

**MONITORING AND OVERSIGHT  
PROCEDURES**

## MONITORING AND OVERSIGHT PROCEDURES

### MAJOR ELEMENTS

- I. Selection Process
- II. Desk Review
- III. On-Site Review
- IV. Report of Findings
- V. Follow Up

### SELECTION PROCESS

1. Workload considerations
  - a. staff availability
  - b. number of entities to be reviewed/monitored
  - c. size of the entities
  - d. scope of review
  - e. budget limitations
  - f. other duties/priorities
  - g. flexibility to accommodate the workload of the entities to be reviewed
2. Objective criteria
  - a. prior reviews
  - b. prior performance
  - c. current performance
  - d. logistics
  - e. demographics

### DESK REVIEW

1. Notification of the entities to be reviewed.
  - a. initial contact to announce the review selection and to negotiate and select dates for the review.
  - b. announce specific dates for the review in a formal letter
  - c. identify the name of the review or members of the review team.
  - d. Identify data, files or other information to be made available for the reviewers.
  - e. Establish plans for interviewing staff and clients, including location and times.
  - f. Make any other special requests for office space to staff assistance.
2. Compile labor market and population statistics.
  - a. this activity should include analysis of the data including tests for standard deviation.
3. Gather and analyze statistical reports on services and program performance under review.

4. Review local office reports regarding equal opportunity activities.
5. Prepare and transmit client surveys. Review and analyze responses.
6. Check prior performance review reports for areas of concern and corrective action.
7. Review local office job order logs.
8. Review local office control lists.
9. Prepare EO review plan.
  - a. the plan should include areas for special emphasis based on the results of the desk review.
  - b. the plan may include the number and type of interviews to be conducted.
  - c. Schedule of on-site activities
  - d. Include any special monitoring tools to be used and/or any specific technical assistance or training to be delivered concurrently with the review.

#### ON-SITE

1. Entry conference
  - a. managers and supervisors may be included.
  - b. Review the purpose and scope of the review.
  - c. Discuss the status of requested data files and arrangements for client and staff interviews.
  - d. discuss local networking activities and coordination efforts with other human service providers including community based organizations which represent or advocate on behalf of protected classes and other minority populations.
2. Entry conference
  - a. as appropriate, a second entry conference may be held with the local designated equal opportunity representative to review technical aspects of the review.
3. File review
  - a. review complaint files, client records, program files and staff files, as appropriate, to determine the adequacy of record keeping using approved sampling techniques.
4. Observation
  - a. determine whether required posters are adequately displayed and current.
  - b. Determine whether the building and grounds meet accessibility standards for the Physically handicapped as well as visually and hearing impaired.
  - c. take note of the reception area as to the seating arrangements for the public, literature and notices that are displayed and information that is distributed and observe whether reception activities appear to be treating the public in a non-discriminatory manner.
  - d. observe the operations for intake, claims taking and interviewing for any

appearance of discrimination either in the process itself or by the behavior of staff carrying out the process.

5. Program operations
  - a. observe the component activities of the variety of employment and training programs that may be operating at the local level for welfare recipients, migrant seasonal farm workers and others as economically disadvantaged under the Workforce Investment Act.
  - b. Review the files of these local program activities to assure that the programs are being delivered in accordance with the appropriate regulations for non-discrimination.
6. Interviews
  - a. conduct interviews with claimants, applicants and/or participants using a standard list of questions.
  - b. Solicit impressions of treatment and quality of the services delivered.
  - c. Conduct interviews with staff using a standard list of questions.
  - d. Solicit comments and suggestions with regard to the operations of equal opportunity program in the local office as well as the labor market served by the office.
  - e. Establish training needs through the interview process which may include a brief test of staffs' knowledge of EO policies.
7. Exit conference
  - a. discuss problems
  - b. clarify any outstanding issues
  - c. propose possible corrective action

### REPORT OF FINDINGS

1. Set time frames and deadlines.
2. Prepare draft report
  - a. merge on-site notes with desk review.
  - b. Include statement of findings and recommendations.
3. Issue final report
  - a. recognize positive performance and practices where they exist.
  - b. Set forth any issues yet to be resolved.
  - c. Describe findings in a concise and specific manner.
  - d. State the specific corrective action to be required including deadlines for completion.

### FOLLOW UP

1. Publish the procedure policy

- a. establish a priority system to assure the most effective use of limited follow-up time and resources.
  - b. Try to follow the policy. Minimize problems
2. Establish time frames
    - a. schedule begins with the transmittal of the compliance review report.
    - b. Include the dates when responses are required to be submitted by the entities reviewed.
    - c. Incorporate dates when specific actions relating to findings should have been accomplished.
    - d. Include, where appropriate, a date when the results of a specific action taken may be expected to be observed.
    - e. Finally, a projected date for follow up activity.
3. Identify the types of activities
    - a. follow up by telephone or mail may be appropriate and sufficient depending upon the nature of the corrective action required.
    - b. On-site follow up visits are the most effective, but also require a far greater commitment in staff time and resources.
    - c. Other types of follow up activities may include staff training, surveys by phone or mail as well as the use of the non EO staff scheduled for another on-site activity at the local office where follow up is due.
4. Sanctions
    - a. some measure of consequences must be available where the action taken has failed to correct the discriminatory finding or where there is no evidence that corrective action has even been attempted.
    - b. All available sanctions should be clearly authorized and communicated in policy.
    - c. All available sanctions must be consistently applied to maintain the credibility of the overall system.
    - d. Ultimately, any activity that has been determined to be discriminatory must be eliminated, and any practices that have been determined out of compliance with state or federal law and regulations must be modified to comply.
5. Post follow up activities
    - a. a standardized and objective follow up report may be useful to:
      - 1) document the removal or imposition of sanctions.
      - 2) Evaluate the effectiveness of the overall compliance review system.
    - b. education through training will remain the most effective corrective action to expand the perceptions and modify the behavior that generated the discriminatory activity.

## MONITOR RECIPIENTS COMPLIANCE

### Who will do the monitoring?

**Purpose:** The primary purpose of monitoring is to ensure that all legal, contractual and policy requirements of WIA are met. A secondary purpose is to identify and call attention to questionable activities and conditions which appear to diminish opportunities for achieving the intent of the nondiscrimination and equal opportunity provisions of WIA (Section 199), though not necessarily in violation of specific requirements.

**Self-Monitoring by the LWIB-EO:** All entities receiving funds from the Workforce Investment Board are required to have and follow adequate written procedures for monitoring all activities for which it receive funds.

**Workforce Investment Board – EO Staff:** shall periodically review the Methods of Administration (MOA) established by LWIB to insure compliance with the nondiscrimination and equal opportunity provisions WIA (Section 188) prohibit discrimination against applicants, beneficiaries and employees on the same bases.

**EO WIA/LWIB Monitoring Procedures:** monitoring and investigating the recipient's activities, and the activities of the entities that receive WIA Title I funds from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligation under WIA Title I (29 CFR 37.25).

The State EO Staff and LWIB have the responsibility to conduct monitoring therefore, each entity will select a relevant written monitoring instrument and determine its appropriateness.

Some of the tools that will be used as appropriate – examples include:

- a. Develop and conduct training for LWIB staff carrying monitoring responsibilities (see training agenda).
  - (1) letters of concern/correspondence
  - (2) other pertinent information from the file;
- b. Job training plans contracts and policies procedures
- c. MIS:
  - (1) WIA
  - (2) UI
  - (3) Program status reports
  - (4) Others as appropriate
  - (5) Complaint files –  
List service providers

## List worksites

### d. Issuances

**Schedule Monitoring:** The State EO monitor will conduct one (1) on-site visit and one desk review on each Local Workforce Board each year. Please note quarterly team monitoring schedule.

The LWIB EO will be required to conduct Internal/Self Monitoring and on-site monitoring as needed.

The State EO Staff will schedule by telephone the date and time for monitoring. The monitored entity will be informed at this time of the areas to be monitored and the instrument that will be used to guide the monitoring process.

A letter will be sent at least two (2) weeks in advance to the entity to be monitored verifying the information discussed by telephone.

Other steps of the procedures are:

- 1) Conduct desk review and prepare for monitoring
- 2) Conduct entrance interview
- 3) Conduct monitoring in the monitored entity's offices
- 4) Conduct monitoring at training sites
- 5) Conduct pre-exit preparation
- 6) Conduct the exit conference
- 7) Issue the report

### **Process Responses and Implement Corrective Action:**

A. The monitored entity will receive and review the monitoring report. The monitored entity will respond to the report within 30 days of the postmark date or as otherwise scheduled in the letter of transmittal. The response:

- 1) will provide requested clarification;
- 2) will describe the corrective action taken or being taken for each finding;
- 3) will provide documentation to support what the corrective action was (e.g., if a new procedure was needed, a copy of the written procedure; if a participant was determined ineligible, a copy of documentation showing that s/he is eligible or a copy of paperwork showing that the participant has been terminated immediately);
- 4) will provide documentation to show that the corrective action was taken or when corrective action will be complete.

B. The monitoring agency will respond to the monitored entity within 15 days of the response's postmark accepting the corrective action taken and closing the report or requested additional information or documentation.

- 1) If the monitoring agency is closing the report, process XI will be used.
- 2) If additional information or documentation is requested, the process will be repeated, except that only 15 days will be available in step A.
- 3) Following step B.2., the monitoring agency will close the report, per process XI.

#### **XI – CLOSE THE REPORT:**

- A. If no findings are reported, the monitoring report will be closed out and the monitoring agency will send a close out letter to the monitored entity with the report. If there are findings, a letter closing the report will be issued within 10 calendar days of the receipt of the last response. If corrective action is determined acceptable, the close out letter will constitute final action on the report.
- B. If, after two (2) responses from the monitored entity, corrective action is determined to be inadequate and findings are unresolved, a final determination will be written which will include identification of the unresolved issues and identify what steps are to be taken as a result of the unresolved issues. Within ten (10) calendar days, copies of the letter and all related written reports and communication will be sent to the monitored entity, Workforce Investment Board, Board Chair, the monitoring agency's resolution staff, and the Department of Labor, if applicable.
- C. If sanctions are imposed, the monitored entity has the option of appealing through the WIA grievance process. Ten (10) calendar days after the final action on the grievance or the notification of imposed sanctions, copies of the report, responses and other related written communication will be mailed to the local Workforce Investment Board Chairperson.