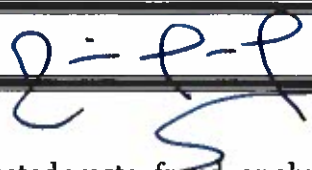


Workforce Connections General Policies Incident Reporting	GEN-050-02
Supersedes Policy 3.9 dated May 23, 2008	Revision No. 3 – Effective 08-26-19
Policy Approved By: WC Executive Director Policy Adopted on: November 2013	

Purpose

To set forth guidelines for the reporting of alleged or suspected waste, fraud, or abuse of Federal awarded funds under Title I of the Workforce Innovation and Opportunity Act (WIOA).

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 S 5514, 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 website is <http://www.oig.dol.gov/contact.htm>

Complaints of a non-criminal nature are handled under the procedures set forth in 20 CFR §683-600 and §683.610, as appropriate, or through the DOL Incident Reporting System.

Policy

It is the policy of Workforce Connections that all allegations involving waste, fraud, abuse, or other criminal activity concerning WIOA Title I funded programs, services, or activities must be reported in writing to Workforce Connections, within one (1) business day, of the finding. Workforce Connections will immediately report, to the Department of Employment, Training, and Rehabilitation (DETR)/Workforce Investment Support Services (WISS), who after clarification of reported allegation will submit the Incident Report to the OIG/DOL.

Reference

- United State Code (U.S.C.) 18 Chapter 31 Secs. 665 and 666;
- Public Law (P.L.) 113-128 WIOA Secs. 181, 184, 188, 194, and 195;
- 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR Part 200.113 Mandatory Disclosure;
- 20 CFR Part 683 Administrative Provisions under Title I of WIOA, in general;
- 20 CFR Part §683.620 How to address complaints and reports of criminal fraud and abuse under WIOA
- 29 CFR Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIOA;
- Training and Employment Guidance Letter (TEGL) 2-12 Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse, and Criminal Conduct;
- Nevada Revised Statutes (NRS), Nevada Administrative Code (NAC), and the Nevada Administrative Manual as applicable or appropriate;
- State Compliance Policies (SCP) Sec. 4, SCP No. 4.7, Sec. 5, SCP No. 5.2
- Workforce Connections policy Admin-010-01, WIOA Administrative Standards

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 Workforce Connections employees, the One-stop Delivery System (OSDS), one-stop career centers, sub-recipients and their employees, contractor(s), sub-contractors, and the public in general.
- B. Prominently post the Department of Labor's Office of Inspector General (DOL/OIG) hotline number for reporting known or suspected cases of criminal and other illegal or improper activities involving recipients of Federal funds. Inform all staff, as appropriate, of established requirements and the means to timely and accurately address the reporting of incidents.
- C. As it becomes necessary or appropriate, contact Workforce Connections for technical assistance on how to address the reporting of known or suspected cases of criminal and other illegal or improper activities involving recipients of Federal funds.

II. Responsibility

Federal statutes and regulations require the filing of an Incident Report (IR) whenever any alleged unauthorized use of WIOA Title I funds occurs. Therefore, the implementation of systematic procedures for the reporting of suspected or actual fraud, abuse or criminal conduct is required.

- A. Sub-recipients are responsible for following the procedures set forth in this policy. Sub-recipients must immediately document allegations, suspicions and complaints involving possible fraud, program abuse and criminal misconduct.
- B. A national toll-free hotline has been established for employees and the public to anonymously report to the OIG/USDOL. Hotline should not be used for resolving employee grievances, EEO complaints, labor disputes, or other personnel concerns.
- C. Consistent with State requirements reports from the Local Workforce Development Areas (LWDAs) will be process and submitted to OIG/USDOL through DETR WISS.

III. 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 USDOL/ETA 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 must 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 terms and conditions. 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 or program.
 - b) This category includes, but is not limited to, the following: 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.
5. **Criminal Activities**
Please refer to Workforce Connections policy Admin-010-01, Sec. XVIII, for additional information.

IV. Reporting Procedures

A. DETR/WISS acting on behalf of the Governor is responsible for submitting the Incident Report – Form DL 1-156 to the OIG. Additional information with respect to the established process is addressed at SCP 4.7 which can be found at the following link.
https://detr.nv.gov/Page/WIOA_State_Compliance_Policies

B. The rationale of proper reporting procedures to ensure immediate notification within one (1) business day of the detection or discovery within the LWDA and to DETR/WISS, USDOL/ETA and DOL/OIG regarding incidents is as follows:

1. Workforce Connections has established that the central point of contact for the LWDA for submission of and tracking reports taken will be Workforce Connections' staff.
2. Workforce Connections' Executive Director must be immediately informed concerning any reported issue.
3. Consistent with SCP 4.7, Workforce Connections is required to immediately report to DETR/WISS of any reported issue.
4. Any entity, staff, sub-recipient, contractor, 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
 - b) Report by fax at (702) 638-8774
 - c) Report by phone at 1 (800) 347-3756 DOL/OIG 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/WISS, upon receipt of report from Workforce Connections, and after clarifying reported issues, will complete the Incident Report and submit such report to the OIG.
6. U.S. Department of Labor address
 - a) 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

C. For the purpose of this policy, the Incident Report Form can be found at
<https://nvworkforceconnections.org/wp-content/uploads/2019/05/Incident-Report.pdf>