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The Honorable Fred Thompson
Chairman, Senate Committee on
Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Thompson:

This is in response to your October 12, 2000 letter requesting that the Office of Inspector General (OIG) identify the most serious management challenges facing the Department of Labor based on our work. The OIG has identified the following areas that we consider to be vulnerable to fraud, waste, abuse or mismanagement:

- Financial Management
- Implementation of the Workforce Investment Act
- Effectiveness of the Welfare-to-Work Initiative
- Quality of Program and Cost Data
- Security of Pension Assets
- Protection of Worker Benefit Funds
- Stewardship over DOL Information Technology Resources
- Targeting of the Dislocated Workers Program
- Integrity of Electronic Benefit Claims Management
- ILAB Expansion

I would like to point out that two issues (accounting for equity in real property and pension plan audits) from last year's list were not included in this year's list. While little or no progress has been made on implementing our recommendations, we believe that other areas present larger challenges for the Department. In addition, two items that were separately listed last year (ETA's accounting for grants and Back Wage systems) have been incorporated into the Financial management discussion.

Thank you for the opportunity to present our views on issues facing the Department of Labor. Identical letters are being sent to the other co-signers of your letter. If you need additional information or wish to have a detailed briefing, please contact me at (202) 693-5100.

Sincerely,

Patricia A. Dalton
Acting Inspector General

Enclosure

**U. S. Department of Labor
Top Management Issues
November 2000**

1. Financial Management

The Department of Labor (DOL) has made great strides in financial management and has received clean opinions on its financial statements since fiscal year (FY) 1997. However, DOL continues to face significant challenges in its day-to-day accounting operations, primarily related to needed improvements in its financial management systems.

The OIG is required by the Federal Financial Management Improvement Act (FFMIA) to assess the Department's financial management systems for compliance with a number of management and accounting requirements. Our audit of DOL's FY 1999 consolidated financial statements disclosed that the following five systems did not meet the requirements of FFMIA:

- S Wage and Hour's Back Wage system;
- S Wage and Hour's Civil Monetary Penalties system;
- S Mine Safety and Health Administration's (MSHA's) penalty tracking system;
- S Job Corps' personal property system; and
- S Employment and Training Administration's (ETA's) Grants Costs System.

We are especially concerned about the deficiencies in the two Wage and Hour systems that are of critical importance to the agency's discharge of its fiduciary and other responsibilities in enforcing labor protection laws. These deficiencies were initially reported in our audit of the Department's FY 1993 financial statements, and remain uncorrected past the FFMIA's corrective action period which ended on September 30, 2000.

While several attempts have been made to correct the systems, none have been brought to a successful conclusion. The Department's Chief Financial Officer (CFO) has been providing advice and guidance to the Wage and Hour Division in its most recent actions to correct the deficiencies. While the CFO has authority to provide this guidance and oversight, it does not have authority over the direct financial management operations of agencies. The authority of the CFO to deal with long standing, intractable financial management problems needs to be reexamined when a program agency is not meeting its financial management responsibilities.

Corrective action is nearly complete on MSHA's penalty tracking system and the Job Corps' personal property system, based on early indications from our work on DOL's FY 2000 financial statements. Accordingly, we expect these two systems to be removed from the list of noncompliant systems when we report on the FY 2000 DOL financial statements. Regarding ETA's Grants Costs System, information recently provided by ETA, and subject to verification during our audit of the FY 2000 DOL financial statements, indicates that significant progress is being made to correct identified problems. We are currently reviewing ETA's corrective actions as part of our FY 2000 financial statement audit.

2. Implementation of the Workforce Investment Act

The Workforce Investment Act of 1998 (WIA), which became effective on July 1, 2000, superseded the Job Training Partnership Act (JTPA). A significant feature of WIA is the establishment of One-Stop delivery systems within each local workforce investment area. WIA designates certain entities as required One-Stop partners and allows for additional partners, at local discretion. WIA requires that each local workforce investment board enter into memoranda of understanding with the partners to define how the One-Stop system will operate in the local area and how the costs of the system and the services provided will be jointly funded. However, cost sharing presents special problems in a One-Stop environment. Cost sharing increases the administrative burden of accounting for costs and benefits in a system where it is increasingly difficult to discern to which program the participants belong and who should be paying the cost of services. This is further complicated by a key principle of Federal grant accounting – that costs may be charged to a program only to the extent that benefits are received by that program. WIA also limits local administrative costs to 10 percent, half of what was allowed under JTPA.

In the prior year, ETA and the OIG jointly arranged for surveys to reclassify and restate, using the proposed WIA regulatory definition of administrative costs, JTPA Program Year 1997 costs for 13 JTPA grantees. We found that in applying the proposed definition, only two of the 13 grantees would have been in compliance with the WIA 10 percent statutory administrative cost limitation. As a result of our surveys, the definition of administrative costs published in the August 2000 WIA Final Rule was modified to promote compliance with the statutory 10 percent cost limitation.

During FY 2000, we audited seven states to determine their readiness to implement One-Stop systems as required by WIA. Overall, we found states had made substantial efforts toward establishing the One-Stop structure. However, we determined that considerable work remained to be done in several areas, including implementing adequate systems to allocate costs among the One-Stop partner programs and agencies. We plan to initiate audits in FY 2001 to identify problems and provide assistance regarding cost and resource sharing under WIA. We will also examine

several program features that are new under WIA, including the use of individual training accounts and establishment of eligibility criteria for training providers, which we believe are particularly vulnerable to waste, fraud and abuse.

3. Effectiveness of the Welfare-to-Work Initiative

As part of the national welfare reform initiative, the Welfare-to-Work (WtW) program was enacted in 1997 to help long-term welfare recipients move into unsubsidized jobs. The success of WtW, which is administered by ETA, hinges not only on the effectiveness of the Department's stewardship and the quality of services provided, but also on its ability to capture, report, and respond to the results of its efforts on behalf of eligible individuals.

In 1998 and 1999, the OIG conducted audits of numerous WtW grantees to assess their progress, identify vulnerabilities, and recommend corrective action. Building on the extensive efforts of the prior two years, the OIG issued audit reports in FY 2000 on additional WtW competitive grantees. We questioned the capability of two grantees to deliver the program described in their competitive grant applications, and ETA has acted to terminate both grants in response to our recommendations.

Three years into the WtW initiative, it is now time to assess the program's effectiveness in preparing participants for lasting unsubsidized employment leading to self-sufficiency. However, the ability to properly measure WtW's success is hampered by questions about the consistency and quality of performance data reported by states and other grantees. We are in the early stages of a performance audit to assess the competitive grant program's effectiveness nationwide. It appears from this early work that the grantees are confused about the definitions of the performance information required to be reported to ETA; this suggests that data are being reported inconsistently across grantees.

Moreover, the reporting requirements themselves are in a state of flux. The WtW Amendments, enacted in late 1999, completely eliminated the participant and financial reporting requirements of the original 1997 legislation. Instead, the Amendments authorized the Secretary of Labor, in consultation with the Secretary of Health and Human Services, states and localities, to establish requirements for the collection and maintenance of financial and participant information and the reporting of such information. The Department originally expected to publish the new participant and financial reporting requirements early in 2000, and grantees were instructed to follow existing guidance in the meantime. ETA published proposed instructions for comment in August 2000, but the new data collection and reporting requirements have not been finalized. Also, the program continues to operate under an interim final rule issued in November 1997, despite the Department's time table of publishing WtW final regulations, and the interim final rule for the 1999 WtW Amendments, by late spring of 2000.

It is imperative that the Department move quickly to finalize WtW performance data

collection and reporting requirements to achieve consistency, comparability and accuracy of the data used to assess this \$3 billion program's effectiveness.

4. Quality of Program and Cost Data

Important initiatives are under way to improve the quality of program and cost data which serve as the basis for determining the results achieved by Federal programs and operations. With passage of the Government Performance and Results Act (GPRA), Congress created a management process whereby Federal agencies develop strategic plans, articulate program goals, allocate Federal resources to meet desired performance levels, and measure and report program results. The quality and accessibility of such data, including data reported by entities below the Federal level, are of critical importance to the Department's GPRA reporting. Similarly, the Federal Accounting Standards Advisory Board's Statement of Federal Financial Accounting Standard Number 4 (SFFAS 4), which was fully implemented in FY 1998, is aimed at providing reliable and timely accounting for the full cost of Federal programs and activities.

C Quality of Program Data:

The Department is limited in its ability to access, or control the quality of, program results data used to determine the attainment of its strategic plan goals. This includes difficulties associated with ensuring the quality of the myriad data provided by states and other sources below the Federal level, where 90 percent of the Department's budget is actually spent. For example, OIG audits have disclosed weaknesses in ETA's monitoring of the quality of data submitted by JTPA grantees and subgrantees. JTPA was replaced by the WIA effective July 1, 2000, and, according to ETA, the agency is working to ensure data validation is built into the WIA performance accountability system.

Assuring the reliability of data reported by states is also a problem for the Veterans' Employment and Training Service (VETS), which operates most of its programs through the State Employment Security Agencies. The OIG has been working closely with VETS to address this issue and also improve data capacity, the quality of the agency's performance measures and timeliness of reporting.

C Data Limitations:

Two important tenets of GPRA are that agencies must evaluate program effectiveness and validate performance data. In the employment and training area, it is particularly important to know whether programs have resulted in individuals becoming self-sufficient by obtaining long-term, unsubsidized employment at livable wages. Two important tools that may be used to this end are Unemployment Insurance and Social Security Administration wage records of individual program participants. However, the Department is limited in its ability to obtain such data for program evaluation and validation purposes. To enhance its ability to conduct

program evaluation and validation in this and other equally important areas, the Department needs to have statutory authority to easily obtain and utilize these types of records.

C Managerial Cost Accounting:

Once performance data are determined to be reliable, managerial cost accounting, which matches cost information with program results, is the next step in managing for results. The Department is currently developing a system that will accumulate the specific costs for each program and link these costs to the program's results. The performance data that is collected needs to be accurate and timely. However, costs are currently being allocated to the Department's outcome goals only at year-end, and agencies must wait until after the fiscal year closes to learn how well they did in meeting their goals. Moreover, some of the Department's agencies – including the two largest (ETA and the Employment Standards Administration) – have no plans to participate in the development of the cost accounting system. The Department must involve all of its agencies to achieve the full benefits of managerial cost accounting.

It is vitally important that DOL ensure performance and cost information generated are accurate, accessible and auditable in order for DOL's GPRA reporting to be credible.

5. Security of Pension Assets

The security of pension assets is a priority of the Department and of the OIG. This includes ensuring that weaknesses, vulnerabilities, and criminal activity are identified and addressed. One area of concern involves private pension plans, which serve as an attractive target to organized crime elements, corrupt pension plan officials, and individuals who influence the investment activity of pension assets. Recently, labor racketeering investigations involving the investment of pension plan monies that are jointly-administered by labor union representatives and management representatives (Taft-Hartley plans) have elevated the OIG's concern over the security of the assets in this segment of the pension plan universe.

OIG investigations have uncovered many criminal enterprises perpetrated by financial and investment service providers to the nation's pension plans. These investigations have revealed abuses by sophisticated investment advisors and pension plan administrators who have the opportunity and ability to structure complex financial schemes to conceal their criminal activity. The OIG is concerned that abuses by financial investment service providers can result in larger dollar losses because they typically provide investment or financial advice to more than one plan.

Based on recent investigative results and the fact that service providers typically control the investment of hundreds of millions of dollars of pension funds, the OIG has

identified this area of the pension arena as especially vulnerable to organized criminal activity and abuse. Continued support from the Department for the OIG's and the Pension and Welfare Benefits Administration's (PWBA's) enforcement efforts against corrupt service providers is necessary to provide a credible deterrent against abuses.

6. Protection of Worker Benefit Funds

The Department administers several programs and statutes designed to provide and protect the benefits of workers. Protection of such benefits is critically important because such programs affect the lives of millions of workers and retirees and involve billions of dollars of taxpayer dollars. The OIG has identified serious vulnerabilities within three of the Department's major worker benefit programs:

C Unemployment Insurance:

As with any multi-billion dollar benefit payment program, there are those who benefit from the Unemployment Insurance (UI) program illegally. Through oversight of the UI program, we have identified a number of schemes used to defraud the program including fraudulent employer schemes, internal embezzlement schemes, fraudulent interstate claims, and the fraudulent collection of UI benefits by illegal aliens, and others, through the use of counterfeit or unissued social security numbers. Further, our investigations have disclosed that the ability to file electronic and mail claims presented individuals with the opportunity to defraud multiple states from a single location. The OIG is very concerned about the continued proliferation of these types of schemes against the UI program, as they have resulted in substantial losses to the UI Trust Fund. We believe there is a need for increased training of state employees in fraud detection techniques, improved internal program controls, and improved enforcement.

In addition, systemic weaknesses pose problems for the UI system, including loss of contributions due to the inability of states to search for hidden wages by employers who misclassify workers as independent contractors, employers who fail to report all wages paid, or employers who misrepresent their claims experience. During calendar year 1999, we conducted an audit to follow up on our 1998 audit report that recommended the Employment Security Manual (ESM) be revised to allow State Employment Security Agencies to take credit for activities to search for hidden (unreported) wages as part of blocked claims audits. Because ETA implemented our recommendation to revise the ESM, our followup audit sought to quantify the states' success in identifying hidden wages and collecting related tax contributions from employers through field tax audits. The followup audit showed that the ESM's changes in the reporting of blocked claim audits resulted in the identification of more than 13,000 misclassified workers and the recovery of more than \$2.5 million in UI tax contributions.

C Federal Employees' Compensation Act:

The Federal Employees' Compensation Act (FECA) provides compensation and medical care for Federal employees who suffer job-related injuries, diseases or deaths. The OIG has been working with the Department to improve the cost-efficiency of the FECA program. For example, one audit concluded the Department could save millions each year by utilizing commercial code manipulation detection packages to screen for improper billings. In addition, we found that granting the Office of Workers' Compensation Programs (OWCP) routine access to IRS wage data through the Social Security Administration (SSA) could provide a cost-effective tool to identify claimants who failed to report wages. We estimated that, if an automated SSA crossmatch were conducted annually (as opposed to the current system of once every three years), OWCP's savings in SSA charges, clerical costs, and postage would total \$3.6 million in reduced administrative expenses over 10 years. An annual crossmatch would also enable OWCP to better identify, and remove from the disability rolls, claimants who fraudulently conceal earnings.

Finally, OIG investigations continue to disclose the vulnerability of this program to fraud. Fraudulent activities include medical providers who: bill the Government for services that were not rendered, charge multiple times for the same procedure, bill for non-existent illnesses or injuries, or overcharge for services; and claimants who defraud the program by reporting false injuries, recover but continue claiming benefits, or do not report or under report their outside employment income to OWCP.

C Black Lung Trust Fund Deficit:

DOL administers the Black Lung Disability Trust Fund to provide disability benefits and medical services to eligible workers in the coal mining industry, when a mine operator cannot be determined liable for providing such benefits. The OIG is concerned with the escalating indebtedness of the trust fund. The Department's consolidated financial statements for FY 1996 reflected that the trust fund was in debt \$5.1 billion to the U.S. Treasury, growing to approximately \$6.3 billion at the close of FY 1999. This debt results from advances provided to the program, which have become an annual necessity for the trust fund. Currently, the excise taxes are sufficient to pay benefits and administrative costs; however, the trust fund must continue to borrow from the Treasury to pay the interest due on past advances.

Management's annual projections of future receipts and outlays indicate that cumulative borrowings from Treasury could total \$32.3 billion (unaudited) or more by 2040. According to management's estimates, the excise tax collections by 2040 would cover less than 30 percent of the interest that is accruing and annual advances will exceed \$1.2 billion per year. The Department has acknowledged that, if current operating conditions continue, a change in the statutory operating structure of the trust fund will be necessary to meet its obligations.

7. Stewardship over DOL Information Technology Resources

Congress recently passed H.R. 4205, which includes a provision that requires agencies

to develop and implement an agency-wide information security program. This law emphasizes the need for agencies to plan for future IT needs as well as to analyze their current IT practices to determine their efficiency and effectiveness.

DOL currently operates 65 mission-critical information systems. The Department relies on these critical information systems to monitor and analyze the nation's labor market and economic activities, manage workforce services, and protect and compensate American workers. Past OIG work has noted increased risks for computer crimes and other interruptions made possible by the Internet and lax internal controls; this work has also shown that the Department's IT systems have been deficient in the areas of general controls and security. As mandated by H.R. 4205, the Department needs to assure that all of its major systems are secure against threats and loss of assets.

Further, the Department has begun its planning for future IT needs by embarking upon a multi-million dollar Department-wide IT system architecture upgrade. This upgrade involves all agencies within the Department and will enable the Department to keep up with technology. It is paramount for the Department to ensure that this new architecture is implemented in a careful and well thought out process. The Department needs to ensure that agencies will be able to seamlessly exchange data both within the Department and externally with stakeholders.

8. Targeting of the Dislocated Workers Program

DOL provides retraining and support services to dislocated workers through programs administered under Title III of JTPA. The total appropriation for Title III in fiscal year 2000 was nearly \$1.6 billion. These services are provided to eligible dislocated workers, including those who have been terminated or laid off, who have received a notice of termination or layoff, who are long-term unemployed or self-employed, or who are displaced homemakers. Although the JTPA expired on June 30, 2000, the Dislocated Worker program will continue under WIA.

The OIG conducted an audit to determine whether the policies and practices under the JTPA Dislocated Worker program resulted in the serving of the targeted population. We found programs that were not predominantly serving persons who were victims of plant closings or mass layoffs. We also found that in 35 percent of the cases, program participants were ineligible, documentation was insufficient to establish their eligibility, or available evidence caused us to question whether they were persons whom Congress intended the program to serve. The audit disclosed that the standard allocation formula, which is based on various unemployment measures rather than on the number of dislocated workers in an area, may not distribute dislocated worker funds to where they are most needed. Where funds were allocated to localities with relatively few dislocated workers, we found that some entities relaxed the eligibility criteria in order to spend the available funds. Further, the audit revealed that program data reported by states to the ETA were often incomplete or in error. The errors affected key performance measures, including participants' wages, training activities, and successes in obtaining jobs, that are used to evaluate Dislocated Worker program activities.

We believe that in implementing WIA, ETA needs to provide better guidance on the population to be served and explore improved means for allocating funds to areas of need. In addition, ETA needs to assure the reliability of reported program information, which is now even more critical because WIA ties monetary incentives and sanctions for states, service providers, and vendors to their success in serving participants as represented in their performance reports.

9. The Integrity of Benefit Programs Must be Ensured in an Electronic Environment

State Employment Security Agencies (SESAs) administer the Unemployment Insurance (UI) and Job Service programs at the state level. SESAs are currently upgrading and modernizing their operations to offer customers telephone and Internet access to selected SESA services. These services include UI claims filing, employer registration, employer wage and tax reporting, and appeals filing.

In addition, the FECA program has underway an initiative to automate all of its casework. FECA expects to enter all medical bills, records, and payments to create electronic files for all claims. This initiative, if implemented correctly, will enable the FECA program to handle claims with more accuracy and efficiency.

The use of automated procedures and Internet communications has the potential to broaden the range of services, increase hours of operation, and reduce administrative costs. However, there need to be adequate controls and procedures in place to prevent the misuse of these systems. Recent OIG casework has suggested that the use of automated procedures brings with it the potential for unauthorized activity that can contribute to fraud and result in monetary losses for the program. Therefore, to ensure the integrity of these automated programs, the Department must utilize a comprehensive, integrated approach of oversight and enforcement to address this increased potential for fraud that accompanies electronic claims.

10. Challenges of Rapid Expansion of the Bureau of International Labor Affairs

The Bureau of International Labor Affairs (ILAB) assists in formulating international economic, trade, and immigration policies affecting American workers. ILAB is also responsible for spotlighting significant international child labor issues and contributing to the development and implementation of U.S. policy on international child labor. The increasing concern over child labor issues has resulted, in part, in an almost sevenfold increase in ILAB's appropriations during the last two fiscal years. However, the OIG's evaluation and audit work have raised concerns over ILAB's current management structure, managerial controls over grant programs, program results, evaluation methods, and the roles and responsibilities of individual staff to adequately account for this increased level of funding. Without adequate management controls and evaluation methods, ILAB's activities and operations are vulnerable to inefficiency and waste.

While ILAB has been making significant progress, more needs to be done by ILAB and the Department to ensure that the infrastructure and controls are in place to support the continued growth of the agency. ILAB needs to determine how increased grant and contracting activities will be accomplished, and must continue to review and revise its managerial controls over its grant programs. ILAB must also ensure that specific, outcomes-oriented goals and indicators are developed so that programs can be properly evaluated in order to determine whether they are achieving their intended results. In addition, the Department must continue to develop, with ILAB, complementary policies and procedures regarding grant management and controls.

The exponential growth of ILAB presents unique challenges to develop and implement systems that can support a much larger program and provide adequate controls to assure the appropriate expenditure of federal funds.

Audit and Evaluation Reports Related to DOL's Top Management Issues

Issue Name of Report	Date Issued	Report Number
Compliance with New Financial Management Requirements		
DOL Consolidated Financial Statement	02/29/2000	12-00-003-13-001
Implementation of the Workforce Investment Act		
Impact of WIA Administrative Cost Limitation	12/30/1999	20-00-001-03-390
Overview of the Formation of Local Workforce Investment Boards Under the Workforce Investment Act	03/30/2000	2E-03-390-0001
One-Stop Readiness Under the Workforce Investment Act	05/04/2000	02-00-213-03-390
Effectiveness of the Welfare-to-Work Initiative		
Washington Alliance	03/27/2000	03-00-004-03-386
Evaluation of ETA Awards Process for Welfare-to-Work Competitive Grants (Round 1)	03/30/2000	2E-03-386-0001
Post Award Survey of Devereaux Corporation	05/22/2000	03-00-006-03-386
Evaluation of the Welfare to Work Competitive Grant Award Process (Rounds Two and Three)	09/29/2000	2E-03-386-0002
Protection of Worker Benefit Funds		
Unemployment Insurance		
Improvements Are Needed in the Evaluation of Audit Quality and the Reporting of Blocked Claim Audits	09/25/1998	03-98-008-03-315
Results of Blocked Claim Audit	03/10/2000	03-00-005-03-315
Federal Employees' Compensation Act		
Crossmatching with the Social Security Administration Saves Money	09/28/2000	03-00-008-04-431
Black Lung Benefits Program		
DOL Consolidated Financial Statement	02/29/2000	12-00-003-13-001
Stewardship Over DOL Information Technology Resources		
OFCCP Information Security Needs Improvement	09/22/2000	09-00-005-04-001
BLS Data Security Followup Audit	09/22/2000	03-00-012-11-001
Targeting of the Dislocated Workers Program		
Dislocated Worker Program in a Growing Economy	06/29/2000	04-00-002-03-340
Bureau of International Labor Affairs Managerial Controls		
The Bureau of International Labor Affairs Must Improve Plans, Measures, and Controls	03/24/2000	17-00-008-01-070
Evaluation of Program Implementation of ILAB's Child Labor Projects	09/28/2000	2E-01-070-0001