



Workforce Innovation and Opportunity Act (WIOA) Administrative Policy #105

Subject: Local Monitoring

Revision Date: November 21, 2019

Policy Statement:

WIOA oversight and monitoring is essential to ensure the integrity of the WIOA programs and funds, to review performance, assess compliance with applicable laws and regulations (to include equal opportunity and Section 188 of the WIOA adherence), and identify successful methods and practices that serve to support and advance continuous improvement. This policy provides the framework in the Capital Region.

Policy Guidelines:

1. Frequency:

Formal monitoring of the contracted service providers shall be conducted on an annual basis, to occur each program year between the months of March and June. Final reports will be completed by September of each year and any findings will be shared with the Chief Elected Officials and the Workforce Development Board (WDB) and/or one of its standing committees as deemed appropriate.

More informal monitoring and/or oversight activities, both announced and unannounced, may also occur during the course of a program year in order to provide service providers additional feedback opportunities and identification of any potential issues or concerns in advance of the annual formal reviews.

2. Method:

The Director shall determine by February of each program year if the formal monitoring described in Section 1 will be conducted by staff, a contracted vendor, or through some other arrangement established with a third party entity.

3. Process

- a. Monitoring of sub-recipients shall follow a standardized review methodology that will result in written reports which record findings, any needed corrective actions, and due dates for the accomplishment of corrective actions. Reports may also identify concerns that do not rise to the level of a finding, as well as recording any best or promising practices that are observed.
- b. All written reports and other documentation pertaining to monitoring and other oversight activities will be made available for review by the WDB and its committees, as well as federal and state officials.
- c. Board staff will be responsible for ensuring that once a final report and corrective action plan are issued, follow up occurs in a timely fashion to resolve the findings that may be identified.
- d. Formal monitoring shall follow the checklist at attachment 1 of this policy.
- e. The state WIOA system of record (Virtual One Stop, or VOS) will be used to cross-check data during reviews to ensure that data is accurate, timely, consistent with the file documentation and reflective of services provided.
- f. A random sample of at least 5% of current year participant files and expenditures will be reviewed. A larger sample or 100% review may be warranted based on results of the initial sample, substantiated complaints or allegations or as may otherwise be determined by the Director.

By: Brian Davis, Executive Director

Formal Monitoring Tool Framework

Administrative review items

- ✓ Sub-recipient Contract compliance
- ✓ Contractor policies align with federal, state, and local WIA guidance
- ✓ Adherence to associated MOUs/ Operator agreements
- ✓ Prior monitoring reports /corrective actions
- ✓ Actual Performance

Financial review items

- ✓ Internal Controls
- ✓ Expenditures
- ✓ Financial Transactions/reporting
- ✓ Reimbursement requests
- ✓ Procurement
- ✓ Cash Management
- ✓ Payroll
- ✓ Inventory/Property Management
- ✓ Cost allowability
- ✓ Cost limitations and categories
- ✓ Percentage of budget expended vs. number of contract months remaining
- ✓ Sub-recipient A-133 Audit requirements
- ✓ Petty Cash (if applicable) Property management

Programmatic review items

- ✓ WIOA Adult/Dislocated Worker/Youth Eligibility verification documentation
 - **General** program eligibility, e.g., United States (U.S.) citizenship (or right to work in the U.S.), age, and selective service registration; and
 - **Specific** program eligibility
- ✓ Program documentation- signed and dated (application, releases, EEO and grievance notice, etc.)
- ✓ Service delivery and documentation
 - Appropriate identification of services needed
 - Documentation of need and referral to partner/other services
 - Documentation of appropriate assessments (TABE, Career Interest, Skill, Pre/Post work readiness)
 - Documentation that services are in line with assessments and interests (IEP/ISS)

- Documentation that supports training and tracks payment for training
 - Documentation of need, classification and payment tracking for supportive services
 - Priority of service is followed
- ✓ Training
- Required documentation is complete and in participant files (contracts, training plans, ITAs, application for other financial aid, etc.)
 - Compliance with local area guidance on training (cost caps, documentation requirements, etc.)
 - Documentation shows that training is appropriate for participant and provides access to transferrable skills
- ✓ VOS
- Activity codes must match records in participant files and be reflective of services provided
 - Activities must be entered into the system within 14 days, in accordance with the guidance on Timely Data Entry (VWL 08-07)
- ✓ Case closure, exit
- Cases are not being held open for lengthy periods of time when services are not being provided to participants
 - VOS records and written documentation that supports use of global exclusions, if they are applied
- ✓ Follow-up
- Documentation that post-employment follow-up services designed to ensure job retention, wage gains, and career progress is being done
 - Follow-up is recorded in VOS to ensure performance related items are captured (may be entered under individual activities, case closure, or in Follow-up dropdown box)
- ✓ Delivery of Services Quality of Services Customer Satisfaction EEO Requirements/Grievance Procedures
- ✓ MIS Reporting & Services Tracking

Equal Opportunity Review

Discrimination is against the law in any program funded by the U.S. Department of Labor (USDOL). Section 188, 29 CFR Part 38 implements the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act of 2014. The purpose of this self-evaluation tool is the help grant recipients in Local Investment Development Areas (LWDAs), their contractors and other service providers to assess themselves by using written monitoring procedures to implement Section 188 of WIOA, which contains the nondiscrimination and equal opportunity provisions of WIOA.

Section 188 of WIOA states, in part: “prohibits discrimination against individuals in any program or activity that receives financial assistance under Title I of WIOA as well as by the one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the one-stop/American Job Center system. Section 188 prohibits discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, citizenship status or because of an individual's participation in a program or activity that receives financial assistance under Title I of WIOA.”

This instrument was developed to comply with the standards reflected in the USDOL Methods of Administration and in accordance with the following federal and state laws for EO/Nondiscrimination:

- Title VI and VII of the Civil Rights Act of 1964, as amended;
- The Age Discrimination Act of 1975 as amended, Parts B, C, Appendix A
- Section 504 of the Rehabilitation Act of 1973, as amended;
- Title IX of the Education Amendments of 1972, as amended;
- Section 188 of the Workforce Innovation and Opportunity Act of 2014,
- USDOL Regulations at 29 CFR Parts 31 and 32,
- Civil Rights Restoration Act of 1987,
- Americans with Disabilities Act of 1990,
- Nontraditional Employment for Women Act of 1991;
- USDOL Regulations at 29 CFR Part 38;
- USDOL Regulations at 20 CFR 267.210; 627.501 – 627.504;
- USDOL Regulations 29 CFR Part 1604, Guidelines on Discrimination because of Sex, Sexual Harassment;
- Fair Labor Standards Act of 1938, as amended;
- Equal Pay Act of 1963;
- Minimum Wage Act of 1938, as amended

Name and Contact Information for Person(s) Completing Evaluation Tool

AJC monitored:

Completed by (full printed name):

Job Title:

Telephone Number:

E-Mail Address:

Mailing Address:

Date:

Comments: (Use additional sheets if necessary and attach to end of evaluation)

Element → Measure ✓	Element 1: Designation of EO Officer References: <ul style="list-style-type: none"> • Methods of Administration, Element 1 • 29 CFR 38.28 -.33 • LWDA Designation Letter 	Measure Met?		Briefly explain if measure is not met; state corrective action on extra sheet if necessary
		Yes	No	
a.	Does the AJC have someone designated to handle Equal Opportunity inquiries or complaints? [38.28]			
b.	Is there a Job Description stating the EO reporting chain and job duties? (Get copy of the job description) [38.38 - .33]			
c.	Has the EO Officer's name or title, address, telephone number, TDD/TYY, location and email address been made public? How – explain in box on right. [38.29]			
d.	Is the AJC EO designee provided relevant training opportunities?			
Note: Small recipients and service providers are not required to designate an EO Officer [38.23]				
Comments:				
Element → Measure ✓	Element 2: Notice and Communication References: <ul style="list-style-type: none"> • Methods of Administration, Element 2 • 29 CFR Part 38.10 -.40 • "EO is the Law" Posters 	Measure Met?		Briefly explain if measure is not met; state corrective action on extra sheet if necessary
		Yes	No	
a.	Does the "Equal Opportunity is the Law" notice bear the LWDB EO Officer's name or title, location and telephone number? [38.35]			
b.	Is the LWDB EO Officer's name or title, location and telephone number posted prominently in places where registrants,			

applicants employees or the public can see it? [38.36]			
c. Is the EO information provided during intake/orientation?			
d. Do participant and employee files contain a signed statement indicating the EO notice was received? [38.36]			
e. Is the EO notice in alternate formats, i.e. Braille? Large letters? Languages other than English? [38.34, .38-.40]			
f. Do current policies, manuals and procedures contain the EO notice? [38.31 & .36]			
g. Has the EO notice been distributed to service providers? [38.36]			
h. Do recruitment materials, media releases, program brochures, job fairs and similar publications contain the statement “equal opportunity employer/program” and “auxiliary aids and services are available upon request to persons with disabilities”? [38.35] (Tag Lines)			
i. Does the AJC have TDD/TTY service, Video Remote Interpreting, or other aids for the deaf and hard of hearing? [37.34 (a)]			
j. Does the AJC have access to a language line or other foreign language services? [38.38]			
k. Does the AJC have an LEP program? [38.39]			
l. Does this AJC have qualified interpreters and signers-on retainers or contracts?			
m. Do the AJC/ contractor personnel manuals, posters, policies and procedures include information about the prohibition of sexual harassment? [38.10]			
n. Is sexual harassment training provided to AJC staff? [38.10]			
o. Describe how photographs and other pictorial displays (advertising) include and portray positive images of women,			

<p>minorities, and individuals with disabilities and persons of varying age groups in a variety of workplace and skilled training capacities?</p>			
<p>Comments:</p>			

Element → Measure ✓	<p>Element 5: Compliance with Section 504</p> <p>References:</p> <ul style="list-style-type: none"> • Methods of Administration, Element 5 • 29 CFR Part 38.12-.17 • Sect. 188 of WIOA and 29 CFR 32 parts B & C 	Measure Met?		Briefly explain if measure is not met; state corrective action on extra sheet if necessary
		Yes	No	
a.	Does the AJC have a Disability Resource Coordinator assigned?			
b.	Does the AJC have a copy of a recent ADA Survey on file?			
c.	Is communication with persons with disabilities as effective as communication with others? [38.15]			
d.	Are programs and activities physically accessible to persons with disabilities? [38.13]			
e.	Do written policies and procedures in effect address reasonable accommodations, auxiliary aids and services, and proper protocol (etiquette) to interact with person with disabilities? [38.15 & .17]			
f.	Has the staff been notified on the AJC policy regarding reasonable accommodations, auxiliary aids and services? Are there samples of training rosters, posters or policies posted?			

g. Are inaccessible entrances marked and are directions to accessible entrances posted?			
h. Are non-accessible restrooms marked and are directions to accessible restrooms posted?			
i. Are Language Line cards posted? Do staff know how to use Language Line?			
j. Are staff members trained to use the TTY/TDD System, VRI and/or VaRelay.org?			
k. How does staff insure that it does not aid or perpetuate discrimination by providing significant assistance to a person or entity that discriminates based on disability?			
l. How does staff insure that an individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that the individual chooses not to accept?			
Comments:			

Element → Measure ✓	Element 6: Data Collection, Information Collection & Records Maintenance References: • Methods of Administration, Element 6 • 29 CFR Parts 38.41 - .45	Measure Met?		Briefly explain if measure is not met; state corrective action on extra sheet if necessary
		Yes	No	
a. Is client information properly secured to ensure confidentiality and used only for record keeping and reporting, determining				

applicant eligibility and determining program compliance with nondiscrimination requirements? [38.41 (b)(3)]			
b. Are records kept for at least three years or long enough for the Governor or the CRC to monitor the records? This includes applicant, employee, terminees, applicant records, complaints, etc.			
Comments:			

Element → Measure ✓	Element 7: Compliance Monitoring References: • Methods of Administration, Element 7 • 29 CFR Part 38.60 – 38.68	Measure Met?		Briefly explain if measure is not met; state corrective action on extra sheet if necessary
		Yes	No	
a. Do participant files contain confidential information? Randomly check at least 10 files and make a record of your findings including disabilities and medical information.				
b. Are confidential files secured?				
c. Does the AJC post the following? 1. EO is the Law Posters in English and Spanish (at minimum) 2. State and local EO Officer information				

3. The local area discrimination complaint policy and procedures.				
d.	Is there a policy on who may see confidential information i.e. supervisors, designated counselor, emergency personnel and inspectors from WDS or CRC?			
e.	Is there a list of Assistive Technology posted in the resource room or where applicants can see the list?			
f.	Is the staff familiar with Assistive Technology offered? Has there been a recent training?			
g.	How and when is Assistive Technology Equipment replaced?			
h.	Is the Assistive Technology operable?			
i.	Does the staff know how to handle or know who is responsible for handling discrimination related complaints?			
j.				
Comments:				
Element →	Element 8: Complaint Processing Procedures References: <ul style="list-style-type: none">• Methods of Administration, Element 8• 29 CFR Parts 38.69 – 38.90	Measure Met?		Briefly explain if measure is not met; state corrective action on extra sheet if necessary
Measure ✓		Yes	No	
a.	Is AJC staff aware of the local complaint policy and procedure?			
b.	Has the AJC kept a complaint log for discriminatory complaints?			

c. Does the AJC staff know how to handle EO complaints?			
d. Is a copy of the complaint procedures distributed to applicants, participants and staff?			
e. Are there currently any complaints pending?			
f. Is the complaint procedure available in a language other than English?			
Comments:			