



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF SOCIAL SERVICES
WORKFORCE DEVELOPMENT BOARD

3433 South Higuera Street, P.O. Box 8119, San Luis Obispo, CA 93403-8119
(P) 1-805-781-1908

POLICY NO: 33-19
TO: Service Providers
FROM: Department of Social Services
EFFECTIVE: January 01, 2020
SUBJECT: Incident Reporting

REFERENCES:

- Title 20 Code of Federal Regulations (CFR) 667.505 and 667.630
- DOL Training Employment Guidance Letter 2-12, Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct (July 12, 2012)
- Workforce Services Directive WSD 12-18

PURPOSE:

This directive provides procedures for reporting criminal activity and noncriminal complaints to the Compliance Review Office (CRO) of the Employment Development Department (EDD) and the Department of Labor's (DOL) Office of Inspector General (OIG).

This policy is based on SLOWDB's interpretation of WIOA law, regulations and policies and federal, state and local laws, regulations and policies. This policy will be reviewed and updated based on any additional federal or state guidance.

BACKGROUND:

The WIA regulations, Title 20 CFR Section 667.630, requires that information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the U. S. Department of Labor's (DOL) Incident Reporting System to the DOL Office of Inspector General (OIG) with a copy simultaneously provided to the Employment and Training Administration (ETA) Regional Office. The Incident Reporting System also processes noncriminal complaints such as mismanagement and gross waste of funds. The information requested in this policy provides direction for the completion of the DOL Incident Report Form, attached to this policy, and acknowledges the types of incidents that the OIG Hotline seeks to identify.

When an individual has knowledge or suspicion of a violation of the WIA or its regulations, the individual must take prompt and appropriate action.

POLICY:

The policy of the SLOWDB is to follow all applicable state and federal laws and regulations for reporting criminal and noncriminal complaints.

DEFINITIONS:

Complaint, for this policy only, means criminal complaint and noncriminal complaints accepted by the DOL as incidents, such as gross waste of funds, mismanagement and dangers to the public health and safety.

Subrecipient, for this policy, means local areas and other recipients that receive WIA funds directly from the State - SLO Department of Social Services (DSS)

Service Provider means a recipient that does *not* receive WIA funds directly from the State, but receives WIA funds from SLO DSS.

Additional definitions pertaining to this policy are included in the Glossary of Terms as Attachment 1 to this policy.

PROCEDURES:

The subrecipient, San Luis Obispo County Department of Social Services (SLO DSS), shall promptly report to the CRO and OIG all allegations of WIA-related potential fraud, abuse, and other criminal activity.

Service providers receiving WIA funds from SLO DSS will establish, document, and implement procedures to immediately notify DSS of any suspected or proven fraud, abuse, or other criminal activity involving WIA-funded activities. It is the responsibility of service providers to be alert for instances of fraud, abuse, and criminal activity committed by staff, contractors, or program participants and to report all such instances to DSS, the CRO and OIG immediately. The entity 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, known at the time, as well as any known or estimated loss of WIOA funds resulting from the incident. It is important that an initial report is made DSS immediately so that the report to the CRO and OIG to be made within one working day of the detection of the incident as required. The submission of an incident report should not be delayed, even if all facts are not readily available. Any facts subsequently developed by the detecting entity are to be forwarded in a supplement incident report.

The reporting procedures do not supersede the responsibility for subrecipients to safeguard WIOA funds by taking prompt and appropriate corrective action when any evidence of a violation of WIOA or its implementing regulations is found. Attachment 1 includes a glossary of terms related to reportable issues.

The incident reporting process should not be used for personnel actions such as Equal Employment Opportunity complaints, employee grievances, or labor disputes.

TYPES OF WIOA COMPLAINTS:

There are three (3) distinct procedures for filing WIOA complaints:

- A. Grievance – See *Policy 31-19*
- B. Discrimination – See *Policy 30-19*
- C. **Fraud, Waste and Abuse** – Covered by *this Policy*

Reporting

Within one workday of detection or discovery of information alleging fraud, abuse, or other criminal activity involving WIA funds, a written incident report shall be prepared by the detecting entity. The report must be submitted on the attached Incident Report form or similar document containing the requested information. The report will be submitted by DSS to both the CRO and OIG as follows:

CRO

Attention: Compliance Resolution Unit
Compliance Review Division, MIC 22
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

OIG

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

Allegations considered to be of an emergency nature may be reported by telephone to the Compliance Resolution Unit Supervisor at (916) 653-0298 and by calling the OIG Hotline at 1-800-347-3756 and ***followed immediately thereafter by a written 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 must be reported to the CRO when the incident report is submitted.**

Allegations of fraud, abuse, or other criminal activity in WIOA-funded programs may originate from sources other than subrecipients. Such sources may include informants, independent auditors, or local law enforcement agencies.

Upon learning of an incident from federal sources, DSS will contact the CRO to determine whether the CRO is aware of the incident.

Action will not be taken against any complainant for disclosing information concerning criminal or improper activities or making a valid complaint to proper authorities. Complainants may remain anonymous. If a complainant considers that his or her position will be compromised by reporting information via an incident report, he or she may send the report directly to the OIG.

ACTION:

All WIOA Adult, Dislocated Worker and Youth Program Service Providers shall comply with this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Any questions regarding this policy may be directed to the DSS WIOA Program Manager at 805-781-1838.

ATTACHMENTS:

Attachment A - Incident Report Form

Attachment B - Glossary of Terms

Workforce Development Board (WDB) Approval Required? Yes _____ No X

Initial approval date: N/A

WDB revision approval date: _____