NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL

POLICY 1-01-03 (2)

CONFLICT OF INTEREST

PURPOSE:

The purpose of this policy is to remind North Dakota Workforce Development Council members of the state and federal laws relating to voting obligations and conflict of interest.

NDCC 48-02-12 states, "No governing board, nor any member, employee, or appointee thereof, shall be pecuniary interested or concerned directly or indirectly in any public contract, either verbal or written, that may be entered into by any such board or officer".

Section 111(f) of the Workforce Investment Act of 1998, "Conflict of Interest.---A member of a State board may not----- (1) vote on any matter under consideration by the State board--- (A) regarding the provision of services by such member (or by an entity that such member represents); or (B) that would provide direct financial benefit to such member; or immediate family of such member; or (2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the state plan.

POLICY:

1. In accordance with Section 111(f) of Workforce Investment Act of 1998 and NDCC 48-02-12, no member or employee of the North Dakota Workforce Development Council, its Standing Committees, or its Ad Hoc Committees shall use his/her position to benefit themselves or organization which they represent, nor shall any member cast a vote nor participate in any decision-making capacity on any matter which would provide direct or indirect financial benefits to that member or their organization.
2. Each recipient or sub-recipient shall ensure that no individual in a decision-making capacity, including North Dakota Workforce Development Council members, its Standing Committees, or its Ad Hoc Committees (whether compensated or not), shall engage in any activity, including participation in selection or award, of a sub grant or contract supported by Workforce Investment Act funds, if a conflict of interest, real or apparent, would be involved. Such conflict would arise when the individual: any member of the individual's immediate family; or an organization which employs, or is about to employ any of the above, has a financial or other interest in the firms or organization selected for award.
3. Neither membership on the North Dakota Workforce Development Council, its Standing Committees, or its Ad Hoc Committees, nor the receipt of Workforce Investment Act funds to provide workforce development and workforce training services shall be construed, by themselves, to violate the provisions or Section 111(f).

4. Official minutes of the North Dakota Workforce Development Council, its Standing Committees, and Ad Hoc Committees shall be recorded by individual name and representation members who abstain from voting on individual proposals or motions.

REFERENCE:

(0) NDWDC minutes dated September 11, 2003
(1) NDWDC minutes dated October 20, 2005
(2) NDWCD minutes dated November 20, 2008

SUNSET: November 20, 2011