in WIOA programs shall immediately be reported to the Southern 14 Compliance Officer, the Department of Commerce and Economic Opportunity (DCEO), the Office of Employment and Training (OET), the U.S. Department of Labor (USDOL), Employment and Training Administration (ETA) Region V Office, and the USDOL Office of Inspector General (OIG) utilizing the reporting instructions outlined in this policy.

For the purpose of this policy misconduct is defined as an activity that may reflect negatively on the program or agency, affecting the public's confidence in the integrity of program operations. This includes but is not limited to, conflict of interest or the appearance of conflict of interest involving outside employment, business, and professional activities; the receipt of gifts, favors, or fees and misuse of official information or property.

Allegations of fraud, abuse or other criminal activity in WIOA-funded programs may originate from employees or the public. Reports may be made anonymously. It is up to the LWIA to ensure all individuals are aware of the incident reporting process.

Initial Reporting Process:

- 1) The reporting individual must complete the Incident Report within one (1) working day of detection or discovery of allegation and submit the completed report along with supporting documentation to the Southern 14 Workforce Investment Board's Compliance Officer. To ensure immediate notification, the report and documents can be emailed boffice@so14lwib.com
Southern 14 Workforce Investment Board's Compliance Officer will be responsible for further submitting and tracking all reports received.
- 2) Compliance Officer upon receipt will forward completed incident report along with supporting documentation as follows:

- A) Two (2) copies along with supportive documentation must be provided to the Office of Employment and Training's Deputy Director at
Department of Commerce and Economic Opportunity
Office of Employment and Training
500 East Monroe Street, 9th Floor
Springfield, Illinois 62701
(1) Forward additional supplemental information received to the Deputy Director for OET.
- B) Submit one (1) copy of the completed Incident Report to the USDOL/ETA Region 5 Office at the address below:
Employment and Training Administration
U.S. Department of Labor
230 South Dearborn Street, 6th floor
Chicago, Illinois 60604
- C) Report the incident to the USDOL Office of Inspector General in one of the following ways:
- (2) Submitting one (1) copy of the Incident Report to the following address:
Office of Inspector General
U.S. Department of Labor
200 Constitution Ave, N.W., Rm. S-5514
Washington D.C. 20210
- (3) Completing the online USDOL Office of Inspector General hotline form at the link on the References tab.
- (4) Calling the USDOL Office of Inspector General's Hotline Number located at the link on the References tab. The following information will need to be provided:
- (a) The identity of the Local Workforce Innovation Area (LWIA) or other local grant subrecipient involved.
 - (b) The identity of the person or organization the allegation is against, including telephone number and any other identifying data.
 - (c) The location of the incident with complete name(s) and address(es) of the organization(s) involved and other identifying data.
 - (d) The date and time of the incident and how it was discovered.
 - (e) The source of complaint.
 - (f) Any contacts with law enforcement agencies, including name(s), agency contacted, and results.
 - (g) The name, address, and telephone number of persons who can provide additional information.
 - (h) The details of the incident.

Fact Finding and Resolution

The USDOL OIG, upon receipt of an allegation, will make a determination as to whether an investigation will occur at the federal or state level. Notice of this determination will be provided in writing to the Department. If the OIG elects to investigate the allegation(s), The Department will postpone resolution until the investigation is complete. Should the USDOL/OIG elect for the

investigation to occur at the state level, the Department will initiate a special monitoring review or an investigation by the appropriate state entities. Under some circumstances, the Department shall have the responsible LWIA conduct the investigation.

If the allegation is against a Customer receiving WIOA services, the LWIA may suspend such service(s) while the allegation is under investigation.

Regardless of which entity (USDOL or the Department) will complete the investigation, the OET Fiscal Unit shall monitor the status of all WIOA Title 1B fraud and abuse investigations.

Once the fact-finding is complete, a final determination will be issued by the conducting entity. The final determination details the findings discovered during the monitoring review or investigatory process, including any regulatory citations, and where appropriate, any decision to allow or disallow costs, and actions that must be taken to recover disallowed costs. All final determinations will be issued within fifteen (15) working days from Completion of the fact-finding process.

The OET Fiscal Unit will follow up on all Incident Reports to ensure appropriate corrective action is taken.

LWIAs shall retain all records related to investigations initiated and completed for six (6) years after the date submitted to OET, its final Expenditure report for the funding period in which the investigation occurred, and where the investigation resulted in correction action.

Additionally, In compliance with WIOA, Chapter 8 Section 3.7.2 – Incident Reporting:

Employees will be required to review the incident reporting policy as well as the fraud training on the GATA website (<https://www.illinois.gov/sites/GATA>) annually as a part of the employee evaluation and certify that they have reviewed and agree to follow the reporting procedure.

Sub-recipients will be required to review the incident reporting policy as well as the fraud training on the GATA website (<https://www.illinois.gov/sites/GATA>) annually as part of the pre-award process and certify that they have reviewed and agree to follow the reporting procedure.

For participants' awareness, a poster outlining the procedure and information on where to obtain forms and instructions will be clearly posted in the Area's One-Stop as well as Satellite Offices.

Incident reporting forms and instructions are available on the Southern 14 web page (SO14LWIB.com) or from the Board's compliance officer. Complete WIOA policy can be found at <https://apps.illinoisworknet.com/WIOAPolicy/Policy/Home>

PROHIBITION OF PROCURING GOODS OBTAINED THROUGH CHILD LABOR

Pursuant to P.L. 113-114, Division H, Title I, Section 103, no funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forces or indentured child labor in industries and hot countries identified by

DOL prior to December 18, 2015. DOL has identified these goods and services here: <http://www.dol.gov/ilab/reports/child-labor/list-of-products/index-country.htm>.

REQUIREMENT FOR BLOCKING PORNOGRAPHY

Pursuant to P.L. 113-114, Division H, Title V, Section 521, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

PROHIBITION ON TRAFFICKING IN PERSONS

I. Trafficking in persons

a. Provisions applicable to a recipient that is a private entity.

1. You are the recipient, your employees, sub-recipients under this award, and sub-recipients' employees may not –

- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or
- iii. Use forced labor in the performance of the award or sub-awards under the award.

References:

- WIOA Public Law 113-128 Section 101(f) - State Board Conflict of Interest
- WIOA Public Law 113-128 Section 102(b)(2)(E) - State Plan Conflict of Interest Assurance WIOA Public Law 113-128 Section 107(h) - Local Board Conflict of Interest
- WIOA Public Law 113-128 Section 121(d)(4) - One-Stop Operators
- WIOA Proposed 20 CFR 697.430
- WIOA Proposed 679.130(f)(1) through (3) - State Board must use criteria to certify One-Stops to avoid inherent conflict of interest
- WIOA Proposed 20 CFR 679.410(a)(3) and (c) - Local board must avoid inherent conflict of interest
- WIOA Proposed 20 CFR 679.430 - Entities performing multiple functions
- WIOA Proposed 20 CFR 683.200(c)(5) - Administrative Rules, Costs, Limitations – Title I WIOA and Wagner-Peyser
- 29 CFR 97.36(3)
- 2 CFR 899 Part 200 and Part 2900 - Office of Management and Budget Uniform Guidance on administrative, cost, and audit provisions for federal grants