



Workforce Issuance

100 DCS 10.105

☒ Policy ☐ Information

To: Chief Elected Officials
MassHire Workforce Board Chairs
MassHire Workforce Board Directors
MassHire Career Center Directors
MassHire Fiscal Officers
MDCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
MassHire Department of Career Services

Date: November 22, 2021

Subject: **MassHire Department of Career Services Field Management and Oversight
Fiscal Year 2022 Monitoring Review of the MassHire Workforce Boards**

Purpose: To notify the MassHire Workforce Boards (MWBs) of monitoring for Fiscal Year 2022 (FY22) and to provide the Commonwealth's related policy for monitoring provisions and respective responsibilities of the state boards, sub-recipients, and contract service providers.

Background: The Executive Office of Labor and Workforce Development (EOLWD) MassHire Department of Career Services (MDCS) is the designated State Workforce Agency (SWA) responsible for oversight of the Massachusetts Workforce Development System.

MDCS must monitor the activities of MassHire Workforce Boards and Career Centers funded under the Workforce Innovation and Opportunity Act (WIOA), the Wagner Peyser Act and other state and federal awards operating through the workforce system to assure compliance with applicable federal and state requirements and

performance expectations. Monitoring by the MDCS must cover each program, function, or activity (2 CFR 200.328).

To ensure the integrity of local programmatic and fiscal systems, MDCS monitors program and fiscal performance of local areas on an annual basis to ensure compliance with all state and federal policies, procedures and regulations that govern the grants operated through the MassHire system.

Policy: The MassHire Department of Career Services will conduct an annual Monitoring Review for every MassHire workforce area, with Systems Certification occurring on a biennial basis.

Action

Required: MassHire Workforce Boards and Fiscal/Administrative Entities must have their own internal policies to ensure compliance with federal and state program and fiscal monitoring activities. MassHire Workforce Boards must also assure that all appropriate workforce board and career center staff and management are informed of the upcoming dates and requirements for the FY22 reviews. MDCS Field Management and Oversight Program Coordinators will reach out directly to their assigned areas with the FY 22 monitoring schedule.

Effective: Immediately

References: Workforce Innovation and Opportunity Act section 184(a) (4)
20 CFR 683.410
2 CFR 200
2 CFR 2900

Inquiries: Please direct all inquiries to PolicyQA@detma.org; please indicate Issuance number and description

Attachments:

- A. FY 22 Program Monitoring Elements
- B. FY 22 Career Center Questionnaire
- C. FY 22 Customer Program File Review
- D. FY 22 Youth Customer Program File Review
- E. FY 22 American with Disabilities Act Compliance/Complaint
- F. FY 22 Language Access Assessment
- G. FY 22 Veterans Caseload Data Analysis Sheet (VCDAS)
- H. FY 22 Required Poster List
- I. FY 22 Youth Questionnaire - reference tool only
- J. FY22 Significant Barriers to Employment (SBE) Checklist

K. FY22 Complaint/EEO/Hearings Officer List

Compliance Monitoring Elements:

A. Customer File Review *(of all applicable programs)*

1. MDCS will examine files for the following programs for timeliness and accuracy: Adult, Dislocated Worker, Youth*, Veterans, Trade Adjustment Assistance (TAA) and Reemployment Services and Eligibility Assessment (RESEA) from the appropriate fiscal year. Files of customers who have been exited during the appropriate fiscal year may be reviewed as part of the sample.

**MWBs that provide framework services for Youth in their region cannot monitor the Youth files for the purpose of annual monitoring. For these areas, MDCS is responsible for monitoring the Youth files in the annual monitoring of the MWB.*

B. Monitoring On-Site and/or Remote Visit(s):

1. Will be conducted at least one time per program year and preceded by a notification to Workforce Board Management at least **two weeks** in advance of the monitoring review.
2. Will include inspection of program and review of compliance for physical locations used by staff/customers to ensure adherence to local, state and federal accessibility and American with Disabilities Act (ADA) policies.
3. May include interviews of MWB and Career Center staff, partners, jobseekers, and business customers. MDCS will communicate directly with MWBs to discuss monitoring schedule information. MWBs must communicate directly with Career Center management and other stakeholders to provide monitoring schedule information to avoid disruption to any service.

C. Program Performance and Compliance Monitoring includes but is not limited to:

1. Program operation and compliance
2. Performance measurements
3. Review of intake and referral processes; including partner collaboration
4. Review of customer flow
5. Review of the eligibility determination process
6. Review of educational assessment tools
7. Review of vocational and on-the-job training programs, work experience and credential attainment
8. Record keeping and file maintenance
9. Data recording and reporting, including data integrity and quality

10. Local policies and procedures

D. Compliance monitoring of program administration and management practices includes, but is not limited to:

1. Review of non-discrimination/Equal Employment Opportunity (EEO) compliance, ADA compliance, policies and procedures
2. Local area management practices and integration with the Career Center management/staff

F. Exit Interview/meeting

MDCS will conduct a formal Exit Interview/meeting with the MassHire Workforce Board and interested parties at the conclusion of the monitoring review to discuss results of the review. The Exit Interview/meeting must be completed within thirty days of reviewing all monitoring requirements.

G. Report

A written report will be sent to the MassHire Workforce Board within thirty days of completion of the Exit Interview/meeting. The MassHire Workforce Board will be given no less than thirty working days to resolve and/or address any Findings and/or Areas of Concern in writing. Corrective Action process will continue at the direction of MDCS and, as applicable, the MWB until all Findings have been resolved.

H. Areas of Concern & Findings of Non-Compliance

Areas of Concern:

If an indicator is not met and the Reviewer believes that it may possibly result in a finding at some later point if not addressed, an Area of Concern or observation is identified. Areas of Concern or observations are not specific compliance violations but may have an adverse impact on the program or could lead to a finding in the future. *As a general practice, no corrective action is specified or required for areas of concern or observations but may include suggestions for improvement.*

Finding(s):

A Finding is a violation of a specific compliance requirement contained in law, regulations, federal/state policies, Funding Opportunity Announcement (FOA), Uniform Guidance or OMB Circulars, grant terms and conditions, ETA policy guidance, including Training and Employment Guidance Letters (TEGLs) or Training and Employment Notices (TEN), and/or the grant agreement *that requires specific corrective action.*

If, as result of compliance and performance monitoring or otherwise, MDCS has determined that non-compliance and/or a violation of provisions of any of the above exists, MDCS will require corrective action(s) to secure prompt compliance.

For additional guidance, please refer to related local, state, and federal policies and see below.

▪ **Corrective Action**

In the event the performance of a MassHire Workforce Board/local area is below minimum standards, a corrective action plan will be developed by MDCS and/or the MWB to improve MassHire Workforce Board/local area performance. MDCS will follow-up with performance monitoring to determine if the deficiency has been corrected. If the MassHire Workforce Board/local area is deemed to be in compliance with the corrective action plan, a letter will be sent to the MWB stating that the corrective action goals have been met.

If the MassHire Workforce Board/local area fails to correct the deficiency, the MassHire Workforce Board/region will receive written notice that the program is to be placed on probation. The notice will indicate the effective date of the probation and the duration of the probation. The probationary period will not be less than thirty days or more than ninety days.

The MassHire Workforce Board/local area will be notified in writing five days before the probation period expires of one of the following:

- The probation will be terminated
- The program will be terminated
- The probations will be extended for a period of time not to exceed 90 days, in total

High Risk Service Provider: a high-risk service provider determination may be made by MDCS where:

- Monitoring activities discover disallowed costs
- Service provider fails to attain a minimum WIOA Performance Measures
- Service provider action results in negative public relations
- Additional criteria may be established for data validation

High-risk service providers may be monitored quarterly until such a time as MDCS determines that the identified issues have been resolved satisfactorily, and that systems and procedures have been adapted appropriately to MDCS' satisfaction. MDCS may initiate a full program review each quarter and desktop reviews monthly.

▪ **Appeals**

1. A MassHire Workforce Board/local area that is dissatisfied by an MDCS determination to impose a sanction(s) or corrective action(s) may file a written appeal as indicated in this section.

2. Grounds for appeals:
 - a) findings of non-compliance
 - b) disallowed costs
3. Any MassHire Workforce Board interested in filing an appeal must exhaust the remedies provided in this policy prior to seeking additional relief at a different venue.
4. A MassHire Workforce Board that fails to exhaust the administrative remedies provided in this policy waives its rights to file an appeal.
5. Appeals made under this section, with respect to findings of non-compliance, shall be made no later than 30 days after receipt of monitoring report.
6. Appeals made under this section, with respect to disallowed costs, shall be made no later than 30 days after receipt of final disallowed costs letter from MDCS
7. The written appeal shall state the following:
 - a) MassHire Workforce Board name, address, contact information;
 - b) The imposed sanction, what constitutes the basis for the appeal;
 - c) Support documentation to support and/or validate the basis of the appeal;
 - d) Form of relief requested.
8. The written appeal shall be directed to the Executive Director of MDCS
9. MDCS will issue a determination no later than thirty (30) business days after receipt of the appeal. A decision under this state appeal process is final and may not be appealed to the U.S. Secretary of Labor.