***WIOA Title I Formula & Statewide Discretionary Grants to LWDBs***

**PY 23 Determination**

No Issues Identified

Noted Practice

Item(s) to Address

Questioned Costs

Disallowed Costs

Findings

N/A

| **Item** | **Description** | **Questions for Confirmation, Review & Discussion** | **Documents to Review** |
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| **1.1** | **Design & Governance of LWDB**   * Title 20 CFR 679.310 implements WIOA sec. 107 by defining the LWDB and its functions. * 679.310 (g) The CEO (chief elected official) must establish by-laws, consistent with State policy for LWDB membership, that at a minimum address all seven components. * 20 CFR 679.370 Functions of the Local Workforce Development Board * WIOA Sec. 107 (e) SUNSHINE PROVISION * WIOA Sec. (107) (12)(A) BUDGET. The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.   **ESD Policy 5610 rev1** – Local Board Member Appointment Criteria, July 1, 2015  Section 107(b) (1) of the Workforce Innovation and Opportunity Act (WIOA) requires the Governor, in partnership with the State Workforce Development Board, to establish criteria for use by local Chief Elected Officials to appoint members of local boards in their areas. The U.S. Department of Labor (DOL), through Training and Employment Guidance Letter (TEGL) 27-14, further requires state policy outlining the criteria and process for local board member appointment.  **ESD Policy 5609** – Local Workforce Development Area Designation, July 1, 2015  Section 106(b) of the Workforce Innovation and Opportunity Act (WIOA) requires the Governor to designate local workforce development areas (local areas). Training and Employment Guidance Letter (TEGL) 27-14 directs that by July 1, 2015, the Governor, in consultation with the State Workforce Development Board (SWDB), must develop a policy and procedure for initial and subsequent designation of existing and new local areas.  **WIOA Sections** 106(b), 106(e), 116(g)(2)(A), and 184(b)(1) 20 CFR 679.220, 679.230, 679.240, 679.250, 679.260, 679.280, 679.290, 683.630, and 683.640 | WIOA Section 107(b)(1) |WIOA Section 107 (i) |TEGL 27-14 | 20 CFR 679.120, 679.310, 679.320, 679.330, 679.340, 679.350, and 679.360 | * Were there changes to the By-Laws since the last monitoring visit? * Does the Board have representation as required by WIOA? * How many vacancies are there on the Board? * How long has/have seat(s) been vacant? * Does the LWDB have an adopted budget to establish fiscal year spending authority? (and supplemental budget, if applicable) * Was the budget approved by Chief Elected Official(s) and the LWDB according to statute? * Are the sunshine provisions being followed (i.e., is the required information available on the LWDB website?) * If the fiscal agent and LWDB are separate entities, the monitors will look for evidence the LWDB voted to authorize the fiscal agent to perform the functions listed in WIOA § 679.420(c)(1)-(3). * Monitors will review Chief Elected Official(s) by-laws, designation agreements, and consortium agreements to see if they define the subcommittees for the LWDB. If they do, the monitors will seek board by-laws and/or board minutes where the LWDB approved or concurred with the committee created by the Chief Elected Official(s). * Is it clear in agreements that the LWDB chooses its own chair? Are there any documents that state the chair is chosen or approved by the Chief Elected Official(s)? * Monitors will look for any agreement that states the hiring and termination of the LWDB ED is at the discretion of the Chief Elected Official(s). Such an agreement would fail a compliance check.   If Chief Elected Official(s) run the hiring process, monitors will be looking for involvement of LWDB members, e.g. what qualifications are they seeking in an ED, something that reflects board involvement in hiring process and decision. | As part of the Sunshine Provision, the LWDB shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including:  Information about the Local Plan, or modification to the Local Plan, before submission of the plan; (Was there a public comment period?, were public comments received?, were there board meetings in advance of finalizing the plan where public comment was discussed?)  List and affiliation of Local WDB members;  Selection of one-stop operators;  Award of grants or contracts to eligible providers of workforce investment activities including providers of youth workforce investment activities;(Board minutes reflecting LWDB action to approve providers)  Minutes of formal meetings of the Local WDB; and  By-laws, consistent with § 679.310(g)  *As part of the governance review, the ESD Monitoring Unit will be reviewing the following:*  Copy of any governing coalitions/consortiums/designation agreements  List of any vacancies by category and how long the vacancy has been unfilled.  Copy of Board adopted budget & supplemental budget (if applicable)  Copy of chief local elected official approval/concurrence of budget (examples include emails from Chief Elected Official(s) or designee, Board minutes from chief elected official consortium meeting where budget is approved, Minutes from Board meeting where the Chief Elected Official(s) is present, and budget is approved)  Copy of Board minutes where budget is adopted  If an entity is performing more than one role at the local level is there a signed agreement between the Chief Elected Official(s), LWDB chair, and director of that organization as required in 20 CFR 679.430? (This can take the form of an agreement between the Chief Elected Officials and the LWDB delineating the roles of the LWDB and the fiscal agent that reflects final decision-making authority for WIOA required LWDB actions resides with the LWDB. Such an agreement must include language ensuring that all parties will follow existing conflict of interest policies) |
| **1.2** | **MOU/IFA**  WIOA emphasizes full and effective partnerships between LWDBs, chief elected officials, and one-stop partners. LWDBs and partners must enter into good-faith negotiations. LWDBs and one-stop partners must establish, in the MOU, how they will fund the infrastructure costs and additional costs of the one-stop centers.  **MOU –**  WIOA sec. 121(c)(2)(A) and 20 CFR 678.500(b), 34 CFR 361.500(b), and 34 CFR 463.500(b).  20 CFR 678.500; §678.505: §678.755; and §678.760; §678.715; §678.720; §678.730; §678.740; and §678. 750; and Washington WorkSource System Policy 1013, Revision 4-  One-Stop Memorandum of Understanding (MOU)  **IFA**  Required partner programs and additional partners infrastructure costs:  20 CFR 678.700(c), 678.415, and 678.420(b), 34 CFR 361.700(c), 361.415, and 361.420(b), and 34 CFR 463.700(c), 463.415, and 463.420(b), Washington WorkSource System Policy 1024, Revision 2- Infrastructure Funding Agreements and State Funding Mechanism   |  | | --- | |  |   TEGL 17-16 – Infrastructure Funding of the One-Stop System  **Job Corps –**  Job Corps FAQ - <https://www.dol.gov/agencies/eta/wioa/faqs/>  TEGL 16-16: One-Stop Operations Guidance for the American Job Center Network  **Section 5 of the TEGL 17-16 addresses:**  Required partner programs and additional partners that carry out their program in the local area are required to share infrastructure costs and certain additional costs (20 CFR 678.700(c), 678.415, and678.420(b), 34 CFR 361.700(c), 361.415, and 361.420(b), and 34 CFR 463.700(c), 463.415, and 463.420(b)). All one-stop partners, whether they are required partners or additional partners, ***must contribute to infrastructure costs of the one-stop centers*** based on proportionate use and relative benefits received. The required one-stop partners must provide access to their programs in the comprehensive centers and contribute to the infrastructure costs of those centers. These ***partners also make available each partner program’s applicable career services at the comprehensive one-stop centers and may contribute to shared services and shared operating costs.***  When two or more grant recipients or contractors of a required partner program are carrying out the program in a local area, both of these entities must contribute to infrastructure costs, including at an affiliate center, if those partners are participating in that affiliate center***.*** The financial contributions of one-stop partners through a direct linkage will be different than those one-stop partners with a physical presence, regardless of the type of center.  **Partner Programs with Multiple Grant Recipients:**  Partner programs and additional partners that carry out a program in the local area are required to share infrastructure costs and certain additional costs (20 CFR 678.700(c), 34 CFR 361.700(c), and 34 CFR 463.700(c)). When two or more grant recipients or contractors of a required partner program carry out a program in a local area, these entities are considered one-stop partners and must reach out to the Local WDB and carry out the roles and responsibilities of one-stop partners, including negotiating their share of infrastructure costs.  **Contributions to Affiliate Centers:**  ***Only those one-stop partners that participate in the affiliate one-stop centers would be required to contribute to the infrastructure costs*** for those centers, including in one-stop affiliate centers where “access” to programs, services, and activities are made available through a direct linkage or physical presence. | **MOU**   * Who are the additional partners the grant recipient works with that are not expressly required in the SOW? How do these additional partners contribute to the grant?   Does the MOU include the following information:   * Description of services to be provided through the one-stop delivery system consistent with WIOA Section 121(c)(2)(A), including the manner in which the services will be coordinated and delivered through the one-stop system; * How the costs of such services and the operating costs of such system will be funded (see Attachment I), including:  1. Funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organization or other private entities, or through other alternative financing options, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations; and 2. Funding of the infrastructure costs of comprehensive, affiliate and specialized one-stops in accordance with subsection (h) under WIOA Section 121.   ***Note****: All mandated partner programs (unless that program does not have a presence in the entire local area) must participate in and contribute to the operation and infrastructure costs of the comprehensive one-stop center(s).*   * Methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities. * Methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop system. * The duration of the memorandum of understanding and the established procedures for amending the MOU during the duration of the memorandum (including the timeframes for these changes), and assurances that such memorandum will be reviewed not less than once every three years to ensure appropriate funding and delivery of services.   ***Note:*** *Per TEGL 16-16, renewal of an MOU requires all parties to review and agree to all elements of the MOU and resign the MOU. Amendment or modification of the MOU only requires the parties to review and agree to the elements of the MOU that changed.*   * Signatories-The MOU must contain signatures of the LWDB Chair (or their designee), Chief Elected Official(s), and authorized representatives of each partner program.   **Additional Requirements**:  The following agreements and procedures must also be attached or incorporated in MOU (attached, hyperlinked, or embedded):   * One-Stop Operator Agreement (including disclosure of any potential conflicts of interest arising from relationships of the operator with particular training or other service providers); * The Initial Customer Complaints procedure; and, * The local Dispute Resolution procedure   Does the MOU contain the following related to infrastructure funding (20 CFR 678.755) and WorkSource System Policy 1013-Revision 4:   * Time period IFA is effective * Identification of infrastructure cost budget * Identification of all one-stop partners, LWDB * The Cost-Allocation Methodology used to determine and allocate costs among the one-stop partners sufficient to fund the costs of infrastructure of one-stop(s) for the program * Description of periodic review and modification * Information on the steps used to reach consensus * Full description of the local process used among partners to resolve issues related to IFA during the MOU duration when consensus cannot be reached, which can be the local dispute resolution policy if applicable * Signatures of all authorized representatives | **MOU**   * Signed MOUs * Identifies an effective time period (and is current) * Identifies all required program partners   **IFA**   * IFAs that include all program partners * Signed IFAs * IFA identifies effective time period (and is current) * Documentation on IFA reconciliation, including evidence that programs occurring in WDA are being charged based on the agreed upon cost allocation methodology (examples include: spreadsheet that shows budgeted costs reconciled with actual charges allocated to the individual required program partners, invoices to partners, or other forms of documentation) |
| **1.3** | **Policies/Procedures**    *Required Policies per WIN 0139 August 22, 2023:*  **ESD Policy 5265** (July 1, 2015) – Debt Collection  **ESD Policy 5404** (Rev 1 August 19, 2016) – Procurement and Selection of One-Stop Operators and Service Providers  **ESD Policy 5405** (Rev 2 April 24, 2023) – Conflict of Interest (6 elements)  Each Local Workforce Development Board (LWDB) must have a conflict of interest  policy that, at a minimum, meets the following requirements:  i. Each grant recipient and subrecipient must maintain a written code of standards  or conduct governing the performance of persons engaged in the award and  administration of WIOA contracts and subgrants.  ii. Each grant recipient and subrecipient must ensure that no individual in a decision making capacity engages in any activity if a conflict of interest (real, implied,  apparent, or potential) is involved. This includes decisions involving the selection,  award, or administration of a subgrant or contract supported by WIOA funds.  iii. An LWDB member or a member of an LWDB standing committee cannot cast a  vote or participate in any decision-making about providing services by such  member (or by any organization that member directly represents).  iv. An LWDB member or a member of an LWDB standing committee cannot cast a  vote or participate in any decision-making on any matter that would provide any  direct financial benefit to the member or to the member’s organization.  v. LWDB officers, employees, or agents of the agencies and members of the LWDB  standing committee making awards cannot solicit or accept, directly or indirectly,  gratuities, favors, or anything of monetary value from awardees, potential  awardees, or other parties to agreements if it could be reasonably expected that  the gift, gratuity, or favor would influence the vote, action, or judgement of the LWDB officer, employee, or agent, or be considered as a reward for action or  inaction.  In addition to the mandatory standards of conduct described in 3(B) above,  LWDBs may set standards for situations in which the financial interest is not  substantial, or the gift is an unsolicited item of nominal value, provided the de  minimis standard:  • must not exceed $50.00 in value per source per year, and  • must be included in local policy.  vi. The recipient or subrecipient code of conduct must contain penalties, sanctions,  or other disciplinary actions in accordance with state and local law for violations of  the provisions about conflict of interest.  **ESD Policy 1018** (October 5, 2012) Restrictions/Disclosures on Political Activity (can fall under conflict of interest policy)  State and local organizations that receive federal or state funds, including staff and partners for these organizations, are prohibited from using federal grant or contract money for political activities. These organizations are also prohibited from receiving reimbursements from federal contracts or grants for the costs of such activities.  **ESD Policy 5407** (July 1, 2015) – Property Management and Inventory  *Dispute Resolution and Appeals*  **ESD Policy 5255** (Rev 1, Jan 27, 2020) – WIOA Audit Requirements, Reports, and Resolutions  Appeals and disputes regarding management decisions are first addressed through local  dispute resolution policies and procedures. If the requirements of local dispute resolution policies and processes have been met and the parties to the dispute cannot reach agreement, they may appeal to the State.  **ESD Policy 1025** (April 7, 2023) One-Stop Dispute Resolution and Appeals  Disputes by LWDBs regarding contracts, allotments, monitoring and oversight outcomes,  and administrative agreements involving local and/or system partners may occur.  Standardized policies and timely processes for addressing and resolving such disputes is  required. LWDBs must have local policies and procedures to resolve disputes at the lowest  possible level. LWDBs must follow their local policies and procedures and appropriately  document local actions and decisions relating to disputes that arise. Only after local  policies and procedures have been exhausted can disputes be elevated to the state  level.  **\*NOTE\* ESD Policy 5410 (Rev 1, May 9, 2016)– Dispute Resolution and Appeals was replaced by ESD Policy 1025 (April 7, 2023) One-Stop Dispute Resolution and Appeals**  **ESD Policy 5414** (Rev 1, Dec 1, 2020) Monitoring Policy  **ESD Policy 5413** (Rev 1, Aug 21, 2023) Personnel Responsibilities and Limitations Under WIOA Title I-B - (LWDBs and subrecipients must define in writing their personnel, travel, and leave policies including restrictions defined herein)  **20 CFR 680.780** requires “states and local areas must establish policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker services  **ESD Policy 1012** (Mar 5, 2021) Customer Concern and Complaint Resolution  *Personally Identifiable Information*  PII - OMB defines PII as information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.   * 2CFR 200.79 Period of performance * 2CFR 200.303 Internal controls * TEGL 39-11 – Guidance on the Handling and Protection of Personally Identifiable Information (PII) OMB Memorandum M-07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information.     **20 CFR 683.220** What are the internal controls requirements for recipients and subrecipients of Workforce Innovation and Opportunity Act title I and Wagner-Peyser Act funds?  (a) Recipients and subrecipients of WIOA title I and Wagner-Peyser Act funds must have an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, grant funds, equipment, sensitive information, tangible items, and other information that is readily or easily exchanged in the open market, or that the Department or the recipient or subrecipient considers to be sensitive, consistent with applicable Federal, State and local privacy and confidentiality laws. Internal controls also must include reasonable assurance that the entity is:  (1) Managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;  (2) Complying with Federal statutes, regulations, and the terms and conditions of the Federal awards;  (3) Evaluating and monitoring the recipient's and subrecipient's compliance with WIOA, regulations and the terms and conditions of Federal awards; and  (4) Taking prompt action when instances of noncompliance are identified.  (b) Internal controls should be in compliance with the guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). See 2 CFR 200.303.  References:   * 20 CFR 200.400 Policy guide * 200.300 Statutory and national policy requirements * WIOA Sec. 121 (a)(1) * WIOA Sec. 121 (c) Memorandum of understanding * WIOA Sec. 121 Funding of One–Stop Infrastructure   *PY23 updates*:  **ESD Policy 5403** (Rev 1, June 16, 2022)– Records Retention and Public Access (stand-alone not required per WIN 0139, however, if LWDB has a local policy it needs to conform to dates in 5403)  **ESD Policy 5402** (Rev 3) – Equal Opportunity and Nondiscrimination will be primarily reviewed by EO office not Monitoring Unit. | If any of the policies/procedures have been updated since the last monitoring visit, obtain a copy of the newly revised version .  If any state policies have been updated since the last monitoring visit, obtain a copy of the corresponding local policy and confirm compliance.  Broken links to documents and outdated references need to be fixed if identified. | **Review LWDB Policies/Procedures**  *Board Approved Required Policies*  Debt Collection  Procurement and Selection of One-Stop Operator and Service Providers  Conflict of Interest  Restrictions/Disclosures on Political Activity (may be  included in conflict-of-interest policy)  Property Management and Inventory  Dispute Resolution and Appeals  Monitoring Policy  Personnel Responsibilities and Limitations Under WIOA  Title I-B - (LWDBs and subrecipients must define in writing their personnel, travel, and leave policies including restrictions defined herein)  Incumbent Worker Training Criteria  Customer Concern and Complaint Resolution  *Procedures and/or Policies*  Records Retention and Public Access (or follow State  policy)  LWDB Cash Management  Bank Reconciliation  Internal Controls  Allowable Cost  Staff and Board Travel Reimbursement  Personal Identifiable Information (policy requirement  in discussion)  Records Retention and Public Access (stand-alone not required per WIN 0139, however, if LWDB has a local policy it needs to conform to dates in ESD Policy 5403) |
| **1.4\*** | **Administrative Controls, Monitoring, and One-Stop Certification**  ***Note: 200.213 Suspension and Debarment***  *Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.*  200.328 – Monitoring and reporting program performance  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.*   * 2 CFR 200.330(a)-(b) Subrecipient and contractor determinations * 2 CFR 200.331 Requirements for pass through entities * ESD Policy 5250 Subrecipient Contracting and Pass-through Entity Determination Requirements * ESD Policy 5255 (Rev 1) - WIOA Audit Requirements, Reports and Resolutions   **§ 2900.21 - Management decision.** In the DOL, ordinarily, a management decision is issued within six months of receipt of an audit from the audit liaison of the Office of the Inspector General and is extended an additional six months when the audit contains a finding involving a subrecipient of the pass-through entity being audited. **The pass-through entity responsible for issuing a management decision must do so within twelve months of acceptance of the audit report by the FAC.** The auditee must initiate and proceed with corrective action as rapidly as possible and should begin corrective action no later than upon receipt of the audit report. (See [2 CFR 200.521](https://www.govregs.com/regulations/2/200.521)(d)). LWDB must document review of subrecipient single audit, date of review, and issue management decision, must occur within 12-months of audit being accepted by FAC.  **One Stop Certification**   * 20 CFR 678.800(d) Local WDBs must assess at least once every 3 years the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery systems using the criteria and procedures developed by the State WDB. The Local WDB may establish additional criteria, or set higher standards for service coordination, than those set by the State criteria. Local WDBs must review and update the criteria every 2 years as part of the Local Plan update process described in [§ 676.580 of this chapter](https://www.ecfr.gov/current/title-20/section-676.580). Local WDBs must certify one-stop centers in order to be eligible to use infrastructure funds in the State funding mechanism described in [§ 678.730](https://www.ecfr.gov/current/title-20/section-678.730). * ESD Policy 1016 (April 18, 2023) One-Stop Assessment and Certification   3. a. ii. Certification Frequency   * LWDBs must conduct one-stop evaluation and certification not less than once every three years * The certification process must be completed prior to July 1, 2023, for each one-stop site:   • that has not been previously certified, or  • whose certification is over 3 years old.   * For any new comprehensive, affiliate, specialized, or connection site, certification must be completed within 60 calendar days of the site being opened * Annual Progress report - In support of the pursuit of growth, continuous improvement, and the performance excellence goals of the one-stop delivery system, on at least an annual basis, the LWDB (or the SWDB, if the LWDB is the one-stop operator) will ensure a report is provided for each certified site and recorded in LWDB meeting minutes, detailing the site’s current status and progress toward reaching higher quality standards of:   • Functional and programmatic integration  • Performance and accountability  • Service provision, including services provided, methods of access, hours of access, equitable service delivery, and affirmative outreach to populations with barriers  • Customer satisfaction  • Staff competence and staff training participation  • Partnership  • Employer engagement  • Physical and programmatic accessibility.  3.a.iv. Certification Determinations  One-stop certification teams (or the SWDB certification team, in instances where the LWDB is the one-stop operator) will render written determinations to the LWDB, local one-stop leadership, and the one-stop operator within 30 days after conducting one-stop site evaluations. There are three possible determinations: (1) certification, (2) provisional certification with a requirement that one-stop operators or one-stop leadership provide action plans and timelines for meeting certification standards, and (3) non-certification. All certification determinations, regardless of the decision, must be reported in official LWDB meeting minutes (or SWDB meeting minutes, if the SWDB is the certifying unit).  **\*NOTE\* ESD Policy 5612 was replaced by ESD Policy 1016**   * WIOA Section 121 (e)(2) ONE-STOP DELIVERY.—The one-stop delivery system— * (A) at a minimum, shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than 1 physical center in each local area of the State; and * (B) may also make programs, services, and activities described in paragraph (1) available— (i) through a network of affiliated sites that can provide 1 or more of the programs, services, and activities to individuals; and (ii) through a network of eligible one-stop partners— (I) in which each partner provides 1 or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and (II) that assures individuals that information on the availability of the career services will be available regardless of where the individuals initially enter the statewide workforce development system, including information made available through an access point described in subclause (I); * (C) may have specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters; and * (D) as applicable and practicable, shall make programs, services, and activities accessible to individuals through electronic means in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services   **Comprehensive**  • Accessible to the general public during regular business days, as well as physically and programmatically accessible to individuals with disabilities  • Portal site for electronic access  • Provider of basic and individualized career services, and training services  • Provider of business services  • Representation of five mandated partners (WIOA Titles I-IV, TANF)  • Additional related employment and training resources  **Affiliated**  • Accessible to the general public and physically and programmatically accessible to individuals with disabilities  • Portal site for electronic access  • Provider of basic career services  • Representation of one or more mandated partners  • Additional related employment and training resources  • Established working relationship as part of an integrated system of WorkSource sites  **Connection**  • Accessible to the general public or targeted population that includes physical and programmatic access to individuals with disabilities  • Portal site for electronic access  • Provider of basic career services  • Additional related employment and training resources  • Established working relationship as part of an integrated system of WorkSource sites   * **ESD Policy 5612**   In support of the goals of continuous improvement of the one-stop delivery system, on at least an annual basis each certified site will provide a report detailing the progress toward reaching higher standards set out in the certification criteria and this information will be provided to the Local Workforce Development Board. | * Verify that every subrecipient is monitored as required by Subpart F – Audit Requirements * Verify that monitoring reports have been developed that meet federal requirements and have been shared with subrecipients. * Does the monitoring report include:   Follow up on issues found out of compliance  Required corrective action plan if necessary  Performance measurement of subrecipient   * Does the LWDB have a risk assessment tool that determines the risk of the subrecipient(s) prior to a monitoring review? * Did the LWDB review its subrecipients single audit report? Did the LWDB identify findings in the audit report? * If there are findings, has the LWDB worked with its subs to develop corrective action? * If there were audit findings, did the LWDB issue a management decision to resolve any audit findings within 12 months of the single audit being accepted by the federal audit clearinghouse?   What is the LWDB’s current process of reviewing the effectiveness, accessibility, and improvement of their One-Stop centers?  Does the certification process take place at least once every 3 years?  Have the certified sites in the local area provided annual reports “detailing the progress toward reaching higher standards set out in the certification criteria”?  Did the LWDB establish additional criteria and set higher standards for service coordination than those set by the State and if so, what are they? | Copy of completed subrecipient program monitoring tools (one participant per program):  Youth  Adult  Dislocated Worker  Rapid Response Additional Assistance  One-Stop Operator  Economic Security for All (Federal and State where applicable)  OPIOID (if applicable)  Disaster Recovery Dislocated Worker Grant - QUEST  Copy of one completed administrative & fiscal monitoring tool  Copy of most recent subrecipient monitoring reports:  Youth  Adult  Dislocated Worker  Rapid Response Additional Assistance  One-Stop Operator  Economic Security for All (Federal and State, where applicable)  OPIOID (if applicable)  Disaster Recovery Dislocated Worker Grant - QUEST  Copy of all administrative & fiscal monitoring final reports  Copy of subrecipient monitoring schedule for the following service providers:  Youth  Adult  Dislocated Worker  Rapid Response Additional Assistance  One-Stop Operator  Economic Security for All (Federal and State, where applicable)  OPIOID (if applicable)  Disaster Recovery Dislocated Worker Grant - QUEST  Administrative and Fiscal monitoring(s)  Subrecipient audit schedule and identification of for-profit and non-profit. (from pre-monitoring questionnaire)  One Stop Certification Determinations reported in official LWDB meeting minutes (or SWDB meeting minutes, if the SWDB is the certifying unit)  Pre-Monitoring Questionnaire   MOU to confirm site designations conform to description of services provided  Evidence of annual report for each certified site being provided to the LWDB and noticed in minutes. |
| **1.5** | **Internal Controls**   * §200.61   *Internal controls* * 20 CFR 683.220 – Internal controls requirements for recipients and subrecipients of WIOA and WP funds. * 2 CFR 200.303 Internal Controls * 20 CFR 679.430 * §200.333   Retention requirements for records * 29 CFR 95.21(a)-(b) (1-7) Standards for financial management systems * 20 CFR 683.200 - General fiscal and administrative rules apply to the use of WIOA and Wagner-Peyser Act funds | Describe the LWDB’s process to ensure federal expenditures are allowable. Include names/positions of key staff and the LWDB process for:   * Approval of purchase orders, expenditures, and journal entries/corrections. * Ensuring compliance with applicable procurement requirements. * Preparing claim and reconciliation of the claim to the accounting records (ensuring all transactions included in the claim are allowable) * Have there been changes to systems or staffing that reduces the effectiveness of these controls?   Yes  No   * Are the identified controls operating as intended?   Yes  No | Separation of Duties Chart  System Access Rights |
| **1.6\*** | **Cash & Financial Management**   * 2 CFR 200.302 Financial Management * *2 CFR 200.307 - Program income* * 200.307 (a) *General &* (b) (2) *Addition.* * WIOA Sec. 194(7)(A) & WIOA Sec. 194(13) * ESD Policy 5205 (Rev 2) Cash Depositories * ESD Policy 5221 (Rev 1) Program Income * 2 CFR 200.308 Revision of budget and program plans * 2 CFR 200.407 Prior written approval (prior approval) * 2 CFR 2900.9-2900.12 Post Federal Award Requirements * 20 CFR 683.235 * 20 CFR 683.200 (6)   **WIOA Youth Program**   * Sec. 20 CFR 681.410 WIOA States ~~and~~ local areas **must expend a minimum of 75 percent** of youth funds on OSY. * **§ 681.590** (a) Local youth programs must expend **not less than 20 percent** of the funds allocated to them to provide ISY and OSY with paid and unpaid work experiences. | * Is program income reported on the Quarterly Report to the ESD?  Yes  No * How is program income generated? * If program income was reported, were program income funds expended appropriately?  Yes  No * Are WIOA funds used as match or leverage for other funding sources?  Yes  No * Program(s) that require leveraged or match funds, is the amount recorded on the quarterly report to the ESD?  Yes  No * Are staff and board reimbursements properly authorized, documented, and for appropriate LWDB purposes consistent with LWDB policy?  Yes  No | * Chart of Accounts * Trial Balance by funding source * Budget vs Actual report by funding source * Review of bank statements and reconciliation * Several cash draw downs   + Detail general ledgers   + Reconciliation to draw   + Supporting documentation * Review of cash receipts * Review of source documents for charges selected per standard sampling process * Petty cash (if applicable) * Purchase card (if applicable) |
| **1.7\*** | **Procurements & Contracts & One Stop Operator**   * 2 CFR 200.113 – Mandatory Disclosures * 2 CFR 200.317-326 – Procurement Standards   *Federal purchases that require a competitive process must comply with the more restrictive of federal / state requirements and LWDB policy.*  *2 CFR Sec. 200.67, 2 CFR Sec. 200.317-326*  ***Note: 200.213 Suspension and Debarment***  *Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.*  *LWDBs need to look at suspension and debarment on every procurement. The LWDBs policy must be in compliance with suspension and debarment as outlined in 2 CFR 200.213.*    ***Subrecipients.***A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. See § 200.92 Subaward. Characteristics which support the classification of the non-Federal entity as a  subrecipient include when the non-Federal entity:  (1) Determines who is eligible to receive what Federal assistance;  (2) Has its performance measured in relation to whether objectives of a Federal program were met;  (3) Has responsibility for programmatic decision making;  (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and  (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.  ***Contractors.***A contract is for the purpose of obtaining goods and services for the non-Federal entity’s own use and creates a procurement relationship with the contractor. See § 200.22 Contract. Characteristics indicative of a procurement relationship between the  non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:  (1) Provides the goods and services within normal business operations;  (2) Provides similar goods or services to many different purchasers;  (3) Normally operates in a competitive environment;  (4) Provides goods or services that are ancillary to the operation of the Federal program; and  (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.  **ESD Policy 5200** (Rev 3) – Fiscal Definitions  ***Consultant*** - A person or entity that can provide valuable and pertinent advice generally drawn from a high degree of broad administrative, professional, or technical knowledge or experience, is not responsible for deliverables or outcomes, and charges an hourly fee for that opinion and advice. When an agency requires public advisory participation, a consultant also may be a person or entity that is affected by a particular program and can provide useful views from personal experience***. Note: Per DOL fees paid to consultants that provide service to WIOA Title I programs have a daily limit, which is based on time spent on an eight-hour workday., as set forth in the terms and conditions of the agreement.***  ***PY19 limit is $710, per day***  ***PY20 limit is $710, per day***  ***PY21 and PY22 limit is $750, per day***  ***Note: OMB memorandum*** *M-18-18 from June 20, 2018 raises the Simplified acquisition threshold to $250,000. The memorandum also increases the micro-purchase threshold from $3,500 to $10,000*  In addition to other provisions required by the federal agency or non-federal entity, all contracts made by the non-federal entity under the Federal awards must contain provisions covering A-J of Appendix II to Part 200 and ESD Policy 5250.  The LWDB should always place an appendix that states “when applicable” to cover all basis when an item is not applicable to the contract.  **2 CFR 200.318** - Non-Federal entities must maintain records sufficient to detail the history of procurement  Records include, but not limited to the following:  o Rationale for the method of procurement;  o Selection of contract type;  o Contractor selection or rejection; and  o Basis for the contract price.  **2 CFR 200.319 -** All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:  (1) Placing unreasonable requirements on firms in order for them to qualify to do business;  (2) Requiring unnecessary experience and excessive bonding;  (3) Noncompetitive pricing practices between firms or between affiliated companies;  (4) Noncompetitive contracts to consultants that are on retainer contracts;  (5) Organizational conflicts of interest;  (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and  (7) Any arbitrary action in the procurement process  **2 CFR 200.323** Contract Cost and Price Analysis  The non-Federal entity must perform a cost and price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract  modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation. Must make independent estimates before receiving bids or proposals.  Also found in 48 CFR section 15.404-3 – Subcontract pricing considerations. | * Did the LWDB follow its procedures for proposal evaluation and procurement procedure as specified in its written procurement procedures?   Yes  No   * The LWDB has adequate and appropriate records maintained throughout the procurement process and provides sufficient information to enable an audit or independent review. * Appropriate procedures are in place to ensure that contractors submitting the RFP/RFQ/etc., are dealt with fairly and equitably during the quotation process * Documentation showing that the specification does not restrict competition, reflect bias to any brand, or act as a barrier to the consideration of any alternatives. * The solicitation process and notices must include specific closing time, date and place of delivery. * LWDB maintains records that detail the history of procurement. At a minimum includes the following:   The rationale for the method of procurement  Selection of the contract type  Contract or selection or rejection, and  Basis for the contract price   * Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any weighting to be used in the assessment must be identified. * LWDB’s policy are current with CFR 200.317 – 330 * Conflict of Interest Policies. 200.318 (c)(1)(2)   + Employee Conflict of Interest   + Organizational Conflict of Interest * Appendix II to Part 200: Contract provisions for non-federal entity contracts under federal awards. Check to see if all the items are applicable and included in the contracts (A-J).   *Micro-Purchase - $10,000 & Small Purchase Procedure*  If purchase was $5,000 or more was prior approval received?  Yes  No  Equipment purchase, did the LWDB determine the purchase of the equipment is more cost effective than leasing?  2 CFR 200.318(d)  Yes  No  Did the LWDB obtain price or rate quotations from an adequate number of qualified sources prior to the purchase for small purchase procurement? 2CFR200.320(b); 200.323;  Yes  No  *Sealed Bids*  Did the LWDB publicly advertised and solicit from an adequate number of known suppliers?  Yes  No  The invitation for bids defines items or services in order for the bidder to properly respond.  Yes  No  A firm fixed price contract award was made in writing to the lowest responsive and responsible bidder.  Yes  No  *Competitive – More than $250,000*  Did the LWDB publicly advertise this RFP?  2 CFR 200.320(d) (1-4)  Yes  No  Did the LWDB provide adequate response time for bidders?  Yes  No  Did the RFP indicate the following?  Scope of work and service area  Method for evaluating the proposals  Deadline for recipient  Dispute process  *Non-Competitive*  Did the LWDB determine that this award was not feasible under any other procurement method?  Yes  No  If yes, was it determined that one of the following circumstances applies as referenced in  2CFR200.320(f) (1-4):  The item is only available from one single source.  The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. POOR PLANNING IS NOT A PUBLIC EMERGENCY!  The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity;  Inadequate competition after multiple attempted solicitations  After solicitation of a number of sources, competition is determined inadequate. | * Sample contracts to ensure state and federal requirements are embedded in the contract language. * Review scopes of work in subrecipient contracts to confirm that they do not have exit goals based on the program year * Small Purchase Procurement (look for purchases via invoices to see if price comparisons are conducted) * Request for Proposals and process documentation * Provider Contracts or Professional Service Contracts list * Contracts processed through sole source list * Identify how cost and prices analysis was performed on the selected procurements * Risk assessment for the selected procurements. * Suspension and debarment confirmation documentation (SAM.gov verification) * If directed by local procurement policy where Board must approve procurements/contracts, a copy of minutes from Board meetings where the procurement/contracts are adopted. |
|  | **One Stop Operator**  ***(This section is only applicable to those LWDBs that have procured or re-procured since the last monitoring visit for a One-Stop Operator).***  One-Stop Operator may not perform the following functions as outlined in 20 CFR 678.620:   1. Serve as staff to the LWDB (20 CFR 679.400 (d)); 2. Convene system stakeholders to assist in the development of the local plan; 3. Prepare and submit local plans (as required under sec. 107 of WIOA); 4. Be responsible for oversight of itself; 5. Manage or significantly participate in the competitive selection process for One-stop operators; 6. Select or terminate one-stop operators, career services, and youth providers; 7. Negotiate local performance accountability measures; and 8. Develop and submit a budget for activities of the Local Board in the local area. 9. Any other functions specifically assigned to the LWDB by WIOA 107(d).   **TEGL 15-16, Section 7 Competitive Selection of One Stop Operators**  Local WDBs may establish additional roles for the one-stop operator, including the following: being the primary provider of services within the center; providing some of the services within the center; coordinating service providers within the center and across the one-stop system; and coordinating service delivery in a multi-center area, which may include affiliated sites. ***The role of the one stop operation must be clearly articulated in all phases of the procurement process***, as well as in the legally binding agreement between the Local WDB and the one stop operator.  One stop operators may not perform the following functions: convene system stakeholders to assist in development of the local plan; prepare and submit local plans (as required under WIOA sec. 107); be responsible for oversight itself; ***manage or significantly participate in the competitive selection process for one-stop operators***; select or terminate one stop operators, career service providers, and youth providers; negotiate local performance accountability measures, or develop and submit budgets for activities of the Local WDB in the Local Area. | * Did the competition for a One-stop operator articulate the role of the One-stop operator? (20 CFR 678.620)  Yes  No * Does the One-stop operator coordinate the service delivery of required one-stop partners and service providers? (20 CFR 678.620)  Yes  No * Does OSO perform multiple functions?   Yes  No   * How were specifications, requirements, statement of work, and invitation for bids or RFPs developed? * After solicitation of several sources, how is competition determined inadequate. | * OSO RFP * List of respondents * Successful bidder * Evaluation criteria used * List of where and when the OSO RFP was published, include websites, newspapers, etc. * Documentation showing how the amount of funding was determined to cover the cost of services provided in the RFP * Copy of Conflict of Interest/Firewall agreement (when applicable) * Copy of job description of the person assigned as OSO, or if the roles are distributed among multiple staff, copies of their job descriptions with the OSO duties highlighted. Include salaries and approximate hours per week to be spent on OSO duties. (when applicable) * Copy of LWDB meeting minutes that document the Board’s involvement in the procurement process. * Documentation of who developed or drafted the specification, requirements, statements of work, or invitations for bids or requests for proposals, or conducted the competition, to ensure one stop operators were not involved in the development of the RFP. * Any documentation of a legally binding written agreement such as a contract or MOU the LWDB executed with the selected OSO. |
| **1.8** | **Cost Allocation Plan or Rate**   * 20 CFR 200.27 Cost allocation plan * 2 CFR 200.403 Factors affecting allowability of costs * 2 CFR 200.405 Allocable costs * 20 CFR 200.416 Cost allocation plans and indirect cost proposals * 20 CFR 200.9 Central service cost allocation plan * Section 678.700 One-stop infrastructure costs. * ESD Policy 5235 Administrative Cost Pool Grants * ESD Policy 5280 – Indirect cost Rate Proposals and Cost Allocation Plans * Public Law 113-128 * Federal Register Vol. 65, No. 124: Resource Sharing for Workforce Investment Act One-Stop Centers * One-Stop Comprehensive Financial Management Technical Assistance Guide (TAG) – July 2002 * Generally Accepted Accounting Principles (GAAP) | * Does the LWDB have an approved CAP?   Yes No   * The LWDB’s Cost Allocation Rate/Plan is being applied and is consistent with their approved Plan. Yes No * How often is the CAP reviewed? * Is the allocation of indirect costs fair and equitable over all programs?  Yes No | * Copy of the approved cost allocation rate/plan * Cognizant agency approval certification, approving/recognizing allowable rate or process * Obtain a copy of the cost policy statement * Month-end close out reconciliation of indirect costs (showing indirect costs have been allocated based upon approved plan) * Monthly detailed ledger for each of the allocation/indirect pool accounts * Capital Asset expenditures and other expense allocated documentation   ***Cognizant Agency:*** (name)  ***Approval Dates of CAP:***  ***Rate:*** % or de minimus: |
| **1.9** | **Property & Inventory**   * 2 CFR Part 230 Appendix B, Section 15 * 20 CFR 683.235 Construction * 20 CFR 683.240 Instructions for using real property with Federal equity * 20 CFR 688.550 Costs associated with real property in the YouthBuild program * 2 CFR 200.310 Insurance Coverage * 2 CFR 200.311 Real Property * 2 CFR 200.312 Federally owned and exempt property * 2 CFR 200.313 Equipment * 2 CFR 200.314 Supplies * 2 CFR 200.315 Intangible property * §200.67   *Micro-purchase* * ESD Policy 5260 (Rev2) - Allowable Cost and Prior Approval Requirements   **The micro-purchase base threshold of $3,500 (FAR 2.101) is increased to $10,000 and the simplified acquisition threshold previous set at $150,000 to $250,000, effective June 20, 2018 (M-18-18) and adopted into 2 C.F.R. § 200.320(a)(1) November 2020.** | * LWDB has inventory items listed and are easy to locate, properly tagged, and in good condition.   Yes No   * Is any equipment leased?  Yes No * Does the LWDB have the following process in place:  1. Receiving and identification of property.   Yes No   1. Steps to safeguard against risk of loss by theft.  Yes No 2. Property of all fixed assets are inventoried once every 2 years for items over $5,000.  Yes No 3. Item Log of small and attractable items  * Does the LWDB maintain equipment records that include the following data:   Description  Serial #  Funding source  Title holder  % of federal participation  Acquisition date  Acquisition cost  Location of equipment  Use and condition of equipment  Ultimate disposal date | * Property log & inventory listing of equipment purchased with WIOA Title I funds * List of equipment and capital improvements more than $5,000 purchased since last monitoring visit * Equipment/technology lease agreement (if applicable) |
| **1.10** | **Single Audit**   * ESD Policy # 5255 – WIOA Audit Requirements, Reports, and Resolutions * WIOA Sec. 159 (b) Management Information * 683.210 Audit Requirements. All recipients of WIOA title I and Wagner-Peyser Act funds that expend more than the minimum amounts specified in 2 CFR part 200, subpart F, in Federal awards during their fiscal year must have a program specific or single audit conducted in accordance with 2 CFR part 200, subpart F.   Single Audit Requirements and Audit Follow-up. Subpart F—Audit Requirements of this part is issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of non-Federal entities expending Federal awards. These provisions also provide the policies and procedures for Federal awarding agencies and pass-through entities when using the results of these audits.   * 2 CFR Part 200.331 – Requirements for Pass-through Entities * 200.501 Audit Requirements   (a) ***Audit required****.* A non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.  (b) ***Single audit.*** A non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.   * 2CFR200.512(a)(1) requires that single audits be submitted to the Federal Audit Clearinghouse (FAC) "within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period". | * Review the most current single audit report for any findings/questioned costs, material weakness and ask for a resolution plan. | * Copy of the most recent single audit report |
| **1.11\*** | **Personnel Time and Effort**  *Personnel salaries and related costs are supported by adequate time and effort records for employees who work on federal programs.*     * ESD Policy 5413 Personnel Responsibilities and Limitations Under WIOA Title I-B * 20 CFR 200.430 Compensation—personal services * 20 CFR 200.430 (c) (g) *Nonprofit organizations* * 20 CFR 200.430 (C) The Non-Federal entity's system of internal controls includes processes to review after-the-fact interim charges made to a Federal awards based on budget estimates. All necessary adjustment must be made such that the final amount charged to the Federal award is accurate, allowable, and properly allocated.   TEGL 5-06, 29-14 and Public Law 109-234  On June 15, 2006, President Bush signed into law an emergency supplemental appropriations bill, Public Law 109-234. Section 7103 of this public law limits salary and bonus compensation for individuals who are paid by funds appropriated to the Employment and Training Administration and provided to recipients and subrecipients.  Salary caps are imposed under Pub. L.113-235, Division G, Title I, Section 105. No funds under the header “Employment and Training Administration” shall be used by a recipient or subrecipient to pay the salary and/or bonus of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, currently **$203,700** (effective January 2022). States also may establish lower salary caps. | Look at individuals paid out of multiple cost objectives to see how their costs are allocated  Review staff reassignments to determine any necessary time and effort changes.   * Do WIOA staff perform other roles within organization?  Yes  No * Are salary rates more than Executive Level II?   Yes  No  Look at the LWDB’s process to ensure payroll charged to federal programs is supported by proper time and effort documentation. Include names/positions of key staff and how the LWDB:   * Budgets payroll for employees * Determines required time and effort for each employee. * Ensures time and effort is received timely from employees. * Reviews actual versus budgeted payroll charges to ensure adjustments are made as needed. | * Copy of organization chart * List and title of individuals who charge time to WIOA funds   + Copy of job descriptions (new hires or if job descriptions were changed) * Timesheets & payroll records for sampled personnel including: paystubs, payroll ledger (backup documentation of how salaries were paid/allocated) |
| **1.12** | **Grievance and Complaint**   * **WIOA SEC. 181**. (c) Grievance Procedures * **20 CFR 683.600 (c**) Local area procedures must provide:   (1) A process for dealing with grievances and complaints from participants and other interested parties effected by the local workforce development system, including one-stop partners and service providers;  (2) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;  (3) A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides; and  (4) An opportunity for a local level appeal to a State entity when: (i) No decision is reached within 60 days; or (ii) Either party is dissatisfied with the local hearing decision.   * **20 CFR 679.610 (a)** Provisions of WIOA * **29 CFR Part 37** Implementation of The Nondiscrimination and Equal Opportunity Provisions of The Workforce Investment Act Of 1998 (WIA) | Evidence that the LWDB has a process that clearly outlines where a complaint should be submitted  Look for evidence that the LWDB has followed up on any complaints that has been filed. | * Grievance/Complaint log (Program Complaint Log) * All supporting documentation leading up to the resolution of the grievance/complaint that was filed |
| **1.13** | **Incumbent Worker** – If applicable  **§ 680.780 Who is an “incumbent worker” for purposes of statewide and local employment and training activities?**  States and local areas must establish policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker services. To qualify as an incumbent worker, the incumbent worker needs to be employed, meet the Fair Labor Standards Act requirements for an employer-employee relationship, and have an established employment history with the employer for 6 months or more, with the following exception: In the event that the incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for 6 months or more as long as a majority of those employees being trained do meet the employment history requirement. ***An incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they also are enrolled as a participant in the WIOA adult or dislocated worker program.***  **TEGL 19-16 -**  **Incumbent Worker Training (IWT).** IWT provides both workers and employers with the opportunity to build and maintain a quality workforce and is governed by sections 20 CFR 680.780 through .820 of the Final Rule. IWT is designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs. IWT is not permitted to be used to provide the occupational training a new hire needs. IWT can be used to either:   * Help avert potential layoffs of employees, or * Obtain the skills necessary to retain employment, such as increasing the skill levels of employees so they can be promoted within the company and create backfill opportunities for less-skilled employees.   The Local WDB must determine an employer’s eligibility for participating in IWT based on the following factors which help to evaluate whether training would increase the competitiveness of the employees or both the employees and the employer:   * The characteristics of the individuals in the program (e.g., individuals with barriers to employment); * Whether the training improves the labor market competitiveness of the employees or both the employees and the employer; and * Other factors the Local WDB may consider appropriate, including: * the number of employees participating in the training; * wage and benefit levels of those employees (both pre- and post-training earnings); * the existence of other training and advancement opportunities provided by the employer; * credentials and skills gained as a result of the training; * layoffs averted as a result of the training; * utilization as part of a larger sector and/or career pathway strategy; or * employer size   For an employer to receive IWT funds, the individual(s) receiving training must be:   * Employed; * Meet the Fair Labor Standards Act requirements for an employer-employee relationship; and * Employment history requirement - Have an established employment history with the employer for 6 months or more (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds).   There is one exception to the six-month requirement, which is that in the event that incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained meet the employment history requirement.  **Adult/Dislocated Worker Program**  WIOA Section 134(d)(4) – Incumbent Worker Training Programs  (A)(i) Standard Reservation of Funds – The local board **may reserve and use not more than 20 percent** of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers  **ESD Policy 5607** (Rev 3) – Employer Criteria and Cost Sharing for Training Provided to Incumbent Workers.  ***Per WIOA Sections 134(d)(4)(C) and 134(d)(4)(D) and 20 CFR 680.820, employers participating in incumbent worker training are required to pay the non-WIOA (non-federal) share of the cost of providing training to their incumbent workers*** |  | * Executed contract(s) for Incumbent Worker agreements, if any * Supporting documentation on employer match * Obtain a copy of the training invoices * Copy of applications from business and selection criteria used to determine participation * Final Project/Contract Report & follow-up documentation, as applicable |
| 1.14\* | **Public Law 116-260, Section 505 of Division H (2021 Appropriations)**  When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—  (1) the percentage of the total costs of the program or project which will be financed with Federal money;  (2) the dollar amount of Federal funds for the project or program; and  (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources. | Does the LWDB have a policy or process for review of public facing materials to ensure required disclosures are present?  Does the LWDB have a policy or process that sets timelines for review and update of website information? (e.g. is the funding information updated quarterly, annually, as new funds are received?) | Review for required language a sample from the list provided by the LWDB, of:  • Brochures  • E-mail blasts  • Manuals  • Press releases  • Promotional materials (e.g., fliers, advertisement)   * Review website(s) provided by the LWDB (information posted concerning federal funding levels in compliance with Public Law 116-260, Division H, Section 505). * Review RFPs, RFQs, and other formal solicitation notices for required language. (list provided in section 1.7 Procurements, Contracts, and One Stop Operator) |

All items above are reviewed for WIOA I-B formula funding compliance. Discretionary funding within scope is reviewed for, minimally, compliance with items marked above with an asterisk (\*)