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Office of Inspector General—Office of Audit

REPORT TO THE EMPLOYMENT AND TRAINING ADMINISTRATION



JOB CORPS TOOK ACTION TO MITIGATE VIOLENCE, DRUGS, AND OTHER STUDENT MISCONDUCT AT CENTERS, BUT MORE NEEDS TO BE DONE

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Inspector General's Report

December 29, 2017

Rosemary Lahasky
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This report presents the actions ETA and Job Corps have taken to mitigate violence, drugs, and other student misconduct at Job Corps centers following recent Office of Inspector General (OIG) reports. Two murders of Job Corps students in 2015 and OIG reports issued in 2015 and 2017 have significantly increased public and congressional concern about the safety and security of students and staff at the centers.¹ We initiated follow-up work partly as our regular ongoing assessment of ETA's actions to address report recommendations and partly in response to the increased public and congressional concern.

Our 2015 and 2017 reports identified deficiencies in center management's enforcement and Job Corps' oversight of student disciplinary policies. This included policy and oversight weaknesses related to zero-tolerance infractions, significant incident reporting, reporting to law enforcement, and contracting actions for non-compliance. Both reports included recommendations to establish, clarify, and enforce Job Corps safety and security policies. Additionally, on July 31, 2017, the United States Senate Committee on Homeland Security and Governmental Affairs requested an updated review of enforcement and oversight of disciplinary policies following implementation of a new Job Corps Zero-tolerance Policy on July 1, 2016.

¹ Job Corps Needs to Improve Enforcement and Oversight of Student Disciplinary Policies to Better Protect Students and Staff at Centers, Report No. 26-15-001-03-370 (February 27, 2015); Review of Job Corps Center Safety and Security, Report No. 26-17-001-03-370 (March 31, 2017);

Subsequent to our reports, ETA and Job Corps took corrective action. This report summarizes those actions and the status of the related report recommendations. The report also includes the results of additional analysis requested by the noted Senate Committee for the period July 1, 2016, through June 30, 2017, and the work that still needs to be done to ensure safe and secure environments for Job Corps students and staff.

ETA and Job Corps reviewed a draft of this report and provided feedback. We made adjustments to the report as needed.

FOLLOW-UP WORK RESULTS

ETA and Job Corps took action to mitigate violence, drugs, and other student misconduct at centers. Steps were taken to establish, clarify, and enforce Job Corps safety and security policies. However, more needs to be done to ensure center compliance. This includes implementing staffing plans for continuous oversight, establishing standard operating procedures to formalize the oversight, and maintaining documentation showing the deficiencies identified and the respective centers' corrective actions. The OIG has reported on the lax enforcement of Job Corps' disciplinary policies since 2009, yet our reports through March 2017 continued to identify similar concerns. A fully implemented and documented oversight process is needed to ensure future center compliance and safe and secure environments for Job Corps students and staff.

ETA and Job Corps' corrective actions, our additional analysis, and what remains to be done are summarized below for the following areas:

- Zero-tolerance Infractions
- Significant Incident Reports
- Reporting to Law Enforcement
- Contracting Actions for Non-compliance

Zero-tolerance Infractions

Zero-tolerance infractions include the most serious types of student misconduct (e.g., physical assault, sexual assault, drug use and distribution). In our 2015 report, we recommended that ETA: (1) require Job Corps' centers and their respective operators to strengthen policies and procedures to ensure serious student misconduct is promptly reported, investigated, and resolved in accordance with Job Corps' disciplinary policies; (2) clearly define all student misconduct infraction categories to ensure infractions are properly classified, zero-tolerance infractions include all significant violent offences, and all infractions are appropriately addressed; and (3) eliminate the backlog of unaddressed Level I zero-tolerance and Level II infractions that were identified in the report.

Corrective Action

ETA took corrective action to address each of our recommendations related to zero-tolerance infractions. Foremost among these actions were policy revisions and oversight intended to ensure centers understood and took the appropriate disciplinary actions. In July 2016, Job Corps revised its zero-tolerance policy to include violent behavior previously excluded (e.g., physical assault with intent to cause bodily harm), provide clear definitions for each type of infraction, and clarify the types of misconduct or behaviors that apply to each infraction. Job Corps further revised its policies in May 2017 to specifically require centers to enter in Job Corps' Center Information System (CIS) the date and outcome of Fact-Finding Boards (FFBs) held to determine culpability and appropriate disciplinary action. Prior policy was not specific resulting in systemic CIS documentation weaknesses, which hampered Job Corps' ability to remotely monitor center compliance with FFB requirements. As noted in our 2015 report, centers did not hold the required FFBs or did not document them in the CIS.

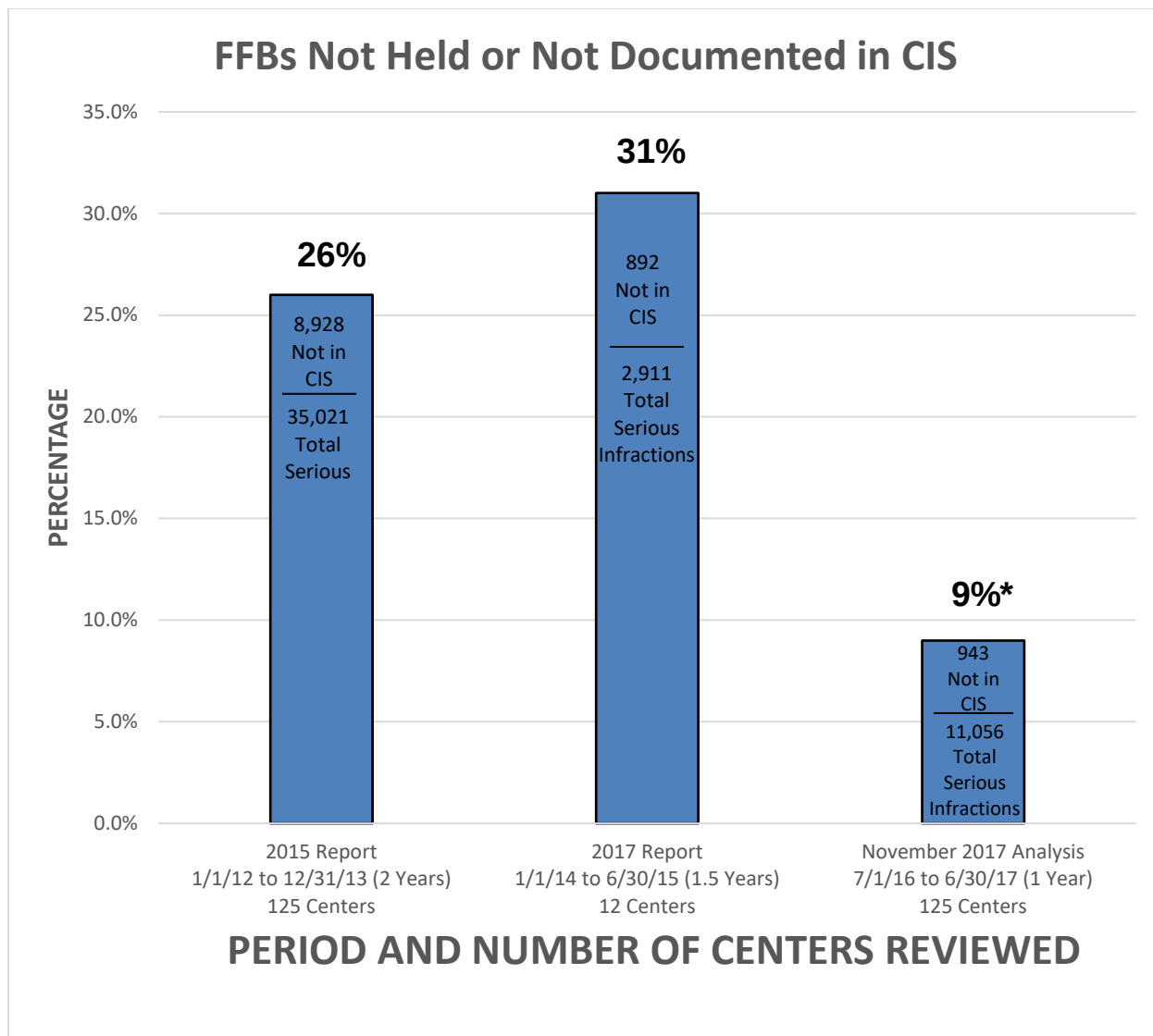
To provide the needed oversight, ETA established a new Job Corps division, the Division of Regional Operations and Program Integrity (DROPI). The division's responsibilities include monitoring centers' adherence to Job Corps' zero-tolerance policy. ETA also developed a risk management process, which includes using a risk management dashboard, to detect the emergence of student misconduct and potential safety concerns and identify high-risk centers.

According to ETA, specific risk-based oversight activities performed by Job Corps included targeted and full center assessments that resulted in Job Corps identifying contract and/or policy violations related to student misconduct and issuing formal written notices of contractual action to center operators. For example, since September 2015, centers were cited 26 times for not conducting investigations and FFBs in accordance with the requirements. Each formal notice of violation was accompanied by a request for corrective action, including target dates for implementation and descriptions of how the operator will monitor and ensure ongoing compliance. To further ensure center compliance, ETA said it has focused on staff training, use of job aids, center conference calls, desk audits, and the establishment of new standard operating procedures.

ETA also eliminated the backlog of 8,928 unaddressed infractions identified in our report. ETA provided us documentation showing that, as of August 3, 2017, one zero-tolerance infraction and five lesser infractions had not been addressed with a FFB as required. The OIG consider these unaddressed infractions to be individual incidents of non-compliance that need to be addressed rather than a backlog indicating continuing systemic problems.

Additional Analysis: Zero-tolerance Infractions

We analyzed zero-tolerance infraction data reported in Job Corps' CIS for July 1, 2016, through June 30, 2017, to determine the number of zero-tolerance infractions that occurred on centers and whether required FFBs were held and documented. We compared the results to similar analysis included in our 2015 and 2017 reports. The following chart shows CIS reporting improved during July 1, 2016, through June 30, 2017, but the number of FFBs not held or not documented in CIS was still significant.



Source: CIS serious infraction data for the noted periods.

*Job Corps broadened its zero-tolerance policy on July 1, 2016, to include serious drug and violence infractions that were not previously covered by the policy. As such, our November 2017 Analysis is based solely on zero-tolerance infractions.

As shown in the chart, centers did not hold or did not document FFBs in CIS for 943 (9 percent) of the zero-tolerance infractions occurring during PY 2016. Further analysis of the system data for the 11,056 students revealed that 10,741 students were separated for a zero-tolerance infraction and another 19 received lesser punishment (e.g., community service, probation) and were allowed to remain on center. We could not determine what occurred for the remaining 296 students.² Although it appears disciplinary action was taken for most students, the lack of documented FFBs in CIS raises concern that students may have been separated without due process or received downgraded disciplinary action and were not separated as required.

ETA was aware of these deficiencies and took corrective action in May 2017, one month before the end of our review period. On that date, ETA issued PRH Change Notice 16-15, Policy and Requirements Handbook Revisions to Sections and Exhibits Related to Fact-Finding Boards, which requires centers to enter the date and outcome of a FFB in the CIS within 48 hours of its completion. Additionally Job Corps implemented a Corrective Action Tracker. This tool will capture center non-compliance, operator corrective actions, and monitoring strategies used by the Regional Office Contracting Officer Representative (COR).

What Remains To Be Done

The elimination of the backlog shows that ETA has taken action to address our recommendations related to zero-tolerance infractions.

However, more needs to be done to ensure continuous oversight and center compliance. According to Job Corps management, significant resources were pulled from non-related program areas to revise and establish the noted policies and oversight, with those other non-related areas negatively impacted by the loss of resources. Job Corps leadership said maintaining the focus on student misconduct policy and oversight is not sustainable with temporary resources.

The establishment of DROPI, with staff specifically dedicated to policy enforcement and oversight, is intended to address that concern. However, ETA indicated a hiring freeze has resulted in Job Corps filling only two of the division's eight authorized full-time positions. As of December 22, 2017, the division chief and physical security specialist positions have been filled, but six positions remain vacant: two supervisors and four workforce development specialists/program analysts. As noted in our 2015 report, the lack of management emphasis contributed to weak enforcement and oversight of student disciplinary policies. Job Corps will continue to be challenged to provide effective enforcement and oversight if DROPI is not adequately staffed and operating as intended.

² ETA provided the following information regarding the 296 students on December 22, 2017: 85 separated using non zero-tolerance code (possible data entry error), 67 retained due to apparent center non-compliance, 49 retained for unknown reasons, 48 found not guilty, 35 separated after our review period, 8 guilty decisions overturned by center director, 3 reinstated after guilty decisions successfully appealed, and 1 separated due to fraudulent enrollment.

ETA also needs to develop standard operating procedures for Job Corps' DROPI risk management and oversight processes. This includes requiring documentation showing identified center deficiencies and implemented corrective action to be maintained. Formal operating procedures and documented results are critical to ensuring continuous and effective oversight and enforcement.

Significant Incident Reports

Job Corps policy requires center operators to report specific types of significant incidents to Job Corps' National and Regional Offices through its Significant Incident Reporting System (SIRS). Job Corps' 125 centers submitted 14,650 significant incident reports through SIRS for the period July 1, 2016, through June 30, 2017. These incidents included: serious injury, illness, or death of a student or staff; damage to student, staff, or center property; and center vehicle accidents. Also included were certain student and staff misconduct incidents involving physical and sexual assault, weapons possession, drug distribution, and theft. Inaccurate or incomplete significant incident reporting hinders Job Corps' ability to fully understand the security risks at centers and exercise appropriate oversight. In our 2017 report, we recommended that ETA establish, clarify, and enforce policies that ensure significant incidents are reported to Job Corps and correctly classified.

Corrective Action

During fieldwork for our Job Corps Center Safety and Security review (2017 report), ETA began addressing our concerns about incomplete and inaccurate SIRS reporting. These concerns were partially addressed in its revised zero-tolerance policy, effective July 1, 2016. Specifically, the policy's Exhibit 3-1, "Infraction Levels, Definitions, and Appropriate Center Actions," was revised to clearly define behavior infractions, prescribe center actions, and specify reporting requirements for significant incidents. ETA said it included significant incident reporting in system-wide training conducted to ensure uniform understanding and enforcement of student conduct policies. Additionally, ETA said Job Corps' national and regional leadership monitors significant incident reports filed by centers and often reaches out to gather more information to ensure Job Corps policy is consistently and appropriately applied.

Additional Analysis: Significant Incident Reports

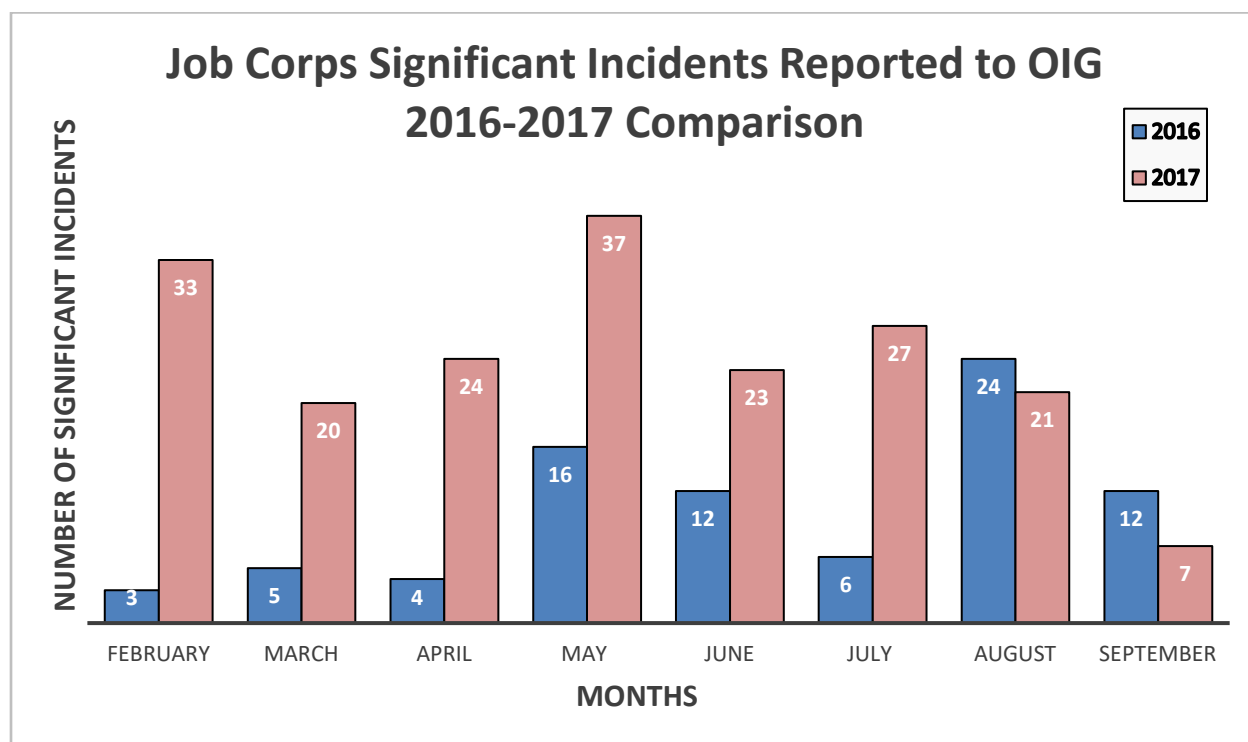
In February 2016, ETA began reporting select significant incident reports to the OIG. The incidents reported generally involved the following:

- Alleged sexual assault that resulted in an arrest
- Assaults resulting in a hospital visit
- Possession of a firearm or other incident involving a lethal weapon
- Any death on center or any death of a Job Corps student or center employee in immediate vicinity

- Possession of a controlled substance with intent to distribute, as alleged by law enforcement
- Fraud, including any serious misconduct by federal employees or contractors
- Other serious incidents which have or are reasonably expected to result in Congressional, media, or other public review or scrutiny

The information provided for each significant incident included the date and time of the incident, if law enforcement was involved, the number of Job Corps victims/perpetrators, the number of Non-Jobs Corps victims/perpetrators, and a detailed description of the incident.

We compared the number of significant incidents reported to the OIG for the same 8-month periods in 2016 and 2017 to determine whether the noted types of incidents had increased or decreased. We found during February through September 2016 the number of significant incidents reported to the OIG was 82, compared to 192 for the same 8-month period in 2017, an increase of 134 percent. The chart below is a side-by-side comparison of the number of significant incidents reported to the OIG in 2016 and 2017 for each month during February through September.



Source: OIG Significant Incident Report Log for 2016 and 2017.

ETA said it believes the increase in the number of significant incidents reported to the OIG is due to more accurate incident reporting and not necessarily because there has been an increase in significant events occurring. ETA said the improved accuracy reflected changes in significant incident reporting requirements for centers that occurred

concurrent with the implementation of Job Corps' revised zero-tolerance conduct policy. We agree more accurate reporting likely contributed. However, an actual increase in significant incidents is also possible. Job Corps needs to ensure ongoing reporting is complete and accurate to fully understand security risks at centers and exercise appropriate oversight.

What Remains To Be Done

As noted, ETA has initiated action to ensure significant incidents are reported to Job Corps and correctly classified. However, additional action establishing continuous and effective oversight is needed. ETA needs to establish standard operating procedures detailing the oversight to be conducted, and provide supporting documentation to show that the monitoring by national and regional leadership has been fully implemented and is effective.

Reporting to Law Enforcement

The lack of law enforcement involvement for potentially serious criminal misconduct could compromise center and community safety as students are not held legally accountable. In our 2017 report, we recommended that ETA: (1) ensure Job Corps' centers report potentially serious criminal misconduct to law enforcement; (2) define when law enforcement is to be contacted and the center staff authorized to contact law enforcement; and (3) establish jurisdictional agreements that cover applicable federal, state, and local law enforcement for each center.

Corrective Action

ETA took corrective action to address each of these recommendations. On July 24, 2017, Job Corps revised its policy for contacting law enforcement. The revisions required centers to:

- contact law enforcement when serious crimes or emergencies occur;
- enter into annual law enforcement agreements that specifically define local, state, and federal law enforcement's respective responsibilities and the specific circumstances under which each should be contacted;
- develop standard operating procedures that are consistent with the center's law enforcement agreement and Job Corps policy; and
- allow all students and staff to contact 911 or any law enforcement agency.

ETA stated that Job Corps Regional staff will review the annual law enforcement agreements and standard operating procedures submitted by centers to ensure the content meets requirements. The regional staff will also perform on-site center assessments and remote desk audits to assess compliance with the law

enforcement agreements and Job Corps policy requirements. If centers are not complying, appropriate follow-up actions will be taken.

Additional Analysis: Reporting to Law Enforcement

As part of our follow-up work, we reviewed SIRS data for July 1, 2016, to June 30, 2017, to determine the percentage of potentially criminal misconduct incidents reported. For each incident in SIRS, Job Corps required centers to enter a descriptive incident code (e.g., assault, sexual assault, illness, vehicle accident) and whether law enforcement was involved. Job Corps centers reported 14,650 significant incidents during the review period. Of these, we used the descriptive codes to identify 4,370 incidents that were potentially serious criminal misconduct, and found that only 1,436 (33 percent) noted law enforcement involvement. Either law enforcement was not involved or the involvement was not documented as required in SIRS.

These results were similar to the findings that prompted the previously noted recommendations in our 2017 report. However, these results do not reflect the subsequent corrective actions taken by ETA to address those recommendations. ETA's corrective actions were initiated on July 24, 2017, one month after the period reviewed in our above follow-up analysis.

What Remains To Be Done

As noted, ETA has initiated action to address our recommendations and ensure potentially serious criminal misconduct is reported to law enforcement. To ensure systematic and continuous oversight, ETA needs to establish standard operating procedures detailing the oversight to be conducted. ETA also needs to provide supporting documentation to show that the oversight has been implemented.

Contracting Actions for Non-compliance

Ninety-nine of Job Corps' 125 centers are operated by private contractors. In our 2015 report, we recommended that ETA develop and implement an effective deterrent, such as financial penalty to better enforce centers' compliance with Job Corps' student disciplinary requirements.

ETA said it fully implemented a progressive escalation process of corrective action in April 2015 to enforce center operator compliance with their contracted responsibilities, including student disciplinary requirements. According to ETA, this approach is now an integral part of the program's contract administration strategy resulting in the issuance of numerous Letters of Concern, Cure Notices, and Show Cause Letters, as well as the non-renewal of contracts in cases where contractors were not performing satisfactorily.

Additionally, on January 17, 2017, Job Corps' National Director and the Office of Contracts Management's Administrator jointly issued to their staff standard operating procedures for documenting and issuing correspondence to Job Corps contractors in

connection with identified concerns related to a contractor's ability to successfully perform a Job Corps contract and meet its contractual obligations. Job Corps is also developing new provisions for future contracts to place all operators on notice that the violation of requirements pertaining to safety and security including student disciplinary requirements may be considered a material breach of contract and could result in termination for default.

Additional Analysis: Contracting Actions for Non-compliance

We determined whether ETA took actions against contractors for non-compliance with Job Corps' safety and security policies during July 1, 2016, through June 30, 2017. ETA provided information indicating the level of contracting actions taken during the period:

- 16 “Letters of Concern” identifying non-compliance and the need for a corrective action plan were issued to various centers
- 6 “Cure Notices” identifying continued non-compliance and potential ramifications (e.g., suspension or disbarment) if not corrected were issued to various centers
- No contractors were disbarred or suspended

Although ETA did not disbar or suspend any private contractors during the period, it did suspend operations at a center operated by the United States Department of Agriculture’s Forest Service. Operations at the Golconda Job Corps Center in Golconda, IL, were permanently suspended due to poor performance in a number of areas, including the inability to enforce student discipline.

What Remains To Be Done

ETA needs to provide documentation that their noted correction actions have been fully implemented. The documentation should include the notice provided to contractors stating any violations of Job Corps student disciplinary requirements may be considered a material breach of contract and could result in contractual actions. Copies of contract or contract modifications that highlight these contract provisions should also be included.

Resolved and Closed Recommendations

OIG considers a recommendation “resolved” when the agency provides a corrective action plan that adequately addresses the recommendation. The plan must include the responsible agency official and an estimated date for full implementation. To “close” the recommendation, the agency must provide evidence the corrective actions have been fully implemented.

Our 2015 report had six recommendations to correct deficiencies in center management's enforcement and Job Corps' oversight of student disciplinary policies. Our 2017 report had nine recommendations to correct deficiencies in center responses to potentially serious criminal misconduct, center physical security, and the program's mitigation efforts for violence, drugs, and other student misconduct. Based on information ETA provided, we closed two recommendations from our 2015 report. The corrective action plans for the remaining 13 recommendations have not been fully implemented.

The memos we provided to ETA detailing the actions taken and what still needs to be done for the OIG to consider each recommendation fully implemented and closed are provided as Attachment 1 (2015 report) and Attachment 2 (2017 report).

We appreciate the cooperation and courtesies that ETA and Job Corps extended to the OIG during this project.



Elliot P. Lewis
Assistant Inspector General
for Audit

Attachment 1

U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210



November 8, 2017

MEMORANDUM FOR: NANCY M. ROONEY
Deputy Assistant Secretary
for Employment and Training

FROM: *Elliot P. Lewis*
ELLIOT P. LEWIS
Assistant Inspector General
for Audit

SUBJECT: Status of Recommendations for Audit Report
Number 26-15-001-03-370, Job Corps Needs to
Improve Enforcement and Oversight of Student
Disciplinary Policies to Better Protect Students and
Staff at Centers

The OIG made six recommendations in the report referenced above. Based on our review of the corrective actions ETA has reported to us as of August 14, 2017, we have closed two recommendations and resolved four. The attachment provides our requirements for closing the four resolved recommendations.

Please provide an updated response for the four resolved recommendations when the required actions are completed. If you have any questions, please contact Ray Armada, Audit Director, at (415) 235-8173, or Jon Ling, Audit Manager, at (415) 902-3833

Attachment

cc: Lenita Jacobs-Simmons, National Director, Office of Job Corps
Sandra Foster, Administrator, Office of Contracts Management
Julie Cerruti, Audit Liaison, ETA
Greg Hitchcock, Audit Liaison, ETA

Working for America's Workforce

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Recommendation 1 – Resolved

We recommended the Assistant Secretary for Employment and Training require Job Corps' centers and their respective operators to strengthen policies and procedures to ensure serious student misconduct is promptly reported, investigated, and resolved in accordance with Job Corps' disciplinary policies.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) Established a new Job Corps division, the Division of Regional Operations and Program Integrity (DROPI), in response to the findings in the report and to improve program integrity and oversight. The division's responsibilities include monitoring centers' adherence to Job Corps' Zero Tolerance Policy and Procedures and ensuring incoming complaints are referred to the appropriate office and addressed. However, the freeze on the hiring of federal civilian employees has resulted in Job Corps filling only two of the division's eight authorized full-time positions. A supervisor position and one physical security specialist have been staffed, but the following six positions remain vacant: one division chief, one supervisor, and four workforce development specialists/program analysts.

Job Corps obtained a hiring freeze exception to fill the division chief position and is currently working to fill this position. Additionally, Job Corps is drafting hiring freeze exception packages for the vacant supervisor and four analyst positions. ETA said Job Corps' proposed staffing plan is subject to the ongoing hiring freeze restrictions and may have to be re-evaluated in February 2018 based on DOL's hiring authority.

Standard operating procedures for DROPI's monitoring of centers' adherence to Job Corps' Zero Tolerance Policy and Procedures and incoming complaints will be completed by March 31, 2018.

- 2) Developed a risk management process, which includes using a risk management dashboard, to predict the emergence of student misconduct and safety issue and identify high-risk centers. ETA provided specific examples of its risk-based oversight activities as follows:
 - Targeted and full center assessments that resulted in Job Corps identifying student violations related to student misconduct and issuing formal written notices of contractual action to center operators. Since September 2015, Job

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Corps has cited centers 31 times for not developing and adhering to standards of conduct; 26 times for not conducting investigations and Fact-Finding Boards (FFB) in accordance with the requirements; and 6 times for not ensuring that all student infractions and sanctions were documented using the Center Information System (CIS). Each formal notice of violation was accompanied by a request for corrective action, including target dates for implementation and descriptions of how the operator will monitor and ensure ongoing compliance.

Standard operating procedures for the risk management process will be completed by July 31, 2018.

- Regional Office Contracting Officer's Representatives (CORs) determine whether operator corrective actions are acceptable on the basis of relevance, feasibility, proposed completion time, and proof of implementation. Corrective actions have included providing technical assistance and training to staff; hiring of new staff; increased corporate oversight; and new standard operating procedures for center staff.
- Regional Office CORs monitor the implementation and success of operator corrective actions using a combination of desk audits, review of student conduct disposition logs submitted by centers, unannounced site visits, student focus groups, and bi-weekly conference calls with center and operator personnel.
- In May 2017, Job Corps issued Policy Requirements Handbook (PRH) Change Notice 16-15, PRH Revisions to Sections and Exhibits Related to FFBs, which requires centers to enter the date and outcome of a FFB in the CIS within 48 hours of its completion. ETA acknowledged that because previous policy requirements did not explicitly state that actual FFB dates must be entered into CIS, centers did not consistently enter the date into CIS. With FFB reporting requirements formalized in policy, Job Corps now uses enhanced CIS reports to remotely monitor serious student misconduct reporting by centers, including the investigation and resolution of incidents. Contractual action may be taken for failure to comply.
- Job Corps has also implemented and is working on refining a corrective action tracking system to capture violations,

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operator corrective actions, and monitoring strategies used by the Regional Office COR until such time as violations are deemed "closed" as evidenced by the COR's chosen monitoring strategy.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide:

- 1) Standard operating procedures for DROPI's monitoring of centers' adherence to Job Corps' Zero Tolerance Policy and Procedures and incoming complaints, and documentation showing the division is staffed and operating as described.
- 2) Standard operating procedures for Job Corps' risk management process. Documentation, such as but not limited to standard operating procedures, showing centers and center operators' corrective action plans have been implemented and are operating as described.
- 3) Documentation detailing the corrective actions taken by centers and their respective operators, ETA's approval of the actions, and ETA's standard operating procedures for ensuring the corrective actions are implemented and working as described.

Recommendation 2 – Closed

We recommended the Assistant Secretary for Employment and Training clearly define all student misconduct infraction categories to ensure the infractions are properly classified, zero tolerance infractions include all significant violent offences, and all infractions are appropriately addressed. This includes providing specific definitions and/or examples for serious infractions such as physical assault with bodily harm, fighting, physical assault with intent to harm, threat of assault with intent to intimidate or coerce, and sexual harassment.

ETA's Corrective Actions – In February 2016, June 2016, and December 2016, ETA issued PRH Change Notices 15-09, 15-15, and 16-07 to revise its student misconduct policy. The revisions included, but were not limited to:

- 1) Reclassifying violent offenses, which were previously considered less serious, as Level I zero tolerance infractions. Reclassified offenses included threat of assault with intent to intimidate or coerce, physical assault with intent to cause bodily harm, fighting, and arrest for a violent misdemeanor.

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- 2) Adding new Level I zero tolerance infractions and definitions – “threat to safety” and “illegal activity.”
- 3) Providing clear definitions for each infraction, including sexual harassment, and clarifying the types of misconduct or behaviors that apply to each infraction.
- 4) Revised the Level I zero tolerance infraction, “possession or distribution of drugs on center or under center supervision.” To make clear that misusing over-the-counter medications to achieve an intoxicated state is prohibited, the revision specifies that such use is a Level 1 offense.

OIG’s Conclusion – Based on our review of the documentation provided, this recommendation is closed.

Recommendation 3 – Resolved

We recommended the Assistant Secretary for Employment and Training require regular monitoring and prompt investigation of significant increases in reported serious student misconduct.

ETA’s Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) As noted in the corrective actions for Recommendation 1, ETA developed a risk management process to ensure oversight and monitoring activities are focused on emerging student misconduct and safety issues and identify high-risk centers.
- 2) On January 12, 2016, issued Job Corps PRH Change Notice 15-08. The notice revised Job Corps’ policy for regional monitoring to define triggers that will compel Job Corps center visits, including monitoring trips, safety reviews, or full or targeted assessments.

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- 3) Implemented a process for regions to review Significant Incident Reports (SIRs) submitted by centers. Regional Directors are required to report to Job Corps' Administrator or Deputy Administrator within 24-48 hours, incidents determined to be of national concern so that Job Corps leadership can assess the situation and initiate any policy development or leadership actions needed. Such reports are followed by monitoring at the Regional level to ensure that incidents are resolved as quickly as possible. Job Corps alerts ETA and other appropriate agency leadership, as warranted.
 - In the course of the ongoing regional reviews of SIRs, Job Corps identified incident descriptions that did not include basic details about the incident or provide reviewers with a comprehensive understanding of what occurred. Additionally, corrective actions provided in many SIRs were generic, rather than issue-specific assessments of the incidents that included strategies to reduce recurrence of similar events to the maximum extent possible.
 - As a result of these findings, Job Corps conducted system-wide training in April 2017 to help centers better understand the key information that should be included in the incident description and corrective action narrative.
- 4) To facilitate consistent SIR review, ETA is developing a checklist for Job Corps' Regional Office staff to use in determining the accuracy and completeness of each report.
- 5) ETA is currently drafting standard operating procedures to formalize its SIRs escalation and review processes. ETA plans to have the standard operating procedures in place by December 31, 2017.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide:

- 1) Standard operating procedures for Job Corps' risk management process.

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- 2) Standard operating procedures for Job Corps regional and national offices' SIRs review, reporting, and corrective action process, along with supporting documentation to show this process is operating as described.

Recommendation 4 – Closed

We recommended the Assistant Secretary for Employment and Training eliminate the backlog of unaddressed Level I zero tolerance and Level II infractions identified by our audit.

ETA's Corrective Actions – ETA took the following corrective actions:

- 1) Reviewed CIS data to determine whether there were currently students enrolled in the program with unaddressed Level I and II infractions. The CIS report generated by Job Corps on August 3, 2017 indicated six infractions (one Level I, five Level II) had not been addressed as required.
- 2) As noted in the corrective actions for Recommendation 1, after May 2017, Job Corps began using enhanced CIS reports to remotely monitor serious student misconduct reporting by centers, including the investigation and resolution of incidents.

OIG's Conclusion – Based on our review of the documentation provided, this recommendation is closed. Job Corps has eliminated the backlog of 8,928 infractions identified by our audit and is monitoring serious student misconduct reported by centers. This includes the investigation and resolution of incidents and taking contractual action for failure to comply. The OIG considers the six infractions noted above as individual incidents of non-compliance that need to be addressed rather than a backlog indicating continuing systemic problems.

Recommendation 5 – Resolved

We recommended the Assistant Secretary for Employment and Training develop and implement an effective deterrent, such as financial penalty, to better enforce centers compliance with Job Corps' student disciplinary requirements.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) Job Corps enforces a progressive escalation process of corrective action. This is accomplished via the issuance of formal contractual action letters sent to center operators through the Office of Contracts Management. ETA said this approach—fully implemented in April 2015—is now an integral part of the program's contract administration strategy resulting in the issuance of numerous

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Letters of Concern, Cure Notices, and Show Cause Letters, as well as the non-renewal of contracts in cases where contractors were not performing satisfactorily.

- 2) On January 17, 2017, Job Corps' National Director and the Office of Contracts Management's Administrator jointly issued to their staff a memorandum entitled Procedures for Addressing Concerns with Contractor Performance. The memorandum provides standard operating procedures for documenting and issuing correspondence to Job Corps contractors in connection with identified concerns related to a contractor's ability to successfully perform a Job Corps contract and meet its contractual obligations.
- 3) Job Corps is developing new provisions for future contracts to place all operators on notice that the violation of requirements pertaining to safety and security including student disciplinary requirements may be considered a material breach of contract and could result in termination for default. Job Corps expects to complete this work by the end of calendar year 2017.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide documentation that the actions have been completed, which should include copies of:

- 1) Contract or contract modifications that include a reference stating any violations of the PRH, including provisions related to student disciplinary requirements, may be considered a material breach of contract and could result in contractual actions.
- 2) A Program Instruction Notice issued to current contractors stating and highlighting these contract provisions.

Recommendation 6 – Resolved

We recommended the Assistant Secretary for Employment and Training determine and work with their respective contracting personnel to recover liquidated damages for prolonging disciplinary separations and overstating on-board strength.

ETA's Corrective Actions – ETA said it will review the exceptions identified in the audit report and provide its analysis by January 31, 2018.

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Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close the recommendation, ETA needs to provide:

- 1) Documentation supporting the analysis performed, the amounts of liquidated damages assessed for each contract, and the amounts collected.
- 2) Reasons any liquidated damages could not be assessed and instances where supporting records were not retained by centers or their respective operators.

Attachment 2

U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210



November 8, 2017

MEMORANDUM FOR: NANCY M. ROONEY
Deputy Assistant Secretary
for Employment and Training

FROM: 
ELLIOT P. LEWIS
Assistant Inspector General
for Audit

SUBJECT: Status of Recommendations for Audit Report
Number 26-17-001-03-370, *Review of Job Corps
Center Safety and Security*

The OIG made nine recommendations in the report referenced above. Based on our review of the corrective actions ETA has reported to us as of August 25, 2017, we have resolved all nine recommendations. The attachment provides our requirements for closing the nine resolved recommendations.

Please provide an updated response to the resolved recommendations when required actions are completed. If you have any questions, please contact Ray Armada, Audit Director, at (415) 235-8173.

Attachment

cc: Lenita Jacobs-Simmons, National Director, Office of Job Corps
Sandra Foster, Administrator, Office of Contracts Management, ETA
Julie Cerruti, Audit Liaison, ETA
Greg Hitchcock, Audit Liaison, ETA

Working for America's Workforce

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Recommendation 1 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that ensure Job Corps' centers report potentially serious criminal misconduct to law enforcement.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) On July 24, 2017, Job Corps rescinded its Policy Information Notice (PIN) 16-9, Safety and Security – Cooperation with Law Enforcement, issued on August 30, 2016. Job Corps superseded the PIN with updated requirements in its Policy and Requirements Handbook (PRH), Section 5.4, *Personal Safety and Security*, and in PRH Exhibit 5-2, *Plan and Report Submission Requirements*. The revisions included, but were not limited to:
 - Center operators are required to enter into law enforcement agreements with law enforcement agencies and include specified minimum content requirements. One requirement is that the agreement must specify the circumstances under which the center will contact law enforcement. Centers are required to submit the agreements to Job Corps annually.
 - Centers are required to develop standard operating procedures for center safety and security. Centers must specify in the procedures the circumstances and process under which law enforcement will be contacted, consistent with the center's agreement with law enforcement and the requirements for contacting law enforcement listed in the PRH.
 - Centers are required to contact law enforcement when serious crimes or emergencies occur. A list of crimes for which centers are required to contact law enforcement is provided; however, the PRH indicates that the list is not meant to be all-inclusive.
 - Centers are prohibited from restricting staff and students from contacting 911 or any law enforcement agency.

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- 2) ETA stated that Job Corps Regional staff will review the law enforcement agreements and standard operating procedures submitted by centers to ensure the content meets the PRH requirements of Section 5.4. During on-site center reviews, regional offices will assess, as applicable, whether other requirements of Section 5.4 of the PRH are being met. If Regional Offices determine that centers are not meeting requirements, appropriate follow-up actions will be taken.
- 3) Standard operating procedures for the oversight to ensure centers are meeting the requirements of Section 5.4 of the PRH will be completed by March 31, 2018.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide standard operating procedures for the oversight to ensure centers report potentially serious criminal misconduct to law enforcement and documentation showing that the oversight has been implemented.

Recommendation 2 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that ensure significant incidents are reported to Job Corps and correctly classified.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) Centers are required to report and correctly classify significant incidents. ETA said its new Zero Tolerance Student Conduct Policy, effective on July 1, 2016, addressed the OIG's concerns about reporting and classification of significant incidents. The change revised PRH Exhibit 3-1, *Infraction Levels, Definitions, and Appropriate Center Actions*, to clearly define behavior infractions, prescribe center actions, and specify reporting requirements for significant incidents. All Level I Infractions and many Level II Infractions require a Significant Incident Report (SIR) and ETA said it conducted training for all components of the Job Corps system to ensure uniform understanding and enforcement of student conduct policies system wide.

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- 2) Job Corps' national and regional leadership review each SIR filed by centers on an on-going basis. Leadership follows-up with centers to ensure Job Corps policy is consistently and appropriately applied.
- 3) Standard operating procedures for the oversight to ensure SIRs are classified and completed correctly, and submitted when required, will be completed by March 31, 2018.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide standard operating procedures for the oversight to ensure SIRs are classified and completed correctly, submitted when required, and reviewed timely. ETA also needs to provide documentation showing that the oversight detailed in the procedures has been implemented.

Recommendation 3 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that define when law enforcement is to be contacted and the center staff authorized to contact law enforcement.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) As described in response to Recommendation 1, ETA revised its PRH on July 24, 2017, to establish policy that specifically defines when law enforcement is to be contacted and address center staff authorized to contact law enforcement. Please see the summary of ETA's Corrective Actions in Recommendation 1 for details.
- 2) At a conference held for center directors and center operators on July 19-21, 2017, Job Corps communicated that even if a victim indicates his or her desire to not involve law enforcement after an incident occurs, centers should not use this as justification for failing to contact law enforcement.
- 3) Job Corps regional office staff will perform remote desk audits and on-site assessments to determine whether the PRH requirements of Section 5.4 are being met. If regional offices determine that centers are not meeting requirements, appropriate follow-up actions will be taken.

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- 4) Standard operating procedures for the remote desk audits and on-site reviews to determine whether the PRH requirements of Section 5.4 are being met will be completed by March 31, 2018.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide standard operating procedures for the remote desk audits and on-site reviews to determine whether the PRH requirements of Section 5.4 are being met. ETA also needs to provide documentation showing that the oversight has been implemented.

Recommendation 4 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that define center authority to investigate potentially serious criminal activity, including conducting searches, interviewing suspects and witnesses, performing surveillance, and collecting evidence.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) As described in response to Recommendation 1, ETA revised its PRH on July 24, 2017, to establish policy that specifically defines when law enforcement is to be contacted and address center staff coordination with law enforcement. As noted, the PRH revisions included the following:
 - Center operators are required to enter into law enforcement agreements with local law enforcement agencies and include specified minimum content requirements. One requirement is that the agreement must specify the circumstances under which the center will contact law enforcement, which may include crimes beyond those required in the PRH. By establishing agreements and coming to an understanding with local law enforcement as to the circumstances that require law enforcement involvement, centers will be able to better ensure that their investigations do not impact those being done by law enforcement.
 - ETA addressed the OIG's concern that Job Corps' policy fails to indicate whether law enforcement should be contacted before, during, or after Job Corps has investigated an incident by stating that it is imprudent to establish a standard policy indicating the point at which centers should contact law

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enforcement about an incident; and that the point at which law enforcement should be contacted depends on the circumstances surrounding the incident. However, ETA stated it will share scenarios/examples at meetings or training sessions to further educate staff.

- 2) Job Corps Regional Office staff will perform remote desk audits and on-site reviews to determine whether centers are complying with 5.4 of the PRH and agreements.
- 3) Standard operating procedures for the remote desk audits and on-site reviews to determine whether centers are complying with Section 5.4 of the PRH and agreements will be completed by March 31, 2018.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide standard operating procedures establishing the oversight to determine whether centers are complying with 5.4 of the PRH and agreements. ETA also needs to provide documentation showing that the oversight has been implemented and law enforcement contact scenarios/examples have been shared with staff at meetings or training sessions.

Recommendation 5 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that establish jurisdictional agreements that cover applicable Federal, State and local law enforcement for each center, including a determination of which law enforcement agency or combination of law enforcement agencies has jurisdiction based on type of criminal activity that occurs.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) As described in response to Recommendation 1, ETA revised its PRH on July 24, 2017. The revised PRH requires centers to establish agreements with law enforcement authorities as follows:
 - Centers are required to include in the agreements the roles of local, Federal, and State law enforcement agencies and the circumstances under which each should be contacted.

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- In those instances in which the local, Federal, or State law enforcement agency refuses to enter into an agreement, center operators are required to submit to Job Corps written evidence of their good faith effort to reach an agreement with these law enforcement agencies and what, if any, agreement it was able to reach.
- 2) Job Corps stated its oversight will include regional office review of the annually submitted agreements. Job Corps staff will determine whether the agreements are complete, current, executed by appropriate officials, and contain minimum PRH requirements. Job Corps cannot require law enforcement to include specific details in the agreements, but, as previously mentioned, center operators are required to submit written evidence of their good faith efforts with law enforcement and what, if any, agreement they were able to reach. ETA has implemented this new annual submission requirement. Review requirements will be outlined in standard operating procedures.
 - 3) Standard operating procedures for determining whether the agreements are complete, current, executed by appropriate officials, and contain minimum PRH requirements will be completed by March 31, 2018.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide standard operating procedures for determining whether the agreements are complete, current, executed by appropriate officials, and contain minimum PRH requirements. ETA also needs to provide documentation showing that the oversight has been implemented.

Recommendation 6 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that identify and address physical security challenges at centers.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) In its Request for Proposals (RFP) to potential center contractors, Job Corps establishes its broad requirements for contractors to develop and implement procedures to ensure students feel safe and secure on center. Contractors must describe how they will

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tailor safety and security procedures to the unique features of the center, which are specified to include whether the center is an open campus with or without fencing, whether the campus is in a high crime area, a rural location, and so on. Job Corps program experts on the technical evaluation panel determine whether the applicant's detailed solution for safety and security meet the requirements in the RFP. The contractor selected must perform according to the terms and conditions of the contract, which were originally identified in the RFP.

- 2) Job Corps holds contractors accountable, using a risk-management process that identifies key indicators and is designed to predict the emergence of student misconduct and safety issues at Job Corps Centers. This process considers many risk factors such as significant increases in reported serious student misconduct, and identifies leading indicators of potential security and safety issues at centers. The process helps Job Corps' staff to identify specific centers that are not providing a safe and secure environment for students and employees and focus attention and resources on those centers before more serious concerns surface.
- 3) Focused on continued improvement, Job Corps is proactively improving physical security as funding permits. It completed a \$12 million physical security pilot at 14 centers selected using criteria based upon comparative risk and areas of greatest need. The physical security system, put in place at each center, leverages existing technology to improve center safety; this includes physical access controls and video surveillance to detect and respond to incidents (video analytics, lockdowns, visitor management, panic messages, and partnerships with local police).
- 4) Job Corps is spending an additional \$8 million to roll out the physical security system to additional centers by July 1, 2018, and then will continue this phased approach until all centers have the new technology. In addition to the physical security pilot, Job Corps completed Job Corps Center Safety and Security Vulnerabilities Assessments of 12 centers. These centers were selected using criteria based upon the crime statistics in the designated center's commuting area, data captured from the Job Corps Security Needs Survey, and the incidents occurring on center. These assessments include, but are not limited to, the following security elements:
 - (a) access control of buildings; (b) access control of campus;
 - (c) campus-wide emergency notifications; (d) closed-circuit television; (e) campus lighting; (f) security operations; (g) campus signage; (h) grounds maintenance; and (i) other issues related to the overall security of the campus. Remediation of the findings from

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these assessments depends upon the availability of additional Construction, Rehabilitation and Acquisition funding.

- 5) Standard operating procedures for the continuous identification and address of physical security challenges will be completed by July 31, 2018.

While ETA said it has made significant progress to address current challenges, ETA also acknowledged that identifying and addressing physical security challenges is a continuous activity.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation ETA needs to provide documentation supporting the results of the physical security pilot and standard operating procedures for the continuous identification and address of physical security challenges.

Recommendation 7 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that implement methods to share best physical security practices systematically and in a timely way.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) Job Corps will share best practices with centers, as appropriate, by sharing observations of practices that it believes have yielded positive results. Job Corps may share these via conference calls, in-person meeting, and in some instances, by incorporating new requirements into policy or the Request for Proposals document, in order to ensure that desired practices are implemented broadly via the contract vehicle.
- 2) As a way to improve the sharing of best physical security practices with all center operators, Job Corps has hired a physical security specialist as part of its new Division of Regional Operations and Program Integrity. Job Corps' initial process was somewhat delayed due to the January 23, 2017 Executive Order that issued a freeze on the hiring of federal civilian employees. Job Corps sought and obtained an exception and was able to fill the Physical Security Specialist position.

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- 3) Standard operating procedures for sharing best practices by the noted methods will be completed by July 31, 2018.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide standard operating procedures for sharing best practices by the noted methods, including by physical security specialist. ETA also needs to provide documentation showing that best practices are continuously being shared.

Recommendation 8 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that require Job Corps to proactively and continuously evaluate and improve its efforts to mitigate violence and other serious crimes at its centers.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) Established several integrated policies and practices across multiple divisions to proactively and continuously evaluate and improve its efforts to mitigate violence and other serious crimes at its centers. For example, Job Corps has developed a comprehensive, strategic, risk-based approach to identify centers with high levels of programmatic risk. In addition, it has undertaken several national initiatives to strengthen Job Corps safety posture and institutionalize a culture of mutual accountability.
- 2) Established the Division of Regional Operations and Program Integrity to coordinate regional operations and activities by improving communications between the national and regional offices, strengthening quality assurance, and working to promote continuous improvement. The Division's efforts to date to improve center safety and security include a new National Criminal Background Check process for applicants that was rolled out to all regions, a dedicated toll-free student safety hotline to be operational in the entire Job Corps program in 2017, and a comprehensive new student enrollment process with full, program-wide implementation by December 30, 2017.

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- 3) Standard operating procedures detailing how Job Corps proactively and continuously evaluates and improves its efforts to mitigate violence and other serious crimes at its centers will be completed by July 31, 2018.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide standard operating procedures detailing how Job Corps proactively and continuously evaluates and improves its efforts to mitigate violence and other serious crimes at its centers; and documentation showing that the noted initiatives have been implemented.

Recommendation 9 – Resolved

We recommended the Acting Assistant Secretary for Employment and Training establish, clarify, and enforce policies that define the types and frequency of background checks needed for the different employment positions within centers and the criminal histories that would disqualify individuals from employment.

ETA's Corrective Actions – ETA said it took the following corrective actions to resolve this recommendation:

- 1) Staff background checks are subject to several Federal and State laws, including civil rights laws. As such, Job Corps is working with the Solicitor's Office to carefully and mindfully develop a new written background check policy for staff and expects this policy to be issued by December 31, 2017.
- 2) Once the policy is published, Job Corps will also incorporate relevant language into contract awards. This language/clause will be added to new contracts or when an option year is exercised. Existing contracts will not be modified.

Job Corps' National Director is responsible for developing and implementing the corrective actions for this recommendation.

OIG's Conclusion – This recommendation is resolved. To close this recommendation, ETA needs to provide the new policy and documentation showing that the policy has been implemented.

Acknowledgements

Key contributors to this report were Ray Armada (Audit Director), and Chih Chiang and Cassie Galang (Senior Auditors).

TO REPORT FRAUD, WASTE, OR ABUSE, PLEASE CONTACT:

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