

**Avoiding Conflicts of Interest During the Provision of Services Policy for the
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act**

Policy C-05

I. Purpose.

The purpose of this policy is to outline requirements and procedures that ensure all individuals enrolled in the Workforce Innovation and Opportunity Act (WIOA) program have been determined eligible, assessed, and served in an ethical manner that is free from any real or perceived conflict of interest.

II. Effective Date.

July 1, 2015.

III. Background.

The WIOA program, while not one of entitlement, shall be made accessible to those individuals who are deemed eligible and otherwise appropriate for services available within the Workforce Area, subject to the terms and conditions of the Workforce Area's policies.

As a recipient of WIOA funds, the Workforce Area, through rule 5101:9-31-01 of the Administrative Code (entitled, "General requirements for use and expenditures of WIOA funds for local areas'), has agreed that it will comply with the standards of conduct for maintaining the integrity of the program and avoid any conflict of interest in its administration including, but not limited to, 29 U.S.C. 2832 (g), chapter 6301 of the Revised Code, and Ohio ethics law.

Local elected officials, the Workforce Area, designated fiscal agents, and administrative entities must help meet the objectives of WIOA through effective policies, procedures, and safeguards that ensure the integrity of these public funds. Safeguards must be in place throughout the State that ensure all individuals served in WIOA or CCMEP are not only eligible and suitable, but also served in a manner that is free from the perception of any impropriety or conflict of interest.

IV. Requirements.

A. General Requirements.

When applicants have a close relationship to WIOA or CCMEP staff, management, and other specific stakeholders of the workforce development system, attention must be given to ensure access to program services is not based upon this relationship. Although this determination may be simple if the applicant is a close family member

or friend, it may be more difficult if the applicant has a close relationship with WIOA staff, management, and other stakeholders.

There is no bright line test for the determination of such a relationship. WIOA staff, management, and other workforce development systems are advised to avoid the appearance of impropriety by abstaining from directly assisting and/or influencing the application process of friends, close family members, former and/or present colleagues, and persons with whom they have an ongoing social or business relationship.

However, at a minimum, when an applicant for services is friends, a close family member, former and/or present colleague, and/or has an ongoing social or business relationship with any of the following categories of individuals, said relationship must be disclosed if known to the applicant, and managed in accordance with the terms and conditions of this policy:

- Local elected officials
- WDB members
- WDB subcommittee members
- WIOA/CCMEP executive staff and supervisors
- WIOA/CCMEP employees
- OhioMeansJobs center partner staff
- WIOA/CCMEP sub-recipients and/or contractors, and/or
- County employees

Disclosure of potentially conflicting relationships will be solicited from individuals seeking services other than basic career services, or minimally staff assisted basic career services, otherwise individuals who are being considered to be enrolled/registered for services. The solicitation of the disclosure will occur by using the **Relationship Disclosure form attached as Appendix One to this Policy**. Documentation of the disclosure, including the name of the person and the nature of the relationship, must be maintained in the participant's file. When a relationship exists, it must be disclosed at the time of application to the program.

Also when the individuals listed above, are aware that friends, close family members, former and/or present colleagues, and persons with whom they have an ongoing social or business relationship is seeking any enrolled/registered WIOA services (those other than basic career services, or minimally staff assisted basic career services), disclosure must be made by that individual to the highest supervisor/manager of the organization where individual works, and/or the Executive Director for the Workforce Area. The individual must identify the individual or individuals seeking services by name, along with a description of the immediate or close family relationship. Upon so being so notified, the CEO of that organization will make a written disclosure to the Area Workforce Executive Director. If it is the Executive Director for the Area Workforce that has to make the disclosure, s/he shall make the required disclosure to the Chief Elected Official for the Area Workforce.

Once an immediate family or close personal relationship is disclosed, the existence of that relationship must be documented. Each Executive Director in charge of Area 19 WIOA/CCMEP staff shall maintain a list of all disclosed individuals seeking WIOA/CCMEP services other than core services, and provide a copy of said list to all ODJFS program monitors and auditors at the onset of all monitoring visits. All applicants with a family relationship will be tracked by the One Stop and Area 19 fiscal staff through their system and monitored by the monitoring staff at each stage of funding request. All funding requests will be reported to the Executive Director on a monthly basis.

In addition to the documentation of the personal relationship and maintenance of the list, before any enrolled/registered WIOA services can be provided, the WIOA agency and staff that is attempting to address the needs of the applicant will after seeking the consultation and approval of the Executive Director for the Area, develop a written plan for determining the eligibility of the individual in a way that resolves all real or potential conflicts of interest, and/or perceptions of impropriety. If the Executive Director is the one with the conflicting family relationship, then the Chief Local Elected Official shall be consulted and provide the approval for an alternative plan for determining eligibility. In the rare case that this process will not resolve a real conflict, or the appearance of a conflict, the Area will have the eligibility determination be made by another County within the Area, or another Area WIB, preferably one that is adjacent to the same.

B. General Procedures for Resolving Disclosed Potential Conflicts of Interest.

When it can, and when it will resolve the conflict of interest or potential conflict of interest, the Area Workforce in conjunction with its contractual partners will resolve the disclosure of an applicant for services is friends, a close family member, former and/or present colleague, and/or has an ongoing social or business relationship with any of the categories of individuals seeking services in the following manner.

1. A staff member with no personal relationship, bias, special interest or prejudice will develop the individual employment plan ("IEP") and/or the individual service strategy ("ISS") for the applicant.
2. An unbiased WIOA/CCMEP supervisor will be assigned to determine initial eligibility status.
3. The appointed supervisor will attest to having no personal relationship, bias, special interest or prejudice regarding the applicant.
4. After eligibility has been established by the appointed supervisor, the applicant will be referred to a WIOA staff person who has no personal relationship, bias, special interest or prejudice to assess the applicant's skills, barriers and training needs.

5. Following the completion of this step, the individual's ISS, IEP, and/or all training plans will be drafted in final for and forwarded to the local training committee or the individual(s) responsible for making the final determination decision.
6. The local training committee will review the training request and either approve or deny the application. Committee members who may have a personal relationship, bias, special interest or prejudice regarding the applicant must remove themselves from the committee or group of individuals making the decision, as appropriate.
7. The applicant will at all times be provided with WIOA intensive and/or training services as deemed necessary and appropriate per WIOA rules and regulations. The assigned WIOA staff person will remain the contact person for the applicant until the applicant is exited and provide follow-up services to the applicant.

When the preceding procedures cannot be used to resolve the conflict, (i.e., situations in which the conflict involves a family relationship of an individual that would stand in supervision of those individuals that would normally be assigned/involved), then this procedure will not be used and a different procedure addressing all potential conflicts will be determined and agreed upon before any services requiring registration/enrollment are provided.

V. Definitions.

Close relationship: the applicant's prior and/or present social interactions and/or business dealings with stakeholders of the workforce development system gives a reasonable observer cause to believe that the applicant's access to WIOA program services would be based upon this relationship, as opposed to demonstrated need.

Close family member: parents, step parents, spouse, domestic partner, children, step-children, foster children, siblings, grandchildren, grandparents, and any immediate relatives by blood or marriage (i.e., in-laws, cousins, nieces, nephews, aunts, and uncles).

Stakeholders: individuals not related but have direct or indirect management or responsibility for managing the WIOA workforce system (including WIOA executive staff, supervisors, local elected officials, contractors (e.g., adult, dislocated worker, or youth program vendors), WDB and subcommittee members, WIOA employees, and OhioMeansJobs center partner staff.

VI. Monitoring.

The Area will conduct oversight and monitoring of the implementation of all Area Workforce programming by all OMJ Center operators, partners, and/or providers

pursuant to **Area Workforce Policy D-03**. Any issues discovered will be handled through the area's monitoring resolution process.

VII. Technical Assistance.

To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the Area Workforce at craigsernik@neohio.twcbc.com.

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: WIAQNA@jfs.ohio.gov; and by copying your request to the Executive Director of the NOC COG.

VIII. References.

- Workforce Innovation and Opportunity Act, Public Law 113-128.
- 29 U.S.C. 3101 et seq.
- Ohio Rev. Code 102.
- Ohio Admin Code 5101:9-31-01.

XII. Signatures.



Richard Jackson
Area WDB Chairperson

Date



Sabrina Christian-Bennett
Portage County Commissioner
Northeast Ohio Consortium Council of Governments,
Chief Elected Official

Date

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Subsequent Revisions: April 27, 2022