

**Attachment B**  
**Migrant and Seasonal Farmworker (MSFW) Services**  
**Program Compliance Monitoring Review Plan**

This *Program Compliance Monitoring Review Plan* is developed in conjunction with the *US Department of Labor Core Monitoring Guide* (CMG) as an additional tool for the State Monitor Advocate (SMA) in conducting on-site reviews of MassHire Workforce Boards (MWBs) and MassHire Career Centers (MCCs) relative to the provision of services to Migrant and Seasonal Farm Workers (MSFWs).

**A. Pre-Onsite Monitoring Review and Preparation**

1. The State Monitor Advocate (SMA) will gather all historical information from prior reviews, two years back from the current Program Year (PY), to evaluate MassHire Workforce Board (MWB) and MassHire Career Center (MCC) activities related to the provision of ES services and those services to Migrant and Seasonal Farm Workers (MSFWs).
  - a. The SMA will examine MDCS FMO Monitoring Review Reports to consider overall compliance in providing the full range of services, benefits, and protections to MSFWs as compared to non-MSFWs.
  - b. Review of completed MDB and MCC Questionnaires - Attachments F and G from this policy. These will be sent with monitoring notices and due no later than 2 weeks prior to the review.
  - c. The SMA will also collect MSFW-related data related to MCC activities through the Massachusetts One-Stop Employment System (MOSES) to validate, analyze and determine the equitable level of performance relative to MSFW services.
  - d. The SMA will obtain a report of MSFW and non-MSFW jobseekers, as well as agricultural and non-agricultural job orders.

**B. Migrant and Seasonal Farmworker (MSFW) Customer File Review**

1. Customer file selections for MSFW and non-MSFWs will be made, and notice will be provided at least two (2) weeks in advance.
2. The State Monitor Advocate (SMA) will examine MSFW and non-MSFW customer files for timeliness, accuracy, and compliance. Files of those MSFW customers who exited during the appropriate fiscal year may also be reviewed as part of the sample.
3. Non-MSFW files will be sampled and reviewed to benchmark with the MSFW files and evaluate the extent of equity on the provision of services.

**C. On-Site\* local MassHire Workforce Board (MWB) Monitoring**

1. On-site monitoring at each local MassHire Workforce Board (MWB) will be conducted “quadrennially” (i.e., every four years). On-site monitoring will be preceded by a scheduling letter as a formal notification to the respective MWB management at least thirty (30) days in advance of the monitoring review. The scheduling letter will establish the period to be reviewed and may include a request for documentation.
  - a. On-site monitoring will include an inspection of programs and a review of compliance for physical locations used by staff/customers to ensure adherence to local, state, and federal accessibility policies.
  - b. On-site monitoring may include interviews with MWB and MCC management, staff, partners, jobseekers, and business customers. The SMA will communicate directly with MWBs to discuss monitoring schedule information. MWBs must also communicate directly with MCC management and other stakeholders to provide monitoring schedule information in order to avoid disruption to any service.

*\*The State Monitor Advocate (SMA), as a component of the MDCS overall monitoring process, will review and provide comment, as appropriate, on all annual monitoring reports to evaluate MWB and MCC activities related to the provision of ES services to Migrant and Seasonal Farm Workers (MSFWs). The SMA will internally sign off on all annual monitoring reports from FMO prior to final issuance.*

#### **D. Monitoring Review Components**

- Wagner-Peyser (WP) and WIOA operations and compliance
- WIOA Equity Ratios and Performance Indicators (PIs) for MSFWs as compared to non-MSFWs
- Customer files (i.e., to ensure provision of education/training information, job development contacts, supportive services, job referrals, career guidance, follow-up services, and access to limited language proficiency)
- Record keeping and file maintenance, including data recording and reporting, data integrity and quality
- Non-discrimination, Equal Employment Opportunity (EEO), and Americans with Disabilities (ADA) compliance, policies, and procedures
- Business and recruitment services in relation to activity related to:
  - Agricultural Job Order and Activities (Note: Refer to [Issuance 100 DCS 21.106](#))
  - General Recruitment Efforts and Job Referrals
- Implementation of individual MWB and MCC management practice in relation to their respective MassHire Local Plan as submitted annually and in particular compared to the agricultural landscape as described in local plans (NOTE: Refer to [Local Plan Guidance](#))
- Local Area Memorandum of Understanding (MOU) (NOTE: Refer to [MOU Guidance](#))

NOTE: For example, components (practices) may include EEO, MSFW, and Complaint System training, and/or regularly scheduled MSFW Q&A and Chat sessions (\*NEW-Coming Spring 2025).

#### **E. MSFW-specific Documentation**

The SMA may request MSFW-specific documentation including, but not limited to, the following:

1. Brief summary of previously self-disclosed circumstances or events that may have impacted (or will impact) the equitable provision of services by the MCC to MSFWs
2. Documentation and correspondence pertaining to MDCS outreach referrals made to the MCC\*
3. Local MCC Complaint Log\*

*\*The State Monitor Advocate (SMA), as a component of the monitoring process, will request, review, and compare documentation and correspondence from the MDCS Outreach Specialist, section 167 Grantee (National Farmworkers Job Program), and State Complaint Officer pertaining to MSFW outreach efforts and any service complaints as appropriate.*

#### **F. Exit Interview**

1. The State Monitor Advocate (SMA) will conduct a formal Exit Interview (meeting) with the respective MassHire Workforce Board (MWB) and interested parties, at the conclusion of the monitoring review process to discuss findings and results.
  - The meeting agenda will consist of items already disclosed through daily discussions with MWB and MCC staff.
  - The SMA will explain issues concisely and listen to all MWB and MCC responses and questions. Where an issue may result in a finding, the SMA shall explain how the position is supported by rules, regulation, law, and/or policy.

## **G. Reporting**

1. A written report will be sent to the MassHire Workforce Board (MWB) within thirty (30) working days upon completion of the Exit Interview. The MWB will be provided with no less than thirty (30) working days to resolve and/or explain the Findings and/or (if applicable) any Areas of Concern in writing and outlining the results of the review. Corrective Action will be initiated in the direction of MassHire Department of Career Services (MDCS) and, if applicable, the MassHire Workforce Board (MWB), until all findings have been resolved.

## **H. Areas of Concern – Observations and Findings of Non-Compliance**

### **Observation**

If a performance indicator is not met and the State Monitor Advocate (SMA) believes it could lead to a future finding or have an adverse result if not addressed, an Area of Concern (or Observation) will be identified. This is not a specific compliance violation and, as a general practice, no corrective action will be specified or required but may instead include guidance and/or suggestions for improvement.

### **Non-Compliance**

A Finding of Non-compliance is a violation of a specific compliance requirement contained in law, regulations, national policies, Funding Opportunity Announcement (FOA), Uniform Guidance or Office of Management and Budget (OMB) circulars, the grant terms and conditions, Employment and Training Administration (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, MassHire Department of Career Services (MDCS) determines 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.

- **Corrective Action**

In the event that performance of a MassHire Workforce Board (MWB) region is found to be non-compliant, a Corrective Action Plan (CAP) will be developed by MDCS and/or the MWB to improve performance. This plan must include the actions required to correct any compliance issues within thirty (30) business days.

The State Monitory Advocate (SMA) will follow-up with performance monitoring to determine if the deficiency is corrected. If deemed compliant with the corrective action plan, a letter will be sent by the SMA to the MWB advising that corrective action goals have been met.

If the deficiency is not corrected, the MWB must request, in writing (i.e., letter format), approval from the SMA for an additional thirty (30) business days to achieve full compliance. The duration and reasons for the extended period, as well as the key intermediate steps to address compliance issues, must be specifically stated. The MWB will be responsible for ensuring and documenting that the MCC complies within the designated timeframe in the plan.

The SMA will conduct follow-up monthly until all issues are resolved.