



## Workforce Innovation and Opportunities Act

# Monitoring Policy Manual

No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of 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.



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## Monitoring Policy

### I. PURPOSE:

The purpose of this policy is to provide guidance and establish the Northeast Workforce Development Board (NEWDB) policy for oversight and monitoring of the American Job Center (One-Stop) system service delivery and activities as mandated under the Workforce Innovation and Opportunities Act (WIOA) Title I Adult, Dislocated Worker (DLW), and Youth programs. This policy is established in accordance with the Governors Oversight and Monitoring Plan (OWDI 11-2017) to ensure the NEWDB, its designated Service Provider, One Stop Operator, and Fiscal Agents operate programs and provide integrated service delivery efficiently and effectively in compliance with all applicable laws, regulations, uniform administrative requirements, and State and locally-established policies

### II. BACKGROUND:

The Governor establishes herein the general procedures and standards for the Oklahoma Office of Workforce Development (OOWD), Local Workforce Development Boards (LWDB), and subrecipients/subgrantees to conduct monitoring and oversight activities for the programs and activities authorized under Title I of the Workforce Innovation and Opportunity Act (WIOA), including Adults, Dislocated Workers, and Youth. These procedures and standards also apply to financial oversight and monitoring activities for fiscal agents under authority set forth in 20 CFR 683.410 and 2 CFR 200.328, 200.330, and 200.331.

Pursuant to WIOA, the Governor of Oklahoma is responsible for the development of the State monitoring system. As a component of that system, the Governor has assigned OOWD oversight and monitoring responsibilities for workforce-related grants, programs, and activities established and funded by the U.S. Department of Labor (DOL) and administered by the State. Applicable programs, activities and governing regulations include:

- Programs authorized under Title I of WIOA, serving:
  - Adults;
  - Dislocated workers; and
  - Youth.

The following regulations summarize the roles and responsibilities to ensure a comprehensive monitoring and oversight system.

### **GOVERNOR'S OVERSIGHT AND MONITORING PLAN AUTHORITY**

Pursuant to WIOA (20 CFR 683.400) (c) (2)), the Governor of the State of Oklahoma is responsible for developing a State Monitoring Plan requiring each local area to be monitored at least once a year. The plan must also require the collection and review of sufficient information to enable the Governor to determine whether LWDBs and subrecipients/subgrantees (e.g., fiscal agents and service providers) have demonstrated substantial compliance with WIOA requirements. This plan will enable the Governor to ensure the State Monitoring system meets the requirements of 20 CFR 683.410(b)(2). LWDBs are also responsible for conducting oversight and monitoring of the Oklahoma Works (One-Stop) system and employment and training activities under Title I of WIOA. Similarly, at 20 CFR 683.400(c)(1), fiscal agents are required to continuously monitor grant-supported activities in accordance with the uniform administrative requirements found at 2 CFR 200.328, 200.330 and 200.331, including the applicable cost principles indicated at 2 CFR 200.405, for all entities receiving WIOA Title I fund.

**III. REFERENCES:**

- The Workforce Innovation and Opportunity Act of 2014 (Public Law (Pub. L. 113-128))
- Title I, enacted July 22, 2014
- Workforce Innovation and Opportunity Act Sec. 184
- Federal Register/Vol. 78. No. 248, Part 200
- Federal Register/Vol 81. No. 161, Part 683
- 2 CFR 200
- 2 CFR 200.113
- 2 CFR 200.338
- 2 CFR 200.405
- 2 CFR 200.519
- 20 CFR 683.400(c)
- 20 CFR 683.410(b)
- 20 CFR 200.328-331
- 29 U.S.C. 3003
- OWDI 11-2017

**BABEL NOTICE:** (29CFR 38.9(g)(3)): This document contains vital service information. If English is not your preferred language, please contact:

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To enable telephone conversation between people with speech or hearing loss and people without speech or hearing loss please call Oklahoma Relay at 711 (<http://www.oklahomarelay.com/711.html>) or TDD/TTY: 800-722-0353.

**IV. LOCAL POLICY:****A. Roles and Functions Local Board**

The Northeast Workforce Development Board (NEWDB), through its members, officers and Executive Committee, is responsible for conducting oversight and monitoring of all DOL programs and the One-Stop System, as prescribed in OWDI #11-2017. To ensure compliance with federal, state and local administrative and financial requirements, they will also provide oversight regarding policies and procedures being used in the local area and ensure that performance goals are being achieved. They will receive quarterly reports from the NEWDB Monitor on the results of all monitoring activities, and will also receive any oral or written reports generated by the NEWDB Director regarding significant monitoring or compliance issues that have come to his/her attention. In the event that a monitoring report results in a

questioned cost or negative finding against the NEWDB or their service provider/s, the NEWDB will work in coordination with the Oklahoma Office of Workforce Development (OOWD) and the Chief Local Elected Official (CLEO) to resolve the issue.

**B. Authority**

Within the NEWDB the compliance monitor or other board staff, and the CLEO-designated fiscal agent have local oversight and monitoring responsibilities for programs funded through the US Department of Labor (DOL). The NEWDB is responsible for monitoring all DOL-funded programs and the Oklahoma Works (One-Stop) System to ensure compliance with federal, state, and local policies, plans, and procedures. The NEWDB and fiscal agent are responsible for overseeing and monitoring WIOA and other federal grant-funded activities and those of their subrecipients in order to:

1. determine that expenditures have been made against the cost categories and within the cost limitations specified in the Act and the regulations in this part;
2. determine whether or not there is compliance with other provisions of the Act and the WIOA regulations and other applicable laws, regulations, and contracts; and
3. provide technical assistance as necessary and appropriate.

**C. Board Staff Administrative Responsibilities**

The NEWDB staff will be responsible for the notification of all involved parties and ensuring that corrective actions are taken when problems are found. The director will also be responsible for ensuring the notification of the board chair and/or board executive committee immediately through written or oral notification of any situations deemed potentially serious and pressing. A timeframe is established later in this document for the completion of corrective actions and procedures established for follow-up monitoring to ensure corrective action has been taken.

The NEWDB shall provide the OOWD with up-to-date copies of all local areas' plans, contracts, memorandums of understanding, grants, sub-grants, reports, records, and files applicable to programs administered by the OOWD.

The NEWDB shall provide the OOWD with all pertinent work papers, correspondence, and reports relating to the particular local area being monitored. The NEWDB shall also provide the OOWD with all copies of any regulations; issuances; changes to plans, contracts, memorandums of understanding, grants, sub grants, reports and records; and correspondence pertinent to all programs administrated by the OOWD. Copies of regulations, issuances, policies, procedures, reports, board minutes and correspondence submitted by the NEWDB, boards staff, and fiscal agents to the OOWD must be signed attesting to official board approval.

1. NEWDB board staff will be responsible to:
  - a. Ensure monitoring of service providers on an annual basis and at least sixty (60) days prior to expiration of the service provider or subrecipients' contract with its sub recipient, and submit monitoring reports and resolutions to OOWD Policy and Program team as requested.
  - b. Provide to the OOWD Policy and Program team all requested documents at least thirty (30) days prior to the scheduled monitoring date.
  - c. Have documents previously identified by OOWD as required for on-site review available in an organized, orderly manner to facilitate expedient examination by monitors.

- d. Ensure appropriate staff is available at the on-site location on the monitoring date(s) to assist OOWD Policy and Program team.
2. Pursuant to the following minimum standards established by the Governor, NEWDB must ensure the service provider is periodically monitored throughout the year for:
    - a. Compliance with federal, state and local area regulations, plans, policies and guidelines, including:
      - 1) Participant eligibility verification documentation.
      - 2) Review of participant records for assessment and employability plan.
      - 3) Review of contracts (i.e., on-the-job training, customized training, and worksite agreements).
      - 4) For providers of WIOA adult and dislocated worker services, proper delivery of services consistent with the NEWDB service delivery design.
      - 5) For providers of WIOA youth services, proper delivery of services consistent with the NEWDB youth program.
    - b. Compliance with local established policies.
    - c. Contract performance compliance.

NEWDB will submit copies of all board-approved monitoring results to OOWD for review. as required.

3. The NEWDB fiscal agent will prepare and submit to the OOWD Policy and Program team a listing of all contracts with periods of service and a plan of review no later than thirty (30) days after the beginning of each program year (i.e., July 1 – June 30). Pursuant to the following minimum standards established by the Governor, the fiscal agent is also responsible for developing and enforcing specific policies, plans, and procedures which address the following:
  - a. Ensuring accountability for expenditures of funds in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Federal regulations, and State policies;
  - b. Preparing and administering contracts and ensuring contract compliance;
  - c. Responding to monitoring financial findings;
  - d. Maintaining proper accounting records and adequate documentation in accordance with uniform administrative requirements;
  - e. Preparing financial reports;
  - f. Providing technical assistance to subrecipients regarding fiscal issues;
  - g. Procuring contracts and/or obtaining written agreements;
  - h. Disbursing funds for salaries, contracts, wages, and vouchers;
  - i. Conducting continuous financial oversight and monitoring of the board staff and service providers for compliance with uniform administrative requirements and cost allowability principles provided in applicable Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
    - 1) Fiscal agents may accomplish these responsibilities through a process combining routine review of invoices prior to payment with federal grant funds and periodic on-site review of NEWDB and service provider financial records. As noted in Section III, part A “Introduction/Staffing” above, fiscal agents must

submit copies of all monitoring reports and resolutions to the OOWD Executive Director when they are issued.

- j. Ensuring independent audits of all contracted entities receiving seven hundred fifty thousand dollars (\$750,000.00) or more in DOL grant funds (A Non-Federal entity that expends \$750,000 or more during the non-Federal entity’s fiscal year in Federal awards must have a single or program-specific audit conducted); and
- k. Ensuring funds are being expended according to the NEWDB-developed and CLEO-approved budget.

**D. Compliance Monitoring Responsibilities:**

Program Activity	Responsible Staff	Type of Report	Distributed To
Program Monitoring	NEWDB Monitor	Monitoring/Oversight Report or Written Report as necessary. Monthly Report	Service Provider, NEWDB Director, NEWDB, as appropriate
System Monitoring	NEWDB Monitor	Written Summary or Oral Report, as appropriate	Service Provider, One Stop Operator, OESC Area Manager, NEWDB Director, NEWDB Chair, NEWDB, as appropriate.

**E. Scope and Frequency of Monitoring:**

The scope and frequency of the NEWDB monitoring efforts shall consist of:

1. Monitoring activities by utilizing any one or combination of monitoring tools, including desk reviews, OKJobMatch (OJM) reviews, personal visits, telephone and mail contacts and/or onsite visits with the participant’s supervisors/training site representative, and center managers, resulting in a quarterly summarized written report to the NEWDB.
2. Conducting on-site reviews of policies, plans and procedures governing all segments of their program activities and program operations at least once during the program year.
3. Monitoring sub-recipients providing services to participants at least once during the contract period for program accountability and to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
4. Reviewing a sample of as many participants’ files as possible, but in no case less than 10% of new participants who enter occupational skills training or participate in the work experience program each year, to determine compliance with required federal, state and local laws, policies, plans and procedures.
5. Conducting 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 the award of a contract.
6. Monitoring each subrecipient providing services to participants for program accountability and to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Note: the fiscal agent must monitor each subrecipient once annually, and no less than sixty (60) days prior to the expiration date of the contract

**F. Program Monitoring Methods:**

Program monitoring will be conducted at least once yearly and will include reviews of:

- Participant eligibility verification documentation
- Data Validation
- Priority of services
- Review of participant records for assessment and employability plan
- Review of contracts (OJT, worksite experience)
- Compliance with local established policies
- Contract performance compliance

This will be accomplished through a variety of methods including, but not limited to:

- An inspection of program documents and records
- Desk reviews of OJM records, performance reports, etc.
- Completion of monitoring review tools
- Interviews with staff and customers
- On-site observations

**G. Reporting of Review Findings:**

The NEWDB board staff will be the first line of contact during any program or system review, to ensure corrective actions are taken.

As system reviews are made, observations or findings detected by the NEWDB Monitor or NEWDB Director will be reported to the appropriate department heads (i.e. service provider director, center managers, NEWDB Chair, etc.) through a written summary or oral report, as appropriate. The written report may be accomplished through letter, standardized monitoring form or e-mail. The NEWDB Monitor will also provide a quarterly written summary to the NEWDB advising of those observations or findings. Observations will not require a response; however, findings would necessitate a response from the appropriate party within 14 calendar days. The NEWDB Monitor will then review proposed corrective actions to ensure that proposed action has been implemented. In the case of possible disallowed costs, the NEWDB Monitor will notify the NEWDB Director immediately. The Board membership will receive a summary report from the NEWDB Monitor at each Board meeting outlining the activities of the NEWDB Monitor and any potential liabilities reviewed.

As reviews are made of program elements, the NEWDB monitor will issue a Monitoring Report to the Service Provider for any deficiencies found for that monitoring activity. No Monitoring Report will be required for monitoring conducted that shows no deficiency. The service provider will have 14 calendar days to issue a corrective action response to any Monitoring Report issued. The monitor will then review corrective actions to ensure proposed action has been implemented.

In the event issues are not able to be resolved through the Monitoring Report, an Initial Determination report will be issued and the following process will apply.

**H. Corrective Actions:**

If an Initial Determination report is issued by the NEWDB to the service provider, program, or agency, it will necessitate a written response to the NEWDB within 14 days. An additional 14 days may be requested in writing (with justification) and will be approved at the discretion of the NEWDB Director.

- a. When the NEWDB receives a response to the Initial Determination, the NEWDB will then have 14 days to issue a response back to the service provider, program or agency, indicating further action required or issuing a Final Determination. This process may continue until an agreement or impasse is reached. If parties reach an impasse and are not able to resolve an issue, the matter will be forwarded to the OOWD for final determination.
- b. A method for restitution of funds and sanctions, if applicable, will also be addressed in the Final Determination. Sanctions, if any, shall be determined by the full NEWDB membership and Local Elected Officials.
- c. The NEWDB Monitor shall conduct follow-up monitoring on those deficiencies which have been addressed in the Final Determination within a reasonable amount of time, to ensure that proper corrective actions have been taken.
- d. An appeal to the NEWDB's Final Determination must be completed in writing and submitted to the NEWDB within 14 days. The Executive Director will make a final decision.
- e. All finalized monitoring reports and resolutions, including corrective action correspondence, will be maintained and be made available to authorized staff.

**I. Technical Assistance:**

Any NEWDB service provider or One-Stop Partner may request technical assistance from the NEWDB by making a request in writing to the NEWDB Director. The request should describe the type of assistance requested. The NEWDB Director will reply to any such request after considering the NEWDB's priorities and available resources.

In addition, the NEWDB, CLEO, or fiscal agent may request technical assistance from the OOWD in order to ensure compliance with federal or state regulations or to expedite the resolution process.

**V. EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT:** All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.



**VI. POLICY ADDITIONS AND CLARIFICATIONS:**

The NEWDB Executive Director is authorized to issue additional instructions, guidance, approvals, forms, etc. to further implement the requirements of this policy.

Approved by:

Heather Smoot  
Heather Smoot  
Northeast Workforce Development Board Chair

8-14-19  
Date