

OFFICE OF WORKFORCE OPPORTUNITY
WIOA POLICY ISSUANCE – Policy # 2015-004

CONFLICT OF INTEREST POLICY

PURPOSE: [29 U.S. Code § 3112\(b\)\(2\)\(E\)\(i\)](#) of the [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#) requires that the Unified State Plan establish a conflict of interest policy that identifies the circumstances that may present a conflict of interest for a State board or the entity or class of officials that the member represents, and procedures to resolve such conflict. In addition, [New Hampshire Statutes 15-A Financial Disclosure](#) and [15-B Gifts, Honorariums, and Expense Reimbursement](#), require that the state board adopt standards for conflict of interest and self-dealing transactions.

POLICY: This conflict of interest policy aims to ensure that individuals employed by or representatives of organizations entrusted with WIOA funds and their immediate family members will not personally or professionally benefit from the award of expenditure of such funds. This policy provides that each grant recipient and sub recipient must ensure that no individual in a decision-making capacity engages in any activity of a conflict of interest (real, implied, apparent, or potential) is involved. This includes decisions involving the selection, award or administration of a grant sub grant or contract supported by WIOA funds.

It is the policy of the Office of Workforce Opportunity that employees engaged in the administration, oversight, and operation of federal WIOA grant programs minimize organizational conflicts of interest through segregation of duties, disclosure, and recusal in order to foster public and partner confidence.

[29 USC § 3111 \(f\)](#) specifically sets forth OWO's obligations regarding conflict of interest. A State Workforce and Innovation Board (SWIB) member may not vote on a matter under consideration by the SWIB regarding the provision of services by such member or that would provide direct financial benefit to such member or the immediate family of such member or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan. In accordance with [2 CFR § 200.112](#), recipients of federal awards must disclose in writing any potential conflict of interest to the U.S. Department of Labor. Sub recipients must disclose in writing any potential conflict of interest to OWO, the recipient of grant funds.

[New Hampshire Statute 15-B](#) prohibits any public official or public employee from accepting gifts and honorarium, as defined in the statute. The statute also states that no individual should knowingly give any gifts or honorariums to any public official or public employee and/or their family members for the purpose of influencing that public individual. A family member is defined as any person related to and living in the same household as the public individual and shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parent.

In accordance with [RSA15-B](#), a public official or public employee may accept expense reimbursement for reasonable expenses for attending a bona fide event that is related to the office or position held. An Expense Reimbursement Report must be submitted to the Secretary of State

with accompanying documentation no later than the last day of the month following when it was received. Additionally, in accordance with [RSA 15:A](#), each representative serving on the SWIB is required to have a current, signed Statement of Financial Interests form on record with the NH Secretary of State. Statement of Financial Interests forms shall be renewed annually and filed no later than the third Friday in January. An individual shall file a statement of financial interest within 14 days of assuming the appointment to the SWIB unless a financial interest statement has already been filed within the calendar year.

The SWIB may take disciplinary actions against any individual, up to and including termination of board membership, for any violation of this policy. In addition, the failure to comply with the statutory requirements referenced in this policy, may subject an individual to criminal sanction as outlined in RSA 15-A:7 and RSA 15-B:9.

ACTION: All WIOA Title I funded staff and SWIB Board members must be knowledgeable of the contents of this directive.

Attachment: [2021 New Hampshire Statement of Financial Interests – RSA-15-A](#)
[2021 New Hampshire Honorarium or Expense Reimbursement Report Executive Branch – RSA -15-B](#)