

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> Incident Reporting
	<b>CORRESPONDENCE SYMBOL</b> OGM
	<b>DATE</b> June 11, 2024

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 15-23**

**TO:** RECIPIENTS OF EMPLOYMENT AND TRAINING ADMINISTRATION  
 FINANCIAL ASSISTANCE  
 SUBRECIPIENTS OF EMPLOYMENT AND TRAINING  
 ADMINISTRATION FINANCIAL ASSISTANCE

**FROM:** JOSÉ JAVIER RODRÍGUEZ /s/  
 Assistant Secretary

**SUBJECT:** Employment and Training Administration Recipient Responsibilities for  
 Reporting Instances of Suspected Fraud, Program Abuse, and Criminal Conduct

1. **Purpose.** To provide procedures to be used by all Employment and Training Administration (ETA) federal assistance recipients and subrecipients for reporting suspected fraud, program abuse, or criminal conduct involving recipients or other entities receiving Federal awards directly from ETA and/or involving subrecipients receiving Federal funds indirectly from ETA.
2. **Action Requested.** Federal assistance recipients and subrecipients must immediately report instances of suspected, or known fraud, program abuse, or criminal misconduct involving recipients, subrecipients, or contracts under Federal awards from ETA to the Office of Inspector General (OIG) and ETA following the policy and procedures outlined in this Training and Employment Guidance Letter (TEGL).
3. **Summary and Background.**
  - a. Summary – This TEGL provides the policy and procedures for immediately documenting and reporting instances of suspected or known fraud, program abuse and criminal misconduct involving federal assistance recipients, subrecipients, or contracts under Federal awards from ETA. To enhance the readability of this guidance, the term “recipient” will be used as a collective term to refer to all the entities to which this guidance applies (federal assistance recipients, or subrecipients of Federal funds from ETA).
  - b. Background – The detection and prevention of fraud and abuse are a top priority for the U.S. Department of Labor’s programs. States, local governments, and other recipients may become aware of actual, potential, or suspected fraud, gross mismanagement or misuse of program funds, conduct violations, violations of regulations, and abuse in ETA programs and operations that must be documented and reported to the OIG and ETA.

<b>RESCISSIONS</b> TEGL 02-12	<b>EXPIRATION DATE</b> Continuing
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The Uniform Guidance requires recipients of Federal awards and their subrecipients to report if they have credible evidence of commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code, or a violation of the civil False Claims Act (31 U.S.C. 3729–3733). Therefore, systematic procedures for reporting instances of suspected or actual fraud, abuse or criminal conduct are vital.

This TEGL sets forth the policy and procedures that recipients must follow for notifying the OIG and ETA of known or suspected cases of criminal and other illegal or improper activities involving recipients of Federal funds from ETA.

#### **4. Recipient Responsibilities.**

Recipients of Federal funds from ETA are responsible for following the procedures set forth in this section.

- a. ***Identifying and Documenting Incidents*** – Recipients must immediately document allegations, suspicions and complaints involving possible fraud, program abuse and criminal misconduct.

Definitions and examples of the types of incidents that should be reported are included in Attachment I. It should be noted that this attachment provides illustrative examples and should not be considered all-inclusive. If a recipient is unsure if a situation qualifies as an “incident” based on these definitions, the recipient should err on the side of caution and report it in accordance with the procedures discussed below.

- b. ***Reporting Incidents*** – The process of reporting incidents consists of two steps: (i) reporting allegations of fraud, waste and abuse, criminal and other illegal or improper activities in ETA-funded grant programs and operations to the OIG; and (ii) reporting the same to ETA, using the process described below.

Recipients must promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code, or a violation of the civil False Claims Act (31 U.S.C. 3729-3733).

Please note that while all incidents should be reported as expeditiously as possible, situations involving imminent health or safety concerns, or the imminent loss of funds exceeding an amount larger than \$50,000 are considered emergencies and must immediately be reported to the OIG and ETA no later than one working day after the emergency was discovered.

- i. **Reporting the Incident to the OIG Hotline Portal** – Incidents and allegations involving ETA recipients and programs should be reported to the OIG by

completing the relevant fields contained in the OIG Hotline Portal (<https://www.oig.dol.gov/hotline.htm>).

When submitting an incident to the OIG Hotline Portal, please note the following:

- **Screen shots or photos must be taken of each of the three OIG Hotline Portal screens** (*Your Information, Alleged Violator Information, and Allegation Information*) **prior to clicking the “Next” button** to be able to complete Step ii of the process (reporting the incident to ETA).

This is important, as once the “Submit” button is clicked, the OIG Hotline Portal does not allow users to go back and review/capture what was submitted, nor print or download a copy of the incident report for the submitter’s records.

- The *Your Information* screen contains a field requesting the submitter’s social security number (SSN). This is **not** a required field, and it is recommended that the submitter **not** provide it. **However, if you decide to provide your SSN to the OIG, please ensure it is redacted before providing the screen shots or photos to ETA via email.**
- To ensure proper identification of your submission as an incident report, in the *Allegation Description* box on the *Allegation Information* screen, **please start by entering “ETA Incident Report - ”** and then go on to describe the allegation.

- ii. **Reporting the Incident to ETA** – ETA takes allegations of any type of improper activity seriously and needs to have the same information that is being submitted to the OIG Hotline Portal for developing its oversight and monitoring strategies. Therefore, the individual filing the incident report should send the screen shots or photos taken of each of the three OIG Hotline Portal screens to ETA via email at: [ETAIncidentReporting@dol.gov](mailto:ETAIncidentReporting@dol.gov). **The subject line of the email should contain: “ETA Incident Report – [State Name]”** for easy identification of the ETA Regional Office that needs to be provided the information to evaluate as part of ETA’s overall grant monitoring and oversight responsibilities.

Attachment II provides step-by-step instructions on how to submit an incident report in the OIG Hotline Portal and capture and submit the screen shots or photos to ETA.

**Prohibition and Reprisals** – No action should be taken against any individual for providing information in accordance with these procedures or disclosing information concerning criminal or improper activities or making an incident report to proper authorities. Individuals reporting incidents may remain anonymous if they so choose.

- c. **Incident Referrals** – When the OIG receives an incident report from any source, the OIG determines whether the allegations have merit and, when appropriate, conducts or arranges for an investigation and/or audit.

However, in instances where the OIG determines that the incident report does not have investigative or audit merit, the incident report is referred to ETA for resolution. In these instances, depending on the circumstances, ETA will either forward the incident report to the recipient to research and report back, or ETA will work with the recipient to analyze and report on the incident. When an incident report is referred to a recipient, the recipient must prioritize this activity, so ETA can report the resolution to the OIG in a timely manner.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- Workforce Innovation and Opportunity Act, Pub. L. 113-128, 29 U.S.C. 3101 *et seq*;
- Title 18 of the United States Code;
- The False Claims Act, 31 U.S.C. 3729-3733;
- 20 CFR 683.420, “What procedures apply to the resolution of findings arising from audits, investigations, monitoring, and oversight reviews?”;
- 20 CFR 683.620, “How are complaints and reports of criminal fraud and abuse addressed under the Workforce Innovation and Opportunity Act?”;
- 20 CFR 683.430, “How does the Secretary resolve investigative and monitoring findings?”;
- 2 CFR 200.113, “Mandatory Disclosures”; and
- 29 CFR Part 0, "Ethics and Conduct of Department of Labor Employees."

7. **Attachment(s).**

- Attachment I: Definitions
- Attachment II: Quick Reference Guide – Reporting Incidents to the Office of Inspector General Hotline Portal