

Part 1618 showing draft further revisions.
Original NPRM changes are indicated in **red**.
Further NPRM proposed changes are indicated in **blue**.

Part 1618—Enforcement Procedures

§ 1618.1 Purpose.

In order to ~~ensure~~insure uniform and consistent interpretation and application of the provisions of the LSC Act, the Corporation's appropriations act or other law applicable to LSC funds, a Corporation rule, regulation, guideline or instruction, or the terms and conditions of the recipient's grant or contract with the Corporation~~Act~~, and to prevent a question of whether these requirements have~~the Act has~~ been violated from becoming an ancillary issue in any case undertaken by a recipient, this part establishes a systematic procedure for enforcing compliance with them~~the Act~~.

§ 1618.2 Definitions.

~~As used in this part, Act means the Legal Services Corporation Act or the rules and regulations issued by the Corporation.~~

(a) LSC requirements means the provisions of the LSC Act, the Corporation's appropriations act or other law applicable to LSC funds, a Corporation rule, regulation, guideline or instruction, or the terms or conditions of the recipient's grant or contract with the Corporation.

(b) Violation means a violation by the recipient of the LSC requirements.

§ 1618.3 Complaints.

A complaint of a violation ~~of the Act~~ by a recipient or an employee of a recipient may be made to the recipient, the State Advisory Council, or the Corporation.

§ 1618.4 Duties of Recipients.

(a) A recipient shall:

(1a) Advise its employees of their responsibilities under the LSC requirements~~the Act~~; ~~and~~

(2b) Establish procedures, consistent with the notice and hearing requirements of section 1011 of the LSC Act, for determining whether an employee has committed a violation ~~violated a prohibition of the Act; and whether the violation merits a sanction based on consideration of the totality of the circumstances;~~ and ~~shall~~

(3e) ~~e~~Establish a policy for determining the appropriate sanction to be imposed for a violation, including:

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(i1) Administrative reprimand if a violation is found to be minor and unintentional, or otherwise affected by mitigating circumstances;

(ii2) Suspension and termination of employment; and

(iii3) Other sanctions appropriate for enforcement of the LSC requirements Act; ~~but~~

(be) Before suspending or terminating the employment of any person for a violation violating a prohibition of the Act, a recipient shall consult the Corporation to ensure insure that its interpretation of these requirements Act is consistent with Corporation policy.

(c) This section provides procedural requirements between the Corporation and recipients. It does not create rights for recipient employees.

§ 1618.5 Duties of the Corporation.

(a) Whenever the Corporation learns that there is reason to believe that a recipient or a recipient's an employee may have committed a violation violated the Act, or failed to comply with a term of its Corporation grant or contract, the Corporation shall investigate the matter promptly and attempt to resolve it through informal consultation with the recipient. Such actions may be limited to determining if the recipient is sufficiently investigating and resolving the matter itself.

(b) Whenever there is substantial reason to believe that a recipient has persistently or intentionally violated the LSC requirements the Act, or, after notice, has failed to take appropriate remedial or disciplinary action to ~~insure ensure~~ compliance by its employees with the LSC requirements Act, and attempts at informal resolution have been unsuccessful, the Corporation may proceed to suspend or terminate financial support of the recipient, or impose a lesser reduction in funding, pursuant to the procedures set forth in parts 1623 and 1606; respectively; may impose Special Grant Conditions on the recipient during the grant year; part 1612, or may take other action to enforce compliance with the LSC requirements Act.

(c) Whenever the Corporation determines that a recipient has committed a violation, that corrective actions by the recipient are required to remedy the violation and/or prevent recurrence of the violation, and that imposition of special grant conditions are needed prior to the next grant renewal or competition for the service area, the Corporation may immediately impose Special Grant Conditions on the recipient to require completion of those corrective actions.