workforce CONNECTIONS
PEOPLE. PARTNERSHIPS. POSSIBILITIES

Workforce Connections Administrative Policies WIOA Administrative Standards	**Admin-010-01**
Revised – January 2024	Revision **No. 2** – Effective: **02/26/2024**
Policy Approved By: Executive Director Policy Adopted on: July 2014	

Purpose

To provide further guidance applicable to Federally established requirements for the implementation and operation of programs funded in whole or in part under Title I of the Workforce Innovation and Opportunity Act (WIOA) Public Law (P.L.) 113-128 and any of its associated regulations.

Background

Administered at the Federal Level by the Employment and Training Administration (ETA) in the Department of Labor (DOL), WIOA is the largest single source of Federal funding for workforce development activities. WIOA presents an extraordinary opportunity for the workforce development system to accelerate its transformational efforts and demonstrate its ability to improve job and career options for our citizens through an integrated, job-driven, public workforce system that links diverse talent to our nation's businesses. WIOA also supports the development of strong, vibrant regional economies where businesses thrive, and people want to live and work. WIOA and its associated regulations establish a governance and operations infrastructure and set performance and accountability standards to ensure compliance for all awarded funds.

Policy

All sub-recipients, including contractors and sub-contractors down to the lowest tier receiving WIOA Title I or any other funds, awarded in whole or in part by Workforce Connections must, at all times, administer and operate their programs in compliance with all applicable laws and their associated regulations governing the awarded funds. Programs, services, or activities provided or performed under any of the prohibited areas may constitute a violation of established requirements, by law, regulation, or policy, and shall be considered, after prudent assessment, a cause for the imposition of sanction(s), as appropriate or applicable.

References

- United States Code (U.S.C.) Title 29 Chapter 32
- P.L. 113-128 WIOA Secs. 181, 184, 188, 194, 195
- 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 29 CFR Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions
- 20 CFR Part 683 Administrative Provisions under Title I of WIOA
- TEGL 05-06 Implementing the Salary and Bonus Limitations in P.L. 109-234
- Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), as applicable or appropriate
- State Compliance Policies (SCPs)

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Action: Upon acknowledgment of this policy, it is the sub-recipient's responsibility to ensure all staff is informed concerning this policy and, to implement a system of internal controls that promotes, fosters, and enforces compliance and accountability.

I. Conflict of Interest

A. Each sub-recipient shall maintain written standards of conduct governing conflict of interest and the performance of its employees engaged in the selection, award, and administration of WIOA Title I sub-awards, contracts, agreements, and the procuring of goods or services with WIOA Title I funds. Consistent with Title 2 Part 200.112 the sub-recipient must disclose in writing any potential conflict of interest to the awarding agency under any applicable Federal or awarding agency-established policy.

B. The sub-recipient shall take every reasonable course of action to maintain the integrity of its program and will avoid any favoritism and questionable or improper conduct. The sub-recipient shall impartially administer its program, free from efforts to advance personal, financial, or political gain. The sub-recipient, its executive staff, and employees will avoid all situations that give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain.

C. Each sub-recipient shall avoid organizational conflicts of interest. No employee, officer, or agent of the sub-recipient shall participate in the selection, award, or administration of a sub-award or contract supported by Federal funds if a conflict of interest, real or apparent, would be involved (Title 2 of the Code of Federal Regulations Part 200.318). Such a conflict of interest arises when any of the following have a financial or other interest in the firm selected for award:

1. The employee, officer, or agent;
2. Any member of his/her immediate family to the third degree of consanguinity; "Third degree of consanguinity" is defined as:
   a) An immediate family member who includes spouse, father, mother, brother, sister, daughter, son, foster child, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandson, granddaughter, grandparents, stepparent, stepchild, person under legal guardianship, or the same relation by marriage or domestic partnership.
   b) Also included with this definition is any person who has lived with a Workforce Connections employee for the previous year.
3. His or her partner; or
4. An organization that employs, or is about to employ, any of the above.

D. The grantees or sub-grantees officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from sub-recipients, contractors, potential contractors, or parties to sub-agreements.

E. To the extent permitted by State or local law or regulation, such standards of conduct will provide penalties, sanctions, or other disciplinary actions for violations of such standards by the awarding agency's officers, employees, or agents, or by sub-recipients, contractors, or their agents.

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F. Local Workforce Development Boards (LWDBs).

1. Consistent with 20 CFR Part 683.200, a member of the LWDB, or standing committee must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member, or any organization, which that member represents, nor on any matter which would provide any direct financial benefit to that member of his or her immediate family.
2. A local board member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities to such board member's incumbent workers.
3. Neither membership on the State Board, a local board, or a standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions, SCP 1.0.

G. Reporting Conflict of Interest

1. Responsibility to disclose. A person must disclose and must be allowed to disclose all facts to Workforce Connections' Executive Management on the possibility of the existence of any apparent or real conflict of interest. Executive Management will determine if, in fact, a conflict exists by assessing all matters presented.
2. Sub-recipients funded in whole or in part by Workforce Connections must have a written policy, which shall address the procedures, reporting, and documentation requirements for the resolution of an apparent or real conflict of interest.

II. Lobbying Activities

All sub-recipients, contractors, and sub-contractors, funded in whole or in part, must comply with restrictions on lobbying as specified in Sec. 195 of WIOA and the regulations codified at 29 CFR Part 93.

A. No funds provided under Title I of WIOA may be used in any way to attempt to influence in any manner:

1. A member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification, of any Federal contract, grant, sub-award, loan, or cooperative agreement; or
2. State or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with State and local legislators for the purpose of providing information such as on matters necessary to provide compliance with WIOA shall not be considered lobbying.

B. If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with a Federal contract, grant, sub-award, loan, or cooperative agreement, the undersigned shall complete and submit standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

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C. Certification regarding lobbying language must be included in all sub-award documents for all sub-awards at all tiers (including sub-contractors, provider agreements, and contracts under grants, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly.

III. Political Activities or Patronage

A. No recipient or sub-recipient of a federal award may select, retain, or promote staff or participants based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is prohibited.

B. There shall be no selection of sub-recipients or contractors based on political patronage or affiliation.

C. There shall be no financial assistance for any program under Title I of WIOA that involves political activities.

D. No program participant may be employed or out-stationed in positions involving political activities.

E. No recipient, sub-recipient, or employee may engage in partisan or nonpartisan political activities during hours for which the individual is paid with WIOA Title I funds.

IV. Kickbacks/Fees

A. It is prohibited for any person to:

1. Provide, attempt to provide, or offer to provide any kickback;
2. Solicit, accept, or attempt to accept any kickback; or
3. Include, directly or indirectly, the amount of any kickback prohibited by clause (1) or (2), of this section, in the contract price charged by a sub-contractor to a prime contractor or a higher tier sub-contractor or in the contract price charged by a prime contractor (41 U.S.C §53).

B. No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under Sec. 194 (5) of WIOA. Nothing in this section shall be interpreted as prohibiting the recipient or sub-recipient from entering into an agreement for the purpose of obtaining outreach, recruitment, and/or intake services, and placement of program participants into unsubsidized employment as part of its approved plan, provided the individuals served are not charged a fee.

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V. Nepotism

Nepotism is an inequitable practice that occurs when hiring or delivery of program services is based on personal connections.

A. Definition
For the purpose of this policy, Third Degree Consanguinity is defined as:
An immediate family member, which includes spouse, father, mother, brother, sister, daughter, son, foster child, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandson, granddaughter, grandparents, stepparent, stepchild, person under legal guardianship, or the same relation by marriage or domestic partnership. Also included with this definition is any person who has lived with a Workforce Connections employee for the previous year.

B. No individual may receive programmatic services funded by Workforce Connections directly from any staff who has a current personal relationship with the individual, has lived with the individual for the past year, or is a member of that person's immediate family to the third-degree of consanguinity. If the individual wishes to receive services at the same location as an employed related party, the individual must disclose the relationship by completing the Workforce Connections Nepotism Conflict of Interest form.

C. If an individual seeking programmatic services funded by Workforce Connections is related within the third degree of consanguinity, or has a personal relationship with, or for the past year has lived with, an employee of a sub-recipient who does not directly provide programmatic services, but has overall administrative responsibility, including but not limited to, a person in a position who may influence the independent decision making authority of an employee, then the individual must disclose the relationship by completing the Workforce Connections Nepotism Conflict of Interest form. The related party connected to Workforce Connections must sign the Workforce Connections Nepotism Conflict of Interest form before the participant's enrollment in any program.

D. If an individual seeking programmatic services funded by Workforce Connections is related within the third degree of consanguinity, or has a personal relationship with, or for the past year has lived with, a Workforce Connections employee, officer or agent including, but not limited to, a member of the Local Elected Officials Consortium (LEOs), Workforce Connections Board Member, Workforce Connections Committee member, Workforce Connections officer or agent, then the individual must disclose the relationship by completing the Workforce Connections Nepotism Conflict of Interest form. The related party connected to Workforce Connections must sign the Workforce Connections Nepotism Conflict of Interest form before the participant's enrollment in any program.

E. If an individual seeking programmatic services funded by Workforce Connections is related within the third degree of consanguinity, or has a personal relationship with, or for the past year has lived with, a DETR employee, officer, or agent, then the individual must disclose the relationship by completing the Workforce Connections Nepotism form. The related party connected to DETR must sign the Workforce Connections Nepotism Conflict of Interest form before the participant's enrollment in any program.

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F. Consistent with SCP 4.6, an individual may not be placed into a position that will create a supervisory or managerial relationship or a direct line of authority to an employee if the employee meets the criteria expressed above, except as otherwise provided in NRS 281.210 or NAC 284.375. See also 20 CFR Part 683.200 (g)).

G. Recipients of WIOA Title I funds must comply with established nepotism requirements under Federal laws, applicable regulations, State, and local policies and procedures.

H. All matters related, in any way, indicating nepotism are subject to Audit and Record Retention Requirements. In this case, all records are subject to 100 % review.

I. The sub-recipient shall be responsible for reporting, within one business day in writing, to Workforce Connections the occurrence of any self-reported or after-assessment case of nepotism. This report must be accomplished by properly completing and submitting the Workforce Connections Nepotism Form, which can be found on the Workforce Connections website.

J. All records will be sent to DTER for further assessment and monitoring.

VI. Child Labor Laws

All recipients and sub-recipients shall comply with applicable Federal, State, and local child labor laws.

- Fair Labor Standards Act (FLSA)
  The FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full- and part-time workers in the private sector, and Federal, State, and local governments. For further guidance or information, you may refer to the Wage and Hour Division section of the Department of Labor or by accessing their website at https://www.dol.gov/agancies/whd.
- Title 29 of the Code of Federal Regulations Part 578
  Tip Retention, Minimum Wage, and Overtime Violations – Civil Money Penalties.
- NRS Chapter 609
  Employment of Minors.

VII. Sectarian Activities

A. Participants shall not be employed under Title I of WIOA to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship.

B. WIOA Title I funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to WIOA program participants.

- P.L. 113-128 WIOA, Sec. 188 (a) (3) prohibits the use of funds to employ participants to carry out the construction, operation, or maintenance of any part of any facility used for sectarian instruction or as a place for religious worship.
- Title 20 of the Code of Federal Regulations Part 683.255.
- Title 29 of the Code of Federal Regulations Part 38.6 (f) (1) (2) (3).

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VIII. Funding and Program Restrictions

A. Funds provided under Title I of WIOA shall only be used for activities that are in addition to those that would otherwise be available in the local area in the absence of such funds.

B. No funds available under Title I of WIOA may be used for public service employment except as specifically authorized under Title I of WIOA.

C. Nothing in Title I of WIOA shall be construed to provide an individual with an entitlement to a service under such Title.

D. No funds available under Title I of WIOA shall be used for foreign travel.

E. No funds provided under Title I of WIOA shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce investment system.

F. Enter into an agreement or issue an award(s) or sub-award(s) or contract(s) with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities.

G. Enter into an agreement or issue an award(s) or sub-award(s) or contract(s) with persons or parties/entities falsely labeling products made in America.

IX. Labor Standards

A. A participant in a program or activity authorized under Title I of WIOA shall not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee as of the date of participation.

B. A participant in a specified activity shall not be employed in a job if:

1. Any other individual is on layoff from the same or any substantially equivalent job,
2. The employer has terminated the employment of any regular employee or otherwise reduced the workforce intending to fill the vacancy so created with the participant, or
3. The job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals as of the date of participation.

C. No former employee laid off or terminated in anticipation of WIOA Title I awarded funds of a position may be rehired under WIOA into such position.

X. Business Relocation

A. No funds provided under Title I of WIOA shall be used, or proposed to be used, for the encouragement or inducement of a business, or part of a business, to relocate from any location in the United States, if such relocation would result in a loss of employment for any employee of such business, or part of a business, at the original location.

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B. No funds provided under Title I of WIOA for an employment and training activity shall be used for customized training, skill training, on-the-job training, incumbent worker training, transitional employment, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which business commences operation at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

C. Pre-award Review
To verify that a business establishment that is new or expanding is not, in fact, relocating employment from another area, a standardized pre-award review must be completed and documented as a prerequisite to receiving WIOA Title I funds.

XI. Unionization/Anti-Unionization Activities and Work Stoppages

A. No funds provided under Title I of WIOA shall be used to assist, promote, or deter union organizing.

B. No individual shall be required to join a union as a condition for enrollment in a WIOA Title I financially assisted program or activity.

C. No participant shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

D. No participant in work experience or vocational exploration may be placed into, or remain working in, any position that is affected by labor disputes involving a work stoppage.

E. No funds available under WIOA Title I may be used for public service employment except as specifically authorized under WIOA.

XII. Nondiscrimination and Equal Opportunity[1]

A. As a condition to the award of financial assistance from DOL, grantees, sub-recipients, contractors, and subcontractors whenever applicable and as appropriate must comply with the following:

1. Section 188 of WIOA, prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin including limited English proficiency), age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;
2. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
3. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

[1] *For further guidance or compliance requirements, please access policy GEN-050-01*

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4. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
5. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex, in educational programs;
6. Equal opportunity and nondiscrimination regulations are found in Title 29 of the Code of Federal Regulations (CFR) Part 38, and Title 20 of the Code of the Federal Regulations Part 683.285.

B. Sub-recipient must comply with 29 CFR Part 38 and all other regulations implementing the laws listed in item A above. This assurance applies to the sub-recipient's operation of the WIOA Title I financially assisted program or activity, and to all agreements the sub-recipient makes to carry out the WIOA Title I financially assisted program or activity. The sub-recipient understands that the United States has the right to seek judicial enforcement of this assurance.

C. Discriminatory discharge is prohibited. No person, organization, or agency may discharge, or in any other manner discriminate or retaliate against any person or deny to any person a benefit to which that person is entitled under provisions of WIOA because said person has filed a complaint, instituted, or caused to be instituted, any proceeding under or related to the Act, or has provided information or assisted in an investigation.

D. Consistent with 29 CFR §38.38 recipients/sub-recipients must indicate that the WIOA Title I financially assisted program or activity in question is an: "Equal Opportunity Employer/Program," and that "auxiliary aids and services are available upon request to individuals with disabilities", in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants. Where such materials indicate that the recipient/sub-recipient may be reached by telephone, the materials must state the telephone number of the TDD/TYY or relay services used by the recipient, as required by 29 CFR §38.15 (b).

E. All recipients, sub-recipients, training providers, or any other organization providing services or activities funded in whole or in part by Title I of WIOA must not communicate any information that suggests, by text or illustration, that the recipient, sub-recipient, training provider, or any other organization treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis specified in 29 CFR Part 38.5, except as such treatment is otherwise permitted under Federal law or associated regulation.

F. No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program, training, or activity.

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G. Title VI prohibits discrimination based on race, color, or national origin, which includes discrimination, including harassment, based on actual or perceived: a) shared ancestry or ethnic characteristics, and b) citizenship or residency in a country with a dominant religion or distinct religious identity.

- Although Title VI does not expressly protect individuals from discrimination based solely on religion (i.e., religious beliefs, observances, or practices), discrimination against individuals of any religion may constitute discrimination based on race, color, or national origin when it involves or is based on, for example:
  - Racial, ethnic, or ancestral slurs or stereotypes,
  - A person's appearance, including their skin color, physical features, or style of dress that reflects both ethnic and religious traditions or heritage,
  - A person's foreign accent or foreign name (including names commonly associated with particular shared ancestry or ethnic characteristics), or
  - The fact that a person speaks a language other than English, such as Hebrew or Arabic.

H. Effect on Other Laws and Policies
The obligation to comply with the nondiscrimination and equal opportunity provisions of WIOA Title I or 29 CFR Part 38 is not excused or reduced by any State or local law or other requirement that, on a prohibited basis, prohibits or limits an individual's eligibility to receive aid, benefit, service, or training, to participate in any WIOA Title I financially assisted program, training, or activity, to be employed by any recipient, or to practice any occupation or profession.

XIII. Testing and Sanctioning for Use of Controlled Substances

Notwithstanding any provision of law, a State shall not be prohibited by the Federal Government from:

A. Testing participants in programs under subtitle B for the use of controlled substances; and

B. Sanctioning such participants who test positive for the use of such controlled substances.

XIV. Employment Generating – Economic Development

Funds awarded under Title I of WIOA must not be spent on employment-generating activities, investment in revolving loan funds, capitalization of the business, investment in contract bidding resource centers, economic development activities, or similar activities, unless they are directly related to training for eligible program participants under Title I of WIOA.

XV. Health and Safety Standards applicable to the working conditions of participants in activities funded in whole or in part with WIOA Title I funds.

Health and safety standards established under Federal and State law otherwise applicable to the working conditions of employees are equally applicable to the working conditions of participants engaged in programs and activities under Title I of WIOA, Title 20 CFR Part 683.280.

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XVI. Salary and Bonus Restrictions under Title I of WIOA

A. No funds available under Title I of WIOA may be used by a recipient or sub-recipient of such funds to pay the salary and bonuses of an individual, either as direct cost or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for the level II of the Executive Schedule under 5 U.S.C. 5313, which can be found at www.omp.gov.

B. In instances where the funds awarded under Title I of WIOA pay only a portion of the salary or bonus, the WIOA funds may only be charged for the share of the employee's salary or bonus attributable to the work performed in the WIOA Title I award. That portion cannot exceed the promotional Executive level II rate.

C. The restriction applies to the sum of salaries and bonuses charged as either direct costs or indirect costs under Title I of WIOA.

XVII. Fiscal Controls

A. In general, recipients and sub-recipients of a Federal award under Title I of WIOA must follow the uniform guidance codified in Title 2 CFR Part 200 and appendices I through XI, including any exceptions identified by DOL codified at 2 CFR Part 2900.

B. Unique entity identifier and System for Award Management (SAM)
Sub-recipients of WIOA funds must always maintain an active SAM registration with current information.

C. Commercial organizations, and for-profit entities that are recipients or sub-recipients of a federal award must adhere to 2 CFR Part 200, including any exceptions identified by DOL codified at 2 CFR Part 2900 and to the Federal Acquisition Regulations (FAR), including 48 CFR Part 31.

D. Procurement transactions under Title I of WIOA between local boards and units of State or local governments shall be conducted only on a cost-reimbursable basis.

E. All WIOA Title I grant recipients and sub-recipients must comply with the government-wide requirements for debarment and suspension, and the government-wide requirements for a drug-free workplace, codified at 29 CFR Part 98.

F. Sub-recipients must establish such fiscal controls and comprehensive accounting procedures as may be necessary, or appropriate, to guarantee the proper disbursal of, and accounting for, awarded funds. Such procedures must ensure that all financial transactions are conducted, and records maintained under generally accepted accounting principles.

G. Internal Controls
Recipients and sub-recipients of WIOA Title I funds must have an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, sub-award funds, equipment, sensitive information, tangible items, and other information that is readily or easily exchanged in the open market, or that the sub-recipient considers to be sensitive, consistent with applicable Federal, State and local privacy and confidentiality laws or policy.

- Internal controls also must include, but are not limited, to reasonable assurance that the sub-recipient is:

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- Managing the sub-award in compliance with all applicable Federal statutes, regulations, policies, and the terms and conditions of the sub-award,
- Complying with Federal statutes, regulations, policies, and the terms and conditions of the Federal awards,
- Continuously evaluating and monitoring the sub-recipients compliance with WIOA, regulations, and the terms and conditions of the sub-award, and
- Taking prompt action when instances of noncompliance are identified.

XVIII. Criminal Activities

Criminal activities, including theft or embezzlement of employment and training funds; bribery; improper inducement; and obstruction of investigations in federally funded employment and training programs are prohibited under criminal provisions codified at 18 U.S.C. 665 and 666.

A. Consistent with 20 CFR Part 683.200 (h) and 2 CFR Part 200.113 "Mandatory Disclosure" provisions and established State and local policies, all sub-recipients funded in whole or in part with WIOA Title I funds must disclose, within one (1) business day, in writing to Workforce Connections, all violations of Federal criminal law involving fraud, bribery, waste, abuse, or gratuity violations potentially affecting the integrity of awarded Federal funds.

B. Failure to make required disclosure will result in the imposition of sanctions, as appropriate, including but not limited to, debarment and suspension, consistent with established policy and procedures.

C. Theft or Embezzlement from Employment and Training Funds, Improper Inducement, Obstruction of Investigations (18 U.S.C. Sec. 665)

1. Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under Title I of WIOA knowingly enrolls an ineligible participant, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of a financial assistance agreement or contract according to such Act shall be fined under this Title or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $1,000, such person shall be fined under this title or imprisoned not more than one year, or both.
2. Whoever, by threat or procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a financial assistance agreement or contract under Title I of WIOA induces any person to give up any money or thing of any value to any person (including such organization or agency receiving funds) shall be fined under this Title, or imprisoned not more than one year, or both.
3. Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under Title I of WIOA, or the regulations thereunder, shall be punished by a fine under this Title, or by imprisonment for not more than one year, or by both such fine and imprisonment.

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D. Theft or Bribery Concerning Programs Receiving Federal Funds (18 U.S.C. Sec. 666)

1. Whoever, if the circumstance described in item 2 of this section exists,
   a) Being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof;
      1) Embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property of:
         i. Any value; and
         ii. Is owned by, or is under the care, custody, or control of such organization, government, or agency; or
      2) Corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of any value; or
   b) Corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, Local, or Indian Tribal Government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value;

   Shall be fined under this Title, imprisoned not more than 10 years, or both.

2. The circumstance referred to in item **1** of this section is that the organization, government, or agency receives, in any one-year period, benefits in excess of $10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.
3. This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.
4. As used in this section
   a) The term “agent” means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;
   b) The term “government agency” means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program;
   c) The term “local” means of or pertaining to a political subdivision within a State;
   d) The term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and
   e) The term “in any one-year period” means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.

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