Working with Grantees to Ensure Oversight and Safeguarding Federal Funds

CNCS Office of Inspector General



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Purpose

- Understand the Mission of the OIG
- Learn From Common Audit and Investigative Findings
- Prevent Fraud in CNCS Programs and Operations
- Obligation to Report Fraud When Identified
- Whistleblower Protections
- Know How to Contact the OIG



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OIG Mission

- Improve efficiency and effectiveness of CNCS programs and operations
- Prevent and detect waste, fraud, and abuse by:
 - Conducting audits, evaluations, and investigations;
 - Reviewing pending legislation and regulations;
 - Recommending policies; and
 - Keeping the CNCS CEO and Congress informed about deficiencies, recommendations, and corrective actions.



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OIG Independence

- By law, OIG is independent of CNCS
- We report directly to Congress and are funded by a separate appropriation
- OIG personnel must remain objective at all times in conducting our work and must be free of personal or organizational conflicts of interest with grantees and sub-grantees



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What is an OIG Audit

- An OIG audit is a comprehensive review of a grantee or a CNCS program
- It measures the organization's compliance with the grant terms and conditions according to laws, regulations, and grant provisions
- OIG personnel also determine whether financial management standards are met



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OIG Audit Plan

- Legislatively required audits/reviews
- OIG Risk Assessment which includes:
 - Materiality
 - Single Audit Report Results
 - New Program
 - Extent of Prior CNCS-OIG Audits
 - CNCS grant monitoring results
 - OIG Hotline Tips
- Publicly Available



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The Audit Process



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Notification

- Audits are performed by OIG in-house auditors or external contract auditors (CPA firms)
- Contract auditors have the same rights to access grantee data and records, and make copies, as OIG in-house auditors



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Audit Planning

- Auditor
 - Gathers auditee information
 - Performs risk assessment (includes selecting sub-grantees for testing)
 - Creates the audit program
- Auditee
 - Coordinates entrance conference with sub-grantees and others
 - Timely assembles documentation requested by the auditor
 - Provides full access to documentation, staff, members/volunteers



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Audit Preparation

Question:

What is the best way for grantees to prepare for an audit?

Answer:

- Understand your grant's criteria and budget
- Have adequate financial management systems, policies, and procedures in place *prior to* the grant award (2 C.F.R. 200, Uniform Grant Guidance)
- Maintain all grant supporting documents
- Provide timely responses to audit requests
- Provide OIG full access to your files, staff and members
- Check with subgrantees to ensure they are ready for audit site visits

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Audit Fieldwork

- Provide grantee a PBC (Prepared by Client) list of audit requests
- Coordinate an Entrance Conference between the grantees, subgrantees (as applicable), CNCS OIG, and CNCS personnel
- Audit fieldwork is typically 1-2 weeks at each grantee site
- Audit testing includes reviewing Federal and Match transactions, member files, and interviewing auditee staff and members



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Oops, we don't have documentation

If the auditors ask for documentation that you don't have:

- It could be a difference between what the auditor asks for and what you call it – discuss what they are asking for
- If the documents do not exist, tell the auditor. Do not try to create documents that is worse than not having them
- Give the auditors direct access to the individuals who possess the documentation and can answer questions about the documents

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Exit Conference and Draft Report

- An Exit Conference is held to discuss the results of the audit
- This should not be the first time findings are discussed with the auditee
- A draft report is issued for CNCS management and grantee management to provide their views (agree or disagree with findings and recommendations)



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Responses to the Draft Report

- The recommendations are addressed to CNCS management
- CNCS management and grantee respond to the draft report
- CNCS management states agreement or disagreement with the findings and recommendations
- The grantee states agreement or disagreement with the findings



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Final Report

- The auditors incorporate the responses and comments into the report
- The final report is issued to CNCS, and posted to the OIG's website <u>www.cncsoig.gov</u> and to <u>www.oversight.gov</u> for the viewing public
- A copy is provided to the grantee
- CNCS Office of Debt and Resolution will contact the grantee to start the CNCS Audit Resolution process



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You feel like this after your organization addressed all audit recommendations and resolved all corrective actions...





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What Do We Generally Review....

- Policies and Procedures
- Financial Management Systems
- Match Contribution Records
- Timekeeping Records (i.e. to support salary and benefits claimed and members' hours on grants)
- Subgrantee Monitoring
- Criminal History Checks
- Member Files



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Policies and Procedures

- Request grantee's and subgrantees' written policies and procedures
- In alignment with the Uniform Grant Guidance 2 CFR § 200, CNCS grant provisions and grant terms and conditions:
 - Financial Management System protocol
 - Subpart E Cost Principles and the terms and condition of the grant
 - Member Files
 - Teleservice
 - Criminal History Checks
 - Subgrantee Monitoring.
- Addresses roles and responsibilities and promotes separation of duties

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Financial Management Systems 2 CFR § 200.302

- Separate accounting records for each Federal grant
- Accurate, current, and complete disclosure of the financial results of each Federal award
- Make sure that grant funds are used solely for authorized purposes
- Make sure that grantee's Federal Financial Reports (FFRs) or subgrantee's Periodic Expense Reports (PERs) reconcile to internal accounting records
- Compare expenditures with budget amounts

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Match 2 CFR § 200.306

- Must be allowable according to 2 CFR Subpart E-Cost Principles
- Must be documented in the same level of detail as Federal costs: source documentation as canceled checks, paid bills, canceled invoices, packing slips, payroll documents, and time and attendance records
- Salary and benefits must be supported by timekeeping systems that meet 2 CFR 200.430 requirements
- In-kind Rent must be supported by the square feet occupied and the cost per square foot, rental agreement/letter, etc.
- Event tickets (e.g. baseball game) must be supported by documentation to validate the fair market value of the tickets, identify the individual(s) who received the tickets, and recipient affiliation with respective CNCS grant

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Timekeeping/Personnel Services Compensation

- System of internal controls should exist for timekeeping under Uniform Grant Guidance (2 C.F.R. 200.430 Compensation).
- Referrals to OIG Investigations:
 - Timesheets not signed by the employee and/or supervisor.
 - Employee or member signatures varied from timesheet to timesheet (someone other than the employee signed the timesheets).
 - Member claimed excessive hours:
 - 12 to 13 hours per day for 13 days in a row.
 - 24 hours charged in a day, without explanation.
 - When service sites are closed, holidays, weekends, nights
 - At the end of service period





Sub-grantee Monitoring (2 C.F.R. 200.331 (b) – (h))

- Detailed written description of grantee's monitoring process
- Review documentation to support monitoring results
- Make sure monitoring tools are consistent with policy
- Make any necessary adjustment to the pass-through entity's records based on reviews and audits of sub-grantee
- Provide feedback and required corrective action(s) and follow-up
- Monitoring Approach:
 - $\,\circ\,$ Is not limited to desk reviews
 - $\,\circ\,$ Is driven by your monitoring policy and risk assessment
 - $\,\circ\,$ Requires documents, documents and documents



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2 C.F.R. 200: Uniform Grant Guidance & Other Grant Financial Management Resources

- eCFR (<u>http://www.ecfr.gov</u>); under Title 2: Grants and Agreements; Section 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards)
- US Chief Financial Officers Council (<u>https://cfo.gov/grants/</u>)
- Grants Training 101 Modules (CFO Council online resources)
- FAQs updated as of July 2017 available on CFO Council web site, (select "Grants", then select "Uniform Guidance", then click the hyperlink in the second paragraph)
- "Key Concepts of Financial and Grants Management" <u>(https://www.nationalservice.gov/resources/financial-management/key-concepts-financial-and-grants-management)</u>



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- Your Program Officer/Grant Officer (New Portfolio Managers)
- Learning Management System: Litmos
- CNCS National Service Knowledge Network Website
 <u>http://www.nationalservice.gov/resources</u>





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Why Should You Report Fraud?

- Grant terms and conditions require notification to OIG <u>without delay</u> when fraud suspected (and to take no further action/investigation);
- Required under the UGG (2 C.F.R. § 200.113);
- To deter others from committing fraud/waste/abuse;
- To protect the integrity of the Federal, State, and Local programs;
- To avoid being part of the fraudulent/criminal activities;
- We may refer you for suspension/debarment if you failed to report fraud; and
- To protect the programs in your community from closing if fraudulent activity continues.



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The Investigative Process

- Hotline or Direct Reporting or Proactive Initiative
- Review Information Personnel, Program, or Fraud
- Determine Who Handles OIG, CNCS, or Grantee
- Coordinate with Complainant (If known)

- Conduct Preliminary Inquiry or Investigation
- Site Visit
- Coordinate with U.S. Attorney's Office, CNCS (Program/Grants), Commission, or Grantee
- Report of Investigation (Administrative Recommendations)
- Resolution

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Site Visit



• In Brief

- Review Member and Fiscal Documents
- Interview Staff (individually)
- Interview Members (individually)
- Visit Service Site
- Interview Recipient of Services
- Out Brief (at discretion of investigator)

Note: Policy is to record all interviews



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Two Types of Fraud

Criminal

- Embezzlement
- Bribery
- Contract-related fraud
- Kickbacks
- False statement
- Obstruction of Federal audit
- Fabrication/Destruction/ Falsification of records

Civil

- False Claims Act 31 U.S.C. § 3729
- Presents a false claim for government payment(s)
- Makes a false record or statement
- Conspires to get a false claim paid

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False Claims Act (FCA) 37 U.S.C. §3729 - 3730

- Knowingly submits a false claim to the government or causes another to submit a false claim to the government
- Knowingly makes a false record or statement to get a false claim paid by the Government
- Knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government
- Knowingly does not require intent
 - Reckless Disregard is Sufficient

Damages may be up to treble government loss

-Multiplier often reduced for entities that self disclose false claims

In addition, penalties may be imposed for each individual false claim

- Approximately \$11,000 to \$22,000 per false claim





Year in Review

STAFF INFLATED TIMESHEETS	STAFF ALTERED OR FABRICATED CHCS	MEMBER SEXUALLY ASSAULTED STUDENT AT SERVICE SITE
STAFF CHARGED 100 PERCENT SALARY TO THE GRANT BUT PERFORMED NON GRANT RELATED DUTIES	STAFF ENROLLED GHOST MEMBERS	MEMBERS DIRECTED TO PERFORM SERVICE OUTSIDE THE SCOPE OF THE GRANT
MEMBERS INFLATED SERVICE HOURS ON THEIR TIMESHEETS	DOUBLE BILLING – CHARGED THE GRANT FOR SERVICE PAID THROUGH ANOTHER ENTITY	FALSE EDUCATION AWARD CERTIFICATION



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Negative Publicity

Department of Justice



U.S. Attorney's Office

Eastern District of Pennsylvania

FOR IMMEDIATE RELEASE

Friday, June 28, 2019

Our Lady of Lourdes Agrees to Pay Over \$1.1M to Resolve Claims It Failed to Perform Background Checks, Fraudulently Billed U.S. for Community Service Grants

PHILADELPHIA and CAMDEN – United States Attorneys William M. McSwain for the Eastern District of Pennsylvania and Craig Carpenito for the District of New Jersey jointly announced that Our Lady of Lourdes Health Foundation and two related Our Lady of Lourdes companies have agreed to pay \$1,143,881.19 to resolve claims arising from Lourdes' administration of community service grants funded through the Corporation for National and Community Service (CNCS).

From 2014 until 2017, Lourdes either failed to perform these criminal history checks or failed to keep records of doing so. As a result, 46 individuals were permitted to serve in an FGP or SCP project without any documentation that they received one or more of the required criminal history checks. When a monitoring visit was scheduled in 2017, Lourdes employees cut-and-pasted other background checks in an attempt to conceal this failure from CNCS officials.

In addition, Lourdes employees – including two program supervisors – falsely completed time sheets showing program participants serving hours that were impossible, because the locations at which they were purportedly serving were closed.

Department of Justice

SHARE 🥐

U.S. Attorney's Office

Eastern District of California

FOR IMMEDIATE RELEASE

Friday, May 22, 2020

University of San Francisco Agrees to Pay over \$2.5M for Alleged False Claims in Its Administration of AmeriCorps Grants

SACRAMENTO, Calif. — The University of San Francisco (USF) has agreed to pay \$2,561,727 to resolve allegations under the False Claims Act that it knowingly presented false and fraudulent claims to the Corporation for National and Community Service (CNCS) in order to secure federal grant funds under the AmeriCorps State and National Program. CNCS is an independent federal agency that administers the AmeriCorps national service program.

Department of Justice



U.S. Attorney's Office

Eastern District of Kentucky

FOR IMMEDIATE RELEASE

Tuesday, July 16, 2019

Madison County Woman Agrees to Pay Damages for Submitting False Claims to AmeriCorps Program

LEXINGTON, Ky. – A Madison County woman has agreed to resolve civil allegations that she violated the False Claims Act, a federal law that prohibits the submission of false or fraudulent claims, agreeing to pay the federal government, after admitting that she falsified timesheets that caused her to wrongfully receive federal funds from the AmeriCorps Program.

Common Findings

Timesheets

- Supervisor is not reviewing or verifying service hours
- Excessive hours (15+ in one day or weekends, unsupported)
- Submitted weeks/months late
- Missing signatures
- Multiple revisions/white-out of hours (vulnerability with paper timesheets)
- Same number of hours everyday (is that typical?)

Criminal History Checks

- Falsified records/documents
- Conducted late
- Incomplete/missing
- NSOPW search on wrong name (must be legal name)
- Results not reviewed

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Sample Documents Presented to USAO Criminal and/or Civil



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Altering a Document to be Compliant



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Notice of Grant Award

Application for Federal Assistance

PART I - FACE SHEET

APPLICATION FOR FEI Modified Standard Form 424 (Rev.02/07 to conf		1. TYPE OF SUBMISSION: Application X Non-Construction			
22. DATE SUBMITTED TO CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (CNCS):	8. DATE RECEIVED BY STATE	STATE APPLICATION DENTIFIER:			
2b. APPLICATION ID:	4. DATE RECEIVED BY FEDERAL AGENCY:	FEDERAL DENTIFIER:			

Terms of Acceptance: By accepting funds under this grant, the Grantee agrees to comply with all terms and conditions of the grant that are on the Corporation's website at https://egrants.cns.gov/provisions/Final2013AmeriCorpsProvisions8-25-13.pdf, all assurances and certifications made in the Grant application, and all applicable federal statutes, regulations and guidelines. The Grantee agrees to administer the funded Program in accordance with the approved Grant application and budget(s), supporting documents, and other representations made in support of the approved Grant application.

Corporation for National and Community Service:

"Terms of Acceptance: By accepting funds under this grant, the Grantee agrees to comply with all terms and conditions of the grant that are on the Corporation's website at ... The Grantee agrees to administer the funded Program in accordance with the approved Grant Application and budget(s), supporting documents, and other representations made in support of the approved Grant application."

"TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE **GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED** ASSURANCES IF THE ASSISTANCE IS AWARDED"

e. DATE SIGNED:

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAFPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSUSTANCE IS AWARDED.

d. SIGNATURE OF AUTHORIZED REFRESENTATIVE

A TYPED NAME OF AUTHORIZED REPRESENTATIVE. b. TITLE . TELEPHONE NUMBER: (808) 237-2128

For Official Use Only

Notice of Grant Award

Corporation for National and Community Service 250 E Street SW, Suite 300 Washington, DC 20525-0001 (202) 606-5000

False Expenditure of Stipend Payments



20 hours for reading "How to Sleep Better"

- 4 hours for reading "Facts Isolation"
- 16 hours reading "The Age of Baby Boomer"
- 8 hours holiday The paid holiday was Good Friday, the grantee did not list Good Friday as a holiday in their policy.

No service performed for an entire pay period, volunteer was paid *mileage – where did they go?*

Hours not Related to AmeriCorps Service

EXTRA SERVICE REQUEST	
Member Name	 "I took my son, my daughter and two of my daughter friends to attend taco night and to watch movies 5:30 p.m. – 9:30 p.m."
Supervisor Signature Date Director Signature Date	Approved
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	SEPTEMBER 15 – 17, 2020



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Certifications

Federal Financial Report

on November 15.2	018 5:20 PM	Fed	eral Financial	Report					
		(F	ollow form instru	uctions)					
		-		-					
I. Federal Agency and O Element to which Repor	rganizational t is Submitted	2. Feder Number	ral Grant or Other Identi Assigned by Federal /	llying Agency			Page	of	
Corporation for National a	nd Community Service						1	1	
8. Reolpient Organizatio	n (Name and complete a	iddress, includi	ng ZIP oode)						
4a. DUNS Number	4b. EIN	6. Recipient /	Account Number or Ide	ntilying Numbe		Quarterly	7.Ba	sis of Ac	oounting
						Semi-Annual			
						Annual		Cash	X Accrual
						Final	-		
8. Project/Grant Period						ng Period End Daf			
From: (Month, Day, Y	ear)	To: (Month, D	ay, Year)		(Month,	Day, Year)			
10. Transactions								Cumu	lative
Use lines a-c for single o	r multiple grant reporting)								
Federal Cash									
a. Cash Receipts									
b. Cash Disbursemen	ts								
c. Cash on Hand (line	a minus b)								
/se lines d-o for single gr	ant reporting)								
Federal Expenditures a	nd Unobligated Balance	,							
d. Total Federal funds	authorized								
e. Federal share of e	spenditures								
f. Federal share of ur	liquidated obligations								
g. Total Federal share	(sum of lines e and f)								
h. Unobligated balance	e of Federal funds (line)	d minus g)							
Recipient Share									
I. Total recipient share	e required								
J. Recipient share of e	expenditures								
k. Remaining recipein	t share to be provided (il	ne i minus ()							
Program Income									
I. Total Federal progra	am income earned								
m. Program income es	pended in accordance v	with the deduction	in alternative						
n. Program income ex	pended in accordance v	th the addition	alternative						
o. Unexpended progr	am income (line I minus li	ne mor line n)							
1. Indirect a. Type	b. Rate c. Per	riod From	d. Period To	e. Base		f. Amount Charge	ed	g. Fede	ral Share
Expense									
2. Remarks: Attach any	explanations deemed nee	essary or inform	ation required by Federa	I sponsoring age	ency in con	plance with govern	ing legis	lation:	
No federal fands other than fi	nds from CNCS were used to o	any out the program()	i) funded under this grant.						
 Certification: I certify to forth in the award document 	the best of my knowledge a rents. I am aware that any fi	nd bellef that the r alse, fictitious, or t	eport is true, complete, an audulent information may	d accurate and th subject me to crit	e expenditur vinal, civil, o	res,disbursements an r administrative pena	d cash re lifes. (U.S	celpts an I. Code, T	tor the purpos tile 18, Section
. Typed or Printed Name and Title of Authorized Certifying Official			c 1	c. Telephone (Area code, number and extension)					
. Signature of Authorized Certifying Official			d. 1	d. Email Address					
					e. (Date Report Submitt	ed (Mont	h, Day, '	Year)
					14. A	genov use only:			

Education Award Certification

Education Award Status

Indicate whether or not the Member is eligible for an education award. Please be sure to follow the Corporation's regulations in making this selection. If the Member is going to serve another term under the National Service Trust, a new National Service Enrollment Form must be completed.

Select

Did the member perform satisfactorily (complete all assignments, tasks, and projects)?

🔍 Yes 🔍 No

Certification of Service

To the best of my knowledge and belief, the time the above-listed member reported as AmeriCorps service hours did not include any service activities prohibited by law, regulation, or grant provision.

I certify that the Hours of Service Performed indicated on this form for this AmeriCorps member are true and accurate.

I understand that a knowing and willful false statement on this form can be punished by a fine or imprisonment or both under Section 1001of Title 18, U.S.C.

Standard Form 425 - Revised 10/11/20 OMB Approval Number 0348-0061 Emiration Date 02/28/2015 Certification: I certify to the best of my knowledge and belief that the report is true, complete, and accurate and the expenditures, disbursements and cash receipts are for the purpose set forth in the award documents. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)

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Consequences of Fraud

- Lying to Investigators or Auditors is a <u>crime</u> - 18 U.S.C. § § 1001, 1519
- Knowingly providing fraudulent or altered documents is a <u>crime</u>
- False information in grant applications or reporting false data in performance reports is also a <u>crime</u>

- Criminal prosecution (jail)
- Civil remedies against the organization
- Suspension/debarment on grantee and/or individual(s) - administrative
- Debt collection from grantee administrative



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How to Prevent Fraud

- An effective monitoring/oversight program
- Periodic review of timesheets
- Unannounced visits to service sites
- Talk to members individually about their service/experience
- Add additional layer of review (CHCs, Timesheets, Expenses)
- Thorough member/site supervisor training
- Create Transition Plan/SOPs for future program staff
- Teleservice policy
- Maintain a hotline/share information about how to file complaints and share concerns

What good practices do you have in place

to prevent/detect fraud?

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Whistleblower Protection

Whistleblower protection now extends to employees of contractors, sub-contractors, grantees, and sub-grantees who disclose information related to:

- Gross mismanagement of a Federal contract or grant;
- Waste of Federal funds;
- Abuse of authority relating to a Federal contract or grant;
- Substantial and specific danger to public health and safety; and
- Violations of any law, rule, or regulation related to a Federal contract or grant

https://www.cncsoig.gov/whistleblower-protection

Coordinator@cncsoig.gov





Reporting Criminal Activity/Ineligibility/Misconduct



- Criminal activity in the program Member/Volunteer arrested for sexual assault/misconduct (regardless if it was related to the program/during service hours/involved beneficiary);
- Prior fraudulent/criminal incident was discovered on a later date, but CNCS-OIG was never notified;
- Public Health and Safety Matters Member/Volunteer CHC returned and were found to be ineligible to serve;
- If initial report to CNCS-OIG involves fraud along with other issues, CNCS-OIG needs to know all allegations and issues; and
- Prohibited activities, staff displacement



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- Report suspected fraud, waste, or abuse
- Information is confidential
- You may remain anonymous

Provide all important details

(names, dates, grantee information, etc.)

Call 800-452-8210

Email hotline@cncsoig.gov

Visit our website https://cncsoig.gov

https://www.oversight.gov

Your identity can be kept





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