

Washington State Wagner-Peyser Employment Service Policy

Policy Number: 4045

Policy Title: WIOA Title III Wagner-Peyser Monitoring

Effective Date: May XX, 2024

1. Purpose:

To establish monitoring standards for the Workforce Innovation and Opportunity Act (WIOA) Title III Wagner-Peyser program. This includes the State Monitor Advocate (SMA) system.

2. Background:

The Workforce Innovation Opportunity Act (WIOA) mandates the monitoring of Federally funded programs, including Wagner-Peyser Employment Service (ES) grants. Assessment of activities and deliverables includes the review of the self-appraisal as well as Data Element Validation (DEV).

The Workforce Monitoring Unit is the agency's principal monitor for WIOA programs, to include the WIOA Title III (Wagner-Peyser Employment Service). It performs annual monitoring of ES services at WorkSource offices statewide. This process fulfills Employment Security Department's (ESD's) compliance-monitoring requirements under 2 CFR part 200 and satisfies Section 183 of WIOA, which require states to conduct monitoring of offices that receive Wagner-Peyser ES funds.

The Monitor Advocate System, which is part of the Wagner-Peyser program, ensures that Migrant and Seasonal Farmworkers (MSFWs) have access to employment and training services consistent with Federal requirements on an ongoing basis. The ESD State Monitor Advocate (SMA) is responsible for establishing and operating a comprehensive monitoring program designed to ensure that ESD is in compliance with appropriate regulatory requirements related to outreach and services provided to MSFWs. As part of these responsibilities, the SMA conducts an ongoing review of the service delivery and protections afforded to MSFWs under WIOA and Wagner-Peyser regulations.

ESD performs monitoring activities to:

1. Ensure programs achieve intended results;
2. Ensure resources are efficiently and effectively used for authorized purposes and are protected from waste, fraud, and abuse; and

The WorkSource System is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge.

3. Ensure reliable and timely information is captured and reported to serve as the basis to improve decision-making.

3. Policy:

ESD, on behalf of the Governor, is responsible for oversight of the programmatic activities as the state grantee to ensure proper stewardship of federal funds. One way the agency exercises oversight is through monitoring.

a. Frequency of Monitoring Reviews

ESD's Workforce Monitoring Unit will conduct Wagner-Peyser ES monitoring on an annual basis. The Monitoring Unit will seek to conduct monitoring in all offices offering Wagner-Peyser funded services at least once every 3 years.

ESD's Workforce Monitoring Unit and SMA will consult with Wagner-Peyser Program Operations prior to finalizing an annual schedule of monitoring prior to the start of each program year. The initial schedule, subject to modification, will list annual review dates and will be posted in the "Monitoring" tab of the [Workforce Professionals Center](#). The Workforce Monitoring Unit and SMA are not limited to the initial schedule and may conduct unannounced or unscheduled for cause reviews at their discretion.

b. Scope of Monitoring Reviews

Monitoring Unit activities will encompass programmatic monitoring and Data Element Validation (DEV), as described in WorkSource System Policy [1003, Revision 4](#). Program monitoring and DEV activities can include remote and on-site visits, off-site desk-level reviews, and analyses of program activities to help identify potential weaknesses before such weaknesses result in substandard compliance and performance. Wagner-Peyser Monitoring Tools and the companion recorded training sessions are updated annually and can be found in the Monitoring section of the Workforce Professional Center [website](#). The [Comprehensive Guide](#) provides the foundation of the various citations, policies, procedures, and other references that might be a part of the annual review. During each monitoring cycle, ESD Monitoring unit will review Wagner-Peyser program year activities-to-date based on the scope outlined in the tools referenced above.

c. Access to Records

Program administrators and staff are required to provide ESD's Workforce Monitoring Unit and the State Monitor Advocate access to records, financial statements, facilities, and participants.

d. Additional Review / Technical Assistance

In addition to the annual review, which may be conducted on-site or remotely, some monitoring activities may be conducted by phone, through desk reviews of documents and reports, and by such other means as deemed necessary by ESD's Workforce Monitoring Unit. If an area of concern or practice is identified at any point, ESD's Workforce Monitoring Unit may offer or coordinate technical assistance as needed. Technical assistance may include additional on-site or remote visits.

e. Wagner-Peyser Monitoring Reports

ESD's Workforce Monitoring Unit will issue the following documents summarizing the results of monitoring activities. The documents may include the observations, items to address, findings, and recommendations of the monitoring team.

1. Office Monitoring Summary. A monitoring summary is issued following each monitoring visit describing the scope of the visit and whether items to address have been identified for the office. The Monitoring Summary is issued to the designated local leadership identified at exit along with designated Divisional Leadership. The summary may also contain items that may need to be addressed at a broader level than the office.

2. Annual Monitoring Report. An annual monitoring report includes a summary of the monitoring visits that occurred during a specific period. The purpose of this report is to provide information about trends that were identified across the offices that were monitored. These trends may result in Items to Address at ESD Divisional Leadership levels. It also identifies any findings and noted practices. The report will be sent to designated Division leadership to provide cross-divisional information.

f. State Monitor Advocate Reports

Upon completion of an on-site monitoring review, the SMA holds one or more sessions with WorkSource office leadership to discuss best practices, findings, and initial recommendations, including technical assistance.

1. **Conclusions and Recommendations**—Provided in writing to the ESD Commissioner, EC Division Director, WorkSource Administrator, and other appropriate ESD staff.
2. **Findings and Corrective Action Plans**— The WorkSource Administrator must develop and propose a written corrective action plan to address findings of non-compliance. The plan must be approved by the appropriate Regional Director, any other appropriate EC Division official, and the SMA.
 - a. Based on guidance in 20 CFR 653.108(g)(2)(v), the plan must include actions to be taken to correct, or major steps to be taken toward correction of, any compliance issues within 30 business days.
 - b. If the plan allows for more than 30 days for coming into full compliance, the length of time and reason(s) for the extended period of time must be specifically documented.

ESD staff within the EC division are responsible for assuring and documenting that the WorkSource office complies within the time period designated in the plan. The SMA will submit copies of on-site review reports and corrective action plans to the Regional Monitor Advocate.

g. Workforce Monitoring Unit and State Monitor Advocate Collaboration and Coordination

Due to the nature of the requirements of the SMA Monitoring System, there will be crossover between the monitoring processes described above. In order to minimize duplication efforts, the following collaborative/coordinated actions will be taken:

1. Wagner-Peyser Monitoring Scheduled at Significant MSFW Offices.
 - a. If the SMA review was conducted more than a year ago, the ESD Monitoring Unit will conduct a comprehensive review that includes any additional Significant MSFW office specific items on the current Workforce Monitoring Unit tool.
 - b. If review was conducted less than a year ago, the ESD Monitoring Unit will rate any additional MSFW specific items as "Reviewed by SMA" on reports and reference any agreed upon actions in the summary report.
 - c. If the ESD Monitoring Unit review was conducted more than a year ago, the SMA will conduct a complete review as mandated by the Monitor Advocate System.
 - d. If the ESD Monitoring Unit review was conducted less than a year ago, the SMA will rate all MSFW-specific items that were reviewed as "Reviewed by ESD Monitoring Unit" on reports and reference any agreed-upon actions in the summary report. The SMA will then complete the review of all the remaining items mandated by the Monitor Advocate System
 - e. ESD Monitoring Unit and SMA will invite each other to participate in the entrance, exit, and check-ins for the office.
 - f. Monitoring summary reports, including any required corrective actions, will be shared. Before an office is monitored, the most recent monitoring reports will be reviewed.
2. Wagner-Peyser Monitoring Scheduled at Non-Significant MSFW Offices.
 - a. ESD Monitoring Unit will invite the SMA to participate in the entrance, exit, and check-ins for Wagner-Peyser for the office.
 - b. ESD Monitoring Unit will provide the SMA with the summary reports from the monitoring for each office including any requested corrective actions.
 - c. The SMA will communicate with EC Division leadership and the ESD Monitoring Unit if the decision is made to conduct any follow-up monitoring at the office based on the results.
3. Annual Reporting
 - a. ESD Monitoring Unit will provide the State Monitor Advocate with any corrective action plans developed as a result of the Annual Reporting process that pertain to or impact MSFW services.

4. Definitions:

ANNUAL MONITORING REPORT - A summary of the monitoring visit that occurred during a specific period. The purpose of this report is to provide information about trends that were identified across the offices that were monitored. These trends may result in Items to Address at ESD Divisional Leadership levels. It also identifies any findings, unresolved questioned costs, disallowed costs and noted practices.

AT-RISK ITEM/AREA - Items or areas that while not a clear and direct violation of state or federal law or regulation could lead to such a violation if not addressed. At-Risk Elements/Items are identified in the Office Monitoring Summary and the Annual Monitoring Report.

CORRECTIVE ACTION - Action taken that corrects identified deficiencies, produces recommended improvements, or demonstrates that findings or items to address are either invalid or do not warrant action.

CORRECTIVE ACTION PLAN - A plan developed and imposed by the Agency (ESD) that requires a Board or Agency grantee to take Agency-identified actions within a specified time frame designed to correct specific instances of noncompliance or other failures.

DATA ELEMENT VALIDATION (DEV) – The federally mandated process by which the state annually assesses the accuracy of prescribed data elements in randomly sampled participant files against source documents in program files for compliance with federal definitions (refer to TEG L 07-18).

EMPLOYMENT SERVICE (ES) OFFICE – A WorkSource office that provides Wagner-Peyser Act services as a one-stop partner program. A site must be co-located in a one-stop center consistent with the requirements of 20 CFR 678.305 through 678.315.

FINDING(S) – Any Item(s) to Address for the office identified in a previous Office Monitoring Summary or (b) any Item(s) to Address included in the previous Annual Monitoring Report.

ITEMS TO ADDRESS - Items to Address include clear and direct areas of non-compliance with federal, state and local law and regulations. Items to Address are identified in the Office Monitoring Summary and the Annual Monitoring Report.

NOTED PRACTICE - Any approach to service delivery or process that is identified as being a unique or effective approach that offers increased services to customers or greater efficiency and effectiveness in service delivery or administration. These will be identified in the Office Monitoring Summary and Annual Monitoring Report.

OFFICE MONITORING SUMMARY – A monitoring summary issued following each monitoring visit describing the scope of the visit and whether items to address have been identified for the office. The Office Monitoring Summary is issued to the designated local leadership identified at exit along with designated divisional leadership. The summary may also contain items that may need to be addressed at a broader level than the office.

SIGNIFICANT OFFICE (MSFW) – WorkSource offices where MSFWs account for 10 percent or more of its customers. Each significant MSFW office must employ full-time, year-round, bilingual staff who conduct outreach to MSFWs.

STATE MONITOR ADVOCATE (SMA) – The SMA is part of federal/state system that ensures MSFWs have equitable access to career services, skill development and workforce protections. The SMA is the central coordinator responsible for managing and monitoring MSFW services across the State. The SMA's role focuses on monitoring outreach efforts, reporting, documentation, partner coordination, complaint handling, and professional development.

TECHNICAL ASSISTANCE - To identify areas for improvement in the program operations during monitoring and compliance review visits. May include assistance in developing a performance improvement plan.

5. **References:**

- [Public Law 113-128, Section 183](#) – The Workforce Innovation and Opportunity Act (WIOA)
- [20 CFR 651](#) – General Provisions Governing the Wagner-Peyser Act Employment Service
- [20 CFR 652](#) – Establishment and Functioning of State Employment Service
- [20 CFR 653](#) – Services of the Wagner-Peyser Act Employment Service System
- [20 CFR 654](#) – Special Responsibilities of the Employment Service System
- [20 CFR 658](#) – Administrative Provisions Governing the Wagner-Peyser Employment Service System
- [20 CFR 683.400](#) – What are the Federal and State monitoring and oversight responsibilities?
- [20 CFR 683.410](#) - What are the oversight roles and responsibilities of recipients and subrecipients of Federal financial assistance awarded under title I of the Workforce Innovation and Opportunity Act and the Wagner-Peyser Act?
- [Office of Foreign Labor Certification \(OFLC\)](#)
- Training and Employment Guidance Letter (TEGL) [23-19, Change 1](#) – Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs.
- Training and Employment Guidance Letter (TEGL) [10-16 Change 2](#) – Performance Accountability Guidance for WIOA Title I, Title II, Title III, and Title IV Core Programs
- [Policy 5414 Revision 1](#) – WIOA Title I Monitoring
- [Policy 1003 Revision 6](#) – Data Element Validation
- [Workforce Information Notice \(WIN\) 0120](#) – Procedures for Adding Participants to Efforts to Outcomes (ETO) When Individuals Are Unable to Create a WSWA Account
- [Monitor Advocate System \(MSFW\) Fact-Sheet](#)

6. **Supersedes:**

None

7. **Website:**

<https://wpc.wa.gov/policy/state/labor>

8. **Action:**

Employment Security Regional Directors and WorkSource Administrators must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. **Attachments:**

Workforce Professionals Center – [Monitoring Tools](#)

Direct Policy Inquiries To:

*Employment System Administration and Policy
Employment System Policy and Integrity Division*

*Employment Security Department
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