

AmeriCorps Policies and Procedures

Policy Number: 102
Revision Number: 4

Effective Date: January 6, 2022

Title: Reporting Waste, Fraud, and Abuse, Cooperating with Office of Inspector General (OIG) Inquiries, and Whistleblower Protections

Purpose: This policy sets forth the obligations of all AmeriCorps personnel at all levels (e.g., employees, contract employees, and members of the Board of Directors) to (a) report waste, fraud, and abuse to the OIG without taking further investigative steps; (b) cooperate with OIG inquiries; and (c) protect whistleblowers.

Who is Covered: AmeriCorps employees, contract employees, and members of the Board of Directors. Contractor and grantee staff are covered—and protected—by the reporting requirements and whistleblower protections discussed in this policy as provided for by law and the applicable contract or grant terms.

Policies Replaced: Previous version.

Originating Office: Office of the Chief Executive Officer.

Approved By:

A handwritten signature in black ink, appearing to read 'JMa', is written over the 'Approved By:' label.

Jenny Mauk
Chief of Staff

Reporting Waste, Fraud, and Abuse, Cooperating with Office of Inspector General Inquiries, and Whistleblower Protections

1. What is the purpose of this policy?

This policy is designed to protect the integrity of AmeriCorps programs, activities, and operations by requiring that waste, fraud, and abuse be timely reported to the appropriate authorities. It also describes the responsibilities of all AmeriCorps personnel at all levels (e.g., employees, contract employees, and members of the Board of Directors) (collectively AmeriCorps employees) to cooperate with the Office of Inspector General (OIG) in the course of OIG inquiries, as well as the protections accorded to whistleblowers.

2. What should be reported to the OIG?

All AmeriCorps employees, contract employees, and Board members are required to report to the OIG, without delay, any reasonable or actual suspicion of, or information or evidence that suggests, waste, fraud, or abuse in connection with AmeriCorps operations, programs, activities, contracts, or grants at any level. *See* Standards of Ethical Conduct for Employees of the Executive Branch, [5 CFR §2635.101\(b\)\(11\)](#) (requiring federal employees including AmeriCorps board members to “disclose waste, fraud, abuse, and corruption to appropriate authorities”). Any question about whether a particular matter should be reported to the OIG should be directed to the OIG Hotline.

- The phrase “without delay” indicates that reporting allegations to the OIG is an urgent priority. Only an emergency or comparable time-sensitive priority takes precedence over the reporting obligation.
- AmeriCorps employees, contract employees, and Board members always have a right to communicate directly with OIG. You do not need permission from anyone before reporting to the OIG.

Other than reporting to the OIG, any individual who becomes aware of possible waste, fraud, or abuse should take no further steps to investigate, except as directed by OIG staff or to prevent the destruction of evidence or information. After reporting to the OIG, individuals or their managers may consult with Office of the General Counsel regarding appropriate prospective actions. Before initiating any management or supervisory actions, AmeriCorps employees will inform the OIG of their plans and any timing exigencies. It is the OIG’s practice to work expeditiously with agency managers upon request to deconflict (i.e., identify potential conflicts and seek to resolve) management and supervisory actions from investigative activities and equities. After seeking to deconflict, the agency may take appropriate actions.

a. Definitions

- **Waste** occurs when taxpayers do not receive reasonable value for their money in connection with a government-funded activity due to an inappropriate act or omission by people with control over or access to government resources.
- **Fraud** occurs when someone uses intentional misrepresentation or misleading omission to obtain something of value or to deprive someone, including the government, of

something of value.

- **Abuse** is behavior that is deficient, objectively unreasonable, or improper under the circumstances. Abuse also includes the “arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or that results in personal gain or advantage to her/him or to preferred other persons. There is no de minimis standard for abuse of authority.”

b. Examples of matters to be reported to the OIG:

- any suspected criminal activity or violations of law
- fraud, theft, conversion, misappropriation, embezzlement, or misuse of funds or property from AmeriCorps or an AmeriCorps grantee, subgrantee, contractor, or subcontractor, even if no federal funds were involved
- submission of a false claim or a false statement to AmeriCorps by any person, including an AmeriCorps employee, grantee, subgrantee, contractor, subcontractor, AmeriCorps member, AmeriCorps Seniors volunteer, or any other recipient of AmeriCorps funds
- concealment, removal, obliteration, falsification, forgery, alteration, or unauthorized destruction of government records or records required to be retained in connection with any AmeriCorps program, operations, or activities
- fraud or conspiracy to defraud the government or a government official in connection with any matter relating to the programs and operations of AmeriCorps
- kickbacks, acceptance of illegal gratuities, bribery, extortion, blackmail, or conflicts of interest in connection with AmeriCorps programs, activities, or operations, including any violations of the standards of ethical conduct by an AmeriCorps employee
- gross mismanagement, gross waste of funds, or abuse of authority in AmeriCorps programs, activities, and operations
- arrest, indictment, or other formal charge of criminal conduct in any federal, state, or local court involving an employee of AmeriCorps, a grantee, or a subgrantee
- allegations of whistleblower retaliation in connection with any AmeriCorps programs, activities, or operations brought to the attention of any AmeriCorps personnel
- matters relating to an AmeriCorps program, AmeriCorps employee, grantee, subgrantee, contractor, subcontractor, AmeriCorps member, AmeriCorps Seniors volunteer, or any other recipient of AmeriCorps funds brought to the attention of AmeriCorps personnel by an outside investigatory or law enforcement agency.

3. How should I report waste, fraud, and abuse?

Reports to the OIG may be made:

- in person

- phone: 1-800-452-8210
- the OIG Hotline at <https://www.americorpsoidg.gov/hotline>.

The OIG takes appropriate measures to protect the identity of any individual who reports misconduct, in accordance with [Section 7\(b\) of the Inspector General Act of 1978](#). The telephone and email hotlines both allow (but do not require) anonymous reporting.

AmeriCorps non-supervisory staff may report directly to the OIG, or have their supervisor do so on their behalf, which will include informing the OIG of the staff member's identity. Contractor or grantee staff members are encouraged to report directly to the OIG but may choose to have their AmeriCorps point-of-contact do so on their behalf, including informing the OIG of the identity of the contractor or grantee staff member. AmeriCorps supervisors or contractor/grantee points-of-contact who receive such a report (or are told by staff that a report was made) are required to immediately communicate the information to the OIG.

Any (a) delays in reporting waste, fraud, or abuse, (b) unauthorized investigatory actions, (c) unauthorized disclosures of allegations, or (d) unauthorized disclosures of whistleblower identities may impede OIG investigations and penalize and deter individuals from reporting problems. Failure to comply with the requirements in Sections 2 and 3 of this policy may be grounds for disciplinary action.

4. What is AmeriCorps's policy on cooperating with OIG inquiries?

The OIG provides independent oversight of AmeriCorps programs and operations. As part of its oversight responsibilities, the OIG has the authority to conduct audits, inspections, investigations, and other reviews of AmeriCorps operations, programs, activities, contracts, and grants, (collectively, OIG inquiries).

AmeriCorps' policy is to fully support the OIG's oversight work, to fully assist and cooperate with OIG inquiries, and to expect AmeriCorps personnel to fully assist and cooperate with the OIG.

a. *Full cooperation*

Full cooperation means that the employee must:

- take reasonable and necessary steps to prevent the destruction of evidence or information related to an OIG inquiry
- timely disclose complete and accurate information pertaining to matters under review by the OIG
- upon written request, promptly provide the OIG (including other personnel authorized by the OIG) access to personnel, facilities, records, files, information systems, and other sources of information pertaining to AmeriCorps programs, operations, activities, grants, and contracts, without burdensome administrative requirements or screening procedures that might impede the OIG's access. To ensure proper handling, AmeriCorps staff should, to the maximum extent practicable, identify for the OIG any records provided that contain privacy-protected materials, attorney-client or deliberative

communications, other sensitive information, or materials from entities outside of AmeriCorps. Where necessary, an AmeriCorps employee may consult with the Office of General Counsel as needed, provided that doing so does not delay or prevent reporting or responding to the OIG.

- upon request, assist the OIG in arranging requested interviews
- provide a sworn statement if requested by the OIG, unless that statement could lead to self-incrimination
- maintain the confidentiality of communications with the OIG in connection with an investigation, if requested by the OIG to do so.

It is the OIG's practice, where practicable and consistent with its mission, to coordinate with agency personnel to minimize disruption of their ongoing work in connection with their responses to OIG inquiries. Concerns about the burden of responding to an OIG request for assistance should be raised with the investigator. Where the OIG has not directed the AmeriCorps employee to maintain the confidentiality of the investigation, those concerns may also be raised with the Audits and Investigations Program Manager.

b. *Consequences of failure to cooperate*

Personnel failing to cooperate with the OIG may be subject to (a) disciplinary action for refusing to provide documents or information or to answer questions posed in an OIG inquiry, unless the employee's statement could lead to self-incrimination and (b) criminal prosecution and disciplinary action, up to and including removal, for concealing information, obstructing the OIG's work, or knowingly and willfully furnishing false or misleading information in an OIG inquiry.

c. *Employees' rights*

Employees' rights include:

- An AmeriCorps bargaining unit employee who reasonably believes that they would be subject to discipline as the result of an OIG interview may have a union representative present at the employee's investigatory interview. Bargaining unit employees who wish to request a union representative should do so at least two days in advance unless the circumstances prevent advanced notice.
- In accordance with OIG policy, an AmeriCorps employee or Board member may, at their own expense, have personal counsel present at an investigatory interview.
- By law, OIG investigators will provide AmeriCorps personnel potentially implicated in misconduct with an appropriate advisement of their rights, including the potential use of any statement made by the individual in administrative and/or criminal proceedings against them.

d. *Preserving confidentiality*

Sharing information with the OIG is not intended to, and does not, waive AmeriCorps'

ability to assert privileges or other protections against third parties in any forum. It is OIG practice to handle and store records and information produced by AmeriCorps in a manner appropriate to preserve any applicable privileges for assertion by AmeriCorps.

5. What protections exist for whistleblowers?

A whistleblower is an individual who discloses information to certain individuals or entities that the whistleblower reasonably believes to show:

- a violation of law, rule, or regulation
- gross mismanagement
- a gross waste of funds
- an abuse of authority
- a substantial and specific danger to public health and safety

[The Whistleblower Protection Act of 1989, as amended](#), protects federal employee whistleblowers from reprisal or retaliation for their disclosures. [The Whistleblower Protection Provisions of the National Defense Authorization Act](#) protect federal grantee and contractor employees from reprisal or retaliation for whistleblowing.

AmeriCorps does not tolerate reprisal or retaliation against whistleblowers for reporting concerns or otherwise cooperating with the OIG, whether they are federal employees or contractor or grantee personnel. Violations of this policy may result in disciplinary action, including dismissal if warranted.

AmeriCorps personnel who believe they have been retaliated against for reporting wrongdoing may file a complaint with:

- Office of Special Counsel (www.osc.gov) at (800) 572-2249
- OIG's Whistleblower Protection Coordinator at (800) 452-8210 or by email to Coordinator@AmeriCorpsOIG.gov
- The OIG Hotline at <https://www.americorpsoig.gov/hotline>.

Employees of contractors, subcontractors, grantees, and subgrantees who believe they have been retaliated against for reporting may file a complaint with the OIG Whistleblower Protection Coordinator at (800) 452-8210 or by email to Coordinator@AmeriCorpsOIG.gov.

OIG's Whistleblower Protection Coordinator is available to educate AmeriCorps employees about prohibitions on retaliation for protected disclosures and can also inform anyone who has made or is contemplating making a protected disclosure about the rights and remedies against retaliation.

More information on whistleblower protections can be obtained online at <https://osc.gov/> or

[https://www.americorps.org/whistleblower-protection.](https://www.americorps.org/whistleblower-protection)