



Workforce Investment Board
Reaching Business



CITY OF OAKLAND
OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT
OAKLAND WORKFORCE INVESTMENT BOARD

DIRECTIVE No: 12-004
TO: WIA Service Providers
EFFECTIVE: February 26, 2013
SUBJECT: Program Monitoring – Policies and Procedures

PURPOSE: This directive establishes the Oakland Workforce Investment Board (OWIB)'s policy on monitoring and oversight responsibilities regarding the Workforce Investment Act (WIA) and contains related procedures to standardized guidelines concerning oversight, evaluation and monitoring.

POLICY: It is the policy of the OWIB, as the Administrative entity, to provide monitoring and oversight of its contracted Services Providers and other programs operated by or on behalf of the WIB. Monitoring and oversight will be designed to comply with State and Federal standards. To execute this policy the OWIB has established protocols for conducting this process, to ensure program quality and fiscal integrity, which results in comprehensive reports of findings and documented follow-up for required corrective actions.

REFERENCES:

- EDD Directive WIAD00-7, Standards for Oversight and Instructions for Substate Monitoring
- WIA Sections 117(d)(4), 184(a)(2)(A), 184 (a)(3)(A), and 184(a)(5)(A)
- Title 20 Code of Federal Regulations (CFR) Sections 667.400(c)(1), 667.410(a), and 667.410(f)(6)
- Title 29 CFR Parts 95 and 97
- Office of Management and Budget (OMB) Circular A-21, Cost Principles for Educational Institutions
- OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments
- OMB Circular A-122, Cost Principles for Non-Profit Organizations
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations
- WIA Directive WSD12-10, Procurement
- WIA Directive WSD10-1, Nondiscrimination and Equal Opportunity Procedures

PROCEDURE:

Required Monitoring for Service Providers (Youth and Adult)

Notifications and Scheduling of Review

The OWIB will produce the program compliance monitoring schedule and notify the service providers of the monitoring dates thirty (30) days prior to the scheduled date of the monitoring, set a specific time for the entrance conference, request arrangements for suitable workspace for the review of participant files and program documentation and arrange a private space in which to conduct confidential staff and participant interviews. If the monitor anticipates that some participants may be non-English speaking then the service provider should be asked if they can make staff available to translate. If the provider is unable to provide this support then the monitor will need to make alternate arrangements for translation services. A Notice of Intent to Monitor confirmation letter will be sent via email and/or U.S. Mail will contain the following information, requests for information and attachments:

- a. Copy of WIA Administrative Questionnaire (self-evaluation)
- b. Request for names/contact information of staff that would be most appropriate to assist the program monitor in completing all of the above questionnaires.
- c. Number of participant files that the program monitor will be reviewing (names will be provided at the entrance conference) (see section (b)(1) below for further information).
- d. Number of participant interviews to be conducted (interviewees to be a sub-set of the participant file list)
- e. Copy of the contract-specific (adult, youth, etc.) Applicable Participant Questionnaire
- f. Confirmation of the workspace arrangements for the program monitor to conduct file reviews and private space for conducting confidential staff/participant interviews
- g. Confirmation of translation support for participant interviews
- h. Duration and timeframes for the on-site monitoring process, including start and end dates and entrance conference time

The monitors shall contact the service provider once more via email one week prior to the scheduled site visits as a courtesy reminder. A return acknowledgement of receipt of email will be required from the service provider.

Frequency of Monitoring

Program monitoring of service providers will be conducted once per program year to ensure that programs are operated are in compliance with applicable federal, state and local regulations. Monitoring sessions will primarily consist of:

1. Desk Review:

Desk Review shall consist of, but not limited to:

1. Review contracts, files, documents, and related correspondence;

2. Review Federal and State regulations, as applicable;
3. Review MIS information, including current enrollment and placement info;
4. Review previous monitoring reports.

2. On-site Review:

On-site visits and reviews are conducted so that the monitor can:

1. Determine the extent of program implementation and to identify problem areas;
2. Determine what training is being provided and whether the training is in compliance with the contract/agreement;
3. Verify data reviewed during the desk review phase;
4. Determine the cause(s) of deviations from planned program performance which have been previously identified during the desk review;
5. Review program information and activities that are not quantifiable and thus not evident in the desk review of performance data;
6. Integrate hard data from document review with observations and input from participants and providers so that the entire program performance can be evaluated in context.

The On- Site Review consists of the following:

(a) Entrance Conference

1. For **initial site visits**

Present overview of the visit, including programs to be reviewed and information required to complete monitoring visit.

2. For **compliance monitoring**

Present overview of the visit, including programs to be reviewed and information required to complete monitoring visit.

3. Interviews

- With staff involved with contract activity;
- Program participants at sites;

(b) Document Review

Program and fiscal records are the primary sources of information to review during an on-site monitoring visit. The on-site review of documents and records serves to validate desk review findings and the responses on the WIA administrative and contract-specific questionnaires. It identifies problems and discrepancies that may require further investigation. Under WIA rules, program monitors have a right to see all records relating to WIA-funded contracts/agreements. Proof of performance and contractual compliance should be evident based upon certain elements of documentation:

- Program records for compliance with contract;
- Review systems for controlling program administration, including determination of participant eligibility;
- Review pay records (time cards/sheet) and attendance reports to ensure controls are established for preventing unauthorized payments;

- Review (ITA/OJT, internship, etc.) contracts/agreements between service provider and the training provider to ensure that training is being provided and payments are appropriate. Contracts shall be checked for dates, authorized signatures, amounts paid, and supporting documents to justify payment;
- Review staff levels, operating procedures, and contracts to determine training provider capability to fulfill contract obligations;
- Review corrective action plan as applicable.

A sample of the following records shall be reviewed:

Contract files:

- a) Contract;
- b) Modification(s);
- c) Contract Exhibit(s).
- d) Schedule(s)

Participant files:

- a) Client Action forms;
- b) Registration, enrollment and eligibility support documentation;
- c) Confidentiality form, signed by participant and dated;
- d) Job performance evaluation/assessment;
- e) Individual Service Strategy (ISS) or Individual Employment Plan (IEP);
- f) Placement/Termination forms;
- g) Documentation of competencies (youth or adults);
- h) Timesheets

3. Participant Case File Review (Youth and Adult Programs)

The review of participant case files is a key step in determining whether or not the service provider is following program guidelines, WIA eligibility criteria, and the contract scope of work. The review is documented by use of the state case file review forms. The Youth Case File Review Worksheet and the Adult and Dislocated Workers Case File Review Worksheet. The program monitor shall refer to RWIAD04-18, Workforce Investment Act Eligibility Technical Assistance Guide, as the resource guide for the case file reviews.

Random Sampling

Participant Files

Participant files should be reviewed from three different categories – those who have recently entered the program, those who have been in the program for some time or are nearing completion, and those who have exited the program.

NOTE: The random sample size for participant file reviews is as follows:

- Programs with 30 or less participants – 20%
- Programs with 31 to 50 participants – 25%

- Programs with 51 to 75 participants – 20%
- Programs with 76 to 100 participants – 15%
- Programs with more than 100 participants – 15%

Participant Interviews

Participant interview samples should also be from these three different training status categories and come from the same pool as the participant file review samples.

It is recommended that 50% of the participants whose files are being reviewed also be interviewed by the monitor, given the difficulty of contacting and scheduling interviews with participants who have exited the program, this group should make up no more than 20%. Participants who have exited the program may be interviewed by phone; participants who are still in the program should be interviewed face-to-face whenever possible, with telephone interviews being allowable when face-to-face interviews cannot be successfully scheduled within the timeframe allowed for the monitoring period.

In circumstances where there is significant deviation (more than 20%) between planned performance and actual performance and/or there are allegations of fraud or abuse the program monitor must consult with Program Oversight Manager or Director to determine if a larger sample size is necessary.

A. Interviews

The WIA Administrative Questionnaire forms the basis of the interviews with the administrative and program staff. Additional areas of concern identified during the Desk Review phase of the monitoring process can also be addressed through staff interviews. Utilizing the contract-specific Participant Questionnaires the monitor can gain valuable information from participants about the effectiveness of program administration and operations, as well as insights into the level of customer service being provided.

B. Observation

Observation is an important tool to help the monitor experience to some degree the actual delivery of services. Observations can lead to initial perceptions of the contractor's operations that must then be validated or negated by careful investigation and analysis.

Monitors should pay particular attention to observing the following areas that are typically not reflected in MIS reports or other contract/agreement documentation:

4. Work Sites

Work Sites are reviewed to ensure that providers are aware of and in compliance with applicable health and safety standards. The following is a list of guidelines that will be used in reviewing work sites during a visit:

- Health and safety standards (OSHA assurance, certification & regulations)

- Location
 - accessibility to clients
 - handicapped accessibility
 - access to public transportation
- Working environment
- Light, temperature, space, furniture, noise, etc.
- Maintenance and care of government equipment (where applicable)

5. General Administration

- Reception – prompt, courteous, knowledgeable, accommodations for non-English speaking participants
- Proper storage of records to ensure confidentiality

6. Workshops

- Learning environment
 - light, temperature, noise, space, furniture, health and safety
- Equipment and supplies provided per contract/agreement
- Attendance compared to attendance records
- ADA-compliant restroom, facilities/classroom

7. Exit Interview

An Exit Interview will be held with appropriate administrative staff when the monitoring visit is completed. Problem areas will be discussed in general terms to provide feedback on performance of good procedures and programs. The provider should be informed that technical assistance is available from Oakland WIB staff and they are encouraged to utilize it especially if there are performance problems.

8. Monitoring Report

A monitoring report will be written as a result of the desk review, field review, participant interviews, and other related activities, including findings, recommendations, and if needed, corrective action. This report shall be submitted to the WIB Program Manager for review and action. The final report is sent to the service provider and a copy is placed in the contract file. If corrective action is required, a response from the service provider will be secured. Technical assistance will be made available to the provider. Follow-up on corrective action shall be accomplished until all issues are resolved.

If during the monitoring process the monitor suspects that he/she has discovered possible fraud/abuse, monitoring of the service provider will be terminated and findings reported immediately to the OWIB Executive Director. The OWIB Executive Director will make the necessary contact with the State and shall make a determination regarding submission of an Incident Report to the State EDD.

9. Corrective Action Plans

In the event that any findings are identified during the onsite monitoring process, the Provider will be notified within thirty (30) calendar days of the site visit. Potential findings and recommended corrective actions will be specified on the Corrective Action Plan Template. The Provider will have thirty (30) calendar days from the date of the notification to correct and respond to any findings. The implementation will be closely monitored for its effectiveness as well as to watch for unintended consequences of the plan by WIB staff.

10. Reporting Incidents of Suspected Fraud or Abuse/Waste of WIA Funds

If during the course of the monitoring process the program monitor determines that there may be possible program fraud, abuse or waste of WIA funds, he/she must then file an incident report as outlined in Incident Reporting- WIA Directive WIAD02-3, which is available at the EDD website. This Directive contains the reporting information as well as the Incident Report form.

It is important to note that the monitor is **not** making a final determination as to whether or not fraud, abuse or waste exists. The State Civil Rights Division (CRD) or the Department of Labor's Office of the Inspector General will make this determination. The filing of an Incident Report is a significant event and should be noted in the monitoring report along with the reasons the report was filed.

11. Follow up/Technical Assistance

Program Monitors will offer technical assistance to help get the service provider back on track to reaching goals. Technical Assistance includes but is not limited to:

- Reviewing WIA rules and regulations related to problem area with service provider;
- Reviewing completed paperwork;
- Workshops and one on one trainings on enrollment, exiting, and other program strategies;
- Informing service providers of any trainings or seminars available by federal or state departments that they may be able to attend.

The Program Monitor who conducted the monitoring review should do the follow up. It can be:

- Specific – if a corrective action item is critical to the proper operation and performance of the service provider's program than that particular item must be followed-up on, either by subsequent desk review or additional monitoring visits
- Ongoing – if the corrective action item is less critical to the proper operation and performance of the service provider's program, then the follow-up can occur

during the course of the ongoing monitoring process and be targeted for closer scrutiny in the next annual monitoring

ACTION: The Oakland WIB and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES: Inquiries should be addressed to the Oakland WIB's Executive Director.

APPROVED BY THE WIB: March 28, 2013