



DEPARTMENT OF
CAREER SERVICES

Workforce Issuance

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☒ **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 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 the Workforce Innovation Opportunity Act (WIOA).

Background: The local MassHire Workforce Board (MWB) in partnership with the Chief Elected Official is responsible for monitoring all of its WIOA Title I* and Wagner-Peyser programs, sub-recipients and contractors, at least once annually, 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 MassHire Workforce Board (MWB) is responsible for conducting programmatic monitoring to ensure compliance with all local, state and federal policies, procedures and regulations.

Each MWB must maintain a local monitoring policy, including tools and procedures.

Action

Required: MassHire Workforce Boards must annually update their local monitoring policy(ies) and procedures to include monitoring tools for the current fiscal year monitoring of the local Career Center(s) and related programs in their region. MWB's may utilize state issued monitoring tools attached to this policy or create tools in accordance with local, state and federal regulations that are approved by MDCS. The MWB policy and monitoring tools must be kept on file (on-site or electronically) and made available for review.

Effective: Immediately

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 CC 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. Significant Barriers to Employment (SBE) Checklist
- K. FY22 Complaint/EEO/Hearings Officer List
- L. FY 22 Initial RESEA Checklist
- M. FY 22 RESEA Review Checklist
- N. FY 22 CCS Checklist

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 assist MWBs to prepare for annual Career Center monitoring. Please also refer to local, state, and federal guidance to ensure compliance with all related requirements.

Local Area Monitoring Requirements:

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

1. ***Annual Career Center monitoring: occurs once every fiscal year***
For sub-recipients with contracts, the duration of which is one year or less, monitoring will be conducted once during the contract period.
2. ***Career Center Certification: occurs once every three years***
WIOA sec. 121(g) requires Local Workforce Development Boards (LWDBs) to certify the One-Stop Career Centers (OSCCs) under their purview at a minimum of once every three years.

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

MassHire Workforce Board (MWB) Annual Monitoring Policy and Tools:

Each MWB must maintain a local monitoring policy that clearly outlines the MWB's step-by-step procedures and identifies the tools to be used for annual monitoring of the career center(s)/service providers. MDCS posts sample monitoring procedures/tools on Mass.gov that the state uses for annual monitoring of the MWB/local areas. The tools that the MWB uses in annual monitoring must be included in the local Standard Operating Procedures (SOP).

Compliance Monitoring Elements for MassHire Workforce Boards (MWBs) to complete:

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

1. Review a minimum of **five (5) hard copy or electronic 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 fiscal year may also be reviewed as part of the sample.
2. Ensure that all applicable programs are also included in the file review (e.g. Apprenticeship, on-the Job Training participants, special grant enrollees).

**MWBs that provide framework services for Youth cannot monitor the Youth participant files for the purpose of annual monitoring. The Youth files will be monitored by MDCS within 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 Career Center Management at least **two weeks** in advance of the monitoring review. Unannounced visits by the Board are permitted; however, the career center/service provider will not be responsible for absence of a staff person should this situation arise.
2. Will include inspection of programs and review of any 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 Career Center staff, jobseekers and business customers. MWBs must communicate directly with Career Center management to schedule any interviews 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
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/EEO compliance, ADA compliance, policies and procedures
2. Career Center Management practices

E. Exit Interview/meeting

The MWB will conduct a formal Exit Interview/meeting with the career center/service provider 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 information gathered.

F. Report(s)

The MWB will send a written report describing the results of the review to the appropriate parties within thirty days of completion of the Exit Interview/meeting. The career center/service provider will be given no less than thirty working days to address and/or resolve any Findings or Areas of Concern in writing. Resolution actions will continue at the direction of the MWB until all findings have been resolved.

G. Areas of Concern & Findings of Non-Compliance

Area 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:

A finding is a violation of a specific compliance requirement contained in law, regulations, federal/state policies, Funding Opportunity Announcement, Uniform Guidance or OMB Circular, 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, the MWB has determined that non-compliance and/or a violation of provisions of the above exists, the MWB will require corrective action(s) toward 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 career center/service provider is below minimum standards, a corrective action plan (CAP) will be developed by the MWB (and MDCS if applicable) to improve performance. The MWB will follow-up with additional performance monitoring to determine if the deficiency has been corrected. If it is determined that the sub-recipient is in compliance with the CAP, the career center/service provider will be informed in writing that the CAP goals have been met.

In a case where the career center/service provider fails to correct the deficiency, written notice of probationary status will be issued. The notice will indicate the effective date and duration of the probationary period. The probationary period will not be less than thirty days and will not exceed ninety days.

The career center/service provider will receive written notification five days before the probation period expires of one of the following:

- The probation will be terminated
- The program will be terminated
- The probation 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 the MWB or Fiscal Agent where:

- Monitoring activities uncover disallowed costs
- When a service provider fails to attain 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 the MWB and/or the Fiscal Agent determine that the identified issues have been resolved satisfactorily and systems and procedures have been adapted appropriately to the MWB and/or Fiscal Agent's satisfaction. The MWB may initiate a full program review each quarter and desktop reviews monthly.

▪ **Appeals**

1. A career center/service provider who is dissatisfied by a MWB determination to impose a sanction or corrective action may file a written appeal as indicated in this section.
2. Grounds for appeals:
 - a) findings of non-compliance
 - b) disallowed costs

3. Any career center/service provider interested in filing an appeal must exhaust the remedies provided in this policy prior to seeking additional relief at a different venue.
4. A career center/service provider 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 MWB.
7. The written appeal shall state the following:
 - a) Appellate name, address, contact information;
 - b) The imposed sanction(s) that 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 30 business days after receipt of the appeal.

MassHire Programs & Services are funded in full by US Department of Labor (USDOL) Employment and Training Administration grants. Additional details furnished upon request.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.