



Workforce Issuance

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☒ Policy ☐ Information

To: 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 12, 2024

Subject: **MassHire FY25 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 in their region cannot monitor the Youth files. MDCS will review the Youth files in these areas during annual program monitoring.*

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 in accordance with this and all federal and state policies to ensure compliance with all local, state, and federal policies, procedures, and regulations. Each MWB must maintain a detailed, local monitoring policy, that includes specific tools and procedures clearly outlining that monitoring process.

While MWBs are required to complete annual monitoring by the end of each fiscal year, MWBs must follow the timeline and activity deadlines outlined in their monitoring policies and SOPs once the CC monitoring begins. MDCS will review the local area monitoring policy/timelines when conducting the annual review to ensure compliance.

Action

Required: MassHire Workforce Boards must annually update their local monitoring policies and procedures to include monitoring tools and timelines for the current fiscal year'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 prior to monitoring*. Should the MWB utilize the state issued monitoring tools, those tools must also be included in the local monitoring policy and Standard Operating Procedures. The MWB monitoring policy and monitoring tools must be kept on file and made available for review.

Effective: Immediately

Inquiries: Please direct all inquiries to PolicyQA@mass.gov please indicate Issuance number and description

Attachments:

- A. FY25 WB Program Elements
- B. FY25 Career Center Program Questionnaire
- C. FY25 Customer Program File Review
- D. FY25 Youth Customer Program File Review
- E. FY25 American with Disabilities Act Compliance/EEO/Complaint
- F. FY25 Language Access Assessment (LEP)
- G. FY25 Veterans Caseload Data Analysis Sheet (VCDAS)
- H. FY25 Required Poster List <https://www.mass.gov/info-details/ajc-posters>
- Ha. FY25 Required Posters (fillable)
- Hb. FY25 Required Poster (printable)
 - I. FY25 Significant Barriers to Employment (SBE) Checklist
 - J. FY25 Officer List
- Ka. FY25 Initial RESEA Review Checklist (fillable)
- Kb. FY25 Initial RESEA Review Checklist (printable)

La. FY25 RESEA Review Checklist (fillable)
Lb. FY25 RESEA Review Checklist (printable)
Ma. FY25 CCS Checklist (fillable)
Mb. FY25 CCS Checklist (printable)

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 the annual Career Center Program monitoring of your workforce area. Please also refer to related 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 provisions 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 must be completed by the end of the respective fiscal year and follow the timelines set forth in the area's WB monitoring policy in accordance with state and federal policies.*

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

As stated earlier in this policy, each MWB must maintain a local monitoring policy that clearly outlines the MWB's step-by-step procedures, timelines and any tools used for annual monitoring and certification 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:

I. ***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 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.

II. Customer File Review (of all applicable programs)

1. Examine a minimum review of at least **five (5) hard copy or electronic customer files** for timeliness, accuracy, and compliance from the following programs files: Adult, Dislocated Worker, Youth*, Jobs for Veterans State Grants (JVSG), Trade Adjustment Assistance (TAA), Migrant and Seasonal Farmworkers (MSFW), 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 in their region cannot monitor the Youth files. The Youth files for these areas will be monitored by MDCS during annual monitoring.*

III. Program Monitoring:

1. 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 the absence of staff 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. Will include a review of all Elements listed in this policy (also see attachments) and any required questionnaires, surveys, tools and attachments completed by the local CC/CC designee.
4. May include interviews of Career Center managers and staff, partners, jobseeker and business customers. MWBs must communicate directly with Career Center management to schedule any interviews in advance to avoid disruption of services.

IV. 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 Standard Operating Procedures (SOPs)

V. *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 and staff/partner integration

VI. *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 the results of the review. The Exit Interview/meeting will be held within thirty business days of reviewing all monitoring requirements.

VII. *Report(s)*

The MWB will send a written report to the sub-recipients within thirty business days of completing the Exit Interview/meeting, which will outline the results of their review. The sub-recipients will be given no less than thirty business days to resolve and/or explain the Findings or (if applicable) Areas of Concern/Observation in writing. Corrective/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) to the area's MDCS Program Monitor who will provide technical assistance as needed/requested.

VIII. *Areas of Concern/Observation & Findings of Non-Compliance*

Area(s) of Concern/Observation:

If an indicator is not met and the Reviewer believes that it could lead to a future Finding or have an adverse result if not addressed, an *Area of Concern or Observation* is identified. These are not specific compliance violations and, *as a general practice, no corrective action is specified or required but may instead include guidance and/or 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.

For additional 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 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 probation(s) will be extended for a period not to exceed 90 days.

High Risk Service Provide: 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