

Workforce Connections General Policies Incident Reporting	GEN-050-02
Supersedes Policy 3.9 dated May 23, 2008	Revised: April 2016
Policy Approved By: WC Executive Director Policy Adopted on: November 2013	

Purpose:

To establish Workforce Connections (WC) policies, and guidelines for the reporting of alleged or suspected fraud or abuse of Workforce Innovation and Opportunity Act (WIOA) Title I funds.

Background:

Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Incident Reporting System of the Department of Labor (DOL) Office of Inspector General (OIG), Office of Investigation, Room S5514, 200 Constitution Avenue NW, Washington, D.C. 20210, or to the corresponding Regional Inspector General for investigations, with a copy simultaneously provided to the Employment and Training Administration (ETA). The hotline number is 1 (800) 347-3756. The web site is <http://www.oig.dol.gov/contact.htm>. Complaints of a non-criminal nature are handled under the procedures set forth in §683-600 or through the DOL Incident Reporting System.

Sub-recipients currently under contract with WC and receiving WIOA Title I formula funds shall follow this policy. Sub-recipients must establish written internal policies and/or procedures that meet the requirements of this policy.

Policy:

It is the policy of WC that all allegations involving criminal fraud, waste, abuse, or other criminal activity concerning a WIOA Title I funded program and/or activity must be reported immediately to the U.S. DOL Office of the Inspector General (OIG) and a copy sent simultaneously to the USDOL ETA Region 6 within one (1) working day of the discovery of the occurrence using DOL form DL 1-156.

Reference:

PL 113-128 WIOA
[20 CFR §683.620]; [TEGL 2-12]; [SCP 4.7]

Federal statutes and regulations require the filing of an Incident Report (IR) whenever any alleged unauthorized use of WIOA Title I funds occurs.

A national toll free hotline has been established for employees and the public to anonymously report to the Office of Inspector General (OIG)/USDOL. Hotline should not be used for resolving employee grievances, EEO complaints, labor disputes, or other personnel concerns. OIG/USDOL Hotline Number is 1 800 347-3756.

Incident reports from Local Workforce Development Areas (LWDA) must be reported to USDOL through the State of Nevada Department of Employment, Training and Rehabilitation (DETR).

Workforce Connections Policy GEN-050-02	WC General Policies
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I. Action

- A.** To transmit the established procedures and instructions for reporting known or suspected fraud, program abuse, criminal conduct, to all WC employees, One-Stop Career Center, sub-recipients and their employees, contractor(s), and the public in general.
- B.** Prominently post the Department of Labor's Office of Inspector General (DOL/OIG) hotline number for reporting suspected incidents.

II. Incident Reporting

- A. To aid in the detection** and for the purpose of completing the Incident Report (IR), **fraud, misfeasance, nonfeasance or malfeasance, misapplication of funds, gross mismanagement, and employee/participant misconduct** are explained herein. These definitions are not intended to be either fully inclusive or restrictive of all activities that may be included under each activity.
- B. Form DL 1-156**, Incident Report (IR), will be the vehicle for notifying regional administrators, Governors, OIG, and the National Office of all known or suspected cases of fraud, malfeasance, and misapplication of funds, gross mismanagement, or other criminal activities in DOL/ETA – funded programs.
- C. Example of allegations** that may be reported:
 - 1. Employee/Program Participant Misconduct**
These actions include, but are not limited to:
 - a) conflict of interest or the appearance of conflict of interest, involving outside employment; business and professional activities;
 - b) the receipt or giving of gifts, fees, entertainment, and favors;
 - c) misuse of Federal property;
 - d) misuse of official information; and
 - e) such other activities as might adversely affect the confidence of the public in the integrity of Workforce Connections as well as serious violations of Federal and State laws and regulations.
 - 2. Fraud, Misfeasance, Nonfeasance or Malfeasance**
 - a) Any alleged deliberate action, which appears to be in violation of applicable Federal, State, or local statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants or contractors, intentional payments to a contractor without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, and misrepresentation of information in official reports, including failure to report outstanding debt(s) on application for federal assistance.
 - b) It is not the intent of the Incident Report (IR) to elicit reports only after determination that an act or allegation is legally prosecutable. That decision is within the jurisdiction of effected U.S. Attorney. Any act which raises questions concerning possible illegal expenditures or other unlawful activity should be immediately reported.

3. Gross Mismanagement

- a) Actions or situations arising out of management ineptitude or oversight, and the lack of internal control systems leading to major violations of the legislative requirements, Federal, State and local regulations, or sub-award/grant provisions. Such actions or situations have the potential to severely hamper the accomplishment of program goals, waste government resources, and jeopardize future support for a particular project.
- b) This category includes, but is not limited to: a) missing or otherwise not auditable records; b) unsupported costs; c) highly inaccurate fiscal or program reports; d) payroll discrepancies; e) failure to pay account(s) payable or other liabilities; f) lack of adequate administrative procedures; g) payroll deduction not paid to the Internal Revenue Service (IRS).

4. Misapplication of Funds

- a) Any alleged use of funds, assets, or property for purposes/activities not authorized or provided for by legislation or regulations, grants, or contracts.
- b) This category includes, but is not limited to: a) nepotism; b) political patronage; c) use of participants for political activity; d) ineligible enrollees; e) conflict of interest; f) failure to report income from Federal funds; g) violations of contract/grant procedures; h) the use of Federal funds for other than specified purposes; i) failure to report compromise of Federal debt for IRS purposes.

III. Reporting Procedures

A. The Department of Employment, Training and Rehabilitation (DETR) acting on behalf of the Governor of Nevada is responsible for submitting the Incident Report – Form DL 1-156 – as a result of any alleged grievance or complaint received from any person with knowledge of a situation, including but not limited to: State program staff; local Boards; service providers; or vendors. [SCP 4.07]

- Initial contact may be received by either the Local Workforce Development Board (LWDB) – WC, DETR/Employment Security Division/Workforce Investment Support Services (DETR/ESD/WISS) verbally or in writing or as a result of a call received by the OIG toll free hotline.

B. The rationale of proper reporting procedures to ensure immediate notification within one (1) workday of the detection or discovery within the Local Workforce Development Area (LWDA) and to the State/DETR, USDOL/ETA and ESDOL/OIG regarding incidents is as follows:

- 1. WC has established that the central point of contact/person for the LWDA for submission of and tracking reports taken will be WC staff.
- 2. WC Executive Director must be immediately informed concerning an alleged grievance/complaint.
- 3. The LWDB is required to inform DETR/ESD/WISS within one (1) working day of any alleged grievance/complaint.

4. Any entity (staff, sub-recipient(s), contractor(s) and the public in general) wishing to report an incident is being provided with the below process:
 - a) Report by phone at (702) 638-8750 – WC
 - b) Report by fax at (702) 638-8774 – WC
 - c) Report by phone at 1 (800) 347-3756 OIG/DOL hot line number
 - d) Complete the online U.S. DOL/OIG hotline form at below listed link:
www.oig.dol.gov/hotlineform.htm

5. DETR, upon receipt of information of an alleged grievance/complaint, will complete the Incident Report (IR) and forward to the region 6 administrator and the OIG, at the addresses indicated below, within one (1) working day.
 - a) U.S. Department of Labor
Employment and Training Administration
Office of Regional Administrator
90 7th Street, Suite 17-300
San Francisco, CA 94103-1516

 - b) U.S. Department of Labor
Office of the Inspector General
Attn: Regional Inspector General
90 7th Street, Suite 3-100
San Francisco, CA 94103-1516

IV. Overall Process

Described at the Department of Employment, Training and Rehabilitation (DETR), SCP # 4.7, and can be found at below listed link:

http://detr.state.nv.us/workforce_investment_pages/Policies/4.7.pdf
http://detr.state.nv.us/wia/Policies/4.7-Attach_A.pdf

- A. Role of the DOL Employment and Training Administration (ETA)/DETR**
(SCP # 4.7 Item V)
- B. Resolution**
(SCP # 4.7 Item VI)
- C. Notice of the Appeals Hearing**
(SCP # 4.7 Item VII)
- D. Rules of the Hearing**
(SCP # 4.7 Item VIII)
- E. Roles and Responsibilities of the Hearing Officer**
(SCP # 4.7 Item IX)
- F. Review by the Secretary of Labor**
(SCP # 4.7 Item X)