



Workforce Issuance

100 DCS 17.104.2

☒ 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: October 29, 2020

Subject: **MassHire Workforce Board Career Center Oversight and Monitoring Requirements**

Purpose: To update the MassHire Department of Career Services (MDCS) policy regarding local level programmatic monitoring requirements under WIOA.

Background: The MassHire Workforce Board (heretofore referred to as "Board"), in partnership with the chief elected official is responsible to monitor all of its WIOA Title I and Wagner-Peyser programs, sub-recipients and contractors on-site, at least annually, or once during each contract term (for contracts lasting less than one year), for programmatic compliance. The Board must ensure that the use, management, and investment of funds for workforce development activities maximize performance outcomes under WIOA Section 116.

Policy: In accordance with 20 CFR §683.410, each recipient and sub recipient of funds under title I of WIOA and under the Wagner-Peyser Act must conduct regular oversight and monitoring of its WIOA and Wagner-Peyser Act program(s) and those of its sub-recipients and contractors. The Board will be responsible for conducting programmatic monitoring to ensure compliance with WIOA federal, state and local regulations and for providing technical assistance as necessary and appropriate. Each Board must maintain a local monitoring policy, including tools and procedures.

Action

Required: MassHire Workforce Boards must update local monitoring policies and procedures to include updated monitoring tools the Board will utilize when monitoring the MassHire Career Center(s) in their region. Boards may utilize state issued monitoring tools or create their own tools in accordance with state and federal regulations and as approved by MDCS. The Board policy and updated monitoring tools must be kept on file (on-site or electronically), and made available for review. The WB tools and policy must be utilized to conduct programmatic monitoring as described herein.

Effective: Immediately

Inquiries: Please email all questions to Michael.V.Williams@detma.org. Also, indicate Issuance number and description. The Program Monitoring Schedule will be issued separately.

Attachments:

- A. FY 21 Program Monitoring Element
- B. FY 21 Program Monitoring Questionnaire
- C. FY 21 Sample Notification Letter *(updated 1/15/21)*
- D. FY 21 Customer Program File Review Tool
- E. FY 21 Youth Customer Program File Review Tool
- F. FY 21 American with Disabilities Act Compliance/Complaint Tool
- G. FY 21 Language Access Assessment Tool
- H. FY 21 Veterans Case Load Data Analysis Sheet (VCDAS)
- I. FY21 Required Poster List
- J. FY21 Youth Questionnaire
- K. Initial RESEA Checklist *(added 1/15/21)*
- L. RESEA Review Checklist *(added 1/15/21)*
- M. CS Checklist *(added 1/15/21)*

References:

WIOA 20 CFR § 679.370
WIOA Sections 107, 116
WIOA 20 CFR § 683.410.
2 CFR Part 200
2 CFR Part 2900

MassHire Programmatic Annual and Career Center Certification Monitoring Key Information

Below is some key information to prepare for the annual monitoring, including Career Center Certification for your workforce area.

Please refer to MWF Policy Issuance 100 DCS 17.103.2 Career Center Certification for MassHire Workforce Boards at <https://www.mass.gov/service-details/massworkforce-wioa-masshire-workforce-board-policy-issuances>

This tool is meant to be one of many resources. Please also refer to all local, state, and federal guidance related to WB monitoring of Career Centers/sub recipients.

Local Area Monitoring:

Each sub recipient* of funds under Title I of WIOA must conduct annual oversight and monitoring of its WIOA programs and those of its sub recipients and contractors in order to:

- Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in the Act and the regulations in this part;
- Determine whether there is compliance with other provision of the Act and the WIOA regulations and other applicable laws and regulations;
- Assure compliance with 2 CFR part 200; and
- Determine compliance with the nondiscrimination, disability and equal opportunity requirements of WIOA Section 188 (20 CFR § 683.410 (a)).

Frequency of Monitoring:

The Board will be responsible for **conducting all monitoring** to ensure compliance with WIOA federal, state and local regulations and for providing technical assistance as necessary and appropriate. Each Board must maintain a local monitoring policy, including tools and procedures.

For sub-recipients with contracts, the duration of which is one year or less, monitoring will be conducted once during the contract period.

Career Center Certification:

WIOA sec. 121(g) requires Local Workforce Boards to certify the One-Stop Career Centers under their purview at a minimum of once every three years.

All monitoring will be completed by the end of the respective fiscal year.

Monitoring Policy and Tools:

The Board must have a local monitoring policy that provides a clear plan that describes how the Board will annually monitor the sub-recipients. If the local area is following the State's

monitoring policy for compliance with local, state and federal regulations, please include that information in your local Standard Operating Procedures (SOP). MDCS has posted our monitoring tools for the Boards to utilize in their monitoring process.

Compliance Monitoring Elements for Workforce Boards (WBs) to complete:

A. Customer File Review (of all applicable programs)

1. Examine a minimum review of **5 hard copy or electronic files** for the following programs for timeliness and accuracy: Adult, Dislocated Worker, Youth*, Veterans, TRADE and RESEA from the appropriate fiscal year. Files of customers who have been exited may be reviewed as part of the sample.
2. Ensure that all applicable programs are included in the file review (e.g. Disability Employment Initiative participants, Apprentices, on-the Job Training participants, special grant enrollees).

**Boards that provide framework services for Youth in their region cannot monitor the Youth files. The Youth files will be monitored by MDCS in the annual monitoring of the Board.*

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

1. Will be conducted at least once per program year and be preceded by a notification to the respective Mississippi Career Center Management at least two weeks in advance of the monitoring visit. Unannounced visits by the Board are permitted; however, the sub-recipient will not be responsible for absence of a staff person when this situation arises.
2. Will include inspection to ensure local adherence to ADA policies.
3. May include interviews of Career Center staff, jobseekers, and business customers. WBs should communicate directly with Career Center management to schedule as to avoid disruption of services.

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

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

D. Compliance monitoring of program administration and management practices

Including, but is not limited to:

1. Review of non-discrimination/EEO compliance, ADA compliance, policies and procedures;
2. Management practices

F. Exit Interview

The Board will conduct a formal exit interview with the sub-recipients at the conclusion of the review to discuss results of the review. All efforts should be made to complete the Exit Interview as soon as possible; however, the Exit Interview must be completed within thirty days of reviewing all monitoring requirements.

G. Report

A written report will be sent to the sub-recipients within 30 days of completion of the Exit meeting. The sub-recipients will be given no less than 30 working days to review and/or explain the findings or concerns and report back to the Board. Resolution actions will continue at the direction of the Board until all findings have been resolved.

H. Findings of Noncompliance

If, as result of compliance and performance monitoring or otherwise, the Board has determined that non-compliance and/or a violation of provisions of the Federal, State, local regulations, or sub-award agreement exists, the Board will require corrective action(s) to secure prompt compliance. For guidance, please refer to related local, state, and federal policies and see below.

▪ Corrective Action

In the event the performance of a sub-recipient is below minimum standards, a corrective action plan will be developed to improve sub-recipient performance. The Board will follow-up with additional performance monitoring to determine if the deficiency has been corrected. If the sub-recipient is deemed to be in compliance with the corrective action plan, a letter will be sent advising that the correction action goals have been met.

If the sub-recipient fails to correct the deficiency, the sub-recipient 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 sub-recipient 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.

▪ High Risk Service Provider

A high-risk service provider determination may be made by the Board or Fiscal Agent where:

- Monitoring activities uncover 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 time as the Board and/or Fiscal Agent determine that the identified issues have been resolved satisfactorily and systems and procedures have been adapted appropriately to the Board and/or Fiscal Agent's satisfaction. The Board may initiate a full program review each quarter and desktop reviews monthly.

▪ **Appeals**

1. A sub-recipient who is dissatisfied by a Board 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
 2. Any sub-recipient interested in filing an appeal must exhaust the remedies provided in this policy prior to seeking additional relief at a different venue.
 4. A sub-recipient 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 the Board.
- The written appeal shall state, with accuracy/precision the following;
- a) Sub-recipient 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. The written appeal shall be directed to the MDCS Executive Director.
 9. MDCS will issue a determination no later than 30 business days after receipt of appeal.