

	New Jersey Workforce Innovations Notice		WD-PY19-3
	Issued By:	Workforce Development Division of Career Services	
	Approved By:	Hugh Bailey, Assistant Commissioner Workforce Development	
	Issued Date:	October 10, 2019	

1. **SUBJECT:** Monitoring Policy and Procedures for Workforce Development Programs
2. **PURPOSE:** The purpose of this NJWIN is to outline policy, procedures, and expectations related to the monitoring of Workforce Development programs.
3. **EFFECTIVE DATE:** This NJWIN takes effect **immediately**.
4. **BACKGROUND & AUTHORITY:** WIOA Title I and Wagner-Peyser Monitoring Responsibility: 20 CFR § 683.400(c) requires the development of a State monitoring system for Workforce Innovation and Opportunity Act (WIOA) Title I and Title III Wagner-Peyser Act programs. In accordance with 20 CFR 683.410(b)(2), the monitoring system must:
 - Provide for annual on-site monitoring reviews of local areas' compliance with 2 CFR part 200 (Fiscal Compliance Cost Principles Contained in the Super Circular) and Department exceptions at 2 CFR part 2900, 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 sub-recipients 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).

In addition, the Governor must:

- Require that prompt corrective action be taken if any substantial violation of standards is identified (20 CFR 683.410(b)(4)); and

- Impose the sanctions provided in secs. 184(b)-(c) of WIOA in the event of a sub-recipient's failure to take required corrective action required under paragraph (b)(4) of this section (20 CFR 683.410(b)(5)).

The Office of Internal Audit is responsible for fiscal monitoring, and the Workforce Development Board (WDB) Coordination and Support Unit within the Division of Workforce Field Services is responsible for program monitoring.

5. POLICY & PROCEDURES:

5.1 Annual Local & Regional Plan Reviews:

The Local WDB Coordination and Support Unit staff will review local and regional plans on an annual basis. Each local WDB will provide their sub-recipient monitoring policy, and a schedule of when every contracted provider will be monitored for the program year (2 CFR 200.331) to the Supervisor of the WDB Coordination and Support Unit **by August 1 of each program year.**

In accordance with 20 CFR 683.410(a)(1)-(4), oversight and monitoring of sub-recipients and contractors must ensure:

- Expenditures have been made against proper costs categories and within cost limitations specified within WIOA and the Uniform Administrative Requirements;
- There is programmatic compliance with WIOA and its regulations; and
- Compliance with the nondiscrimination, disability and equal employment opportunity requirements of WIOA Sec. 188.

5.2 American Job Center/One-Stop Career Center Audits & Reviews:

The Coordination and Support Unit staff will utilize desk audits and annual on-site reviews to ensure that the delivery of services in each American Job Center/One-Stop Career Center is in compliance with WIOA and Uniform Administrative Requirements.

This includes review of:

- Eligibility determination;
- Assessment of customer's employment barriers;
- Individual Employment Plans;
- Provision of Career Services;
- Provision of Title I Training Services;
- Provision of Title I Youth Services; and
- Procurement of Title I Youth services.

5.3 Monitoring of Equal Opportunity Practices:

Monitoring will be used to ensure all local WBDs are complying with the non-discrimination requirements of WIOA Sec. 188 and 29 CFR 38.5. This includes:

- Verification that “Equal Opportunity is the Law” posters are posted prominently in public spaces;
- All customers are made aware of the complaint procedures and EO rights and sign an acknowledgement form that is kept on file;
- Accessible entrances are clearly marked; and
- If the customer needs language assistance, and is unable to identify the language in which they need assistance, staff direct the customer to the Voiance Language Line, which can help to identify the language the customer is speaking and provide translation services.

5.4 Monitoring Scheduling:

At the beginning of each program year, the Coordination and Support Unit will schedule work sessions with Program Monitoring Unit staff from the WIOA Title 1 Youth and from the Temporary Assistance for Needy Families (TANF), General Assistance (GA), and Supplemental Nutrition Assistance Program (SNAP) programs to jointly develop the annual program monitoring schedule.

Planning will include the scope and priorities of the monitoring as determined by risk assessments, performance issues, and other relevant criteria. In addition, planning will identify the responsible party for completing each aspect of the monitoring process from notification, updating monitoring tools, conducting desk and onsite reviews, to the issuance of compliance review reports to the local areas, follow-up, technical assistance, and closure of any open findings.

5.5 Notification Process:

The Coordination and Support Unit will provide written notice to each entity being monitored at least 45 days prior to a review being conducted. The written notice will inform the entity that monitoring staff will contact them to negotiate mutually acceptable times and dates for the onsite portion of the review.

5.6 Monitoring Conferences:

Prior to the start of each on-site monitoring review, the representative of the Coordination and Support Unit will hold an entrance conference with the WDB Director, and other interested parties, to establish the purpose, parameters, and timeframe of the visit. During this conference, any relevant information will be discussed which may enhance the effectiveness of the review. All previously requested

documents must be available for review and distribution, including items to be retained by the monitoring team.

An informal exit conference will be conducted at the conclusion of the onsite review. A formal exit conference will be scheduled generally within one week of the onsite review. The exit conference will be provided to the WDB and local area Chief Elected Official to discuss identified issues and possible questioned costs. Additional findings and/or questioned costs may arise after the on-site review and exit conference call are concluded.

5.7 Monitoring Methods:

The monitoring review will be conducted through a combination of desk audit and on-site evaluation. Coordination and Support Unit staff are authorized to monitor any entity receiving WIOA funds, including any contracts/entities utilizing WIOA funds through local WDBs. Reviews may include, but are not limited to, examining program records, interviewing staff, program participants and employers, and observance of orientations, workshops, participant appointments, and other programming.

Random sampling techniques will be used to identify case files for review. For WIOA Title 1 Adult, Youth, and Dislocated Worker and Wagner-Peyser programs, generally, monitors will look at 10 percent of case files for review with twenty (20) considered the minimum number of case files to be reviewed for each program.

5.8 Monitoring Report Issuance:

The Coordination and Support Unit will issue the monitoring report within thirty (30) business days from the conclusion of the monitoring review. Whenever possible, the WDB Coordination and Support team will be the lead Unit in issuing consolidated findings reports covering Workforce Innovation and Opportunity Act (WIOA) Titles 1 and 3, Temporary Assistance for Needy Families (TANF), General Assistance (GA) and Supplemental Nutrition Assistance Program (SNAP), and specialized programs such as Trade Act, Senior Community Service Employment Program (SCSEP), Jobs for Veterans State Grant (JVSG), Re-employment Services and Eligibility Assessment (RESEA), and Migrant and Seasonal Farm Worker (MSFW) programs.

The report will be dispersed to the following parties: The Assistant Commissioner of Workforce Development, the State Employment and Training Commission (SETC) chair, the local WDB Director, the local WDB Chair, the Chief Elected Official (CEO), the One-Stop Operator, the Employment Service manager and other appropriate staff, as necessary.

5.9 Corrective Actions:

If there is a finding, the entity monitored is required to submit a response within thirty (30) calendar days after the receipt of the monitoring results. If findings are rendered

to be significant in terms of failure to perform, include serious infractions of oversight, and/or if the local area fails to properly or timely remedy the findings, the New Jersey Department of Labor (NJDOLE) will present the matter to the SETC per WIOA Section 107(c)(3) as it relates to the WDB's ability to fulfill their functions.

Once all findings have been resolved, the Coordination and Support Unit will transmit the final resolution letter to the SETC Chair, CEO, WDB Chair, WDB Director, Employment Service manager and other staff, as necessary. However, if the initial corrective action provided to NJDOLE is not sufficient, NJDOLE will then direct the entity to submit a progress report each month until the corrective action has been accomplished.

5.10 **Monitoring Tracking and Resolution:**

All findings will be uploaded to NJDOLE's centralized Resolution Tracking System to document and track each local area's progress in resolving their findings. This system will be monitored by the Coordination and Support Supervisor. The Supervisor will utilize this tool to streamline the monitoring process statewide, and ensure local area responses are consistent with WIOA law and NJDOLE policies. In addition, the Coordination and Support team will run monthly exception reports to verify progress. In addition, the Supervisor will run monthly desk audits and exception reports to monitor progress related to findings.

6. **QUESTIONS:** For questions regarding Workforce Development program monitoring, contact Dr. Yolanda Allen, Division Director, Division of Career Services at Yolanda.Allen@dol.nj.gov.