

# CODE OF ETHICS

LOCAL WORKFORCE DEVELOPMENT BOARD  
MAYAGÜEZ – LAS MARÍAS



## I. INTRODUCTION

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

## II. BASE LEGAL

This Code of Ethics is established in compliance with Public Law 113-128 known as Public Law 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 Labor Development Board.

## III. DEFINITIONS

1. **Direct Conflicts of Interest** – arises when a member of the Mayagüez-Las Marías Local Labor Development Board, an officer, officer or employee of the Local Board or any immediate family member of the Local Board proposes a financial agreement or proposal for services between the Local Board and the entity it represents, votes and takes active participation in the internal decision-making process of the Local Board 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, officer, or employee of the Local Board has opposing interests.
4. **Workforce Development Board Member** – a person appointed by the Chief Elected Officer, in accordance with the parameters set forth in Circular Letter WIOA-2-2015.
5. **Contract** – entering into an agreement or covenant to provide a service or to execute a material work. Document that contains all the essential elements and conditions necessary 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 of Labor Development.
8. **Entity** – any for-profit or non-profit corporation or natural or legal person.
9. **Ethics**
  - a) A philosophical discipline that has valued judgments as its object when applied to the distinction between good and evil.
  - b) It is based on philosophy that, based on principles, experiences, attitudes or influences, tries to determine the norms or the meaning of human action, whether individual or social, moral, natural or philosophical.
10. **Immediate Family** – includes spouses, children, parents, siblings, aunts, uncles, nieces and nephews, and any other dependents directly on the Local Board Member.
11. **Dependent** – an unmarried person, under the age of twenty-one (21), living under the same roof as the member, officer, officer, or employee.
12. **Honorarium** – payment in money or otherwise, received by a member, officer, officer, or employee of the Local Board or his or her spouse, for his or her presence at an activity for giving a speech, lecturing, writing articles, or attending meetings.
13. **Confidential Information** – information available to the member, officer, officer, or employee of the Local Board, which can only be obtained through membership in the Local Board or the Local Workforce Development Area (ALDL), and which is not common knowledge to the public.
14. **Income** – all income from any source, including, but not limited to, the following categories:
  - a) **Direct Economic Income** – exists when the member, officer, officer, or employee of the Board is a party to the contract.
  - b) **Indirect Economic Interest** – exists when there is some interest in the profits, product of a contract.
  - c) **Contracting Interest or Participation** – the ownership of more than fifty percent (50%) of an entity, business, good, or the ownership of a sufficient part to grant control of the effectiveness of decisions.

15. **Bidding** – the 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, denial, recommendation, preparation of any procurement requisition or proposals, influence over the content of any specification or bidding standard, offering advice, research, auditing or in any other advisory capacity.
17. **Private Person** – natural persons.
18. **Defendant** – natural or legal person against whom a complaint is filed.
19. **Complainant** – natural or legal person who files a complaint.
20. **Refunds** – any payment or thing of value, received that is not a gift, to cover travel expenses and expenses related to it.
21. **Gift** – includes but is not limited to money, goods or any object, economic opportunities, tips, discounts or special attention.
22. **Official Responsibility** – direct administrative or operational authority, whether intermediary or final, exercised either alone 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, out of attention or friendship, utility that one obtains from what another does in his attention.
24. **Family Unity** – includes the member, officer, officer or employee of the Local Board, dependent children of the Local Board or those persons who share with him his legal residence or whose financial affairs are under his legal control.

#### IV. GENERAL ETHICAL PROHIBITIONS

- a) No member, officer, officer, or employee of the Board shall use the duties and powers of his office to obtain, directly or indirectly, for a member of his immediate family, benefits or privileges which he shall not be permitted by the Workforce Innovation and Opportunity Act (WIOA), the WIOA State Plan, and applicable provisions of the Government Ethics Act.
- b) No member, officer, or employee shall solicit or accept any property of economic value as payment for performing the duties and responsibilities of his or her office.

- c) No member, officer, officer, or employee of the Local Board shall accept or solicit from any person directly or indirectly for himself, for the member of his household, or for any other person, business, entity, or property of economic value, including gifts, loans, promises, favors, or services in exchange for their performance being influenced in favor of that or any other person.
- d) No member, officer, officer, or employee of the Local Board shall disclose or use confidential information, acquired by reason of his or her position, to obtain, directly or indirectly, an economic advantage or benefit for himself, a member of his or her household, or any other person, business, or entity.
- e) No member, officer, officer, or employee of the Local Board shall accept or solicit 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 any working committee of the Local Board.
- f) No member, officer or employee, may represent, directly or indirectly, any private person to obtain approval of a proposal or contract, if he or any member of his immediate family has participated or will participate or is likely to participate in an official capacity in the decision-making process to approve the proposal or contract.

**V. PROHIBITIONS RELATED TO THE REPRESENTATION OF INTERESTS CONFLICTS 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 or her consideration relating to the offering of services to be offered by such member (or by the entity he or she directly represents) or that will provide financial benefits or his or her immediate family member or engage in any other activity that the Governor determines constitutes a conflict of interest specified in the State Plan.

You must also notify the Local Workforce Development Board of interest (or that of the entity you represent) of your intent to submit any solicitation or proposal to offer services or any material that provides financial benefit to such a member or your immediate family member.

- b) No member, officer or employee or volunteer of the Local Board may disclose the names of the bidders.

- c) No member, officer, officer, or employee may disclose confidential information about, but not limited to, technical information (within the proposals), cost per unit, proposal totals, personnel data, or any other data that could be construed as exclusive and confidential to each bidder.
- d) No member, officer, officer, or employee shall disclose the proposal evaluation and selection process that may limit fair competition between bidders and bidders.
- e) No member, officer, officer, employee, or member of his or her household shall seek or accept reimbursement from a current or potential bidder or service provider to cover his or her personal travel expenses and related expenses.

## VI. SANCTIONS

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

If the first option is chosen, this Committee will have a period of five (5) working days to attend to the complaint. Both the complainant and the defendant shall be interviewed. The complainants, respondents and the Local Labor Development Board shall be notified in writing of the Committee's final recommendation.

If the respondent does not agree with the Local Board's final determination upon completion of the investigation, the respondent shall have ten (10) days to notify the appropriate Labor Development Program (PDL) office. If a request for review is filed with the PDL, the defendant will accept the process established by the said agency to assist him.

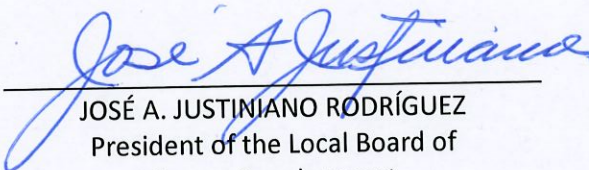
If the defendant is not satisfied with the investigation and its results, as notified by the Labor Development Program, he or she may file a written complaint with the Office of Government Ethics of Puerto Rico.

Once the complaint has been resolved and the investigation demonstrates that the member, officer, officer, or employee of any member of his or her household has received property, fees, gifts, reimbursements, or any other income not permitted by this Code, the Local Labor Development Board shall impose the penalties set forth in Article 4.11(B)(2) and 3 of the Government Ethics Law:

- a) To pay the State as a civil penalty an amount equivalent to three times the value of the economic benefit received.
- b) Written reprimand.
- c) Removal from the post.
- d) Dismissal.

In the event of a conflict between provisions of the WIOA and Government Ethics Acts, it will be referred to the Workforce Development Program (PDL), where it will be resolved in accordance with the Governor's conflict of interest policy in the WIOA State Plan.

Approved today, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

  
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JOSÉ A. JUSTINIANO RODRÍGUEZ  
President of the Local Board of  
Career Development

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