



Code of Conduct

Purpose

This Code of Conduct implements and interprets State and Federal requirements governing Workforce Development Boards (“WDB”) and activities funded by the Workforce Innovation and Opportunity Act (“WIOA”). It is required by paragraph 9.B of the Consortium Agreement, by Articles VI.C of the Worksystems By-Laws and Article VII of the WDB By-Laws.

Effective Date

This policy shall take effect upon adoption by the WDB and Worksystems.

Definitions

- ◆ The term “official” means any WDB or Youth Council member, or Worksystems employee or agent, or any citizen volunteer authorized to act on behalf of the WDB or Worksystems. The term includes, but is not limited to, all individuals who participate in the making of WDB or Worksystems policy, procurement, fund obligation, contract management or personnel decisions.
- ◆ The term “immediate family” means a spouse, parent, in-law, guardian, child, brother, sister, foster child, grandchild, grandparent, or other person to whom the official is not related but who resides in the same household. The relatives listed above need not reside in the same household to be included as immediate family.

Trust

Officials shall treat their position as a public trust.

- ◆ WDB and Worksystems powers and resources are to be used for the benefit of the public rather than for personal benefit.
- ◆ Officials shall establish and implement policies in good faith, as equitably and economically as possible, regardless of their personal views.
- ◆ Whistle-blowing is appropriate in the event of unlawful or improper actions. Anyone who observes significant unlawful or improper actions by an official is expected to report them. Customarily, the actions are reported to the official’s supervisor. If the supervisor appears to be involved in the improper actions, the report can be made to a higher level, to Worksystems’ Executive Director or to the Worksystems/WDB Chair or the Governing Board Chair.

- ◆ “Whistle-blowing” differs from “leaking” because leakers act covertly and are essentially unaccountable for the consequences of their actions. It is improper to harass or punish officials who seek accountability through whistle-blowing. Leakers are not similarly protected.
- ◆ Citizens shall have a fair and equal opportunity to express their views to officials. Often it is impossible for an official to talk personally with every concerned citizen, but obtaining an appointment or a chance to speak at a WDB or Worksystems meeting should not appear to depend upon friendship or animosity.
- ◆ Officials shall not give the appearance of impropriety. Officials should not accept any personal gift, meal or entertainment valued at \$30.00 or more. The official should consider the decisions he or she may have to make and shall exercise conservative judgment. The key question for an individual official is, “By accepting this gift/meal/entertainment am I giving preferential treatment to the gift giver, or am I giving the appearance to reasonable people of giving favor to the individual?” If the answer is “yes” to either question, then the official should not even accept a gift below the \$30.00 threshold.
- ◆ Officials, as representatives of the WDB or Worksystems or while conducting business on behalf of the WDB or Worksystems, may accept gifts for the benefit of Worksystems, and may be guests at meals or entertainment activities. For example, gifts as part of a company grant or giving program should be accepted, and shall become the property of Worksystems. Gifts for employee awards, volunteers, and community cooperation are allowed. Donations to Worksystems programs are also allowed.
- ◆ Officials shall devote Worksystems resources, including paid time, equipment, computers, supplies, and capital assets, to public benefit. Time paid for by Worksystems is intended for Worksystems business. Supervisors should not ask subordinates to perform personal services. Office supplies are for Worksystems use only.
- ◆ Worksystems may adopt procedures allowing for limited personal fax transmissions, photocopies and telephone calls to be made under specified circumstances. This procedure may also permit limited completion of personal tasks on computers.
- ◆ Officials should not use WDB or Worksystems letterhead or refer to their public position when requesting personal benefits or resolving personal disputes.
- ◆ Political activities shall not be engaged in on Worksystems time or property. No Worksystems employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours.
- ◆ This section does not restrict the right of Worksystems employees to express personal political views, so long as these views do not adversely impact the quality or content of WDB or Worksystems services or policy making. For example, a staff member should

not express a racist sentiment while servicing a customer or otherwise representing the WDB or Worksystems. Similarly, a Worksystems employee while on Worksystems premises or during work hours can express personal political views to co-workers but may not distribute flyers for a political campaign.

- ◆ The WDB or Worksystems may take a position on pending State or Federal legislation or rulemaking. Officials may then provide information or otherwise act as directed on that position. Federal and State grant funds may not support lobbying activities.

Objectivity

WDB and Worksystems decisions shall be based on the merits of each issue. Judgment shall be independent and objective.

- ◆ If an individual official's financial or personal interests will be specifically affected by a decision, the official is to withdraw from participating in the WDB and Worksystems decision. This prohibition applies to all WDB and Worksystems meetings, standing Committees, "task group" or "ad hoc work group" meetings, and discussions before or during meetings which involve lobbying for or against a WDB or Worksystems action or agenda item or which deliberate towards a decision. This includes the personal or financial interests of the official's immediate family and household. Refusal and disqualification involves a statement such as, "My brother-in-law is part owner of the property under discussion. Therefore, I will not be speaking or voting on this lease."

State law distinguishes between actual conflict of interest, which definitely would affect the official, and potential conflict, where the effect is not certain. In the case of a potential conflict, the WIOA official must disclose the conflict but may be permitted to participate in the decision. A formal or informal opinion should be requested when a potential conflict arises.

The law also makes an exception where the official's financial interests are included with a whole class of citizens. In this case an informational disclosure may be appropriate, such as, "We will be voting on the Northeast Career Center. My sister's family is receiving training from the Center along with the rest of the community."

State law focuses on elected officials and appointees to boards and commissions, but the ethical principle extends to all officials. For example, a Worksystems program monitor should not monitor an on-the-job-training ("OJT") contract at a business owned by his sister. The relationship should be disclosed and a different, disinterested Worksystems employee should conduct the monitoring.

- ◆ Officials shall avoid bias or favoritism, and shall respect cultural differences as part of decision-making and the conduct of WDB and Worksystems business.
- ◆ Intervention on behalf of constituents or friends is limited to assuring fairness and clarifying policies or improving service to citizens. Officials should avoid giving citizens any reason to believe they would receive better or different services if they had a personal connection with the official.

Accountability

Open government allows citizens to make informed judgments and to hold officials accountable.

- ◆ Officials shall exercise their authority in open meetings supported by public records subject to the normal and usual exceptions, including but not limited to 1) pending or threatened litigation, 2) personnel decisions, 3) contract negotiations where disclosure of Worksystems position may inflate costs or prevent Worksystems from carrying out its mission as effectively as possible, and 4) a decision to sanction a WDB member or Worksystems Director where that member or Director wishes to contest the facts supporting the sanction in a confidential meeting and the Board concurs with the confidentiality request.
- ◆ Each official is encouraged to improve WDB and Worksystems systems by identifying problems and proposing improvements. Worksystems employees who believe a policy or practice is not achieving its stated purpose, is creating unintended harm, or is inefficient, should express such concerns to their supervisor and should suggest possible improvements. Worksystems managers should share “big picture” information with their subordinates and reward suggestions for improvement.
- ◆ WORKSYSTEMS systems shall be self-monitoring, with procedures in place to ensure appropriate actions. Managers should make sure their practices for purchasing, contracting, and hiring include routines that elicit fair choices and assure protection of Worksystems assets. Such routines include checklists, separation of duties, bank account reconciliations, and reports to management.
- ◆ Any official’s immediate family shall not receive preferential treatment in employment or in the receipt of Worksystems funded services. Worksystems service providers shall adopt and shall comply with nepotism provisions no less restrictive than this paragraph.
- ◆ No official shall also be a Worksystems contractor, subcontractor or vendor without full disclosure and authorization from the Worksystems Board. This section shall not apply to WDB members who 1) are salaried officials for public or nonprofit entities, or who serve on the boards of such entities, and 2) who provide vendor services to Worksystems clients utilizing the same rates as for the general public. For example, the Worksystems Board need not approve Community College tuition arrangements merely because a Community College President sits on the Board.
- ◆ The WDB’s Executive Committee, who also serve as the Board of Directors for Worksystems, may not represent, serve on the board of, or work for a public, private for profit or nonprofit Worksystems contractor or subcontractor. Worksystems Directors should be especially careful to disclose and avoid conflict of interest situations.

Leadership

Officials shall obey both the letter and the spirit of all laws and regulations.

- ◆ Leadership shall facilitate, rather than block, open discussion. Officials have an ethical obligation to avoid behavior such as strained interpretation of rules, refusal to return telephone calls to a specific person, or arbitrarily delaying a decision.
- ◆ Worksystems units and work teams are encouraged to develop Code of Conduct training, and enforcement procedures.

Informal or Formal Opinions

- ◆ An informal or formal opinion concerning a given conflict of interest or ethical situation may be requested. Such requests should be directed to Worksystems Executive Director or, if the situation involves the Executive Director, to Worksystems Board Chair or the Chair of the Governing Board.

Sanctions

- ◆ Officials are subject to sanctioning by vote of the WDB, Worksystems Board or Governing Board, up to and including dismissal. Individuals and entities may also be barred from doing business with Worksystems.
- ◆ Worksystems employees and contractors are also subject to sanctions under Worksystems procurement and personnel policies and contract provisions. To the extent that this Code of Conduct and Worksystems procurement and personnel policies or contract provisions overlap or are perceived to conflict, the most restrictive interpretation shall apply.

Reporting Fraud

- ◆ Notification through DOL Hotline: In the event a Board member believes there was fraud or other criminal activity, Board members may report directly to the Department of Labor through its Incident Reporting System Hotline. Allegations may be directly reported as follows:

Website: oig.dol.gov/contact

Email: hotline@oig.dol.gov

Telephone: 1-800-347-3756

Letter: Department of Labor Office of Inspector General (OIG)
Office of Investigations, Room S5514
200 Constitution Avenue NW
Washington DC 20210

Acknowledgement of Receipt of Code of Conduct

I acknowledge that I have received a copy of the Portland Metro Workforce
Development Board Code of Conduct.

Signature/Date

Print Your Name