**WorkforceGPS**

**SMART 3.0 Series: Complaints, Grievances and Incident Reports**

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GRACE MCCALL: Welcome to "Complaints, Grievances and Incident Reports: SMART 3.0 Training." So without further ado, I'd like to turn things over to one of our speakers for today, Nancy Taylor, senior accountant DFMAS, United States Department of Labor, Region 5 Chicago, Illinois. Nancy.

NANCY TAYLOR: Hi, Grace. Thank you. Good afternoon, everyone. I'd also like to mention that I do have an emergency backup just in case and as Trevor Capon from the Boston Regional Office. So Trevor's available for us in case of an emergency. So welcome to Complaints, Grievances and Incident Reports, one of my favorite topics.

So we're presenting this information to you today, because the basic reason is that each state local workforce area and direct grant recipient is required, under the Workforce Innovation and Opportunity Act, to have policies and procedures in place for handling and resolving complaints. They must be resolved in a timely and fair manner and those complaints can be – or may be raised by any interested person, organization or other source and we'll go into more details on that.

The recipients are also required to have – to be able to distinguish between the different processes and timeframes for complaints alleging discrimination since the basis of such allegations, the timeline for handling them and appeal rights are somewhat different from nondiscrimination complaints. Thirdly, each recipient needs to be able to immediately report any knowledge or even suspicion if there is a suspicion of fraud, waste or abuse to the Office of Inspector General.

And finally, the Uniform Guidance establishes a mandatory disclosure requirement for non-federal entities in connection with all violations of federal criminal law. So that is why we're having this session today.

3.0, the training strategies for the SMART Training, for those of you who have not attended a live version of the SMART Training, SMART, the acronym represents Strategies, Monitoring, Accountability, Risk Mitigation and Transparency.

ETA has put together this fabulous grant management toolbox to be of assistance to all of our grant recipients for technical needs when you may have questions regarding your grant allowability or anything that you may want to find out about your grant, we have developed these tools. The toolbox is created to help our own staff and the grantees to manage your grants.

So I encourage you to take a look at the toolbox that's located on the WorkforceGPS website. If you have questions and you may not want to reach out to your FPO who's always there available to assist this, but this is a great resource available to you to access at any time and it's also very good material for new staff that come onboard and you can have them to review this information to help manage their grant.

OK. So today's the module overview. In this session, we're just going to talk about the – I'm going to talk about the different types of allegations, described requirements for establishing systems for complaints and grievances, I'm going to talk about the requirements for handling the complaints of discrimination and the differences that – of handling those complaints and we're going to discuss the requirements for reporting and handling incidents of fraud, waste and abuse and describe the processes that recipients must establish to handle and resolve all of these types of complaints.

So beginning, there are three different types of allegations that we're going to talk about today. Each type has its own unique requirements for actions and one of the most common allegations that we generally receive are program-related complaints and grievances. Again, as I mentioned earlier, this type of allegation can be raised by any person, organization or interested or affected party.

The most common source of filing a complaint or grievance are participants. Oftentimes, we will receive complaints from participants where they feel they have not – they've been – they're mistreated. Or a service provider, they feel that they're being denied services or someone is complaining about program violations, perhaps.

Procurement-related parties, sometimes there's a selection process where we'll receive a complaint where someone may feel that they were not selected through the procurement process. Employees complain about program abuse to us and then there's other interested or affected parties that also complain about services they may have not received, they think they should receive.

So there's a variety of complaints that come through the regional office and I'm sure other regions as well and state and local agencies. So we're going to talk about all of those interested recipients and parties. The second type of allegation that we'll cover today is one that charges discrimination. There are many laws and regulations that provide protection against discrimination and we're going to discuss the various bases for filing a discrimination complaint.

Thirdly and last, we'll discuss allegations of fraud and other forms of criminal misconduct. This type of allegation is handled differently. And so we're going to talk about how you handle that complaint as well. So we'll talk about the requirement and process and procedures that must be in place for each grant recipient, general requirements, the local procedures, state procedures, direct recipient procedures and the resolution system that needs to be in place to address and track these types of complaints.

And we're going to also talk about DOL's roles in this process. The WIOA regulations, at 20 CFR 683.600(a) and (b), identify the basic requirements that apply to all WIOA-funded recipients. It indicates that each recipient of federal funds must establish and maintain a procedure for grievances or complaints alleging violations of the Act.

It must also provide information on these procedures to participants. So participants that come into your office, they need to be aware of the grievance and complaints process. It requires that every entity receiving WIOA Title I funds to provide this same information to the WIOA-funded participants they serve and ensure that the information is understood by affected individuals.

So you have to have procedures in place, you need to let everyone know what your procedures are and you need to make sure that they understand the procedure and that may require you to have your processes and procedures translated, if necessary, for limited English-speaking individuals. So in addition to these basic requirements that apply to all recipients, there are additional or different requirements that apply to each type of recipient.

So we're going to talk about the local workforce area, their requirements, the state and a direct grant recipient funded by ETA, which is typically known as the discretionary recipient. So right now we're going to begin with the local workforce investment area.

The WIOA regulations require that the local workforce investment areas procedures must include a process for dealing with grievances and complaints from participants and other interested parties, including the One-Stop partners and service providers must have the opportunity for an informal resolution and hearing to be completed within 60 days from the date of filing.

So there are some specific timelines that must be included in your processes and procedures to meet the compliance of the WIOA. This process is not a judicial; it is intended to provide the complainant with the opportunity to present information in support of the complaint. So needs to be a informal process in place.

If the complainant is covered by a collective bargaining agreement that requires binding arbitration for allegations of labor standard violations, then the complaint procedures must allow for binding arbitration as the process to be used for resolving the complaint and the local procedures must allow for an appeal to the state.

If there is no decision – if no decision is rendered within 60 days at that local area, there needs to be an appeal process to the state so that the state can hear it or if either party is dissatisfied with the local hearing decision. So that also needs to be outlined, the appeal process. Next, we're going to talk about the requirements that apply to the state.

There are some similarities, but there also are some differences from the local workforce area's complaint and grievance procedures. 20 CFR 683.600(d) of the WIOA regulations state procedures must include, again, the process for dealing with grievances and complaints, it must have a process for resolving appeals at the local areas.

So since the state is designated to hear appeals for local area resolutions, the state must have policies and procedures for handling these appeals. They must have a process for remanding local workforce investment area-related grievances, complaints back to a local area.

So if there is a complaint that bypasses the local area for some reason, it goes directly to the state, the state needs to have a process and a procedure in place for remanding that complaint back to the local area to be heard before it gets – goes to the state and then it should have an opportunity for an informal resolution and hearing to be completed within 60 days from the date of filing.

So in addition to the basic types of complaints and appeals that the state must process, the Act also requires additional state appeal procedures for the following types, non-designation of local areas. So they need to have a process in place that addresses if a local area is denied or if the designation is revoked, the state must have procedures in place to handle an appeal of that decision.

They must have a process in place for denial or termination of eligible training providers, the state must have a process for handling these type of appeals as well and for testing and sanctioning for use of controlled substances. So the state must have a process for hearing appeals arising from issues on testing for controlled substances or on the use of controlled substances.

So the required – now we're going to talk about the requirements for a direct grant recipient, such as a discretionary type grantee. The requirements that apply to them, again, is the process for dealing – they need to have a procedure in place that address the process for dealing with grievances and complaints from their participants or other interested parties.

Direct recipients must provide the same basic opportunity to hear complaints and grievances and they must have a process for resolving them.

Now, this requirement is basically – it's identical to the basic requirements that apply to local workforce investment areas and the state, however, since subrecipients and service providers are not required to directly handle complaints themselves, the direct grant recipient must provide for a complaint resolution process for complaints arising at the subrecipient or service provider level and they must have an opportunity for an informal resolution and hearing to be completed within 60 days of the date of filing just as with the other complaint resolution process discussed above.

So we're going to talk a little bit about what the basic components of a complaint and grievance resolution system are. Basically, there must be policies and procedures for handling the complaints, it needs to describe the step in the resolution process and assign responsibility for each step. Because the timelines are so tight, the process needs to be clear and very efficient.

Policies must provide for proper notification at each stage in the process and this would include informing participants and other interested parties of the process and their acknowledgement of receipt of this information, acknowledging the receipt of the complaint.

The recipient should notify the complainant as soon as possible that the complaint was received and they should also notify the complainant what the next step is and hearing the complaint, investigating the complaint and resolving the complaint. There should be written notice of final resolution after the complaint has been investigated.

So you need to let – and oftentimes, you may need to get some clarifying information from the complainant.

So you need to do that as soon as possible or as soon as you think that more information is needed to help you investigate and resolve the complaint and sometimes you may just see that you can ask the complainant what exactly is it that they're – what kind of resolution they're looking for, because sometimes we've noticed, in my experience, that some people just want to vent about processes that they have in place and they just want you to be aware of it.

They may want the processes to be more clarified or clearer so that they understand what is happening at that particular area. So it's important to acknowledge that you've received a complaint and then also to ask clarifying questions if you need to.

There needs to be appeal rights and procedures, because if the complaint is not resolved in a satisfactory manner, then they need – the complainant needs to know that there are other steps that they can go, they can have multiple steps, in order to hopefully resolve the complaint to their satisfaction. So this process needs to be in place so that everyone is aware of the process.

As mentioned earlier, the complaint resolution procedure should clearly identify – you want to have a person assigned. It could be someone in your office or it could be an equal opportunity officer or complaint officer or it could be just an office coordinator, someone who collects the complaints, who keeps track of the complaints and assigns them out to maybe other parties in their office or depending on where the complaint is arised at, they may have to delegate or assign the complaint to another party.

So you need to have a designated person who will track the complaint and see it through to the end of resolution. The procedure should clearly prescribe the methods that will be used to investigate the complaint and the steps to be followed in that process. In our office, we have what's called a – for some reason, I'm just – my mind just went blank, but –

It's called an SOP where we identify what processes we'll go through when a complaint comes into our office and how we will assign it out and track the information. So you need to have procedures in place that clearly describe that. So let's say that you've gone through the steps and you're not satisfied, what is the appeal process – or DOL's role in the appeal process?

And when you appeal to the secretary, what actually happens? So DOL, let me just say, has a limited role in the recipient complaint resolution process. Complaints must be heard and resolved at the recipient level. So whatever level that complaint originates at that needs to be heard there first and they need to have a resolution process in place to resolve it.

ETA does not have a role in hearing these types of complaints. So some complaint resolutions, however, can be appealed to the secretary, but only under certain circumstances. It's limited to that the state – if the state does not issue a decision on an original complaint or does not issue a decision on an appeal hearing from a local area within 60 days and either parties appeals to the secretary provided that it is filed – the complaint is filed within 120 days of the date of the original complaint.

So it's important that you look at the WIOA policies and procedures and guidelines, because there are some different timeframes that must be met in order to file an appeal to the secretary. Here some examples are let's say a local workforce area is seeking to be designated by the state as a local workforce area under WIOA, if they are denied designation as a local area, they may appeal that decision provided they file within 30 days of the denial designation.

Or if the state sanctions a local area by revoking the local plan or by imposing a reorganization plan due to substantial violations of WIOA or due to failure to meet the local performance measures for two consecutive years, the local area may appeal that decision provided the appeal is filed within 30 days of the state decision.

So just keep in mind before filing appeals to the secretary of labor, it must be filed – the appeal must be filed with the state and then there's a certain amount of time that has to be met before you can file an appeal to the Department of Labor. So what does the Department of Labor do if an appeal has went through the proper steps is filed with the Department of Labor?

Well, 20 CFR 683.610 provides the process used by the secretary to review grievances and complaints. DOL's review of appeals is limited to investigating whether or not the complainant completed the process within the state, the local or direct grantee. So what we do when a complaint is appealed to us, we look at the state's policies or wherever the –

The grant recipient, we look at their policies and procedures, we look to see if they followed their policies and procedures to determine whether or not the appropriate process has taken place. We review it – the complaint and we look to see that the entity where the complaint was raised against followed the procedures to address and resolve the complaint.

Our decision is based on appropriately following the prescribed policies and procedures. So we're going to have – this is our first knowledge check. We'd like for you to take a look at this. I think it's only one question, I want you to try to fill it out, vote on whether that first question is true or false. So the question is every WIOA-funded recipient must have a procedure for resolving complaints and grievances?

We've got everyone – good, 100 percent. Yay. That's true. So we do have a couple other knowledge checks for you to take a look at, subrecipients are not required to provide access to a process for hearing complaints and grievances? This is false. They are to provide access to a process. So they – the subrecipients need – there needs to be a process in place, but the complaint is directed at – or the – at the pass-through entity.

Every WIOA-funded recipient must provide an opportunity for an informal resolution and hearing to be completed within 60 days? That is true. And all adverse decisions may be appealed to DOL? That is false. Only those decisions at the state level can be appealed to the Department of Labor. So now we're going to cover complaints alleging discrimination.

And as you will see, the complaint resolution and appeal process is not exactly the same for discrimination complaints as it is for program-related complaints. So we're going to talk a little bit more about that. So now, keep in mind that WIOA Final Rules have updated language to includes in the civil rights law and Civil Rights Center's procedures.

The WIOA EEO Final Rule also outlines protections against sex discrimination. It's updated to include protections that discrimination on the basis of transgender status, gender identity or sex stereotyping are forms of sex discrimination in accord with similar developments under other civil right laws. So there are protections in place to address certain – those types of sex discrimination.

Section 188 of the regulations were published in the Federal Register on December 2, 2016 and became effective on January 3, 2017. It relates to the civil rights and there's – the link that's provided provides more guidance and detail. So I recommend you take a look at that. There are many statutes that prohibit discrimination. They're all identified on the slide.

You want to just keep in mind that this is not an exhaustive list of applicable statutes that prohibit discrimination. So it's important to know that there are a variety of Acts out there that address different forms of discrimination and it's important to be aware of them and it's important that you and your programs know the meaning and applicability of these laws.

So this information needs to be shared within your agency. In addition to the legislative statutes, there are many other presidential executive orders and also departmental regulations and policies that apply to the federal government and the operation of ETA programs. These are outlined on the slide as well. Really, it's important to know this and provide guidance to your staff and your respected agencies.

We will not go into detail on each of these, but it's important to know that there are many sources that govern our conduct matters of discrimination. So it's important to be aware of them. There are several protected classes covered under the laws, as we just listed.

In addition, there are other bases of discrimination that are prohibited by statute or executive action and again, this is not a complete and exhaustive list, but it is unlawful discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or beliefs, citizenship and other basis. So these are the basic types of prohibited discriminations.

So just, again, need to be aware of it. So the Civil Rights Center of the U.S. Department of Labor is responsible for enforcing the provisions in WIOA that prohibit discrimination. These provisions are contained in Section 188 of WIOA. The regulations at 29 CFR 38 talk about the nondiscrimination equal opportunity provisions. They apply to any recipient of WIOA financial assistance.

They also apply to programs and activities that are part of the One-Stop system and are operated by One-Stop partners and the employment practices of a recipient or a One-Stop partner. So basically, these regulations apply to all recipients, programs and activities that are funded by WIOA. The governor of each state is required to establish and adhere to Methods of Administration that is consistent with the requirements of 29 CFR 38.

The MOA is approved and monitored by the Civil Rights Center. So this MOA contains policies and procedures and systems to provide a reasonable guarantee of compliance with the nondiscrimination and equal opportunity requirements of WIOA and is implementing regulations. The governor submits a WIOA MOA and again, it is approved by the Civil Rights Center director.

Local areas must adhere to the provisions contained in the state MOA and the MOA should include procedures for obtaining prompt corrective action and imposing sanctions, where necessary, including retroactive and prospective relief when violations have occurred. So what does this mean for non-federal entities?

Well, basically, they must comply with the WIOA Section 188, the regulations at 29 CFR 38 and Section 504 of the Rehabilitation Act of '73, must establish a procedure for processing complaints of discrimination, must monitor subrecipient and service provider compliance with the equal opportunity and nondiscrimination requirements and they must appoint and equal opportunity officer or an officer –

It does not have to be a full-time position, but the person designated must be trained and available to function in that role. So that is important that there is an equal opportunity officer appointed or again, like mentioned earlier, doesn't have to be a full-time position, but it must be an individual that is trained on the requirements and the policies.

So 29 CFR 38.54 requires that the recipient complaint procedures for alleged discrimination contain the following elements, written notice to complainant acknowledging receipt of the complaint, this is similar to other complaints, it should – the notice should be issued within five days of receipt of the complaint, it should be a written statement summarizing the issues raised in the complaint and addressing whether the issues raised in the complaint is being accepted as an actionable complaint.

If the issues raised in the complaint are rejected, you must provide the reasons for the rejection. You must provide in this notice period of time needed for fact-finding or investigation. How much time are you going to need to investigate the complaint? How must time are you going to need to resolve the complaint?

And the method that you're going to use for resolution must include an offer of alternative dispute resolution. And so the recipient must issue the notice of final action within 90 days from the date of the filing. So the time period in between the 90 days needs to identify each element, how much time is going to be spent on investigating the complaint and resolving the complaint must be identified.

So what are the rights and responsibilities of the complainant? So the complainant must file the complaint within 180 days of the incident giving rise to the complaint and only the Civil Rights Center may extend that date. So we are not – or the state is – the recipient is not able to extend the date, it must be extended by the Civil Rights Center and again, this is a complaint of discrimination.

So if the complaint is filed late, the recipient should inform the complainant that it cannot extend the date and that the complainant will need to file with the Civil Rights Center and request an extension of the date from the Civil Rights Center. So if they file it late and you see that it's a late file for an incident that occurred over 180 days, then they have to file directly with the CRC and request an extension.

If they're filing within the right timeframe, they may file the complaint at the state, local level or directly with the CRC. So if it's within the timeframe, the complaint can be filed with the state, local level or they can just file it directly with the CRC. If the local recipient – so if the state or the local recipient is not certain it has jurisdiction, it should just contact the CRC for clarification.

If the state or local recipient takes no action within 90 days or if the complainant is not satisfied with the decision rendered at the level, the complainant may file a new complaint, not an appeal, with the CRC within 30 days of the state or local decision and it's important to know that it is not an appeal of the state or local decision, but rather a new complaint that is filed directly with the CRC.

And it's also important to know that not all discrimination cases are handled by the CRC. Employment discrimination and civil rights cases are referred to the EEOC. Age discrimination complaints are referred to the Federal Mediation and Conciliation Service and if this complaint is not successfully mediated within 60 days, then the complaint goes back to the CRC for resolution.

So as you can hear, there are a lot of steps and processes that must be followed. So it's important to be aware of the process and have someone that's tracking. That's why it is important to have a designated person that receives and tracks the complaints that come into your offices. So resolution of a complaint, what happens if the decision is in favor of the complainant?

If reasonable cause is determined, you just issue a letter of initial determination. First of all, the complainant, I'm sure, is going to be very happy if the decision is in their favor, but you issue a letter of determination, list the specific findings, any corrective action or remedial actions that the recipient proposes and specify if a written agreement is necessary and provides the opportunity for negotiations.

So whether or not the decision upholds the complainant's allegations, the recipient of the complaint must issue a notice of final action that contains information for each issue, the decision on the issue and the reasons for the decision. So basically, your final determination just needs to outline what the initial complaint was, what you identify in your investigation and whether or not the – your investigation substantiated the complaint or if it did not substantiate the complaint, reasons for your decision.

So now we're having another knowledge check, true or false. Please use the polling. We're only going to ask the first question, a discrimination complaint may be filed at the state and local level or with the Department of Labor Civil Rights Center, true or false? We have some that are not sure. Well, a majority – it's moving along. Majority – the answer is true.

A discrimination complaint may be filed with either the state, the local level or with the Civil Rights Center. So they can file it with one or the other. The process and timeframe for handling a discrimination complaint are the same as for nondiscrimination complaints? That is false. There is a different timeframe.

So you need to make sure that you're reviewing the process, the requirements so that you have a written process in place that identifies the different timeframes. There's a 60-day and a 90-day. So we're – I know I'm throwing out a lot of days here, but that's why it's important for you to review and train on the requirements that are identified in WIOA and at 29 CFR Part 98.

So you can take a look at those. So the final segment of this training will be on allegations of fraud or other forms of misconduct and program abuse. The Uniform Guidance established a mandatory disclosure requirement for a non-federal entity to disclose in writing to the federal awarding agency or pass-through entity violations of federal criminal law involving fraud, bribery or gratuity violations that potentially affect the federal award.

So this is a mandatory disclosure requirement that if there's any knowledge or inspected knowledge of fraud, then you must report it immediately to the federal agency.

These types of allegations and issues we have been discussing up to now can usually be classified as program-related complaints, however, these complaints are important issues that are identified on a screen involving fraud, misfeasance, nonfeasance or malfeasance, misapplications of funds, gross mismanagement, employee or participant misconduct, waste and program abuse.

We have issued a technical employment guidance letter, 2-12 and it provides the definitions for each of these Acts and I encourage you to take a look at it. It describes the terms that are identified and it also describes the processes that you must have in place to notify the Department of Labor or the Office of Investigative General, OIG.

So what must recipients report? You're required to document and report the allegations or any suspicions of allegations and complaints immediately through the Department of Labor Incident Reporting System. Now, it's important for you to know that you're not expected to determine whether the allegations are true, but you have to report them to the OIG.

There is a requirement that you must report this to the OIG more quickly if where there's imminent health or safety concerns exist or imminent loss of funds that exceed $50,000. So they must be reported no later than one working day if you have knowledge of such abuse. This is a top picture of an incident reporting form.

It's – the form is number DL-1-151 [sic] and you would submit copies to the OIG and ETA. There are different reporting mechanisms to submit the form. The form is a part of the TEGL. You can access it through the TEGL 2-12 or go online and get it and you can resubmit it through the DOL hotline. For the OIG, you can submit it through the DOL reporting system or it can be channeled through a state or local system.

There are times when we get the incident reports directly for our region – my Region 5 and to our office or there is also times when we get it from the OIG. You can be anonymous reporter or a whistleblower and there are protections for whistleblowers. It extends to the grantees and they're identified or found in the Uniform Guidance at 200.300 statutory and national policy requirements.

So there are protections for you as well if you don't want to be identified and we do receive those types of incident reports as well. So what happens when an incident report is filed? If it goes to the OIG directly, they will take a look at it, they will make a determination on whether or not they will take the case.

If it exceeds a certain threshold or if it appears to be a criminal violation, they will decide if they want to take the case. If they decide they will not take the case, they will send it to the regional office where the incident has been acknowledged or reported against and then what happens is the regional office receives this incident report and then we're tasked with investigating it and it will depend on where the incident occurred.

Generally, if it's an incident that has occurred at the – a local level, we will have the state to conduct the investigation. If it's an incident against the state agency and the OIG has decided not to take it, then our office will take on the investigation and – of the allegations. If it's an incident against a direct grant recipient, we will – and the OIG does not take it on, then the regional office will take it on and conduct the investigation.

There are common types of incidents that we receive, but most often we receive those that are for false timesheets, forging timesheets to receive payments for training or program violations. We get a lot of incidents on program violations where it could be employees complaining, whistleblowing about maybe the staff violating programs.

And so those are the types that we generally get. The sources of our incidents are reported either through tips – I mean, there has been times when we've just – we've gotten incident reports through newspaper reporters that have been conducting some type of investigation or it could be an internal audit or by accident, internal controls.

So there are different methods where we receive incident reports, sometimes they come from employers, sometimes a state employee agency has been made aware of an incident within a local area and they'll fill out a form and submit it to the DOL. So it comes in a variety of ways. But what we want to talk about is how to prevent.

You know, the next thing is how you want to – how to prevent. You know, there's a fraud triangle, basically. Person could be motivated, for whatever reason, to conduct the – to commit fraud. Maybe they see an opportunity, there could be an internal weakness in their – in the controls. We've gone out on monitoring visits where we've seen where blank checks have been left in rooms with open safes or the signatory stamp is right next to it.

So it could just be an opportunity presents itself and someone takes that opportunity. So what you need to do is make sure you have processes in place to avoid fraud. So you want to make sure that you have a robust system of internal controls.

You know, don't keep the stamp with the blank checks. Have systems in place where individuals are cross-checking each other just to avoid the opportunity for a fraud or mismanagement and ensure that you train your staff on this and your service providers and you want to monitor your internal controls and external operations to make sure that everyone is following the proper procedures.

Have the discussion with your staff on ethics training. It's important to have that conversation, have the training. And remember, if there is something that comes up and there's a suspicion or you have heard about it, you want to make sure that you report it immediately. So you want to have a – you're required to establish and implement an incident reporting system.

So just like when you receive complaints or grievances or discrimination complaints incidents you need to have a process in place to receive the incident and a system in place to monitor and track them and report them to the appropriate authorities. So we have another knowledge check. The first question is an incident report is filed for possible criminal activities while a complaint usually relates to possible program violation, true or false?

It's looking pretty good. I think the majority of everyone knows that this is true, just file an incident report and is generally for criminal activities, misuse of funds, fraudulent activity, falsifying time records. So there are some other knowledge check questions that you could take a look at and there's additional tools available to help you throughout your training of this information.

We talked about it in the first few slides where we identified all of the tools that are available, the grant management toolbox that you can access from the WorkforceGPS CS website. And so the Core Monitoring Guide has a section in it as well and this is the guide that we generally use when we go out to conduct our monitoring.

So there's a section in it in Objective 2 on civil rights, complaints, grievances and incident reports and we also – I just want to reiterate that for incident reports, you want to make sure you take a look at the TEGL 2-12 that provides the additional detailed guidance and definitions for the types of incidents and violations that we look at.

So now we are going to – these are some additional – the ETA Uniform Guidance resources. So we really encourage you to take a look at these resources that have been developed to help you with your program operations. A lot of work has been put into it and there's some very good resource materials, good bedtime reading. No.

Web resources and just a reminder of the grant management toolbox loaded with great information. So now we're going to take a look at the questions that have been submitted and just give us a minute to review the questions and then we will start answering them; okay? Thank you.

So now we are ready. I – we're going to – Trevor's going to read the questions and I'm going to provide an answer.

TREVOR CAPON: OK. The first question says is not the Supreme Court currently going to decide if LGBT discrimination is included in the Civil Right of 1964?

MS. TAYLOR: OK. So this is something that is currently in the courts and we cannot comment on it, because it's still being decided.

MR. CAPON: OK. Next question, isn't it now an NDP, not an MOA? She referred to the Methods of Administration, but under WIOA, that document is now Nondiscrimination Plan, NDP.

MS. TAYLOR: OK. So we're going to have to do research on this and get back to you, but if that's what's in WIOA, then that would be the current plan. So we just need to make sure and update our presentation for that. So thank you for that information.

MR. CAPON: Next question, isn't it now the LWDA, not LWIA?

MS. TAYLOR: Yes. It is. That's another change that's been updated in WIOA. So yes, we need to make sure we update that as well. Thank you for that.

MR. CAPON: Next question, our region receives incident reports from one state often, but what if you never receive any from other states because they may not have any, but what is a good way to check – do the FPOs check?

MS. TAYLOR: So when we come – I mean, it is good to make sure that other states are aware of the process. So you may want to have that conversation with them to ensure that they're aware that if there is an incident occurs in that area, that they need to be reporting it and when FPOs come out and monitor, they do look to see that you have policies and procedures in place for receiving incidents and monitoring and resolving those incidents so that it's something that is monitored.

And if you have like an incident report tracking sheet, we will, if time permits, take a look at that to see if you've gone through the steps to resolve it.

MR. CAPON: OK. Next question, if my state agency has employees that handle non-WIOA-related activities, do the employee complaints have to follow WIOA rules for processing?

MS. TAYLOR: Well – so we are – our regulations primarily affects WIOA-funded programs. So if this is a complaint against a program that's funded by WIOA regardless of whether or not the employee is paid for by WIOA, then the rules need to be followed.

MR. CAPON: And that looks like it for questions through the chat.

MS. TAYLOR: OK. One second, please. And I just want to mention that if there – if it's non-WIOA funds, then you need to look at the requirements for that program's funding source to see what their complaint procedures are. We cannot comment on other agency funds, only on WIOA or ETA federal funds.

MR. CAPON: So we have a couple more questions that have been added. If your state has not issued a nondiscrimination plan, should we follow the MOA for WIA?

MS. TAYLOR: Well, they would probably need to update their plan and meet the requirements of WIOA, but a plan should be in place. And so they should – if they have an MOA right now, you should be following a plan, but they need to update it to meet the requirements of WIOA.

MR. CAPON: And last question, is a tribal government a direct recipient?

MS. TAYLOR: Yes. They are. So it looks like we may be at the end of our questions and comment period. We'd like to just thank you all for attending this e-series SMART Training and want to remind you that there are other e-series SMART Trainings that will continue through November on Tuesdays and Thursdays of each week.

So we look forward to you all registering and participating and I will turn it back to Grace now. Thank you.

MS. MCCALL: All right. Excellent.

(END)