INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System

FROM: Teresa L. Voors
Commissioner, Indiana Department of Workforce Development

THROUGH: Dustin Stohler
Deputy Commissioner, Legal Affairs and Administration

DATE: August 22, 2008

SUBJECT: DWD Policy 2008-06
Reporting Procedures for Suspected Violations in the Administration of Grant Resources

Purpose
To establish reporting procedures whereby any Indiana Department of Workforce Development (DWD) employee, vendor, partner, subcontractor, or customer can report allegations of suspected violations of State and federal law with respect to the administration of grant resources

Rescission
None

Contents
The Indiana Department of Workforce Development has a responsibility for ensuring the proper stewardship of state and federal resources and the public and private support that enables it to pursue its mission. To maintain the integrity of the Department's administration of state and federal resources, the Indiana Department of Workforce Development is establishing a reporting procedure whereby any Department employee, vendor, partner, grantee, subcontractor, customer or other concerned individual can report allegations of suspected violations of the state and federal law with respect to the administration of grant resources.

Reporting a Complaint
Notification of Suspected Violation
If an activity is undertaken in the administration of a grant that is in violation of any state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, misuse of government property, willful omission to perform duty, or is otherwise economically wasteful, or involves gross misconduct, incompetency, or inefficiency, the individual must report such conduct to DWD's Director of Investigations and Security or DWD's Legal Affairs section.

Any failure to report a known violation of the law on the part of an employee of the Department of Workforce Development will subject the individual to disciplinary action, up to and including termination.

The Indiana Department of Workforce Development will recommend disciplinary action to employers in a contractual relationship with the State of Indiana or any subcontracted entity funded in whole or in part by Department grants/contracts if their employee(s) fail to report a known violation of the law.

Filing a Report

Any person may report allegations of suspected violations. Reports of allegations should be made in writing to ensure a clear understanding of the issues raised. Such reports should be factual rather than speculative or conclusory, and contain specific information to allow for proper assessment of the nature, extent, and urgency of preliminary investigative procedures. Reports should include the names and contact information, if known, of any witnesses in order to facilitate investigation of the suspected violation(s).

Time Frame for Reporting

The Indiana Department of Workforce Development encourages prompt notification and reporting of alleged violations. Delayed reporting, however, will not in and of itself preclude the Department from investigating the allegation(s).

Roles, Rights and Responsibilities

Reporting Party

Reporting parties have a responsibility to be candid with investigators and others to whom they make a report of alleged violation of the law. Protection of a reporting party's identity will be maintained to the extent possible within the legitimate needs of the law and the investigation.

Investigation Subject(s)

A subject is a person who is the focus of investigative fact-finding either by virtue of an allegation made or evidence gathered during the course of an investigation.
Subjects should normally be informed of the allegations at the outset of a formal investigation. Subjects have a duty to cooperate with investigators, and are prohibited from withholding, destroying, or tampering with evidence, or from influencing, coaching, or intimidating reporting parties or participants. The identity of a subject should be maintained in confidence to the extent possible given the legitimate needs of the law and the investigation.

Participant(s)

Any party that is interviewed, asked to provide information, or otherwise participates in an investigation has a duty to fully cooperate with the investigator(s). Participants should refrain from discussing or disclosing the investigation or their testimony with anyone not connected to the investigation. In no case should the participant discuss with the investigation subject the nature of evidence requested or provided or testimony given to investigators unless agreed to by the investigator. Requests for confidentiality by participants will be honored to the extent possible within the legitimate needs of the law and the investigation.

Resolution
The outcome of the investigation may or may not support a conclusion that a violation was committed and, if so, by whom.

If an investigation leads Indiana Department of Workforce Development officials to conclude that a violation has occurred, the results of the investigation shall be reported to the Prosecutor's Office or other appropriate law enforcement agency.

Any disciplinary or corrective action initiated against the subject as a result of an investigation pursuant to this policy shall adhere to the applicable disciplinary procedures.

If the violation is committed by a non-state staff member whose employer is in contractual relationships with the State of Indiana or any subcontracted entity funded in whole or in part by Department grants/contracts, such contractual relationship will be subject to immediate review and termination.

Anyone who is found by the General Counsel to have intentionally filed a report knowing the same to be false and not in good faith shall be subject to appropriate disciplinary action. The same recommendations will be made to employers in a contractual relationship with the State of Indiana or any subcontracted entity funded in whole or in part by Department grants/contracts.

Protection Against Retaliation
No individual who, in good faith, reports an alleged violation of the law shall be subjected to adverse employment consequences or other form of retaliation by Indiana Department of Workforce Development staff. Anyone that retaliates against someone who has reported such an occurrence in good faith shall be subject to disciplinary action, up to and including termination of employment.

Review Date
September 30, 2010

Ownership
DWD Investigations and Security
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204
Telephone: 317.232.7187

DWD Legal Affairs
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10 North Senate Avenue
Indianapolis, IN 46204
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Effective Date
Immediately

Action
All Indiana Workforce Investment System employees including grantees and sub-grantees as well as State merit and non-merit staff shall be aware of reporting procedures for suspected violations in the administration of grant resources.