Grantee Risk Factors: Key Regulations Every Grantee Should Know

Presented By

Duane Hall
U.S. Department of Labor
Division of Indian and Native
American Programs



What Risk?
I have had this grant for over 40 Years!



NEWS | U. S. DEPARTMENT OF LABOR
OFFICE OF INFORMATION, WASHINGTON, D. C. 20210

Contact: John Mason
Office : (202) 376-6909
Home : (703) 525-6780

USDA -- 74-256

FOR RELEASE: A. M. Editions
Wednesday, September 18, 1974

100 INDIAN MANPOWER SPONSORS TO RECEIVE OVER $50 MILLION FROM LABOR DEPARTMENT

Secretary of Labor Peter J. Brennan announced today that 100 Indian tribes and other Native American organizations have been designated as prime sponsors under Title III, Section 302, of the Comprehensive Employment and Training Act (CETA).

These prime sponsors have been tentatively allocated $30,097,173 of the anticipated Title III appropriation for Indian programs of $61,700,000. The funds are to be used to operate a variety of manpower programs and activities.

Designation of additional Indian manpower program prime sponsors is expected in the next two months.

Sponsors and allocation for each are as follows:



Grantee Changes in PY 2018

New Grantees

CA - United American Indian Involvement
MN - Northwest Indian OIC
NE - Ponca Tribe of Nebraska
WA - Suquamish Indian Tribe

Grantees no longer funded as of July 1, 2018

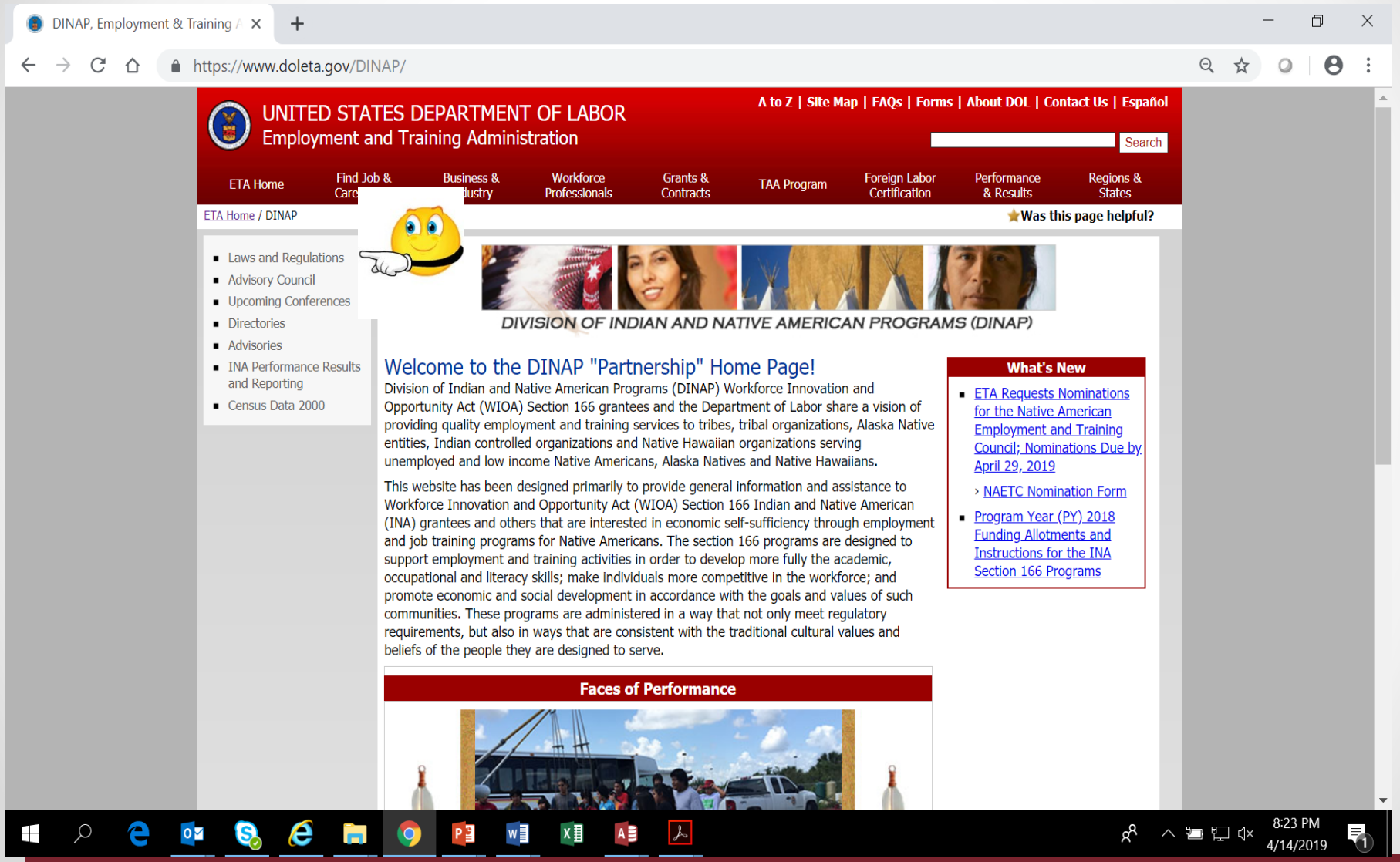
AZ - Native Americans for Community Action, Inc.
CA - Southern California Indian Center, Inc.
CA - Ya-Ka-Ama Indian Education and Development, Inc.
MI - Pokagon Band of Potawatomi Indians
NE - Indian Center, Inc.
OK - Four Tribes Consortium of Oklahoma
OK - Seminole Nation of Oklahoma
WI - Wisconsin Indian Consortium



Laws, Regulations and other Requirements You Must Know

Heirarchy of Authority

- The Workforce Innovation and Opportunity Act (WIOA)
- WIOA Final Rule (a.k.a. WIOA Regulations)
- Uniform Administrative Requirements, Cost Principles and Audit Requirements (a.k.a. Uniform Guidance)
- Grant Terms and Conditions
- DOL / ETA Policies issued in Training and Employment Guidance Letters (TEGLs)


DINAP, Employment & Training
https://www.doleta.gov/DINAP/
UNITED STATES DEPARTMENT OF LABOR
Employment and Training Administration
A to Z | Site Map | FAQs | Forms | About DOL | Contact Us | Español
Search
ETA Home
Find Job & Career
Business & Industry
Workforce Professionals
Grants & Contracts
TAA Program
Foreign Labor Certification
Performance & Results
Regions & States
ETA Home / DINAP
Was this page helpful?
Laws and Regulations
Advisory Council
Upcoming Conferences
Directories
Advisories
INA Performance Results and Reporting
Census Data 2000
DIVISION OF INDIAN AND NATIVE AMERICAN PROGRAMS (DINAP)
Welcome to the DINAP "Partnership" Home Page!
Division of Indian and Native American Programs (DINAP) Workforce Innovation and Opportunity Act (WIOA) Section 166 grantees and the Department of Labor share a vision of providing quality employment and training services to tribes, tribal organizations, Alaska Native entities, Indian controlled organizations and Native Hawaiian organizations serving unemployed and low income Native Americans, Alaska Natives and Native Hawaiians.
This website has been designed primarily to provide general information and assistance to Workforce Innovation and Opportunity Act (WIOA) Section 166 Indian and Native American (INA) grantees and others that are interested in economic self-sufficiency through employment and job training programs for Native Americans. The section 166 programs are designed to support employment and training activities in order to develop more fully the academic, occupational and literacy skills; make individuals more competitive in the workforce; and promote economic and social development in accordance with the goals and values of such communities. These programs are administered in a way that not only meet regulatory requirements, but also in ways that are consistent with the traditional cultural values and beliefs of the people they are designed to serve.
What's New
ETA Requests Nominations for the Native American Employment and Training Council; Nominations Due by April 29, 2019
› NAETC Nomination Form
Program Year (PY) 2018 Funding Allotments and Instructions for the INA Section 166 Programs
Faces of Performance
8:23 PM
4/14/2019



Key Requirements in WIOA

(c) PROGRAM AUTHORIZED.—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organization

---

(e) PROGRAM PLAN.- In order to receive a grant or enter into a contract or cooperative agreement under this section, an entity described in subsection (c) shall submit to the Secretary a program plan that describes a 4-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area served by such entity.



Key Requirements in WIOA Final Rule (Regulations)

684.250 Can an Indian and Native American grantee's grant award be terminated? (a) Yes, the Grant Officer can terminate a grantee's award for cause, or the Secretary or another Department of Labor official confirmed by the Senate can terminate a grantee's award in emergency circumstances where termination is necessary to protect the integrity of Federal funds or ensure the proper operation of the program under sec. 184(e) of WIOA. **(b)** The Grant Officer may terminate a grantee's award for cause only if there is a substantial or persistent violation of the requirements in WIOA or the WIOA regulations.



683.145 (b) Prior to issuing a Federal financial assistance award under WIOA title I, subtitle D, the Department will conduct a risk assessment to assess the organization's overall ability to administer Federal funds as required under 2 CFR 200.205. As part of this assessment, the Department may consider any information that has come to its attention and will consider the organization's history with regard to the management of other grants, including Department of Labor grants. **(c)** In evaluating risks posed by applicants, the Department will consider the following:

(1) Financial stability;

(2) Quality of management systems and ability to meet the management standards prescribed in this part;

(3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;

(4) Reports and findings from audits; and

(5) The applicant's ability to implement effectively statutory, regulatory, or other requirements imposed on non-Federal entities.

Are You an "At Risk" Grantee?



Do You Have:

- A Large amount of unspent funds at the end of the program year (Excess Carry-In)?
- A high average cost per participant (not serving enough participants)?
- Disallowed costs from an independent audit, OIG audit or on-site review?

Are You:

- Substantially and persistently late in submitting reports?



Indicators of Risk

Excess Carry-In and High Average Cost Per Participant

Risk Report For: PY 2018

RCIP_NO	Risk	Award Amount	Participants Served	Cost Per Participant	Carry Over	Ent. Emp Rate	Ret. Rate	Avg. Earnings	Ranking	Source
63		$105,913	71	$1,492	1%	91%	92%	$12,237	1/116	UI Wages
178		$195,077	101	$1,931	0%	80%	100%	$15,716	2/116	UI Wages
206		$226,501	107	$2,117	7%	95%	92%	$10,256	3/116	Supplemental
492		$330,680	123	$2,688	0%	89%	98%	$10,647	4/116	UI Wages
48		$152,705	52	$2,937	0%	100%	96%	$15,429	5/116	UI Wages
648		$90,308	26	$3,473	9%	71%	100%	$12,116	6/116	UI Wages
695		$133,853	31	$4,318	0%	96%	97%	$17,314	7/116	UI Wages
476		$82,788	56	$1,478	3%	57%	80%	$16,844	9/116	UI Wages
2732		$289,487	118	$2,453	0%	59%	100%	$9,627	11/116	Supp & UI Wages
182		$149,130	573	$260	4%	53%	73%	$11,033	12/116	UI Wages



Delinquent Reports

Adult Quarterly Financial Reporting Analysis

Document Number	Program Year	Quarter	Obligation	Expenditure	Unliquidated Obligations	Total Expenditures	Funds Remaining	Date Submitted	Final Report	Delinq Status	
AB292553U0	2016	9/30/2016	$807,456.00	$117,783.13	$0.00	$117,783.13	$689,672.87	10/31/2016	N		LM
		12/31/2016	$807,456.00	$329,859.15	$0.00	$329,859.15	$477,596.85	2/13/2017	N		LM
		3/31/2017	$807,456.00	$492,953.90	$0.00	$492,953.90	$314,502.10	5/1/2017	N		LM
		6/30/2017	$807,456.00	$662,965.67	$0.00	$662,965.67	$144,490.33	8/9/2017	N		LM
		9/30/2017	$807,456.00	$807,456.00	$0.00	$807,456.00	$0.00	11/13/2017	Y		AC
AB29255850	2017	6/30/2017	$797,766.00	$0.00	$0.00	$0.00	$797,766.00		N		
		9/30/2017	$797,766.00	$28,501.77	$0.00	$28,501.77	$769,264.23	11/13/2017	N		LM
		12/31/2017	$797,766.00	$220,081.25	$0.00	$220,081.25	$577,684.75	2/14/2018	N		LM
		3/31/2018	$797,766.00	$410,073.62	$0.00	$410,073.62	$387,692.38	8/7/2018	N	Late	LM
		6/30/2018	$797,766.00	$616,526.52	$0.00	$616,526.52	$181,239.48	8/7/2018	N		LM
		9/30/2018	$797,766.00	$797,766.00	$0.00	$797,766.00	$0.00	10/11/2018	Y		AC
AB32278G50	2018	6/30/2018	$860,657.00	$10,091.14	$0.00	$10,091.14	$850,565.86	11/14/2018	N	Late	LM
		9/30/2018	$860,657.00	$10,091.14	$0.00	$10,091.14	$850,565.86	12/18/2018	N	Late	LM
		12/31/2018	$860,657.00	$243,387.66	$0.00	$243,387.66	$617,269.34	2/13/2019	N		AC



Important Regulations You Should Be Aware of

- Administrative Cost Rate (20 CFR 684.830 & 683.215) and Terms and Condition
- Conflict of Interest (20 CFR 684.630 (b) & (d)
- Eligibility (684.300 and 684.430 for youth participants also see high poverty areas at https://ina.workforcegps.org/)
- Allowable Activities (20 CFR 684.310 and 678.430 also see cheat sheet).
- Submission of a 4-Year Strategic Plan (20 CFR 684.700)
- Allowable (20 CFR 684.810, 683.200)



Important Regulations You Should Be Aware of

- Administrative Cost Rate (20 CFR 684.830 & 683.215) and Terms and Conditions
- Conflict of Interest (20 CFR 684.630 (b) & (d)
- Eligibility (684.300 and 684.430 for youth participants also see high poverty areas at https://ina.workforcegps.org/)
- Allowable Activities (20 CFR 684.310 and 678.430 also see cheat sheet).
- Submission of a 4-Year Strategic Plan (20 CFR 684.700)
- Allowable (20 CFR 684.810, 683.200)



Important Citations in Uniform Guidance You should know

- Selected Item of Costs (2 CFR 200.420 – 200.475)
- Reasonable Costs (2 CFR 200.404)
- Allocable Costs (2 CFR 200.405)
- Compensation and Automobiles (2 CFR 200.431)

Most Notable Grantee Issues

- Under expenditure of WIOA funds
- Not serving enough participants given the size of grant award
- Lack of Supportive Service Policy
- Excess Cash
- Lack of involvement/leadership from the board of directors and not holding regular meetings



Reasons Tribes and Organizations Lose Funding

- Political Strife
- Disgruntled employee reports grant mismanagement, fraud and abuse
- OIG Audit
- Disallowed costs that cannot be repaid