



Northern Middle Tennessee Workforce Board Inc.

November 10, 2020

Executive Summary

Monitoring & Oversight Policy

1. What is the general purpose of this policy?

To establish the NMTWB's engagement in monitoring and oversight activities and define the process for monitoring sub-recipients.

2. What are the modifications to this policy?

Defines the monitoring and oversight responsibilities by staff and function. Also describes the appeals process in order to meet TDLWD WFS Monitoring Policy.



Monitoring and Oversight Policy

Purpose

The purpose of this policy is to establish the process for monitoring sub-recipients and the engagement of the Northern Middle Tennessee Workforce Board (NMTWB) in monitoring and oversight activities.

Background

As outlined in WIOA Section 107(d)(8), local workforce development boards are required to conduct monitoring and oversight of all sub-recipients. The NMTWB must:

- Conduct oversight for local employment and training activities for adults and dislocated workers, youth workforce investment activities, and the One Stop delivery system;
- Ensure the appropriate use and management of funds provided for these activities; and
- Ensure appropriate use, management, and investment of funds to maximize performance outcomes under WIOA Section 116

Policy & Instructions

Monitoring is an ongoing process and the joint responsibility of quality assurance, fiscal, and other administrative staff.

The NMTWB will conduct at a minimum, quarterly oversight and monitoring of its WIOA programs and contractors in order to:

- Determine that expenditures have been made against the proper cost categories and within the cost limitations, specified within WIOA and the regulations;
- Determine whether there is programmatic compliance with WIOA, including additional applicable laws and regulations;
- Assure compliance with 2 CFR 200 (e.g. 2 CFR 200.34, Expenditures; 2 CFR 200.84, Questioned Cost; and 2 CFR 200.85, Real Property); and
- Determine compliance with the nondiscrimination, disability, and equal employment opportunity requirements of WIOA Section 188.

A. Monitoring Process

1. NMTWB staff will conduct monitoring and program reviews in accordance with Federal Uniform Guidance and the Tennessee Department of Labor and Workforce Development (TDLWD) Monitoring Policy and Monitoring Guide as amended.
2. Monitoring will be conducted at a minimum of quarterly by the appropriate NMTWB staff.
3. The monitoring review will utilize a combination of methods to include desk reviews, report reviews, analytical analysis, inquiries, testing and observations. The review may include: examining program records, questions to employees, interviewing participants, and entering any site or premise which receives WIOA funds. Participant files may be reviewed through a random sampling.

4. Detailed reports will be compiled by NMTWB staff including observations, areas of concern, findings, recommendations, and a time frame for corrective action. Reports will be distributed to the sub-recipient and made available to NMTWB, TDLWD, monitors or auditors upon request. All responses and corrective actions must be completed within 30 business days from the date the report was issued.
5. NMTWB staff will review the responses and corrective action plan and either accept or deny the plan. Technical assistance will be provided at a minimum of quarterly to ensure compliance with all WIOA regulations.
6. Should the sub-recipient disagree with the findings, they may appeal the findings in writing. The NMTWB will consider the appeal and provide a final report within 60 days.

B. Monitoring and Oversight by Staff and Function

Program Quality Assurance Specialist – responsible for quarterly monitoring of programmatic compliance with required laws, policies, plans, and procedures at the federal, state and local levels for adult, dislocated worker, national dislocated worker, and youth programs. Includes desk top review of participant eligibility, activities, direct participant expenditures, proper documentation, case management, and follow up utilizing the elements from the Tennessee Department of Labor and Workforce Development (TDLWD) Monitoring Guide. May also include on-site visits and interviews with participants. Prepares a formal, written, quarterly programmatic report, including any observations, areas of concern, and necessary corrective actions. The Program Quality Assurance Specialist works with the sub-recipient and Board staff to ensure corrective actions are taken for any programmatic or fiscal findings.

WIOA Fiscal Director – with assistance of staff, is responsible for quarterly fiscal monitoring to include desktop review of subcontracts, invoices, and grant budget and expenditure rates. Prepares a formal, written quarterly fiscal report including any observations, areas of concern, and necessary corrective actions. The WIOA Fiscal Director works with the sub-recipient and Board staff to ensure corrective actions are taken for any fiscal findings.

Director of Policy and Performance – responsible for providing policy and guidance to the sub-recipient regarding eligibility, record keeping, performance, and program objectives including WIOA Core Performance Measures and Key Performance Indicators (KPI). Program objectives are monitored on a quarterly basis at a minimum. The Director of Program and Planning and the Director of Policy and Performance review internal reports and reports submitted by the One Stop Operator and Career Service Provider as well as prepare summary reports to be presented to the NMTWB.

Equal Opportunity Officer – responsible for overseeing, investigating, and documenting complaints alleging discrimination or denial of equal opportunity and submitting American Job Center complaint logs to TDLWD.

C. Additional Monitoring

The NMTWB and staff reserve the right to conduct additional monitoring outside the established procedures in this policy. Additional monitoring will occur when there is reason to suspect that there are non-compliant practices occurring by the sub-recipient.

D. Appeals Process

In the event of a disagreement resulting from the monitoring process, the sub-recipient may choose to file an appeal. A disagreement is considered to have reached the level of an appeal when an issue arises that is not easily coming to a point of resolution. It is the responsibility of the LWDB Chair (or designee) to coordinate the dispute resolution to ensure that issues are being resolved appropriately through the appeal process:

1. Any disputes shall first be attempted to be resolved informally.
2. Should informal resolution efforts fail, the appeal process must be formally initiated by the petitioner seeking resolution. The petitioner must send a notification to the NMTWB Chair (or designee) regarding the conflict within 10 business days.
3. The NMTWB Chair (or designee) shall place the dispute on the agenda of a special meeting of the NMTWB's Executive Committee. The Executive Committee shall attempt to mediate and resolve the dispute. Disputes shall be resolved by a 2/3 majority consent of the Executive Committee members present.
4. The decision of the Executive Committee shall be final and binding unless such a decision is in contradiction of applicable State and Federal laws or regulations governing the contractor and / or sub-recipient agencies.
5. The right of appeal no longer exists when a decision is final. Additionally, final decisions will not be precedent-setting or binding on future conflict resolutions unless they are officially stated in this procedure.
6. The Executive Committee must provide a written response and dated summary of the proposed resolution to all parties.
7. The LWDB Chair (or designee) will contact the petitioner and the appropriate parties to verify that all are in agreement with the proposed resolution.

References

2 CFR Part 200; 20 CFR 683.400-420; 2 CFR part 2900; WIOA Sec. 188; TEGL 23-19, WFS Policy – Monitoring, TDLWD Monitoring Guide

Authorized by:

Approved by:


Marla Rye (Oct 30, 2020 10:50 EDT)

 Marla Rye, Executive Director Date


John C. Zobl (Oct 30, 2020 14:18 EDT)

 John Zobl, Chairman Date