

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 5.7

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Oversight, Monitoring and Technical Assistance

Issued: NEW; replacing WIA State Compliance Policy 5.7; Approved GWDB Executive Committee, 09-20-2017; Ratified GWDB, 01-19-2017

Purpose: To provide the WIOA requirements for State, local areas and direct recipients of program funds in oversight, monitoring and technical assistance.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in ***bold, italic type***.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128); 2 CFR §200; 20 CFR §683.220; 20 CFR §683.410 & 420; 29 CFR 38; TEGL 2-12; 29 CFR §97.40

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

In accordance with WIOA Sec. 184 (a)(4) each Governor of a State shall conduct on an annual basis onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements. The State is the pass-through entity of funds awarded for WIOA Title I Adult, Dislocated Worker, and Youth programs. It is responsible for oversight of the operations of the WIOA activities. The State must monitor the programmatic and financial activities under the Federal awards to assure compliance with applicable WIOA requirements. Monitoring should be viewed as a multi-faceted activity which provides ongoing, proactive assistance and continuous quality improvement to achieve program goals and financial requirement standards. Monitoring thus becomes a program identification linking planning, program design, implementation, technical assistance, evaluation and financial requirement standards. Additional emphasis is placed on quality and integration of services and continuous improvement in performance outcomes. The aggregate effort of the providers, in the American Job Centers, determines that area's annual performance, and the combined efforts of all partners will be reflected in the statewide performance.

To conduct a thorough review, monitors will examine both fiscal and programmatic aspects, nondiscrimination, disability and equal opportunity requirements of WIOA, including participant awareness of such provisions. Reference SCP Section 4: Equal Opportunity.

Policy and Procedure:

Recipient and sub-recipients of Workforce Innovation and Opportunity Act (WIOA) funds are required to keep records that are sufficient to prepare required reports and to trace funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully. WIOA Sec. 185(a)(1).

The recipients and sub-recipients shall be responsible to establish information security procedures to safeguard confidential data in all records, active and retained. Reference SCP 5.4.

The State monitoring system must:

- Provide for at a minimum, annual on-site monitoring reviews of each local area to ensure compliance with 2 CFR part 200, as required by WIOA Sec. 184(a)(3), including annual certifications and disclosures as outlined in 2 CFR §200.113.
- Ensure the investigative ability in proper reports and recordkeeping as required in WIOA Sec. 185.
- Ensure that established policies to achieve program quality and outcomes meet the objectives of WIOA and the WIOA regulations.
- Review of written policies/procedures to ensure their appropriate coverage and use.
- Enable the Governor to determine if subrecipients and contractors have demonstrated substantial compliance with WIOA and Wagner-Peyser requirements;
- Certify objective criteria and procedures (Memorandum of Understanding (MOU) and Infrastructure Funding Agreements (IFA)) of OneStops ensuring that the LWDB has monitored the OneStop effectively.
- Enable the Governor to determine whether a local plan will be disapproved for failure to make acceptable progress in addressing deficiencies as required in WIOA section 108(e).
- Enable the Governor to ensure compliance with the nondiscrimination, disability, and equal opportunity (EO) requirements of WIOA section 188, 29 CFR 38 and Assistive Technology Act of 1998 (39 U.S.C. 3003).
- Ensure all established spending limitations/requirements are met including 80% of the local area's allocated funding for each WIOA Title I program is obligated by the end of the first program year.
- Provide for the requirement of prompt corrective action be taken in substantial violations; impose sanctions provided WIOASEC 184(b)-(c)
- Resolution of findings in 20 CFR §683.420.
- Ensure Eligible Training Provider (ETP) compliance.

Policy and Procedure:

WIOA Sec. 107(d)(8)

PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official for the local area, shall—

(A)(i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and

(ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and

(B) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

(29 CFR §97.40(a))

(a) Monitoring by grantees. Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

(WIOA Sec. 121(a))

SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) IN GENERAL.—Consistent with an approved State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall—

(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners;

(2) designate or certify one-stop operators under subsection (d); and

(3) conduct oversight with respect to the one-stop delivery system in the local area.

(WIOA Sec. 123(a))

(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth workforce investment activities identified based on the criteria in the State plan (including such quality criteria as the Governor shall establish for a training program that leads to a recognized postsecondary credential), and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii), as described in section 102(b)(2)(D)(i)(V), and shall conduct oversight with respect to such providers.

(2CFR §200.328(a))

(a) 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.

(20 CFR §683.410)

(a) 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:

- (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).

(b) State roles and responsibilities for grants under secs. 128 and 133 of WIOA:

(1) 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.

(2) The State monitoring system must:

(i) 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;

(ii) Ensure that established policies to achieve program performance and outcomes meet the objectives of WIOA and the WIOA regulations;

(iii) Enable the Governor to determine if subrecipients and contractors have demonstrated substantial compliance with WIOA and Wagner-Peyser Act requirements;

(iv) 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

(v) 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).

(3) 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.

(4) 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.

(5) 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.

(6) The Governor may issue additional requirements and instructions to subrecipients on monitoring activities.

(7) The Governor must certify to the Secretary every 2 years that:

(i) The State has implemented 2 CFR part 200;

(ii) 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

(iii) The State has taken appropriate corrective action to secure such compliance.

(20 CFR §683.420)

(a) Resolution of subrecipient-level findings. (1) 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.

(i) 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.

(ii) 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.

(2) 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.

(b) Resolution of State and other direct recipient-level findings. (1) 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.

(2) 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.

(3) 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.

(c) 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.

(2 CFR §200.331)

All pass-through entities must:

(a) 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:

(1) Federal Award Identification.

(i) Subrecipient name (which must match the name associated with its unique entity identifier);

(ii) Subrecipient's unique entity identifier;

(iii) Federal Award Identification Number (FAIN);

(iv) Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;

(v) Subaward Period of Performance Start and End Date;

(vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;

(vii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;

(viii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;

(ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);

(x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;

(xi) 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;

(xii) Identification of whether the award is R&D [Research and Development 2CFR §200.87]; and

(xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).

(2) 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;

(3) 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;

(4) 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);

(5) 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

(6) Appropriate terms and conditions concerning closeout of the subaward.

(b) 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:

(1) The subrecipient's prior experience with the same or similar subawards;

(2) 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;

(3) Whether the subrecipient has new personnel or new or substantially changed systems; and

(4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).

(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.207 Specific conditions.

(d) 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:

(1) Reviewing financial and performance reports required by the pass-through entity.

(2) 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.

(3) 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.

(e) 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:

(1) Providing subrecipients with training and technical assistance on program-related matters; and

(2) Performing on-site reviews of the subrecipient's program operations;

(3) Arranging for agreed-upon-procedures engagements as described in §200.425 Audit services.

(f) 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.

(g) 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.

(h) Consider taking enforcement action against noncompliant subrecipients as described in §200.338 Remedies for noncompliance of this part and in program regulations.

Non-Discrimination and Equal Opportunity: (29CFR§38.51)

The Governor is responsible for oversight and monitoring of all WIOA Title I-financially assisted State Programs. This responsibility includes:

(a) Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under §38.91(b).

(b) Annually monitoring the compliance of recipients with WIOA section 188 and this part, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. At a minimum, each annual monitoring review required by this paragraph must include:

(1) A statistical or other quantifiable analysis of records and data kept by the recipient under §38.41, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;

(2) An investigation of any significant differences identified in paragraph (b)(1) of this section in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the recipient's records and any other appropriate means; and

(3) An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA or this part (for example, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

Reporting Suspected Fraud, Abuse and Criminal Conduct: (20 CFR §683.620; TEGL 2-12)

The detection and prevention of fraud and abuse in programs authorized by the Department of Labor (Department) are of the highest priority. Therefore, systematic procedures for reporting instances of suspected or actual fraud, abuse or criminal conduct are vital. States, local governments and grantees may become aware of actual, potential or suspected fraud; gross mismanagement or misuse of program funds; conduct violations; violations of regulations; and, abuse in ETA programs and operations provided by ETA grantees.

The Incident Report (IR) form, Office of Inspector General (OIG) 1-156, is the official form used within the Department for reporting allegations of criminal and other illegal or improper activities in ETA funded programs. Allegations are reported to the OIG and, within ETA, to the Office of Financial and Administrative Management (OFAM) and the Office of Regional Management. Incidents reported using the IR form may involve allegations of fraud, misfeasance, nonfeasance or malfeasance; allegations involving misapplication of funds; allegations of gross mismanagement; allegations of employee/participant misconduct; and, other potential or suspected criminal actions.

When the OIG receives an IR, they determine whether the allegations have merit and, when appropriate, conduct or arrange for an investigation and/or audit. If the OIG determines that the case does not have investigative or audit merit, the case is referred back to ETA for resolution.

Steps in State Program and Fiscal Monitoring Process

(DETR's Program Monitoring Tools and Fiscal Oversight & Monitoring Guide can be found at: http://detr.state.nv.us/workforce_innovation_pages/workforceinnovation.htm)

Notification: With the exception of unscheduled reviews, notification of pending reviews will be given ten (10) to thirty (30) days before each review.

- DETR is authorized to monitor any entity receiving WIOA funds, and these reviews may include entering sites or premises to examine program, fiscal records and training sites/records, question employees/employers, and interview individuals as necessary. It reserves the option to conduct unannounced or unscheduled reviews as appropriate.

Sampling: Random-sampling and data validation techniques will be used to draw the samples that will be under review. The review may include up to one hundred percent (100%) of the record universe if the record universe is small. Additionally reviews may be conducted on case files based on previous monitoring reports issues identified during the program year, and/or on-site observations. Reviews may include, but are not limited to:

- Desk review performed at WISS prior to on-site visit analyzing participant data, as indicated on appropriate monitoring tool.
- Review of service delivery, automated system use, self-monitoring efforts and board/recipient policies/procedures.
- Program, fiscal, Equal Opportunity and Americans with Disabilities Act (ADA) data gathering.

WIOA Fiscal monitoring activities may include but are not limited to:

- Budget methodologies
- Cash management practices
- Cost allocation plans and processes
- Cash disbursement compliance and documentation

- Program income identification and reporting
- Internal controls
- Purchasing and procurement processes and procedures
- Property accountability and safeguarding

On-site Visits/Interviews: On-sight visits may include;

- Entrance interview- introductions, discuss scope and purpose of monitoring
- Review of participant case file documentation; record keeping, MIS reporting accuracy, file maintenance, program eligibilities, internal controls, Data Element Validations.
- An assessment of the property/entity to ensure physical/program access in non-discriminations and equal opportunity.
- Interviews will be provided, as needed, upon request to appropriate DETR staff.
- Exit conference to communicate/clarify initial observations in best practices and concerns.

Working Papers: Review working papers shall be established during the review and maintained at DETR/WISS.

Monitoring Report: Official reports are compiled from information gathered throughout the year, sampling data, on-site review and fiscal oversight reporting. Any questioned process, lack of internal control or cost will be addressed in the finding and resolution process.

- A report will be issued subsequent to the completion of the review and it shall be published with the following: Background; Observations; Best Practices; Findings; Corrective Action if Required; and Summary. Copies of the report will be dispensed to the following: Local Workforce Development Board; Local Workforce Development Area Board Chair; upon request.

Resolution or Completion: The review is completed or resolved if corrective action is not required.

Corrective Action: Corrective action plans are necessary to ensure that the processes and procedures are in place to make corrections to the system in a timely manner. Timely corrections of issues could prevent findings and/or disallowed costs.

- The entity will issue a corrective action plan to the DETR/WISS, within thirty (30) days of the receipt of a report that requires corrective action.
- The corrective action plan shall identify the action that the entity will initiate to correct the problem, the estimated date the problem will be resolved, and how the local board shall be involved in addressing this issue.
- Technical assistance will be provided when deficiencies are noted which require additional information and/or training assistance or upon request.
- In the event it is not possible to resolve findings through the monitoring system, a referral may be made to the Executive Director, Office of Employment and Training for Technical Assistance or referred to the Department of Labor for resolution and/or action.

Acceptance of the Corrective Action Plan: DETR/WISS shall notify the entity of the resolution of the corrective action plan.

Progress Reports: DETR/WISS may choose to require progress reports from the entity for some corrective action plans. The acceptance notification will indicate if and when progress reports are required.

Further Action: At the discretion of DETR/WISS, additional monitor reviews may be conducted to ensure full implementation of the corrective action plan.

Fiscal Controls/Sanctions-Substantial Violation:

In the event of a subrecipient's failure to take required corrective action for substantial violation of standards, sanctions and fiscal controls will be imposed according to WIOA sections 184. Reference SCP 5.6.

(WIOA Sec. 184(b)(1)):

(1) ACTION BY GOVERNOR.—If, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this title, and corrective action has not been taken, the Governor shall—

(A) issue a notice of intent to revoke approval of all or part of the local plan affected; or

(B) impose a reorganization plan, which may include—

(i) decertifying the local board involved;

(ii) prohibiting the use of eligible providers;

(iii) selecting an alternative entity to administer the program for the local area involved;

(iv) merging the local area into one or more other local areas; or

(v) making such other changes as the Secretary or Governor determines to be necessary to secure compliance with the provision.

These actions may be appealed to the Secretary of Labor in accordance with section 184(b)(2).

Technical Assistance: DETR has the following protocol to ensure that information provided through technical assistance is timely and accurate. The sequence of contact and to whom the contact is made is critical.

- WISS unit of the Employment Security Division has responsibility for providing technical assistance and training for the LWDBs, board staff, and their service providers, as requested.
- Training providers contracted by a LWDB are to directly contact their LWDB for technical assistance.
- Local Workforce Development Boards will contact the DETR/WISS using the Single Point of Contact below.
- WISS will be the direct contact to the Department of Labor (DOL) via a written request detailing the technical assistance request. A copy of the original request and subsequent follow-up, as well as the written response from DOL, will be forwarded to the LWDB(s) by WISS.

WIOA Single Point of Contact:

- The use of Single Point of Contact is to ensure consistent, reliable information and customer service is provided to the LWDBs, including requests for technical assistance and training.
- The single point of contact, or portal, has been established through the use of a specific email address – DETRWIA@nvdetr.org. This email address is not for public use and should only be utilized by LWDB staff to communicate with WISS.
- WISS Systems and Reporting Team are responsible for forwarding the email to the appropriate WISS staff member for response. Responses are to be provided to the LWDBs within two business days or as appropriate should it be necessary to investigate possible answers to the request. The WISS Systems and Reporting Supervisor must be notified if

the response cannot be made within two business days and a timeframe established for the response. The responses will be sent to the requesting party as well as to all pertinent WISS staff.

- WISS will maintain an email tracking system to ensure all emails receive a response and will retain copies of LWDB emails and responses for two years.

Nevada Department of Employment, Training and Rehabilitation Official Website:

- This website can be accessed at <http://detr.state.nv.us/index.htm>
- This site contains information on a variety of topics including: WIOA State Compliance Policies (SCPs), Technical Assistance Guides (TAGs), Eligible Training Providers (ETPs), state plans and other related topics all of which can be found under the Workforce Innovation link.

U.S. Department of Labor Employment and Training Administration Website:

- This website can be accessed at www.doleta.gov.
- This site provides resources on many topics related to the workforce system including: laws/regulations, advisories (TEGLs/TENs), performance/reporting and technical assistance in training/tutorials/webinars.

Certification (WIOA Sec 184(a)(6)) will be provided to the Secretary every two years that:

- The State has implemented uniform administrative requirements;
- The State has monitored local areas to ensure compliance with uniform administrative requirements; and
- The State has taken appropriate corrective action to secure such compliance.

Local Board Policy Requirement Summary:

Local Monitoring and Oversight Responsibilities-

Pursuant to WIOA section 107(d)(8), the local board, in partnership with the chief elected official for the local area must:

1. Conduct oversight for local youth workforce investment activities, local employment and training activities for adults and dislocated workers, and the one-stop delivery system in the local area; and as described in 20 CFR §683.220.
2. Ensure the appropriate use and management of the funds provided for the activities; and
3. For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116.
4. Ensure management, internal control structure and written policy that provide safeguards to protect personally identifiable information (PII), records, contracts, grant funds, equipment, sensitive information in 20 CFR §683.220 that are in compliance with Federal statutes, regulations and terms.

LWDBs must monitor approved training providers at least every two years. Monitoring includes verification of the accuracy of information received/published for the Eligible Training Provider List (ETPL) and in compliance with SCP 1.12 and 1.13 and include procedure for tracking/addressing participant/other complaints.

Each local area shall prepare and have available for review by DETR/WISS, a schedule and a policy addressing how they will conduct monitoring of their subrecipients pursuant to 2 CFR § 200.331 and how they will engage their local board in monitoring and oversight activities.

NOTE: All sub recipients are expected to self-monitor, request technical assistance when they self-identify a need, and cooperate with all monitoring and oversight activities. This includes maintaining accurate program records, financial records and statements, allowing on-site visits, providing any and all required documents, participating in interviews and taking appropriate corrective action.

Definitions:

Contractor: an entity that receives a legal instrument (i.e., contract) by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this part does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward.

Non-Federal Entity: A State, local government, Indian tribe, institution of higher education, or non-profit organization that carries out a Federal award as a recipient or sub-recipient. (2 CFR §200.69)

Pass-through Entity: A non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal Program. (2CFR §200.74)

Subaward: An award provided by a pass-through entity to a sub-recipient for the sub-recipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient: A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a federal program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

NOTE: The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability. (WIOA section 107(d)(12)(B)(i)(I))