

# CODE OF ETHICS

LOCAL BOARD FOR LABOR  
DEVELOPMENT MAYAGÜEZ-LAS  
MARIAS

## CODE OF ETHICS

### I. INTRODUCTION

The Local Workforce Development Board (LWDB ) is created pursuant to Public Act 113-128 known as the Workforce Innovation and Opportunity Act (WIOA), signed by President Barack Obama on July 22, 2014, section 107 and the Circular Letter WIOA-2-2015.

### II. TITLE

This Code will be known as the Code of Ethics of the Local Labor Development Board of the Mayagüez – Las Marias Local Labor Development Area and is part of the Internal Regulations of the Local Labor Development Board of the Mayagüez-Las Marias Local Area and is structured according to the guidelines established in the Circular Letter WIOA 2-2015d.

### III. LEGAL BASIS

This Code of Ethics is established in compliance with Public Act 113-128 known as the Workforce Innovation and Opportunity Act (WIOA), the WIOA State Plan, and the applicable provisions of the Government Ethics Act.

This Code of Ethics will govern the actions of the members of the Local Board for Labor Development.

### **III. DEFINITIONS**

1. Direct Conflicts of Interest — arises when a Member of the Local Labor Development Board of the Mayagüez-Las Marías Labor Development Area, Officer, trustee, or employee of the Local Board or any immediate family member of the latter, proposes a financial agreement or proposed service between the Local Board and the entity it represents, votes and takes active participation in the Local Board's internal decision-making process related to the approval of such agreement or proposal.
2. Organizational Conflict — arises when an organization (represented by one or more individuals participating in a bidding process ) can benefit economically, directly or indirectly, from the award of a contract.
3. Personal Conflict — exists when a member, officer, trustee, or employee of the Local Board has interests that are opposed to the Board's interests.
4. Members of the Local Labor Development Board — person appointed by the Chief Elected Official, in accordance with the parameters established in Circular Letter WIOA-2-2015.
5. Contract — enter into an agreement or agreement to provide a service or to execute a material work. Document containing all the essential elements and necessary conditions according to the law.
6. Contribution — includes payment, gift, subscription, loan, advance, or any promise or agreement to grant it.
7. Director — Executive Director of the Local Area for Labor Development.

8. Entity — Any for-profit or non-profit corporation or natural or legal person.
9. Ethics
  - a) A philosophical discipline that aims at value judgments when applied to the distinction between good and evil.
  - b) Part of the philosophy that from some principles, experiences, attitudes, or influences tries to determine the norms or the meaning of human action, both individual and social moral, natural or philosophical.
10. Immediate Family — includes spouses, children, parents, siblings, uncles, nephews, and any other person directly dependent on the Local Board Member.
11. Dependent — a single person, less than twenty-one (21) years old, living under the same roof as the member, officer, trustee, or employee.
12. Honorary - payment in cash or in any other way, received by a member, officer, trustee, or employee of the Local Board or his/her spouse, for his participation on an activity like, deliver a speech, conferences, write articles or attend meetings.
13. Confidential Information — information available to the member, officer, trustee, or employee of the Local Board, which can only be obtained through affiliation to the Local Board or the Local Labor Development Area (ALDL), and which is not common knowledge of the general public.
14. Income — any income from any source, including, but not limited to , the following categories:
  - a. Direct Economic Interest — exists when the member, officer, trustee, or employee of the Board is a party to the contract.

- b. Indirect Economic Interest — exists when you have an interest in the profits, the product of a contract.
  - c. Interest or Contracting Interest — the ownership of more than fifty percent (50%) of an entity, business, good or ownership of a sufficient portion to grant control of the effectiveness of decisions.
15. Bidding — action and effect of offering a price for a service or material at auction.
16. Direct or Indirect Participation — active participation in the decision-making process , approval, refusal, recommendation, preparation of any purchase requisition or proposals, influence on the content of any specification or standard bidding, offering advice, investigation, auditing or in any other advisory capacity.
- 17- Private Person — natural person.
18. Defendant — natural or legal person against whom a complaint is filed.
- 19- Complainant — natural or legal person filing a complaint.
20. Refunds — any payment or thing of value, received other than a gift, to cover travel expenses and expenses related to the contract.
21. Gift — includes but is not limited to money, goods or any object, economic opportunities, tips, discounts, or special attentions.
22. Official Responsibility — direct administrative or operational authority, whether intermediary or final, exercised either alone or with others, personally or through subordinates to approve, deny, or direct programs at the local, state, and federal levels.

23. Service — what is done for someone's benefit, for attention or friendship, utility that one derives from what another does in one's attention.

24. Family Unit — includes the member, officer, trustees, or employee of the Local Board, dependent children of the Local Board or those persons who share with him/her their legal residence or **whose financial affairs are under their legal control.**

#### IV. GENERAL ETHICAL PROHIBITIONS

- a. No member, officer, trustee, or employee of the Local Board shall use the duties and powers of the office to obtain, directly or indirectly, for a member of his immediate family, benefits or privileges that are not permitted by the Workforce Innovation and Opportunity Act (WIOA ), the WIOA State Plan, and the applicable provisions of the Government Ethics Act.
- b. No member, officer, trustee, or employee shall request or accept any good of economic value as payment for performing the duties and responsibilities of the office,
- c. No member, officer, trustee, or employee of the Local Board shall accept or solicit from any person directly or indirectly for him, for members of his family unit or for any other person, business, entity or any good of economic value, including gifts, loans, promises, favors, or services in exchange for their action influenced in favor of that or any other person or entit

- d. No member, officer, trustee, or employee of the Local Board shall disclose or use confidential information acquired by reason of his position, to obtain directly or indirectly, economic advantage or benefit for him, for a member of his family unit or for any other person, business, or entity.
  
- e. No member, officer, trustee, or employee of the Local Board shall accept or apply for employment or contractual business relationships with a person, business or entity doing business with the Local Board when he has the power to decide or influence the actions of the Local Board, or of any working committee of the Local Board.
  
- f. No member, officer, trustee, or employee may represent, directly or indirectly, any private person to obtain the approval of a proposal or a contract, if he or any member of his immediate family has participated or will participate or is likely to participate in its official capacity in the decision-making process to approve the proposal or contract,

**V. PROHIBITIONS RELATED TO THE REPRESENTATION OF CONFLICTS OF INTEREST WITH THE FUNCTIONS OF THE LOCAL BOARD.**

- a. No member of the Local Board may vote or participate in decision-making on any matter under his consideration related to the offer of services to be offered by said member (or by the entity he directly represents) or that will provide financial benefits or his immediate family member or get involved in any other activity determined by the Governor to constitute a conflict of interest specified in the State Plan. You must also notify the Local Labor Development Board of your interest (or that of the

entity you represent) about your intention to submit any request or proposal to offer services or about any material that provides economic benefit to such member or his or her immediate family member or represented entity.

- b. No member, officer, employee, or volunteer of the Local Board may disclose the names of the bidders.
- c. No member, officer, trustee, or employee may disclose confidential information about, but not limited to technical information (within proposals), cost per unit, the totals of proposals, personnel data or any other data that may be construed as exclusive and confidential for each particular bidder.
- d. No member, officer, trustee, or employee shall disclose the proposal evaluation and selection process that may limit fair competition between bidders and proposers.
- e. No member, officer, trustee, employee, or member of your family unit shall request or accept reimbursement from a current or potential bidder or service provider to cover your personal travel expenses and expenses associated therewith.



## VI. SANCTIONS

If any member, officer, trustee, or employee of the Local Board violates this Code of Ethics, then will be subject to sanctions. Any private citizen or any official or employee of the Local Labor Development Area or the Local Board may file a written complaint with the Executive Committee of the Local Labor Development Board through its President or with the Office of Government Ethics.

If you opt for the first option, this Committee will have a period of five working days to deal with the complaint. Both the complainant and the defendant will be interviewed. You will be notified in writing about the Committee's final recommendation to the complainant, complainant, and the Local Labor Development Board.

If the defendant does not agree with the final determination of the Local Board once the investigation is concluded, he will have ten (10) days to notify the corresponding Labor Development Program (PDL) office. If a request for review is filed with the PDL, the defendant will accept the process established by this agency to address the matter.

If the defendant is not satisfied with the investigation and the results thereof, as notified by the Labor Development Program, he may file a written complaint with the Office of Government Ethics of the Government of Puerto Rico.

Once the complaint and the investigation have been resolved, and if it is demonstrated that the member, officer, trustee, or employee or any member of his family unit has received goods, fees, gifts, reimbursements or any other income not allowed by this Code, the Local Labor Development Board will impose the sanctions established in the Article 4.11(B)° and 3 of the Government Ethics Act:

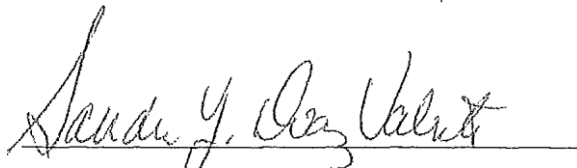
- a. Pay the State as a civil penalty a sum equivalent to three times the value of the economic benefit received.
- b. Written reprimand
- c. Removal from office
- d. Dismissal
- e. Any other sanction appropriate in accordance with the law.

In case of conflict between provisions of the WIOA Laws and Government Ethics, it will refer to the Labor Development Program (PDL), where it will be resolved in accordance with the policy established by the Governor on conflict of interest in the WIOA's State Plan,

APPROVED today, November 18 , 2016



ANGEL A. SAN MIGUEL  
HERNÁNDEZ  
President of the Local Board



SAIND RA Y. DÍAZ VALENTÍN  
Secretary