



Workforce Issuance

100 DCS 10.107

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: Diane Hurley, Acting Director
MassHire Department of Career Services

Date: November 4, 2022

Subject: **MassHire Department of Career Services Field Management and Oversight
Fiscal Year 2023 Monitoring Review of the MassHire Workforce Boards**

Purpose: To notify the MassHire Workforce Boards (MWBs) of monitoring for Fiscal Year 2023 (FY23) and to provide the Commonwealth's related policy for monitoring provisions and respective responsibilities of the local boards, sub-recipients, and contract service providers.

Background: The Executive Office of Labor 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.

As such, 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, the 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 for FY23, 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 FY23 reviews. MDCS Field Management and Oversight Program Coordinators will reach out directly to their assigned areas with the FY23 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. FY23 Program Monitoring Elements
- B. FY23 Career Center Questionnaire
- C. FY23 Customer Program File Review
- D. FY23 Youth Customer Program File Review
- E. FY23 American with Disabilities Act Compliance/Complaint
- F. FY23 Language Access Assessment (LEP)
- G. FY23 Veterans Caseload Data Analysis Sheet (VCDAS)
- H. FY23 Required Poster List
- I. FY23 Significant Barriers to Employment (SBE) Checklist
- J. FY23 Complaint/EEO/Hearings Officer List
- Ka. FY23 Initial RESEA Checklist (fillable form) – *updated 11/18/22*
- Kb. FY23 Initial RESEA Checklist (printable form) – *updated 11/18/22*
- La. FY23 RESEA Review Checklist (fillable form) – *updated 11/18/22*
- Lb. FY23 RESEA Review Checklist (printable form) – *updated 11/18/22*
- Ma. FY23 CCS Checklist (fillable form) – *updated 11/18/22*
- Mb. FY23 CCS Checklist (printable form) – *updated 11/18/22*
- N. FY23 Workforce Board Questionnaire

Compliance Monitoring Elements:

A. *Entrance Meeting*

MDCS will conduct a formal Entrance Interview/meeting with the MassHire Workforce Board and interested parties at the beginning of the monitoring to establish the purpose, parameters, and timeframe of the visit. During this meeting, any relevant information will be discussed which may enhance the effectiveness of the review. All previously requested documents must be available for review and distribution, including items to be retained by the monitoring team.

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

MDCS will examine files for the following programs for timeliness and accuracy in accordance with all federal, state, and local policies: 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.

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

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

1. Conducted at least **one** time per program year and preceded by a notification to the respective Workforce Board Management at least **two weeks** in advance of the monitoring review.
2. Inspection of programs 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.

D. *Program Performance & 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

E. *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(s)*

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 explain the Findings and/or (if applicable) Areas of Concern in writing outlining the results of the review. Corrective Action progress 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 instead include suggestions for improvement.*

Finding(s):

A finding is a violation of a specific compliance requirement contained in law, regulations, national policies, FOA, Uniform Guidance or OMB Circulars, the 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 law, regulations, policies, FOA, Uniform Guidance or OMB Circulars, the grant terms and conditions, ETA policy guidance, including Training and Employment Guidance Letters (TEGLs) as 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/region is below minimum standards, a corrective action plan will be developed by MDCS and/or the MWB to improve MassHire Workforce Board/region's performance. MDCS will follow-up with performance monitoring to determine if the deficiency has been corrected. If the MassHire Workforce Board/region is deemed to be in compliance with the corrective action plan, a letter will be sent to the MWB advising that the corrective action goals have been met.

If the MassHire Workforce Board/region is 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/region 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 not to exceed 90 days.

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

- Monitoring activities discover disallowed costs
- When a 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/region who 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 who 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(s) that constitute the basis for the appeal.
 - c) Support documentation to support and/or validate the basis of the appeal.
 - d) Form of relief requested.
8. Written appeal shall be directed to the Executive Director of MDCS.
9. MDCS will issue a determination no later than thirty business days after receipt of the appeal.