



northeastern
WORKFORCE DEVELOPMENT BOARD

2019-2020

WIOA

PROGRAM

MONITORING

MANUAL

Introduction

The Workforce Innovation and Opportunity Act (WIOA) promotes service integration and coordination of services among and between required and additional partner programs. The State workforce agency acts on behalf of the Governor to administer and oversee the implementation of WIOA. The Bureau of Employment Services of the Maine Department of Labor (BES) is the State workforce agency on behalf of the Governor of Maine.

As such, the Northeastern Workforce Development Board (NWDB) is responsible for both fiscal and programmatic oversight of WIOA Title IB subrecipients Eastern Maine Development Corporation (EMDC) and Aroostook County Action Program (ACAP).

This manual is the formal policy directive for local NWDB monitoring. EMDC and ACAP must adhere to requirements laid out in this manual and may use it as a guide for local monitoring and staff training.

Monitoring is ongoing with review activities occurring throughout the year as follows:

- Quarterly review of spending, plan implementation, and performance reports;
- Annual review of financial operations, policies, and transactions;
- Annual and ongoing review of participant and system files;
- Annual review of programmatic quality and compliance;
- Annual review of subrecipient monitoring activities;
- Annual one-stop center site review;
- Annual and ongoing customer satisfaction surveys;
- Ongoing risk assessments – ***which may result in closer scrutiny of specific activities or transactions and additional reporting requirements.***

Monitoring examines compliance with regulations, policies, and guidance and affords reviewers an opportunity to learn about innovative approaches and best practices being used to achieve strategic priorities.

Monitoring involves partnership across program delivery levels and agencies and benefits from established relationships based on trust and understanding which support early identification and resolution of issues.

In conclusion, information gathered during monitoring informs continuous improvement of operations and quality of service, promotes effective service delivery approaches, addresses system deficiencies and, ultimately, results in customer satisfaction and attainment of performance obligations.

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Program Monitoring Requirements and Procedures

Programs Subject to Monitoring

All federally funded workforce programs are subject to monitoring. Federal law requires NWDB to monitor WIOA programs for compliance and quality. The NWDB conducts required monitoring of WIOA Title IB – Adult, Dislocated Worker, and Youth programs; and National Dislocated Worker Grants (NDWGs).

This manual provides specific monitoring policy and guidance for monitoring of the following:

- WIOA Title IB – Adult Program
- WIOA Title IB – Dislocated Worker Program
- WIOA Title IB – Youth Program
- WIOA Title ID – National Dislocated Worker Grants

Purpose of Monitoring

The four primary objectives of monitoring are:

- **Compliance:** Compliance monitoring is conducted to ensure that program activities and expenditures are allowable and meet, or do not exceed, spending thresholds and to ensure that service providers practices comply with federal, state and local-laws, regulations and policies.
- **Program Management:** Review of program management involves an in-depth examination of program activities. It is intended to ensure that the delivery of employment and training services is effective and meeting the needs of diverse groups of customers. For example, checking to identify whether a participant’s skills and abilities were assessed checking whether assessment results are used to inform development of the individual’s employment and training plan and used to help the individual make informed employment and training decisions, is one method of in-depth program management review.
- **Performance:** Performance reviews occur throughout the year and allow the reviewer to gauge whether minimum levels of performance are being met. Reviewers assess and identify issues that may affect attainment of negotiated levels of performance, such as employment outcomes and credential attainment rates.
- **Ongoing Evaluation** is a comparison of planned versus actual activity and results. The NWDB reviews spending and service levels (planned number of participants in each program category expected to receive career and/or training services and/or exit the program) on a quarterly basis. Reviewing proposed progress and spending throughout the program year allows time to adjust and incorporate strategies that will ensure planned

service goals are met. In addition to quarterly reporting, specific evaluation activities may be conducted that focus on a service expectation, such as, reviewing and comparing outcomes between participants receiving only basic and individualized services against those who received occupational training services.

In addition to satisfying federal mandates for oversight and assurance that statutes regulations, and policies are being followed, monitoring is critical to ensuring a continuous improvement cycle in which advanced strategies and worthy practices are promoted and technical assistance and staff training needs are identified and addressed.

Monitoring identifies how well service provider staff understand:

- How to use operating systems to document participant progress, track services and expenditures, report outcomes and validate eligibility and other service delivery requirements;
- The makeup and design of the local one-stop system and how they are expected to interact with required and additional partners to streamline service delivery across multiple programs on behalf of shared participants;
- The overarching goals of WIOA, which include increased access, for all individuals, particularly those with barriers to employment, education and training, and about the many resources and support services they may access to help them succeed in the labor market; and
- Implementation requirements and local service delivery methods outlined in the State and local area plans, and more.

The local one-stop system is a dynamic network of public and private entities, bound together through collaboration and agreed upon protocols for referrals, co-enrollments, and services outlined in a formal Memoranda of Understanding (MOU). Interviews with service providers help determine how staff are working with partners to provide seamless, integrated services for shared customers.

This manual is designed to explore these working relationships and identify how they are making a difference to the customer in terms of achievement of desired employment and education outcomes. Data captured during monitoring allows us to analyze system staff development needs and gauge the quality of program service delivery.

Monitoring vs. Audit

2 CFR 200.501 requires that any non-federal entity that expends \$750,000 or more of Federal funds during a fiscal year must have a single or program audit conducted for that year. Audits

follow precise procedures and occur after the end of a fiscal period and often after the grant closeout. Audit reports are due no later than nine months after the period being audited.

Unlike audits, **monitoring is current and preventative** and focuses on review of activities and transactions occurring during the period of performance. One intent of monitoring is to identify issues and address them immediately. With effective and timely resolution, issues identified through monitoring can be addressed before they become audit findings. Program monitoring does not require following the exact procedure every time it is conducted. Monitoring focus may change from year to year allowing reviewers to focus on specific issues or trends identified during quarterly reviews or risk assessments.

Statutory and Regulatory Authority

This section includes sections of the law and federal regulations pertaining to WIOA monitoring requirements. To be proficient, local area program monitoring staff must gain a working knowledge of WIOA regulations, particularly: 20 CFR §677 Performance; §678 One-stop system; §679 Governance; §680 Adult & DW programs; §681 Youth programs; §683 Administrative requirements and limitations and §687 National Dislocated Worker Grants.

WIOA Sec. 184 (a)(4) requires annual onsite monitoring by the State of each local area's fiscal controls and fund accounting procedures.

WIOA Sec. 184(a)(3) requires that States, local areas, and service providers receiving federal funds, adhere to the uniform administrative requirements under **2 CFR 200**. The State is required to certify to the USDOL, every two years, that it has conducted fiscal monitoring and has ensured that local areas are compliant with the uniform administrative requirements.

WIOA Sec. 185 requires each State, each local board, and each recipient receiving funds to: monitor the performance of subrecipients' compliance with the terms of grants, contracts or other agreements made pursuant to WIOA.

2 CFR 200.328 Monitoring and reporting program performance.

- *Monitoring by the non-Federal entity.* The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function or activity. See also §200.331 Requirements for pass-through entities.
- *Non-construction performance reports.* The Federal awarding agency must use standard, OMB-approved data elements for collection of performance information (including performance progress reports, Research Performance Progress Report, or such future collections as may be approved by OMB and listed on the OMB Web site).

- The non-Federal entity must submit performance reports at the interval required by the Federal awarding agency or pass-through entity to best inform improvements in program outcomes and productivity. Intervals must be no less frequent than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes. Annual reports must be due 90 calendar days after the reporting period; quarterly or semiannual reports must be due 30 calendar days after the reporting period. Alternatively, the Federal awarding agency or pass-through entity may require annual reports before the anniversary dates of multiple year Federal awards. The final performance report will be due 90 calendar days after the period of performance end date. If a justified request is submitted by a non-Federal entity, the Federal agency may extend the due date for any performance report.
- The non-Federal entity must submit performance reports using OMB-approved governmentwide standard information collections when providing performance information. As appropriate in accordance with above mentioned information collections, these reports will contain, for each Federal award, brief information on the following unless other collections are approved by OMB:
 - A comparison of actual accomplishments to the objectives of the Federal award established for the period. Where the accomplishments of the Federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful. Where performance trend data and analysis would be informative to the Federal awarding agency program, the Federal awarding agency should include this as a performance reporting requirement.
 - The reasons why established goals were not met, if appropriate.
 - Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- *Construction performance reports.* For the most part, onsite technical inspections and certified percentage of completion data are relied on heavily by Federal awarding agencies and pass-through entities to monitor progress under Federal awards and subawards for construction. The Federal awarding agency may require additional performance reports only when considered necessary.
- *Significant developments.* Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the non-Federal entity must inform the Federal awarding agency or pass-through entity as soon as the following types of conditions become known:
 - Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

- Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.
- The Federal awarding agency may make site visits as warranted by program needs.
- The Federal awarding agency may waive any performance

2 CFR 200.324 Federal awarding agency or pass-through entity review.

- The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - The non-Federal entity's procurement procedures or operation fails to comply with the procurement
 - The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.
 - The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards for its system to be certified. Generally, these reviews must

occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

- The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

2 CFR 200.331 Requirements for pass-through entities.

All pass-through entities must:

- Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:
 - Federal Award Identification
 - Subrecipient name (which must match the name associated with the entities unique identifier);
 - Subrecipient's unique identifier (DUNS number);
 - Federal award identification number (FAIN);
 - Federal award date (see 200.39 Federal award date) of award to the recipient by Fed agency;
 - Subaward period of performance start and end date;
 - Amount of Federal funds obligated by this action by the pass-through entity to the subrecipient;
 - Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;
 - Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;
 - Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
 - Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;
 - CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;
 - Identification of whether the award is R&D; and

- Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).
 - All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award;
 - Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports;
 - An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f);
 - A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part; and
 - Appropriate terms and conditions concerning closeout of the subaward.
- Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:
 - The subrecipient's prior experience with the same or similar subawards;
 - The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this part, and the extent to which the same or similar subaward has been audited as a major program;
 - Whether the subrecipient has new personnel or new or substantially changed systems; and
 - The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).
 - Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.207 Specific conditions.
 - Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:
 - Reviewing financial and performance reports required by the pass-through entity.

- Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.
 - Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by §200.521 Management decision.
- Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:
 - Providing subrecipients with training and technical assistance on program-related matters; and
 - Performing on-site reviews of the subrecipient's program operations;
 - Arranging for agreed-upon-procedures engagements as described in §200.425 Audit services.
 - Verify that every subrecipient is audited as required by Subpart F—Audit Requirements of this part when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in §200.501 Audit requirements.
 - Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
 - Consider taking enforcement action against noncompliant subrecipients as described in §200.338 Remedies for noncompliance of this part and in program regulations.

20 CFR 677.235 **What are the reporting requirements** for individual records for core WIOA title I programs; the Wagner-Peyser Act Employment Service program, as amended by WIOA title III:

- On a quarterly basis, each State must submit to the Secretary of Labor or the Secretary of Education, as appropriate, individual records that include demographic information, information on services received, and information on resulting outcomes, as appropriate, for each reportable individual in either of the following programs administered by the Secretary of Labor or Secretary of Education: A WIOA title I core program; the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III; or the VR program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV.
- For individual records submitted to the Secretary of Labor, those records may be required to be integrated across all programs administered by the Secretary of Labor in one single file.

- States must comply with the requirements of sec. 116(d)(2) of WIOA as explained in guidance issued by the Departments of Labor and Education.

20 CFR 679.370 What are the functions of the Local Workforce Development Board?

As provided in WIOA sec. 107(d), the NWDB must:

- In partnership with the chief elected official (CEO) for the local area:
 - Conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the local area;
 - Ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and,
 - Ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116;
- Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

20 CFR 682.200 What are required statewide employment and training activities?

Required statewide employment and training activities are:

- Carrying out monitoring and oversight of activities for services to youth, adults, and dislocated workers under WIOA title I, and which may include a review comparing the services provided to male and female youth.

20 CFR 683.300 What are the reporting requirements for programs funded under WIOA?

- *General.* All States and other direct grant recipients must report financial, participant, and other performance data in accordance with instructions issued by the secretary. Reports, records, plans, or any other data required to be submitted or made available must, to the extent practicable, be submitted or made available through electronic means.
- *Subrecipient reporting.*
 - For the annual ETPL Performance report, States must...
 - For financial reports and performance reports, a State or other grant recipient may impose different forms or formats, shorter due dates, and more frequent reporting requirements on subrecipients.

- If a State intends to impose different reporting requirements on subrecipients, it must describe those reporting requirements in its State WIOA plan.
- *Financial reports.*
 - Each grant recipient must submit financial reports on a quarterly basis.
 - Local WDBs will submit quarterly reports to the BES on behalf of the Governor.
 - Each State will submit to the Secretary a summary of the local area reports submitted.
 - Reports must include cash on hand, obligations, expenditures, and income or profits earned, including such income or profits earned by subrecipients, indirect costs, recipient share of expenditures, and any expenditures incurred (such as stand-in costs) by the recipient that are otherwise allowable except for funding limitations.
 - Reported expenditures, matching funds, and program income, including any profits earned, must be reported on the accrual basis of accounting and cumulative by fiscal year of appropriation.
- *Performance Reports.*
 - States must submit an annual performance report for each of the core workforce programs administered under WIOA as required by sec. 116(d) of WIOA and in accordance with part 677, subpart A of the regulations;
 - For all programs authorized under subtitle D of WIOA (NDWGs) each grant recipient must complete reports or performance indicators or goals specified in the grant agreement.
- *Due Date.*
 - For the core programs, performance reports are due on the date set forth in guidance.
 - Financial reports and all performance and data reports not described above, are due no later than 45 days after the end of each quarter unless otherwise specified in reporting instructions. Closeout financial reports are required no later than 90 calendar days after the expiration of a period of performance or period of fund availability (whichever comes first) and/or termination of the grant.

20 CFR 683.400 What are the Federal and State monitoring and oversight responsibilities?

- a) The Secretary is authorized to monitor all recipients and subrecipients of all Federal financial assistance awarded and funds expended under title I of WIOA and the Wagner-Peyser Act to determine compliance with these statutes and Department regulations, and may investigate any matter deemed necessary to determine such compliance. Federal oversight will be conducted primarily at the recipient level.

- b) As funds allow, in each fiscal year, the Secretary also will conduct in-depth reviews in several States, including financial and performance monitoring, to assure that funds are spent in accordance with WIOA and the Wagner-Peyser Act.
- c) (1) Each recipient and subrecipient must monitor grant-supported activities in accordance with 2 CFR part 200.
(2) In the case of grants under secs. 128 and 133 of WIOA, the Governor must develop a State monitoring system that meets the requirements of §683.410(b). The Governor must monitor Local WDBs and regions annually for compliance with applicable laws and regulations in accordance with the State monitoring system. Monitoring must include an annual review of each local area's compliance with 2 CFR part 200.
- d) Documentation of monitoring, including monitoring reports and audit work papers, conducted under paragraph (c) of this section, along with corrective action plans, must be made available for review upon request of the Secretary, Governor, or a representative of the Federal government authorized to request the information.

20 CFR 683.410 What are the oversight roles and responsibilities of recipients and subrecipients of Federal financial assistance awarded under title I of the Workforce Innovation and Opportunity Act and the Wagner-Peyser Act?

- Each recipient and subrecipient 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 subrecipients and contractors as required under title I of WIOA and the Wagner-Peyser Act, as well as under 2 CFR part 200, including 2 CFR 200.327, 200.328, 200.330, 200.331, and Department exceptions at 2 CFR part 2900, in order to:
 - 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;
 - Determine whether there is compliance with other provisions of WIOA 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 sec. 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).
- State roles and responsibilities for grants under secs. 128 and 133 of WIOA:
 - The Governor is responsible for the development of the State monitoring system. The Governor must be able to demonstrate, through a monitoring plan or otherwise, that the State monitoring system meets the requirements of paragraph (b)(2) of this section.
 - The State monitoring system must:

- Provide for annual on-site monitoring reviews of local areas' compliance with 2 CFR part 200, as required by sec. 184(a)(3) of WIOA;
 - Ensure that established policies to achieve program performance and outcomes meet the objectives of WIOA and the WIOA regulations;
 - Enable the Governor to determine if subrecipients and contractors have demonstrated substantial compliance with WIOA and Wagner-Peyser Act requirements;
 - Enable the Governor to determine whether a local plan will be disapproved for failure to make acceptable progress in addressing deficiencies, as required in sec. 108(e) of WIOA; and
 - Enable the Governor to ensure compliance with the nondiscrimination, disability, and equal opportunity requirements of sec. 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).
- The State must conduct an annual on-site monitoring review of each local area's compliance with 2 CFR part 200, as required by sec. 184(a)(4) of WIOA.
 - The Governor must require that prompt corrective action be taken if any substantial violation of standards identified in paragraph (b)(2) or (3) of this section is found.
 - The Governor must impose the sanctions provided in secs. 184(b)-(c) of WIOA in the event of a subrecipient's failure to take required corrective action required under paragraph (b)(4) of this section.
 - The Governor may issue additional requirements and instructions to subrecipients on monitoring activities.
 - The Governor must certify to the Secretary every 2 years that:
 - The State has implemented 2 CFR part 200;
 - The State has monitored local areas to ensure compliance with 2 CFR part 200, including annual certifications and disclosures as outlined in 2 CFR 200.113, Mandatory Disclosures. Failure to do so may result in remedies described under 2 CFR 200.338, including suspension and debarment; and
 - The State has taken appropriate corrective action to secure such compliance.

20 CFR 683.420 What procedures apply to the resolution of findings arising from audits, investigations, monitoring, and oversight reviews?

- *Resolution of subrecipient-level findings.*
 - The Governor or direct grant recipient is responsible for resolving findings that arise from the monitoring reviews, investigations, other Federal monitoring reviews, and audits (including under 2 CFR part 200) of subrecipients awarded funds through title I of WIOA or the Wagner-Peyser Act.

- A State or direct grant recipient must utilize the written monitoring and audit resolution, debt collection and appeal procedures that it uses for other Federal grant programs.
- If a State or direct grant recipient does not have such written procedures, it must prescribe standards and procedures to be used for this grant program.
- For subrecipients awarded funds through a recipient of grant funds under subtitle D of title I of WIOA, the direct recipient of the grant funds must have written monitoring and resolution procedures in place that are consistent with 2 CFR part 200.
- *Resolution of State and other direct recipient-level findings.*
 - The Secretary is responsible for resolving findings that arise from Federal audits, monitoring reviews, investigations, incident reports, and audits under 2 CFR part 200 for direct recipients of Federal awards under title I of WIOA and the Wagner-Peyser Act, as amended by WIOA title III.
 - The Secretary will use the Department audit resolution process, consistent with 2 CFR part 200 (and Department modifications at 2 CFR part 2900), and Grant Officer Resolution provisions of §683.440, as appropriate.
 - A final determination issued by a Grant Officer under this process may be appealed to the Department of Labor Office of Administrative Law Judges under the procedures at §683.800.
- *Resolution of nondiscrimination findings.* Findings arising from investigations or reviews conducted under nondiscrimination laws will be resolved in accordance with WIOA sec. 188 of WIOA and the Department of Labor nondiscrimination regulations implementing sec. 188 of WIOA, codified at 29 CFR part 38.

20 CFR 683.430 How does the Secretary resolve investigative and monitoring findings?

- As a result of an investigation, on-site visit, other monitoring, or an audit (*i.e.*, Single Audit, OIG Audit, GAO Audit, or other audit), the Secretary will notify the direct recipient of the Federal award of the findings of the investigation and give the direct recipient a period of time (not more than 60 days) to comment and to take appropriate corrective actions.
 - *Adequate resolution.* The Grant Officer in conjunction with the Federal project officer, reviews the complete file of the monitoring review, monitoring report, or final audit report and the recipient's response and actions under paragraph (a) of this section. The Grant Officer's review takes into account the sanction provisions of secs. 184(b)-(c) of WIOA. If the Grant Officer agrees with the recipient's handling of the situation, the Grant Officer so notifies the recipient. This notification constitutes final agency action.

- *Inadequate resolution.* If the direct recipient's response and actions to resolve the findings are found to be inadequate, the Grant Officer will begin the Grant Officer resolution process under §683.440
- Audits from 2 CFR part 200 will be resolved through the Grant Officer resolution process, as discussed in §683.440.

20 CFR 683.720 What actions are required to address the failure of a local area to comply with the applicable uniform administrative provisions?

- If, as part of the annual on-site monitoring of local areas, the Governor determines that a local area is not in compliance with 2 CFR part 200, including the failure to make the required disclosures in accordance with 2 CFR 200.113 or the failure to disclose all violations of Federal criminal law involving fraud, bribery or gratuity violations, the Governor must:
 - Require corrective action to secure prompt compliance; and
 - Impose the sanctions provided for at WIOA sec. 184(b) if the Governor finds that the local area has failed to take timely corrective action.
 - An action by the Governor to impose a sanction against a local area, in accordance with this section, may be appealed to the Secretary in accordance with §683.650.
 - If the Secretary finds that the Governor has failed to monitor and certify compliance of local areas with the administrative requirements under WIOA sec. 184(a), or that the Governor has failed to take the actions promptly required upon a determination under paragraph (a) of this section, the Secretary must take the action described in §683.700(b).
 - If the Governor fails to take the corrective actions required by the Secretary under paragraph (c)(1) of this section, the Secretary may immediately suspend or terminate financial assistance under WIOA sec. 184(e).

20 CFR 679.420 What are the functions of the local fiscal agent?

- In order to assist in the administration of the grant funds, the CEO..., may designate an entity to serve as local fiscal agent. Designation of a fiscal agent does not relieve the CEO or Governor of liability for the misuse of grant funds. IF the CEO designates a fiscal agent, the CEO must ensure this agent has clearly defined roles and responsibilities.
- In general, the fiscal agent is responsible for the following functions:
 - Receive funds.
 - Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with OMB requirements, WIOA and corresponding Federal regulations and State policies.
 - Respond to audit financial findings.

- Maintain proper accounting records and adequate documentation.
- Prepare financial reports.
- Provide technical assistance to subrecipients regarding fiscal issues.
- At the direction of the local board...the fiscal agent may have the following additional functions:
 - Procure contracts or obtain written agreements.
 - Conduct financial monitoring of service providers.
 - Ensure independent audit of all employment and training programs.

Links to Law, Regulations, Guidance and Policies:

- WIOA Act: <https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>
- WIOA Joint Final Rule: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>
- WIOA Labor Only Final Rule: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>
- Electronic CFRs: <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>
- USDOL Guidance TEGs & TENS: <https://wdr.doleta.gov/directives/>
- State WIOA Policies: <https://www.maine.gov/swb/laws/policies/index.shtml>
- USDOL Grant Management: <https://doleta.gov/grants/resources.cfm>
- ETA Core Monitoring Guide: [file:///F:/MONITORING/Core%20Monitoring%20Guide%202018%20\(1\).pdf](file:///F:/MONITORING/Core%20Monitoring%20Guide%202018%20(1).pdf)

Monitoring Methods and Requirements

Quarterly Reports

The NWDB conducts a financial, program implementation, and performance review every quarter to compare planned levels of service and spending with actual levels of service and to ensure minimum spending thresholds will be met, maximum spending thresholds will not be exceeded and negotiated performance measures will be attained.

The NWDB must submit the following reports each quarter.

- A program performance report and narrative covering each separate program (adult, dislocated worker, youth, NDWG); and
- A financial report using BES form FR-10 or FR-30 per report form instructions.

WIOA Title IB service provider financial quarterly reports must be submitted by the 20th day of the month following the last day of each program year quarter. The program summaries with success stories are due fifty days after completion of each quarter. Quarter end-dates are September 30, December 31, March 31, and June 30. Financial quarterly reports are due

October 20, January 20, April 20, and July 20. NWDB will review the reports and, if required, will request further information from the WIOA Title IB service provider(s) within an identified timeframe.

Quarterly Narrative must be submitted via email to:

- Northeastern Workforce Development Board Director: JRussell@northeasternwdb.org

Quarterly financial reports must be submitted via email to:

- Sara McLaughlin: Sara@saramclaughlin.com
- Copy Joanna Russell: Jrussell@northeasternwdb.org

Report narrative must also include information on implementation of new or innovative practices being initiated and one or more success stories (participant, provider, strategic committee) that have occurred and/or resulted during the quarter.

Quarterly Fiscal Reports must use the appropriate report forms:

- FR-10 for WIOA Adult, Dislocated Worker, or Youth Expenditures
- FR-30 for NDWGs and Rapid Response Additional Assistance Expenditures

Quarterly fiscal reports are reviewed against the contract and the weekly drawdown requests to ensure spending requirements are met and costs are allowable and meet uniform administrative requirements.

Electronic File or Document Review

The NWDB 012 Policy and the State WIOA policy PY15-21 requires WIOA service providers to work toward a paperless system; doing so enables reviewers at all levels (Federal, State, and local) to monitor files directly through Maine JobLink. This method provides significant flexibility as to when and how often files can be reviewed. It also provides greater protection of Personally Identifiable Information (PII) because paper files are more likely to be exposed, misfiled, or lost during transportation to and from different rooms or offices.

Participant file review is the most effective way to assess: compliance with program eligibility and priority of service requirements; documentation of customer/case manager interactions to assess whether case management services are sufficient and address the employment and training needs of the customers; and finally, to ensure that data required for federal reporting is properly entered in the system. Data and uploaded documents are used for **Data Validation**, a required control process that assures the accuracy of federal reports submitted to the USDOL. If required documentation is not in the file, funds spent could be disallowed.

To be effective, reviewers must know how to navigate the Maine JobLink system and use reports and other management tools built into the system. Monitors and all staff should regularly review the America's Job Link Alliance (AJLA) user guides which are refreshed as changes and upgrades to the system are implemented.

Electronic file reviews cover tracking and documentation of:

- Program eligibility and selective service requirements;
- Priority of Service (Veterans / Adults);
- Need for individualized and training services;
- Need for and provision of supportive, career, training, and follow-up services;
- Budgets, expenditures, and leveraged funds;
- Outreach, recruitment, assessment, and referral;
- Adherence to state and local policies;
- Contracts and agreements with employers (OJT, WE);
- Data required for performance tracking;
- EO Rights and Complaints and Grievance Process explained;
- Info on LMI and NTO provided;
- Labor exchange services accessed;
- Basic Skill Deficiencies addressed;
- Measurable Skill Gains Goals entered and achievement documented;
- Expected service outcomes entered and achievement documented;
- Employment and training plans developed with customer, contain required elements;
- Appropriate assessments provided, dates and scores properly documented;
- Requirements for funding of training met;
- Occupational training per requirements of ITA, competitive procurement, CT, etc.
- ITA funded training selected from ETPL approved programs;
- Consumer choice requirements for training using ITA have been met;
- Supportive services provided per local and state requirements;
- Requirement for use of funds for Education and Literacy activities met;
- Registration and EO information for participants fully entered in MJL;
- Four steps for youth enrollment met;
- Youth service elements available youth program design properly implemented;
- Youth incentive payments adhere to local policy;

File and document checklists may be found in the appendix of this manual. Checklists help to ensure consistency and completeness of staff-entered data pertaining to required service elements that must be tracked and reported. Checklists are subject to change as system changes are made, additional guidance is provided, and/or regulations are amended.

Board Governance and Activity Review

The NWDB serves as the strategic leader and convener of workforce development stakeholders in its local area. The NWDB partners with employers and workforce stakeholders to develop and implement policies, investments, strategies, and approaches that support the public workforce system and the regional economy and promote customer-centered service delivery approaches. The NWDB has specific roles and functions that must be assumed and specific activities that must be in place within timelines identified in the Act and through MDOL and

USDOL guidance. The WIOA Title IB service provider(s) are required to support all board program related activities.

Responses to the WIOA Title IB service provider questionnaires and varied checklists are used to identify if the service provider is meeting its purpose and whether objectives of the NWDB plan and overarching goals of the region such as implementation of an integrated one-stop service delivery system are being met.

On-site Program Review (Adult, DW, Youth, Employment Services)

The onsite program review uses questionnaires to elicit information from managers, front-line staff, participants, and partners (including participating employers) about all aspects of service delivery, service quality, and program management.

The on-site review reveals information about the efficacy of local service delivery design and planning, the quality of services being delivered, the methods by which services are delivered and documented, how staff members are trained and assigned, how staff capacity and turnover are anticipated and addressed and how management oversees these same aspects.

Interviews with front line staff provide insight into how well staff understand issues facing the populations they serve, services they are expected to deliver, and how they must interact with system partners. Interviews with participants and employers provide the same information from the customer perspective.

One-Stop Center Site Check

A checklist is used for this cursory review of the physical space to identify whether required information is available, how easily it can be accessed, whether it can be accessed by all individuals, and whether it is up-to-date and obvious to customers and employees.

Recommendations and requirements identified in the annual NWDB accessibility report will be used to ensure any corrective action steps have been implemented.

On-site Monitoring Process Steps

Monitoring schedules should be provided 14 days in advance of an on-site monitoring event.

Both reviewers and recipients of monitoring need time to prepare in advance of annual on-site monitoring.

Monitoring schedules must clearly identify dates, locations, timeframes, programs being monitored, requests for rooms/space needed to conduct interviews, host panels and/or review documents, and identify whether program staff, board members, and/or participants will be expected to participate.

A pre-review announcement should be sent 7 days in advance of the monitoring, confirming the original monitoring schedule, confirming requested space will be available, and board and service provider staff members will be available at the scheduled times. The announcement must also identify documents that must be provided in advance and the timeframes by which

they must be received by monitors and finally must include a detailed schedule of monitoring activities that will take place.

An Entrance Interview occurs when you arrive at the subrecipient's office; it is a brief meeting that outlines the purpose of the review, summarizes expectations, goes over the on-site schedule, explains the process and follow-up activities such as the exit-session, the formal report, and response expectations, and provides the opportunity for those being monitored to ask questions.

On-site Interviews are conducted with multiple respondents at the local level and include discussions with key personnel; the interviews help reviewers understand how services are being delivered and whether they are being sequenced in a way that meets the needs of local job seekers and/or employers.

An Exit Interview occurs after the on-site event is completed and after all documents and files have been reviewed and monitors have had the opportunity to document potential findings or concerns. During the exit interview, monitors summarize what they have ascertained from the monitoring exercise. Innovations and best practices are noted and information is shared about issues that may result in formal findings and or concerns. This is the opportunity for those involved to produce additional information or documentation that might clear up a possible finding or a concern.

Documenting Findings, Concerns, and Best Practices

A finding is any violation of law, regulation, formal guidance, award agreement condition, or policy and requires immediate corrective action. A finding is any violation of:

- The Workforce Innovation and Opportunity Act and ensuing appropriations bills;
- Program, administrative, and financial regulations identified in:
 - The WIOA final rule 20 CFR 651 through 688; and
 - The Uniform Guidance 2 CFR 200 and 2 CFR 2900; and
- Violation of any formal guidance issued by USDOL, including:
 - TEGs-Training and Employment Guidance Letters;
 - TENs-Training Employment Notices;
 - The USDOL Core Monitoring Guide;
 - The TAG-Technical Assistance Guide;
 - UIPLs-Unemployment Insurance Program Letters; and
 - VPLs – Veterans Program Letters
- Violation of any stipulation in the award agreement between the MDOL and the NWDB;
- Violation of any stipulation in the award agreement between the NWDB and Subrecipients;

- Violation of any State WIOA policy (*issued by either the State Workforce Board or State Workforce Agency (BES) on behalf of the Governor*);
- Violation of any NWDB policy issued for its local area.

When a finding is identified, the report must cite the specific law, regulation, contract condition, guidance letter, or policy being violated and must identify the specific action required to resolve the finding. Monitoring reports that identify findings require a formal response explaining the required actions that have been taken and or will be taken and the date by which the finding will be resolved.

The core monitoring guide provided by USDOL references the **4 Cs** as requirements pertaining to documentation of findings; stating that the explanation for each finding should contain four items: condition, criteria, cause, and corrective action.

Condition – *describes and documents the problem identified.*

“Staff using ITA funds have not been selecting training approved programs in the Eligible Training Provider List; rather, staff have been entering their own agency data instead. This demonstrates that staff are not using the ETPL when consulting with participants (consumers) about the number, types, costs and outcomes of education and training programs from which they can select training. Reports pertaining to eligible providers and approved training must be generated for both WIOA participants and all students in approved programs. By not selecting training from the ETPL when enrolling a participant in training the career planner is bypassing the mechanism for including WIOA participants in ETPL required report. Also by not selecting training from the list of approved programs, staff may be enrolling participants in a program that has not been approved which may result in disallowed costs.”

Cause – *documents and determines the cause of the which may stem from lack of training to inappropriate documentation.*

“Staff do not understand how to select from the ETPL in Maine JobLink when they enroll a participant in training and/or do not know the requirements for ensuring consumer choice and how they must consult with the participant regarding selection of training programs from approved providers.”

Criteria – *specifies the statutory, regulatory, or state or local policy/procedure that was not met.*

“20 CFR 680.300 states that: Training services for eligible individuals are typically provided by training providers who receive payment for their services through an ITA. The ITA is a payment agreement established on behalf of a participant with a training provider. WIOA Title I adult and dislocated workers purchase training services from State eligible training providers they select in consultation with the career planner, which includes discussion of program quality and performance outcome information.

20 CFR 680.340 (a) states that: Training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider. (b) Each local WDB, through the one-stop center, must make available to customer the State list of eligible training providers required in WIOA sec. 122(d). The list includes a description of those programs through which the provider may offer the training services, and the performance and cost information about those providers. (c) An individual who has been determined eligible for training services under §680.210 may select a provider described in paragraph (b) of this section after consultation with a career planner.

20 CFR 680.410 (a) states that: *An eligible training provider is the only type of entity that receives funding for training services through an individual training account.*

Corrective Action – *identifies the corrective action steps the subrecipient must take to remedy the problem and the timeframe for completing them.*

“Required Action – *Staff must be shown how to select approved training from the ETPL in Maine JobLink and must correct the files of any active participants whose training was not selected from the ETPL approved training list in MJL. In addition, staff must be trained about consumer choice requirements of WIOA and how to use the ETPL when consulting with participants about training their options. Documentation that staff training has occurred and active files have been corrected must be submitted to BES within 60 days of receipt of this letter.”*

A questioned cost is one that may result from: violation of law, regulations, or terms and conditions of an award agreement, inadequate supporting documentation, and/or if costs appear unreasonable or do not specifically support the work of the grant. Federal funds must not be used to meet a cost match requirement of any other Federal grant.

A concern is a potential violation of law, regulation, guidance, or policy and can result from questionable business practices such as unawareness of, or failure to abide by, established internal fiscal controls or procedures.

A concern may arise from significant variance between planned and actual services, slowness in meeting required spending thresholds, or lack of evidence that requirements of the local area plan or service provider award agreement are not being implemented.

A concern does not require a formal response; however, when identifying a concern, the reviewer must fully explain the concern and provide suggested action steps or offer technical assistance that will permit the grantee to adequately address the concern.

Identifying and sharing best practices is probably one of the most rewarding aspects of the monitoring process. This is the best portion to open the monitoring process with as it allows board staff, board members, and provider staff to present and promote any innovative practices they have recently implemented and to explain new initiatives they have launched that other partners can replicate.

Best practices are catalogued in monitoring reports and get shared during staff-development and training activities, through newsletters and may even be promoted nationally by the USDOL.

Monitoring Reports

Title page of the monitoring report includes the name of the agency/department, programs being review, name of the entity being monitored, and the report date.

Executive summary is a clear, concise synopsis about what is contained in the report and should include reference the promising practices and findings or concerns addressed in the report.

Background and scope of review explains the who, what, when, how, why, and where of the review. This section should include the dates of the review and the subcontractors and AJCs visited, names of staff members interviewed, time periods covered under the review, and a description of information reviewed.

Findings and required actions must utilize the 4 Cs explained, providing a citation for the violation and the clearly stating the required actions that must be taken for the finding to be resolved. The required action must include specific steps to be taken, identify who must take them, and by when they must be completed.

Concerns, Observations, and Suggestions covers issues, policies, or practices observed during monitoring that are negatively impacting the subrecipients ability to effectively manage or provide services to participants. This may include any “red flags” or “risk areas” that, if not corrected, could lead to non-compliance in the future. Each concern or observation should have a corresponding suggestion for improving the practice/issue.

Identification of Training Needs and Promising Practices Promising practices are sub-recipient practices or outcomes observed during the review that are sufficiently effective and/or innovative to warrant highlighting in the report. Technical assistance or staff development needs can be identified by asking the sub-recipients directly about their needs in this area and/or identifying a need through observation of any formal part of the review. This part of the report should identify any specific training staff should be made aware of and be required to participate in.

The Cover Letter explains that the enclosed report contains the results of the monitoring visit, recaps the dates of the review, thanks those who helped coordinate the review, if applicable explains there are findings that must be addressed and identifies when a response to the report is required. The letter must copy key board members staff or agency leads involved in oversight of the entities being reviewed.

Required Actions - Corrective Action Plans – Improvement Plans

In situations of underperformance, the NWDB may be asked to develop and implement a plan of action to address the identified performance issue. BES will work with the NWDB and one-stop operator to identify and address technical assistance needs and help determine specific action steps that will resolve the issue or finding.

Finding must identify actions required to resolve the finding. This requires one to clearly identify and explain the issue being addressed, delineate action steps that must be taken to resolve the finding or issue, deadlines by which action steps must be completed, and the party or parties responsible for each action step. If technical assistance or staff training is necessary, the action plan must identify the training or technical assistance that will or must be provided, the entity that will provide it, the date by which it must be completed and how staff attendance, knowledge, and accountability will be documented for those that complete it.

Monitoring Tools (Questionnaires and Checklists)

Interview questionnaires are used to elicit information from board and service provider staff, board members, customers, and partners. The questions focus on specific program elements and may include citations of regulations and guidance pertaining to the program element being reviewed. Questionnaires should use open-ended questions when possible, as they allow you to discover the root causes of strengths and weaknesses. Questions that invite interviewees to share a positive aspect of their work open deeper discussion and set an inviting tone to the activity.

This manual contains questionnaires, one that can be printed and provided to interviewees and reviewers who can use it to take notes on responses and one that provides examples of what appropriate responses that demonstrate knowledge of and compliance with the specific component being reviewed.

Questionnaires should be customized from year to year to address new areas of focus, specific issues, or changes in guidance or regulations. For example, questions may focus on data entry and staff knowledge of performance requirements one year and service alignment with required partners the next.

Checklists key in on specific compliance for example, the document checklists ensure appropriate eligibility documents are uploaded. File checklists ensure specific program elements, required services and outcomes are being provided and tracked correctly in the Maine JobLink. An OJT contract checklist is used to ensure wage and labor standards are being met, Workers Compensation is being provided, training is not being conducted for activities for which WIOA funding is unallowed, non-displacement safeguards are being met, and more.

Risk Assessments

Risk assessment is a process to identify whether subrecipients may be at risk of operating in ways that could have adverse effects on the State agency, the subrecipient organization, or customers. Entities who are deemed at risk may be singled out for special interventions, such as more frequent monitoring, extra technical assistance, and/or additional reporting or sharing of information.

Risk assessments identify risk indicators that may place a subrecipient at risk of failing to meet minimum standards of performance, service quality or administration. An indicator is a measurable factor that points to an underlying cause for concern. One of the most common indicators used is timeliness of reporting. If reports are often late, it is a sign that the entity does not have adequate systems in place. Another risk factor may be repeated errors in reporting (performance, tracking, or spending) which may signify system tools are not programmed correctly or staff are not adequately trained. Staff turnover or changes in provider status are also key indicators of risk.

Monitoring Tools **[any of these need to be removed?]**

Checklists:

- OJT/CT/IWT/JT WE contract checklists
- Document upload checklist
- One-stop center facility checklist

Program Review Questionnaires

- Adult and Dislocated Worker Program Managers and Staff
- Youth Program Managers and Staff
- Employment Services Program Managers and Staff

File review tools:

- Adult file checklist
- Dislocated worker file checklist
- Youth file Checklist

Other data sheets:

- Eligibility Criteria A/DW/ISY/OSY
- List of Youth Service Elements
- List of Basic Career Services
- List of Individualized Career Services
- List of Training Services & how they can be procured or purchased

Required Local WIOA Program Policies:

- Supportive Services
- Youth Requires Additional Assistance
- Youth Incentives
- WIOA Complaint Process
- Adult / DW Follow-up Services
- Adult Priority of Service
- OJT
- Transitional Jobs
- Customized Training

- Incumbent Worker Training
- Requirements for providing training without providing career services

Sanctions and Appeals

Sanctions

If a WIOA Title IB service provider is not in compliance with 2 CFR 200, including the failure to disclose all violations of Federal Criminal Law involving fraud, bribery, or gratuity violations, then corrective action to secure prompt compliance will be required. If the service provider fails to take timely corrective action, sanctions may be imposed.

Substantial Violations

If there is a substantial violation of a specific provision of WIOA or the Uniform Guidance and corrective action is not taken, the NWDB will:

- Issue a notice of intent to revoke approval of all or part of the local plan affected; or
- Impose a reorganization plan, which may include:
 - Selecting an alternate entity to administer the program for the local area involved; or,
 - Making such other changes as the NWDB determines to be necessary to secure compliance.

In the event of disallowed costs, the WIOA Title IB service provider will be required to repay the amount of disallowed costs with non-federal funds.

Appeal

Actions taken by the NWDB will not become effective until:

- The time for appeal has expired; or
- The NWDB has issued a decision.

The NWDB must make a decision not later than 45 days after the receipt of the appeal.