



**NINETEEN TRIBAL NATIONS
WORKFORCE DEVELOPMENT BOARD**

CONFLICT OF INTEREST POLICY

**Approved by NTNWDB
05/12/21**

Nineteen Tribal Nations Workforce Development Board

Conflict of Interest Policy

PURPOSE

The Nineteen Tribal Nations Workforce Development Board (NTNWDB) is committed to carrying out the functions of the Workforce Innovation and Opportunity Act (WIOA) as described in 20CFR 679.370. This policy provides a framework to allow the Local Board to carry out its functions effectively while protecting the integrity of its processes and business transactions.

BACKGROUND

This policy is not meant to rule out transactions between the local board and other entities or individuals where an interest or a relationship between the member and entity or individual exists which require proper disclosure and which are documented as being the outcome of established policies, and are determined to be in the best interest of the local board and community. As stated in 20CFR Section 683.200(c)(5)(ii) “Neither membership on the State WDB, the local WDB, or a WDB standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates the conflict of interest provisions.”

This policy was created following the requirements of the Workforce Arizona Council outlined in its Conflict of Interest Policy approved February 28, 2019, and the Local Governance Policy approved June 5, 2019.

APPLICABILITY

This policy applies to all members of the Nineteen Tribal Nations Workforce Development Board.

POLICY

All board members must adhere to the following rules regarding conflict of interest:

1. A board member must avoid even the appearance of a conflict of interest. Prior to taking office, board members must provide to the local board chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive, contracts or funding from the local board.

Such declarations will be updated annually or within 30 days of any changes to reflect any changes in such business interests or relationships.

2. A board member may not participate in any discussion or decision making matter that would provide direct financial benefit to the member, the member's immediate family, or to the entity/organization the member represents.
3. A board member may not vote on any matter that would provide direct financial benefit to the member, the member's immediate family, or to the entity/organization the member represents.
4. Prior to a discussion, vote, or decision on any matter before a local board, if a member or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official board action, the member must disclose the nature and extent of the interest or relationship and must abstain from discussion and voting on or in any other way participating in the decision on the matter.

All abstentions must be recorded in the minutes of the local board meeting and retained as part of the official record.

5. No person preparing or assisting in the preparation of specifications, plans, or scopes of work shall receive any direct benefit from the utilization of those specifications, plans, or scopes of work.
6. It is the responsibility of the local board members to monitor potential conflicts of interest and bring them to the local board's attention in the event a member does not make a self declaration.
7. In order to avoid a conflict of interest, the local board must ensure that its' service providers for WIOA Title IB Adult, Dislocated Worker, and Youth programs must not employ or otherwise compensate a current local board member or local board member or local board employee who is employed or compensated by the local board, fiscal agent, or grant recipient to support the local board in carrying out its' duties.
8. The local board must ensure that the local board, its' members, or its' administrative staff do not directly control the daily activities of its' workforce service providers, workforce system partners or contractors. *There must be complete separation between governance functions and operational functions within an organization including different reporting structures.*
9. Local board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner.



10. Local board members are prohibited from providing equipment, materials, or supplies unless pursuant to an award or contract issued after a public competitive procurement process.



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Board Member Signature

I, _____, a Member of the Nineteen Tribal Nations Workforce Development Board, do hereby attest and affirm that I have received and read the Conflict of Interest Policy.

I declare and promise to carry out my responsibilities in relation to upholding the Conflict of Interest Policy during my term as a board member.

Board Member Signature

Printed Name: _____

Signature: _____

Date: _____

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Declaration of Conflict of Interest

I, _____, hereby declare a

Conflict of interest because: _____

The above declaration will be reviewed by board members present before any discussion takes place. The board, excluding the member making the declaration, will determine if a perceived or real conflict of interest exists.

I acknowledge that I may need to recuse myself from voting, and leave the meeting when discussion of declared conflict of interest matters takes place.

Board Member Signature

Printed Name: _____

Signature: _____

Date: _____

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Certification Regarding Debarment, Suspension, and Other Responsibility Matters

I certify to the best of my knowledge and belief that I nor the entity I represent:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against us for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and
4. Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

If the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal.

Certification Regarding Lobbying Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certified, to the best of his or knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.



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3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontract, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly
4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such **failure**.



Board Member Signature

Printed Name: _____

Signature: _____

Date: _____