



Workforce Issuance

100 DCS 17.108

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 8, 2022

Subject: **MassHire FY23 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 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.

**MWBs that provide Framework services for Youth programs in their region cannot monitor the Title I Youth files. Therefore, MDCS will monitor Title I Youth files for those areas while conducting annual monitoring of the MWB.*

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 policies and procedures to include monitoring tools for the current FY's 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. FY23 Program Monitoring Elements
- B. FY23 Career Center Program 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*

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, of your workforce area. Please also refer to local, state, and federal guidance to ensure you are in 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 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 (LWDB's) to certify the One-Stop Career Centers (OSCC's) under their purview at a minimum of once every three years.
All monitoring will be completed by the end of the respective fiscal year.

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

As stated earlier in this policy, each MWB must maintain a local monitoring policy that clearly outlines the MWB'S's step-by-step procedures, timelines and any tools used for annual monitoring of their sub-recipients. MDCS posts sample monitoring procedures/tools on Mass.gov that the state uses for annual monitoring of the MWB/local areas. Whatever tools MWBs use in annual monitoring must be included in your local Standard Operating Procedures (SOP).

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

A. Entrance Meeting

The *MassHire Workforce Boards (MWB) will conduct a formal Entrance Interview/meeting with the MassHire Career Center(s) 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)

1. Examine a minimum review of **five (5) hard copy/ electronic files** for the following programs files 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 also be reviewed as part of the sample.
2. Ensure that all applicable programs are also included in the file review (e.g., Disability Employment Initiative participants, Apprentices, On-the Job Training participants, special grant enrollees).

**MWBs that provide Framework services for Youth programs in their region cannot monitor the Title I Youth files. Therefore, MDCS will monitor Title I Youth files for those areas while conducting annual monitoring of the MWB.*

C. 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 the respective Career Center Management at least **two weeks** in advance of the monitoring review. 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 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 any services.

D. 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

E. 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

F. Exit Interview/meeting

The MWB will conduct a formal Exit Interview/meeting with the sub-recipients 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)

The MWB will send a written report to the sub-recipients within thirty days of completion of the Exit Interview/meeting outlining the results of their review. The sub-recipients will be given no less than thirty working days to resolve and/or explain the Findings or (if applicable) Areas of Concern in writing. Resolution actions will continue at the direction of the MWB until all findings have been resolved. The MWB will send an electronic copy of the Final Monitoring Report and any corrective action plan(s) will be sent to the area's MDCS Program Monitor.

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, the MWB 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, the MWB will require corrective action(s) to secure prompt compliance.

▪ **Corrective Action**

In the event the performance of a sub-recipient is below minimum standards, a corrective action plan will be developed by the MWB (and MDCS if applicable) to improve sub-recipient performance. The MWB 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 to the Career Center (CC) 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 not to exceed 90 days.

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 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 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 sub-recipient who is dissatisfied by a MWB 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 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 MWB.
7. The written appeal shall state 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 Executive Director of MDCS
9. MDCS will issue a determination no later than 30 business days after receipt of the appeal.