WIA/WIOA FUNDS MONITORING POLICIES

POLICY # 18-03 WIOA Funds Monitoring Policies
DATE: September 7, 2018

Monitoring Policies

Herkimer County serves as grant recipient of the WIOA Title I funds. As outlined in the Chief Elected Official Agreement between Herkimer, Madison, Oneida County and the Workforce Development Board, Herkimer County shall act as grant recipient and shall operate programs as described in the local plan and consistent with the Act and the rules and regulations promulgated to carry out the Acts as well as other applicable federal, state and local laws, rules and regulations.

Further, the Chief Elected Officials Agreement provides a listing of authorities and responsibilities for the Herkimer-Madison-Oneida Workforce Development Board (HMO WDB). These responsibilities include the monitoring and evaluation of program operations pursuant to the Act. This document gives detail to how the monitoring and evaluation process will be implemented.

The monitoring process, as required in 20 CFR Part 683.410 (a) of the WIOA Final Rules states:

(a) Each recipient and sub recipient 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 sub recipients 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:

1. Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in WIOA and the regulations in this part;

2. Determine whether there is compliance with other provisions of WIOA and the WIOA regulations and other applicable laws and regulations;

3. Assure compliance with 2 CFR part 200; and

4. Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of sec. 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).

The following policy and procedures will ensure the compliance to the WIOA rules and regulations.

As of September 1, 2005, HMO WDB has used the guides that were attached to Technical Advisory 04-19, for the purposes of program and fiscal monitoring.
Program Monitoring

The Workforce Development Board, Inc. has designated the HMO WDB Finance Director and other WDB staff as necessary, as the persons that will conduct oversight and monitoring of the Herkimer, Madison, and Oneida workforce agencies that oversee and/or operate federally funded training programs.

- Each County Director will provide training to all of their county contractors prior to program start dates on the monitor process and what is required. Training in meeting performance measures will also be a requirement for all contractors.

- The HMO WDB Finance Director or other WDB staff will do a full on site visit to all non-OJT contractors within the first 45 days of the program to ensure that contractors are starting programs with a clear understanding of expectations. This will also serve as an opportunity to answer any questions concerning performance measures. This full monitoring report will provide a baseline for future monitoring visits.

- The HMO WDB Finance Director or other WDB staff will then conduct regular on site program monitoring visits for all non-OJT contracts, on an annual basis. Programmatic elements to be monitored include:
  - Eligibility and Records Review
  - Delivery of Services
  - Quality of Services
  - Customer Satisfaction
  - Staff Satisfaction
  - Partner Satisfaction (if applicable)
  - EEO Requirements/Grievance Procedures
  - Performance Requirements

- Each County Director is responsible for entry and maintenance of their MIS files as well as services tracking and data validation.

- All on site visits will include a review of customer files to ensure compliance with eligibility and to review progress on meeting required performance measures.

- The Workforce Development Board and the Operator will receive a written summary report of the monitoring visit 30 days after the visit. The report will highlight strengths and weaknesses of the program. The report will also indicate any required corrective action needed and the deadline for completion.
  - The report will be addressed to the County Director, copied to WDB Executive Director, the Operator and to NYSDOL.

- Technical assistance will be provided to contractors requested or deemed necessary by the County Director in conjunction with the WDB Executive Director.
• If a contractor is not able to take the necessary corrective action by the due date required in the summary report, they will be subject to quarterly monitoring visits by the HMO WDB Finance Director or other WDB staff.

• Willful failure to take the necessary corrective action will result in the termination of the contract upon the Contractor’s default.

• Failure to meet performance measures will result in quarterly monitoring visits and required program design changes.

• Failure to meet performance may block the ability of any contractor to bid on service provision for a minimum of two years or more.

The respective NYSDOL representatives will be promptly notified of any serious monitoring disclosures. Also, the NYSDOL representatives will be sent copies of any significant communication between that agency and their contractors.

**Fiscal Monitoring**

The HMO WDB has designated the Workforce Development Board’s Fiscal Director and Herkimer County’s Senior Account Clerk to conduct oversight and monitoring of the sub-recipient counties, Madison and Oneida.

**Review Frequency as stated in TA 04-19:**

- Desk Reviews – Financial Reports - Monthly
- Financial Management/Cost Allocation - Annually
- Sub-recipient Monitoring - Annually
- Procurement - Biennially
- Property Management - Biennially

The review process will include financial desk review that will occur on a monthly basis. Also, monitoring of the sub-recipient counties’ financial reporting practices will be conducted annually. The purposes of the reviews are to ensure compliance with all Federal, State and local laws and regulations and the provisions of the contract. The Financial Director will review expenditures to ensure they meet the provisions of **OMB Omni-Circular 2 CFR §200.302 Financial Management** which discusses the requirements for the financial management system of any recipient of federal funds or **OMB Omni-Circular 2 CFR §200.402-405**.

In addition to the above reviews, procurement and property management reviews will be conducted every two years.

• Reports will be issued within thirty (30) days of the date of the review’s exit conference.
  - Reports will be addressed to the County Director, copied to WDB Executive Director, and copied to NYSDOL.

• If any costs are found not to be allowable, not properly supported by documentation, not included in the contract’s budget or not clearly linked to program activities, the voucher
will be reduced by the respective amounts. Also, the Contractor will be promptly notified of any deficiencies and be provided the rationale for the disallowances.

- If it is determined that a deficiency and/or disallowed costs have a material impact on the program, the entity will be requested to prepare a corrective action plan within sixty (60) days of notification. Also, subsequent to the receipt of the plan, the HMO WDB will perform a follow-up review to ensure that the steps detailed in the plan have been properly implemented.

- In addition to the above, the respective NYSDOL representative will be promptly notified of any serious monitoring disclosures. Also, the NYSDOL representatives will be sent copies of any significant communication between their agency and their contractors. Additionally, the agency will ensure that their monitoring records are retained and readily available for USDOL and NYSDOL representatives as stated in TA 16-2: “In accordance with Federal requirements, all records... pertinent to a Federal award administered by NYSDOL, must be retained by the custodian of the records for a period of three (3) years from the date of submission of the final expenditure report by NYSDOL to the United States Department of Labor”

- Technical assistance will be provided to contractors requested or deemed necessary by the County Director in conjunction with the WDB Executive Director.

**HMO review responsibilities and schedule**

*See Attachment A for schedule*

**Single Audit collection and review**

Any entity that has expended, in any fiscal year, $750,000.00 or more in funds provided by a Federal financial assistance program from a Federal provide the agency with an audit prepared by an independent auditor in accordance with the Single Audit Act of 1984, as amended, in accordance with [OMB Omni-Circular 2 CFR §200.501 Audit Requirement](#).

In particular, Madison and Oneida Counties, according to [OMB Omni-Circular 2 CFR §200.512(a) Report Submission](#), must submit single audit reports within nine months from the end of the sub recipient audit or 30 days after receipt of the audit report by the sub recipient, following the close of a fiscal year to the HMO WDB. In case of the sub recipient counties, the single audit reports must be submitted as soon as it is available in the following year. In turn, HMO WDB will review the reports. Any deficiencies noted in any entity’s Single Audit, if applicable, will be assessed regarding the impact on the program. If applicable, the Contractor must provide documentation that corrective action has been taken to resolve the deficiencies.
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