



Tulsa Area Workforce Development Board, Inc.
Proudly serving Creek, Osage, Pawnee and Tulsa Counties in Oklahoma

Incident Reporting Policy

Board Approved: 08/16/2018

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www.workforcetulsa.com

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Incident Reporting Policy TU2018-082018

Incident Reporting Policy Changes Overview

Most Recent Policy Changes:

Implementation by:	08.16.2018
Board Approval:	08.16.2018
Executive Committee Approval:	08.09.2018
Oversight Committee Approval:	07.30.2018

Reason: To create a policy that complies with Oklahoma Workforce Development Issuance 16-2017, change 1 and update citations to WIOA and current federal regulations.

Recessions: Incident Reporting Policy BD Approval 06.17.2010

Tulsa Area Workforce Investment Board

Incident Report Policy

Board Approved: 08.16.2018

I. Purpose:

This policy is to provide guidance and procedures for reporting known or suspected incidents of fraud, program abuse, or criminal conduct in accordance with federal and state regulations.

II. Authority:

- Workforce Innovation and Opportunity Act (WIOA) of 2014. § 185(b)
- 29 USC § 3241(c) - *Grievance procedure*
- 20 Code of Federal Regulations (CFR) Part 683, Subpart F - *Grievance Procedures, Complaints, and State Appeals Processes*
- 20 CFR 683.430
- 20 CFR 683.620
- Training and Employment Guidance Letter (TEGL)# 02-2012 - *Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct*
- *Oklahoma Workforce Development Issuance (OWDI) #16-2017, change 1 (released 01/31/2018)*

III. Background:

WIOA requires each local area, State, outlying area, and direct recipient of funds under title I of WIOA to establish and maintain a procedure for participants and other interested parties to file an incident report involving criminal fraud, waste, abuse, or other criminal activity alleging violations of the requirements of title I of WIOA.

IV. Definitions¹:

For the purpose of completing the Incident Report, fraud, misfeasance, nonfeasance or malfeasance, misapplication of funds, gross mismanagement, and employee/participant misconduct are explained in the following paragraphs. These definitions are illustrative and are not intended to be either fully inclusive or restrictive.

A. Fraud, Misfeasance, nonfeasance or Malfeasance

Fraud, misfeasance, and nonfeasance or malfeasance should be considered broadly as any alleged deliberate action, which is apparently in violation of Federal statutes and regulations. This category 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 services, payments to ghost enrollees, misuse of appropriated funds, and misrepresenting information in official reports.

B. Misapplication of Funds

Misapplication of funds should be considered as any alleged use of funds, assets, or property not authorized or provided for under the WIOA or regulations, grants, or contracts. This category includes, but is not limited to, nepotism, political patronage, and use of participants for political activities, ineligible participants, and conflict of interests, failure to report income from Federal funds, violation of contract/grant procedures, and the use of Federal funds for other than specified purpose.

An Incident Report should be filed when it appears that there exists intent to misapply funds rather than merely a case of minor mismanagement.

¹ [Training and Employment Letter 02-2012](#)

C. Gross Mismanagement

Gross mismanagement should be considered as actions or situations arising out of management ineptitude or oversight, leading to major violations of WIOA processes, regulations, or contract/grant provisions, which could severely hamper the accomplishment of program goals. These include situations that 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 costs, highly inaccurate fiscal and/or program reports, payroll discrepancies, payroll deductions not paid to Internal Revenue Service, and the lack of good internal control procedures.

D. Employee/Participant Misconduct

Employee/participant misconduct should be considered as actions occurring during or outside work hours that reflect negatively on the Department of Labor, Oklahoma, or the WIOA. It may include, but is not limited to, conflict of interest or the appearance of conflict of interest involving outside employment, business, and professional activities, the receipt of giving of gifts, fees, entertainment, and favors, misuse of Federal property, misuse of official information, and such other activities as might adversely affect the confidence of the public, as well as serious violations of Federal and State laws.

Office of Inspector General will focus only on those incidents reported under section IV. "A." and "B" of this policy. Employment and Training Administration will use the information reported on the other types of incidents in order to identify trends and patterns occurring throughout the States for management information purposes.

V. Local Policy:

In order to facilitate the reporting process, the Department of Labor has developed procedures and standardized forms for reporting incidents. The online form can be found at https://www.oig.dol.gov/contractor_disclosure.php# Any act which raises questions concerning possible illegal expenditures or other unlawful activities should be immediately reported. It is not the intent of the Incident Report to elicit reports only after determination that an act or allegation is legally prosecutable. All such incidents shall be reported immediately even though the case may be subsequently handled by Oklahoma Office of Workforce Development, Tulsa Area Workforce Development Board (TAWDB), or local law enforcement agencies.

VI. Notifications

All American Job Centers and Board Staff will prominently post the Department of Labor's Office of Inspector General (DOL/OIG) Hotline number for reporting suspected incidents. A copy of the poster that provides information about the Hotline is Attachment C of this policy. This poster will need to be displayed for the public to see. It is recommended that it accompany the Equal Opportunity posters. This poster may also be downloaded from OIG's website at www.oig.dol.gov. It is anticipated that the incident reporting procedures outlined herein will be utilized to report matters to the Department of Labor. The TAWDB is to notify all staff, sub-recipients, contractors, and the public of the availability of the OIG/DOL Hotline for providing information confidentially.

The Department of Labor's Office of Inspector General
Office of Investigations, Room S-5514
200 Constitution Avenue, NW
Washington, DC 20210
Hotline: 1-800-347-3756²
<http://www.oig.dol.gov/contact.htm>
Email: hotline@oig.dol.gov³

The Hotline was established for employees and the public to notify the OIG of suspected fraud, abuse, or waste in DOL-funded programs. The Hotline permits reporting of matters anonymously, if desired to avoid fears of reprisal. Information supplied via the hotline should be as specific as possible to enable the OIG to identify and solve the problem.

² 20 CFR 683.620

³ <https://www.oig.dol.gov/programfraud.htm>

NOTE: Per requirements of 20 CFR 683.620, a copy of submitted incident reports must be provided to the Department of Labor Employment and Training Administration (DOLETA). TAWDB will forward any incident report it receives to DOLETA on behalf of the reporting entity.

The Hotline should not be used for resolving employee grievances, Equal Employment Opportunity complaints, labor disputes, or other personal concerns.

VII. Reporting

TAWDB has established appropriate reporting procedures to ensure immediate notification (within a workday of detection or discovery) to TAWDB, OOWD, DOL/ETA, and DOL/OIG regarding incidents.

A. TAWDB central point person to submit and track any reports taken is:

Shelley Cadamy
907 S. Detroit Ave.
Suite 1325
Tulsa, OK 74120
Phone: 918-595-8824
Email: Scadamy@workforcetulsa.com

B. DOL Form DL 1-156, Incident Report⁴, should be used to notify OOWD and the Regional Administrator of all known or suspected case of fraud, abuse, or other criminal activities in ETA-funded programs. The original and one copy of this form should be forwarded to Region IV and OOWD within one workday of the discovery of occurrence. Region IV and OOWD in turn, will immediately distribute the Incident Report in accordance with established DOL procedures.

C. Any entity (TAWDB staff, sub-recipients, contractors, and the public) wishing to report an incident should be provided with the process below:

1. Complete the Incident Report and make **five copies**.
2. Submit **original form** along with supportive documentation to the DOL/ETA Region IV Office at the address below:

Regional Administrator
A. Maceo Smith Federal Building
525 S. Griffin Street, Room 317
Dallas, Texas 75202
Phone: 972-850-4600
Fax: 972-850-460

3. Submit **two copies** along with supportive documentation to:

Oklahoma Office of Workforce Development
Oklahoma State University – Oklahoma City
900 N. Portland Ave.
Oklahoma City, OK 73107

⁴ Attachment A – DOL 1-156 Incident Report

4. Submit **one copy** along with supportive documentation to:

Shelley Cadamy
907 S. Detroit Ave.
Suite 1325
Tulsa, OK 74120

Phone: 918-595-8824 Report the incident to the DOL Office of Inspector General in **one** of the following ways:

- a. Submit **one copy** of the Incident Report to the following address:

The Department of Labor's Office of Inspector General
Office of Investigations, Room S-5514
200 Constitution Avenue, NW
Washington, DC 20210

- b. Complete the online DOL Office of Inspector General hotline form at the following link:

www.oig.dol.gov/hotlineform.htm

- c. Call the DOL Office of Inspector General's hotline number at Hotline: 1-800-347-3756⁵

VIII. Attachments

- A. Incident Report Form
- B. Use and Preparation of DL 1-156
- C. OIG/DOL Hotline Poster

IX. Compliance

- A. This policy shall be used in accordance with all other applicable local policies.
- B. TAWDB is responsible for conducting oversight of local Adult/DLW programs to ensure both fiscal and programmatic accountability. Local program oversight is conducted in consultation with the chief local elected official.

⁵ 20 CFR 683.620

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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 <input type="checkbox"/> Initial <input type="checkbox"/> Supplemental <input type="checkbox"/> Final <input type="checkbox"/> Other (Specify) _____			
5. Type of Incident <input type="checkbox"/> Conduct violation <input type="checkbox"/> Criminal violation <input type="checkbox"/> Program violation			
6. Allegation Against <input type="checkbox"/> DOL Employee <input type="checkbox"/> Contractor <input type="checkbox"/> Grantee <input type="checkbox"/> 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 <input type="checkbox"/> Public <input type="checkbox"/> Contractor <input type="checkbox"/> Grantee <input type="checkbox"/> Program Participant <input type="checkbox"/> Audit <input type="checkbox"/> Investigative Law Enforcement Agency _____			
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 <input type="checkbox"/> Local <input type="checkbox"/> Regional <input type="checkbox"/> National <input type="checkbox"/> Media Interest <input type="checkbox"/> Executive Interested <input type="checkbox"/> GAO/Congressional interest <input type="checkbox"/> Other (Specify) _____			
12. DOL Agency Involved <input type="checkbox"/> SECY <input type="checkbox"/> ESA <input type="checkbox"/> ETA <input type="checkbox"/> ILAB <input type="checkbox"/> MSHA <input type="checkbox"/> OASAM <input type="checkbox"/> OIG <input type="checkbox"/> OSHA <input type="checkbox"/> SOL <input type="checkbox"/> ASP <input type="checkbox"/> BLS <input type="checkbox"/> NCEP <input type="checkbox"/> WB <input type="checkbox"/> OIPA <input type="checkbox"/> Other (Specify) _____			
Amounts of grant or contract (if known)	\$	Amount of subgrant of subcontract (if known)	\$
13. Persons who can provide additional information (Include custodian of records)			Local Address (Street, City, & State) or organization, if employed and telephone number
Name	Grade	Position or Job Title	
Enter one of these codes: U – Unemployed G – Grantee C – Contractor D – DOL F – Other Federal Employee P – Program Participant or claimant			

14. Detail of Incident (Describe the Incident)

If more room is needed attached additional sheets.

15. Type name and title of DOL employee

16. Signature of DOL employee

17. Copies furnished to:

18. Attachments: (List)

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Form DL 1-156 should be used for reporting to Oklahoma Office of Workforce Development (OOWD) and Department of Labor (DOL) Region IV incidents of program abuse, fraud, or other criminal violations involving ETA-funded programs and operations.

Responsibilities of Governors

Governors are responsible for reporting all actual or suspected violations to the regional Administrator using the Incident Report, DL 1-156. While such information may be phoned directly, all telephone reports should be supplemented by submission of the Incident Report within 72 hours.

Use of the Incident Report, Form DL 1-156

A. As an Initial Report

The DL 1-156 is designed primarily as an initial report of actual or suspected violations to inform the Regional Administrators that a violation or apparent violation has occurred. It should also be used to initially inform the Regional Administrator of cases involving employees, programs, and operations being investigated by or reported to other investigative agencies.

B. As a Supplemental Report

The DL 1-156 should also be used to submit supplemental information not available at the time the original report was submitted. Form DL 1-156 should be used as indicated below:

- It is determined that the matter cannot be resolved at the agency level and the case is administratively closed.
- Supplemental reports should be submitted without awaiting the results of adjudication.

C. As a Final Report

Form DL 1-156 should be used as indicated below.

- An incident is resolved or otherwise settled.
- Final adjudication or imposition of administrative/disciplinary action against the person or organization involved in initiated. When adjudication results become known, the final report should be sent to Region IV indicating the results.

Completion of the Incident Report

Block 1. Enter the date the form is actually signed by the responsible agency official.

Block 2. Enter the fiscal year (e.g., October 1, 2018 – September 30, 2019) in which the report is being submitted, the two letter state abbreviation, and a number to indicate the chronological sequence of the report (e.g. 18-OK-001 would show that the report was submitted in Fiscal year 2018, by Oklahoma, and was the first report submitted in FY 2018)

Block 3. Leave Blank. For use by Office of Inspector General only.

Block 4. Indicate the type of report being submitted by checking the appropriate block if the report is both an "Initial" and a "final" report, then place a check in both the initial and final blocks.

Block 5. Check the appropriate block.

Block 6. Check appropriate block.

Block 7. Enter the name of the person, recipient, or sub recipient, if applicable, and the location where the incident

occurred. A general geographic (city, town) location or mail address should be used.

Block 8. Complete as necessary.

Block 9. Check appropriate block(s). Public includes press.

Block 10. Any information requested by any law enforcement agency should be reported here. Identify the officer and/or agency that made the request. In block 14, describe what information was requested from and offered to the outside agency.

Block 11. Indicate the type of interest/publicity that the incident may generate, or actually has generated, by placing a check in the appropriate block(s). If necessary, a brief statement of explanation may be included in Block 14.

Block 12. Check appropriate block.

Block 13. Complete as necessary.

Block 14. Synopsis – This is a clear, concise statement of the incident which should include:

- When – Identify the time and date when the incident occurred; when it was discovered; when it was reported to supervisory personnel, OIG or other law enforcement agency; and whether an inventory was conducted to determine the extent of loss.
- What – Describe the complete incident in as much detail as is available and necessary to give a complete picture of what happened. Cost/value figures should be shown in the appropriate place in Block 12.
- Who – Enter the names of those principal personnel who are listed in Block 7 and block 13, as well as other personnel whose identities are necessary to complete the narrative and give the reader a complete picture of what happened. Included, when applicable, complete identities of persons/agencies to which the incident is reported or referred. If needed for purpose of clarification, include the reason(s) why non-principal personnel were involved (e.g., fire department personnel who made pertinent determinations in a suspected arson incident).
- Where- Clearly specifies the location where the incident occurred (e.g., a certain building, an area/room within a building, a particular contractor, grantee location). If the direction and distance from an identifiable point of reference (e.g., building, street, intersection, and bridge) is known, this should be indicated.
- Why- Frequently the motive for an incident is not readily discernible (e.g., a suicide or property destruction) or it must be deduced from the existing facts and circumstances. If the “why” for an incident is known or suspected, it should be reported. When a suspected motive is reported, the basis/rationale for the suspicion should be noted.
- How – Report the manner/method by which an incident actually or probably was committed and discovered. “How” an incident was discovered and committed should be reported in sufficient detail to assist proper authorities in the development of preventive measure.

Block 15. Identify the name, title, address, and telephone number of the official completing the report.

Block 16. All copies should be signed by the responsible official for the reporting office.

Block 17. Self-explanatory.

Block 18. Self-explanatory.

Continuation: 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. Each continuation sheet should be headed “Continuation” and indicate the Activity Identification Code from Block 2.

Supporting documentation

All documentation (e.g., photographs, drawings) pertinent/relevant to the incident or necessary to clarify the attendant facts should be forwarded with the DL 1-156, if not already provided.

Transmission of Reports

Mail copies of the Form DL 1-156 as described in policy.

Note: The copies sent to Region IV should be in a sealed envelope within the mailing envelope. In no event should reports be electronically transmitted. If the report concerns Department of Labor staff, the copies for the Employment and Training Administration should be sent in a sealed envelope addressed to the Administrator of Office of Financial and Administrative Management with a notation on the envelope "TO BE OPENED BY ADDRESSEE ONLY."

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