

POLICY #: F-01
Incident Reporting Requirements

ISSUED: May 17, 2018
REVISED: February 17, 2022

PURPOSE:

To provide guidance regarding U. S. Department of Labor's incident reporting requirements covering known or suspected incidents of fraud, program abuse or criminal conduct involving WIOA programs administered by Clackamas Workforce Partnership's regional sub-contractors or contractors.

REFERENCES:

- 2 CFR 200.113 & 200.338
- 20 CFR Part 683.620

DEFINITIONS:

Employee/Participant Misconduct: Action occurring during or outside work hours that reflects negatively on the Department or its mission. Includes, but is not limited to, conflict of interest or the appearance of conflict of interest involving outside employment, business, and professional activities; the receipt or giving of gifts, fees, entertainment, and favors; misuse of Federal property; misuse of official informational and such other activities as might adversely affect the confidence of the public in the integrity of the Government as well as serious violations of Federal and State laws.

Fraud: Any alleged deliberate action which is apparently in violation of Federal statutes and regulations. Includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants, intentional payments to a contractor without the expectation of receiving service, payments to ghost enrollees, misuse of appropriated funds, and misrepresenting information in official reports.

Gross mismanagement: Actions or situation arising out of management ineptitude or oversight, leading to major violation of processes, regulations or contract/grant provisions which could severely hamper accomplishment of program goals. Includes situations which lead to waste of Government resources and could jeopardize future support for a particular project. This category includes, but is not limited to, unauditible records, unsupported cost, highly inaccurate fiscal reports and/or program reports, payroll discrepancies, payroll deduction not paid to Internal Revenue Service, and the lack of good internal control procedures.

Misapplication of funds: Any alleged use of funds, assets or property not authorized or provided under regulations, grants, or contracts for all ETA-funded programs. Includes, but is not limited to, nepotism, political patronage, use of participants for political activity, ineligible enrollees, conflict of interest, failure to report income from Federal funds, violation of contract/grant procedures, and the use of Federal funds for other than specified purposes.

POLICY:

All incidents of known or suspected criminal activity will be reported through Clackamas Workforce Partnership to the Training Administration of the US Department of Labor (DOL) or to the corresponding Regional Office of Inspector General (OIG) for Investigations. Investigation of reported incidents of fraud and abuse are completed by the USDOL/OIG as appropriate.

Clackamas Workforce Partnership and Subcontractor Responsibilities:

All staff members, subcontractors and staff are to be provided the information in this policy. The Office of Inspector General's Hotline telephone number for reporting suspected incidents should be prominently posted for staff members and for the public, where applicable.

Promptly report potential or suspected fraud, abuse, or other program related criminal activity directly to the Clackamas Workforce Partnership Executive Director, or designee, at 503-657-1729, and the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The Web site is <http://www.oig.dol.gov/contact.htm>.

Staff members are encouraged to report suspected incidents of suspected fraud, abuse, and other program related criminal activity to their own agency.

Agencies detecting the presence or appearance of fraud, abuse, or other criminal activity must obtain sufficient information to provide a clear, concise report of each incident. Reports must include a statement of all facts and any known or estimated loss of WIOA funds resulting from the incident. Using the online form at <https://www.oig.dol.gov/hotlineform2015.htm> reports must be made within 24 hours of the detection of the incident. The incident report should not be delayed if all facts are not readily available. Any facts subsequently developed by the agency are to be forwarded in a supplemental incident report.

Whenever the entity reporting the allegation of an incident believes 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 reporting entity has the responsibility to take any action it deems appropriate, including contacting the local law enforcement agency. Any

immediate action taken or planned by the reporting entity will be reported to Clackamas Workforce Partnership administrative office when the incident report is submitted.


Clackamas Workforce Partnership will:

1. Complete a preliminary analysis with the contractor or subcontractor and/or other parties to determine if there is evidence of fraud, abuse, or other program-related criminal activity.
2. If there is evidence to suspect fraud, abuse or program-related criminal activity, assist the contractor or subcontractor in preparing an incident report which is to be forwarded to DOL within 24 hours. In cases involving a formal investigation, serve as the local workforce investment area liaison with the investigating entity.
3. Work in collaboration with the contractor or subcontractor and DOL to facilitate the incident resolution process.
4. If appropriate, contest the DOL final resolution within one year (365 days) of receipt of the resolution.

Incident resolution will be done through the audit resolution process, or through a process of initial and final determination in accordance with the Higher Education Coordinating Commission's Incident Reporting policy dated 3/23/20. Debt collection will be conducted in accordance with Clackamas Workforce Partnership policy for recovery of improperly expended funds.

Approved:

David Green, Clackamas Workforce Partnership Chair Pro Tem


Clackamas Workforce Partnership Board Chair Signature

2/17/22
Date