



IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

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POLICY	ORIGINAL DATE	LAST REVISION
WIOA Incident Reporting Policy	FISCAL YEAR 2019-2020	September 22, 2021

POLICY OVERVIEW:

The purpose of this policy is to provide guidance and establishes procedures to be used by the Imperial County Workforce Development Board (ICWDB), the Imperial County Workforce and Economic Development Office (ICWED), America’s Job Center of California (AJCC) staff, and Workforce Innovation and Opportunity Act (WIOA) Title I funded service providers for reporting allegations of fraud, program abuse, or criminal conduct with WIOA Title I funds.

REFERENCES:

- Training and Employment Guidance Letter No. 2-12, Responsibilities for Reporting instances of Suspected Fraud, Program Abuse and Criminal Conduct
- Title 2 Code of Federal Regulations (CFR) Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) Sections 200.22, 200.23, 200.92, 200.93, 200.333, and 200.344
- Title 20 CFR Sections 683.600 and 683.620
- DOL Training and Employment Guidance Letter (TEGL) Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct (July 12, 2012)
- WSD20-12 Incident Reporting

BACKGROUND

Per Title 20 CFR Section 683.620, information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department of Labor’s (DOL) Incident Reporting System to the Office of Inspector General (OIG) with a copy simultaneously provided to the Employment and Training Administration (ETA). Complaints of a noncriminal nature, such as mismanagement and gross waste of funds, may be handled under the procedures set forth in Title 20 CFR Section 683.600 or may be reported through the DOL’s Incident Reporting System. When an individual has knowledge or suspicion of a violation of the WIOA or its regulations, the individual must take prompt and appropriate action.

DEFINITIONS:

Complaint – allegations of criminal activity and serious misconduct accepted by the DOL as incidents, and allegations of fraud, waste, and abuse concerning federally-funded grants, contracts, programs and operations, and dangers to the public health and safety. The Incident Reporting System should not be used for resolving employee grievances, Equal Employment Opportunity complaints, labor disputes, or other personnel concerns.

Contract – a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used in this part does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward (Uniform Guidance Section 200.22).

This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Contractor – an entity that receives a contract as defined in 200.22 Contract (Uniform Guidance Section 200.23).

Subaward – an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract (Uniform Guidance Section 200.92).

Subrecipient – a non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program, but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency (Uniform Guidance Section 200.93).

POLICY AND PROCEDURES

All sub-recipients that receive WIOA funds shall promptly report all known or suspected cases of criminal or other improper activities of WIOA related fraud, abuse, and other criminal activity to the Compliance Review Office (CRO). No action will be taken against any complainant for discovering information concerning criminal or improper activities or making a valid complaint to proper authorities.

The ICWED Director is designated the responsibility for reporting any instance or allegation to the CRO and OIG. In the absence of the ICWED Director, the ICWED Equal Opportunity Officer shall assume this duty. Therefore, all allegations within Imperial County must be reported to these identified individuals. Complainants may remain anonymous. If a complainant considers that his/her position will be compromised by reporting information, he/she may send the report directly to the OIG.

Reporting

Upon receipt of information regarding any instances or allegations of criminal fraud, waste, abuse or other criminal activity the ICWED Director or the ICWED Equal Opportunity Officer will immediately institute the following:

- 1) Report to the CRO and OIG all allegations of WIOA-related fraud, abuse, and other criminal activity.
- 2) This report must be submitted on the Incident Report Form (*Attachment I*). This report must be submitted within one business day from the time of discovery of the information. The submission of a report should not be delayed, even if all facts are not readily available. Any facts subsequently developed must be forwarded in a supplemental Incident Report.

This report shall be submitted to the following:

CRO Email: PACBCROIncidentReports@edd.ca.gov

OIG (choose one of the following methods)
Website: www.oig.dol.gov/hotlinecontact.htm
Telephone 1-800-347-3756
FAX (202) 693-7020
Office of Inspector General
Complaints Analysis Office
200 Constitution Avenue, N.W, Room S-5506
Washington, D.C. 20210

Allegation considered to be of an emergency nature may be reported by telephone to the Compliant Resolution Unit supervisor at 1-916-654-8354 or by calling the OIG Hotline at 1-

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800-347-3756 and **followed immediately thereafter by a written incident report.**

- 3) The reporting individual should make themselves available for any clarification or additional details needed by the CRO and/or OIG. During the investigation, if the OIG contacts the subrecipient regarding an incident in which they are not aware, the subrecipient should contact the CRO to determine whether the latter is aware of the incident.
- 4) All funding entities must be immediately notified of any suspected or proven fraud, abuse, or other criminal activities committed by staff, contractors or program participants. This notification must be documented and include a statement of all facts, as well as any known or estimated loss of WIOA funds resulting from the incident.
- 5) When applicable, the CRO will notify the reporting entity to take appropriate action to recover misspent funds or to contain its financial liability. However, if it is believed that immediate action to prevent further financial loss or other damage is necessary, or recovery of funds or property may be impeded if immediate action is not taken, the ICWED Director has the responsibility to take any action they deem appropriate, including contacting the local law enforcement agency. **Any immediate action taken or planned by the reporting entity must be reported to the CRO when the Incident Report is submitted.**
- 6) Service providers shall ensure that local law enforcement is notified immediately of any non-program criminal activity. The ICWDB Director will notify or ensure that notification has been made to local law enforcement agencies concerning all non-program related criminal activity such as burglary arson, assault, etc.
- 7) A law enforcement report (if applicable) shall be required for the WIOA files. The ICWED Director shall ensure that the report is obtained.
- 8) The ICWED Director is responsible for ensuring that reports are followed up and that a final disposition of incidents is obtained or documented.

DOCUMENTATION:

Per Uniform Guidance Section 200.333, financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of submission of the final expenditure report, or for a period of three years from the date of the submission of the quarterly or annual financial report (for federal awards that are renewed quarterly or annually), as reported to the federal awarding agency or pass-through entity (in the case of a subrecipient). Pass-through entities must not impose any other record retention requirements upon non-federal entities. The only exceptions are the following:

- If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- When the non-federal entity is notified in writing by the federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
- Records for real property and equipment acquired with federal funds must be retained for 3 years after final disposition.

MONITORING

ICWED is responsible for ensuring oversight of the WIOA Title I funded programs. Monitoring shall take place by means of on-site visits to America's Job Center of California and contracted Service Providers. Site visits shall be performed at a minimum of once a year to ensure adherence to WIOA laws, regulations, and policies.

ACTION:

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Please bring this policy to the attention of ICWDB, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959, (442) 265- 4955 or the Program and Compliance Manager (442) 265-4963.

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AUDITS AND INVESTIGATIONS



Chapter 700 - Allegations of Wrongdoing or Misconduct, Incident Reporting, and Whistleblower Protection

ETA INSTRUCTIONS FOR OIG 1-156 INCIDENT REPORT (IR)

1. Using the Incident Report Form: The OIG 1-156 Incident Report Form should be used for filing:

(a) Initial Incident Report: Form OIG 1-156 is designed primarily as an initial report to inform the Employment and Training Administration's (ETA) Office of Financial and Administrative Management (OFAM) and the Office of the Inspector General (OIG) that a violation or apparent violation has occurred. It should also be used to inform OFAM and OIG of cases involving ETA employees, programs, and operations being investigated by or reported to other investigative agencies.

(b) Supplemental Incident Report: Once the initial Form OIG 1-156 has been filed Form OIG 1-156 should be used:

- (1) To provide supplemental information not available at the time of the original report.
- (2) If the matter cannot be resolved at the agency level and the case goes to litigation or arbitration at another level, supplemental reports will be submitted without awaiting results of adjudication or arbitration.

(c) Final Incident Report: Form OIG 1-156 should be used when:

- (1) An incident is resolved, or otherwise settled.
- (2) Adjudication and arbitration results are known and all requirements of such adjudication or arbitration have been completed.

2. Completing the Incident Report Form:

The agency designation code requested in block 2 is assigned by the office preparing the form and should include the fiscal year in which the report is being submitted, the agency acronym, and a number to indicate the chronological sequence of the report (for example, 09-CHI-ETA-01 would show that the report was submitted in Fiscal Year (FY) 2009, by Chicago, ETA, and was the first report they submitted in FY 2009, and 09-OWI-ETA-02 would show that the report was submitted in FY 2009 by the Office of Workforce Investment (OWI), ETA/NO, and was the second report OWI submitted in FY 2009).

Block 16 should be signed on all copies by the responsible official for the office unless the employee believes he/she should send the form directly to the OIG and OFAM.

Entries requiring additional space may be continued at the end of the synopsis entry in Block 14 or on a separate sheet(s) of bond paper. Head each additional sheet "Continuation" and give the Agency Identification Code from Block 2.

3. Transmitting the Completed Incident Report Form:

For IRs originating in a region or concerning a regional office (RO) program, the Regional Administrator/Regional Apprenticeship Director (RA/RD) should send the original signed OIG 1-156 via a transmittal memorandum to the Special Agent-In Charge (SAC) of the OIG's Regional Office of Labor Racketeering and Fraud Investigations within two days of discovery or receipt of the incident report and simultaneously forward copies to OFAM and the Office of Regional Management (ORM) or the Office of Apprenticeship (OA).

For IRs originating in the national office (NO) or concerning an NO program, the originating office should send the original signed OIG 1-156 to OFAM within two days of discovery or receipt of the incident report and simultaneously forward copies to ORM or OA. OFAM will send the original IR to the OIG within two working days of receipt.

See Attachment E for SAC and other OIG addresses.

Mail ETA NO copies to:

Office of Financial and Administrative Management
200 Constitution Avenue, N.W., Room N-4653
Washington, D.C. 20210
ATTENTION: OGM

Office of Regional Management
200 Constitution Avenue, N.W., Room C-4517
Washington, D.C. 20210

or

Office of Apprenticeship
200 Constitution Avenue, N.W., Room N-5311
Washington, D.C. 20210

Note: If the report concerns Department of Labor staff, the copies for the ETA NO should be sent in a sealed envelope addressed to the Administrator of OFAM with a notation on the envelope "TO BE OPENED BY ADDRESSEE ONLY."

Incident Report

U.S. Department of Labor

Office of Inspector General



For Official Use Only (When filled in)

1. Date of report

2. Agency designation code (Yr.) (Agency) (Report No.)

3. File Number (For IG use)

4. Type of report

Initial Supplemental Final Other (Specify)

5. Type of incident

Conduct violation Criminal violation Program violation

6. Allegation against

DOL Employee Contractor Grantee Other (Specify)

Given name and position of employee(s), contractor(s), grantee, etc. List telephone number, OWCP or other Claim File Number, if applicable, and other identifying data:

7. Location of incident (Give complete name(s) and addresses of organization(s) involved)

8. Date and time of incident/discovery

9. Source of complaint

Public Contractor Grantee Program Participant Audit

Investigative Law Enforcement Agency (Specify)

Other (Specify)

Give name and telephone number so additional information can be obtained.

10. Contacts with law enforcement agencies (Specify name(s) and agency contacted and results)

11. Expected concern to DOL

Local Regional National Media interest Executive interest GAO/Congressional interest Other (Specify)

12. DOL Agency involved

SECY ESA ETA ILAB LMSA MSHA OASAM OIG OSHA SOL ASP BLS NCEP WB OIPA Other (Specify)

Amount of grant or contract (If known)

\$

Amount of subgrant of subcontract (If known)

\$

13. Persons who can provide additional information (Include custodian of records)

Name Grade Position or job title Employment

Local Address (Street, City, & State) or organization, if employed and telephone number

¹Enter one of these codes:

U - Unemployed

G-Grantee

C-Contractor

D - DOL

F-Other Federal Employee

P - Program Participant or
claimant

(Complete page 2 of this form)

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For Official Use Only (When filled in)

14. Details of Incident (Describe the Incident)

If more room is needed attach additional sheets.

15. Typed name and title of DOL employee

16. Signature of DOL employee

17. Copies furnished to:

18. Attachments: (List)
