

SOUTHWEST LOCAL WORKFORCE DEVELOPMENT BOARD
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Effective Date: June 19, 2018

Duration: Indefinite

Workforce Services Policy Monitoring Southwest LWDB - WIOA (17-18)

Subject:

Monitoring

Purpose:

The purpose of this memorandum is to establish monitoring procedures that will comply with the requirements of the Workforce Innovation and Opportunity Act of 2014 (WIOA).

References: WIOA Section 185(c)(3); CFR 683.410; 2 CFR 200

Background: WIOA Section 683.410(a) states that “Each recipient and sub-recipient of funds under Title I of WIOA must conduct regular oversight and monitoring of its WIOA program(s) and those of its sub-recipients and contractors as required under Title I of WIOA, as well as under 2 CFR 200, including 2 CFR 200.327, 200.328, 200.331, and Department exceptions at 2 CFR part 2900, in order to:

1. Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in WIOA and the regulations in this part
2. Determine whether there is compliance with other provisions of WIOA and the WIOA regulations and other applicable laws and regulations;
3. Assure compliance with 2 CFR part 200; and
4. Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of Section 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).

The Workforce Innovation and Opportunity Act also states “each local board shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title”.

Policy:

It is the policy of Southwest Tennessee Workforce Development Board that SOUTHWEST LWDB staff will carry out the charge of WIOA Section 683.410(a) regulation through regular communication with SOUTHWEST LWDB’s Title I One-Stop Operator/Service Provider, both collecting and disseminating data. This informational data will be shared with the Board throughout the program year.

LWDB Monitoring Procedure:

SOUTHWEST LWDB Board staff has requested a weekly report from One-Stop Operator who also executes Delivery of Services for the area regarding the following by program and contract:

- Number of new enrollees
- Number of exits
- Number currently active
- Obligated expenditures
- Amount expended (on participants)

Currently, SOUTHWEST LWDB has two assigned staff (Youth Coordinator/Monitor and Operations Manager) for the purpose of monitoring all WIOA programs (Adult, Dislocated Worker and Youth formula; Statewide Rapid Response; RESEA; SNAP).

SOUTHWEST LWDB Youth Coordinator/Monitor will monitor participant files periodically (at least once a quarter) to ensure eligibility of participant, all required documentation has been uploaded into the Virtual One-Stop (VOS) system, and all activities are appropriate for each program. Results of the monitoring review will be forwarded to the One-Stop Director/Service Provider with a request for a corrective action plan within thirty (30) days of the report should there be any findings. The One-Stop Director/Service Provider will inform Career Specialists of any actions they need to take in order to correct findings and submit the corrective action taken to SOUTHWEST LWDB Youth Coordinator/Monitor within the assigned 30-day period.

Fiscal monitoring is performed by the Operations Manager upon submission of each invoice requesting reimbursement from the Contractor. Monthly invoices should be received from the One-Stop Operator/Service Provider by the fifth (5th) business day of subsequent month. Invoices will be reviewed by SOUTHWEST LWDB Operations Manager to ensure backup documentation is submitted and that all costs submitted for reimbursement are allowable. Should the invoice contain any unallowable costs, the amount of unallowable charges is deducted from the total invoice before any payment is made. After review by SOUTHWEST LWDB Operations Manager, invoices will be submitted to the SWHRA fiscal department where a second review will be completed prior to payment.

SOUTHWEST LWDB Youth Coordinator/Monitor will also monitor One-Stop Operator/Service Provider regarding the following:

- Conflict of Interest
- Nondiscrimination
- Performance measures
- Management of One-Stop Centers
- Coordination of partner programs
- Integration of available services and coordination of programs with all partners
- Compliance with WIOA and SOUTHWEST LWDB policies
- Forty percent (40%) Minimum Participant Cost Rate
- Seventy-five percent (75%) expenditure rate for out-of-school youth
- Twenty percent (20%) work experience expenditure rate for youth
- Youth elements are being met
- Inventory

The above-mentioned procedures will be conducted through (but not limited to) the following:

- Desk reviews
- On-site visits
- Interviews with:
 - WIOA participants
 - Area employers
 - One-Stop Operator and service delivery staff
 - Incumbent Worker Training (IWT) contractors
 - On-the-Job Training (OJT) contractors
 - Apprenticeship contractors

Results of each separate monitoring review will be issued to the One-Stop Director/Service Provider within thirty (30) days of completion of the review. One-Stop Operator/Service Provider will have thirty (30) days from receipt of report to respond with a corrective action plan if required. Follow-up will be conducted by SOUTHWEST LWDB Youth Coordinator/Monitor to ensure all corrections/concerns have been achieved.

Technical assistance will be given by SOUTHWEST LWDB staff to the One-Stop Operator/Service Provider as requested and to bring them into compliance with WIOA and SOUTHWEST LWDB policies.

General Prohibitions on Discrimination:

“No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries, applicants, and participants only, citizenship or participation in any WIOA Title I financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program or activity”. (29 CFR 38.5)

Providing Initial and Continuing Notice

- All recipients of financial assistance under WIOA (excluding the beneficiaries of WIOA programs or activities) must provide initial and continuous notice that they do not discriminate on any prohibited basis.
- For the purpose of equal employment opportunity and nondiscrimination regulations, recipients include by are not limited to:
 - State-level agencies that administer WIOA Title I funds, whether financed in whole or in part by WIOA
 - State Workforce Agencies
 - State and Local Workforce Development Boards
 - Local grant recipients
 - One-Stop Operators
 - Service providers, including eligible training providers
 - On-the-Job Training (OJT) employers
 - Job Corps contractors and center operators
 - Job Corps national training contractors
 - Outreach and admissions agencies, including Job Corps contractors that perform these functions
 - Placement agencies, including Job Corps contractors that perform these functions
 - Other National Program recipients

- This non-discrimination notice must be provided to:
 - Registrants, applicants, and eligible applicants/registrants
 - Participants
 - Applicants for employment and employees
 - Unions or professional organizations that hold collective bargaining or professional agreements with the recipient
 - Sub-recipients that receive WIOA Title I financial assistance from the recipients
 - Members of the public, including those with impaired vision or hearing and those with limited English proficiency

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communication s with others. (29 CFR 38.34, 29 CFR 38.4, 29 CFR 38.15)

- The Equal Opportunity is the Law poster – which is available in English, Arabic, Chinese, and Spanish – must be posted prominently, in a reasonable number of places, in available and conspicuous physical locations and on the recipient’s website.
- The international symbol for accessibility should be shown directing individuals to an accessible entrance and the telephone number to call if an accommodation is needed to receive services. Information concerning these regulations can be found in the Methods of Administration, specifically Element V.
- If the customer needs language assistance, and is unable to identify the language in which they need assistance, the Avanza Language Line can help to identify the language the customer is speaking. (29 CFR 38.35, 29 CFR 38.36)
- The following will be observed concerning the Equal Employment Opportunity is the Law Signature Form:
 - All individuals registered in WIOA should read, understand, and sign the complaint procedure signature form. A signed copy must be given to the individual and an additional signed copy must be placed in the individual’s file.
 - LWDBs are required to provide the complaint procedure signature form to all current employees (regardless of whether the positions are partially or fully-funded by WIOA) and ensure that all new employees receive this form when they begin employment (again, regardless of whether the positions are partially or fully funded by WIOA). All employees should read, understand, and sign the complaint procedure form which should then be placed in their personnel file.
 - Applicants for WIOA services or applicants for employment with the recipient have access to the appropriately displayed equal employment opportunity and nondiscrimination posters and information.
 - The complaint signature forms are printed in English. Linguistica International Sustainable Language Services will be used by service providers located in an area that has a substantial number of participants who require notification in other languages.
 - Orientation presentations to new participants, new employees, and/or the general public regarding WIOA financially-funded programs must include a discussion of rights under the nondiscrimination and equal employment opportunity provisions of WIOA.

Publications, Broadcasts, and Other Communications

Recipients must indicate that the WIOA Title I financially-assisted program or activity in question is an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities”. This indication must be included in recruitment brochures and other materials, that are ordinarily distributed or communicated – whether in written, oral, electronic, and/or paper format – to staff, clients, or the public at large to describe programs financially assisted under Title I of WIOA, including the requirements for participation. Where such materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system – such as a relay service – used by the recipient.

“Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.” (29 CFR 38.38[b])

Action:

SOUTHWEST LWDB Youth Coordinator/Monitor and Operations Manager will perform monitoring as follows:

- Participant files to determine compliance with required federal, state, and local laws, policies, plans, and procedures (at least quarterly)
- Timeliness of data entered into Virtual One Stop (VOS)
- Contracted Services (OJT, IWT, Apprenticeship, etc.) (at least once annually)
- AJC Operations (at least once annually)
- Financial (each submission of request for reimbursement)
- Compliance with WIOA (at least once annually)
- On-site review of policies, plans, procedures governing all segments of program activities and program operations (at least once annually)
- Pre-award financial review or on-site post-award monitoring of recipients that have little or no workforce program experience no later than one hundred twenty (120) days after award of contract
- Fiscal agent Accounting Tech reviews each invoice prior to payment ensuring that contractor is performing in accordance with terms, conditions, and specifications of contract or purchase orders (each submission of invoice for reimbursement)
- Providing service to participants for program accountability (once prior to expiration of contract)

SOUTHWEST LWDB Youth Coordinator/Monitor will ensure corrective actions are taken when problems are found designating the time frame for completion of corrective actions.

The Service Provider will also employ a staff person as Monitor. This staff person will check participant files including (but not limited to) the following:

- Appropriate program enrollment
- File contents
- Backup documentation uploaded into VOS
- Appropriate activities in VOS
- Data validation elements
- Appropriate funding

Appeal Process

Should any individual feel they have been treated unfairly or denied benefit of services through WIOA, the individual must file a grievance to appeal the decision. Applicants and participants of the WIOA Program, including applicants for employment, and employees, have the right to enter into the grievance process to resolve disputes. Complaints and grievances from SOUTHWEST LWDA participants and other interested parties affected, including One-Stop partners and service providers may file a complaint/grievance. Efforts will be made by the local AJC management, regional director, and LWDB EEO staff to resolve any issues at the local level. Complaints/Grievances, with the exception of complaints alleging fraud or criminal activity, must be filed within one year (12 months) after alleged occurrence. Within thirty (30) days after filing a complaint, a hearing, when requested, will be provided. The complainant will have the opportunity to present any evidence at the hearing. The complainant will be given written notice of the time, date, and place of the hearing. The complainant will have the right to witnesses or legal counsel present at the hearing.

Once an AJC staff person is made aware of an individual wishing to appeal a decision, a copy of **Local Workforce Development Area 11 Policy Memorandum # 17-6 (Grievance and Complaint Procedures)** will be given to the individual. The AJC staff person will explain the process, and the individual must adhere to the instructions as denoted in the policy.

Contact:

Questions regarding this policy should be addressed to Dr. Gary Damon, Jr., SOUTHWEST LWDB Director, at SWHRA, 1527 White Avenue, P.O. Box 264, Henderson, TN 38340. Phone: (731) 983-3688. Email: gdamonjr@swhra.org.



Ben Ferguson, Board Chairman