

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #11-2017, CHANGE 1

TO: Chief Local Elected Officials
Workforce Development Board Chairs
Workforce Development Board Staff

FROM: Don Morris, Executive Director

DATE: May 20, 2020

SUBJECT: Governor's Oversight and Monitoring Plan

PURPOSE: The Oklahoma Office of Workforce Development (OOWD), as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity, is responsible for the oversight and monitoring of each Local Workforce Development Board and grant sub- recipients to ensure proper stewardship of the Workforce Innovation and Opportunity Act (WIOA). This issuance acts as guidance to communicate the Governor's instructions for developing and implementing an Oversight and Monitoring plan for recipients of federally-funded programs and grants administered by the Oklahoma Office of Workforce Development. This issuance also details the Governor's standards for routine local oversight and monitoring. Issues brought to the attention of the OOWD outside or routine monitoring will fall under the requirements of the Investigations Policy.

REFERENCES:

- The Workforce Innovation and Opportunity Act of 2014 (Public Law (Pub. L. 113-128)) Title I, enacted July 22, 2014
- Workforce Innovation and Opportunity Act Sec. 184
- Federal Register/Vol. 78. No. 248, Part 200
- Federal Register/Vol 81. No. 161, Part 683
- 2 CFR 200
- 2 CFR 200.113
- 2 CFR 200.338
- 2 CFR 200.405
- 2 CFR 200.519
- 20 CFR 683.400(c)
- 20 CFR 683.410(b)
- 20 CFR 200.328-331
- 29 U.S.C. 3003
- Oklahoma Administrative Code 150:120-7

MESSAGE: The Governor establishes herein the general procedures and standards for the Oklahoma Office of Workforce Development (OOWD), Local Workforce Development Boards (LWDB), and subrecipients/subgrantees to conduct monitoring and oversight activities for the programs and activities authorized under Title I of the Workforce Innovation and Opportunity Act (WIOA), including Adults, Dislocated Workers, and Youth. These procedures and standards also apply to financial oversight and monitoring activities for fiscal agents under authority set forth in 20 CFR 683.410 and 2 CFR 200.328, 200.330, and 200.331.

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Continuing



INSTRUCTIONS: Pursuant to WIOA, the Governor of Oklahoma is responsible for the development of the State monitoring system. As a component of that system, the Governor has assigned OOWD oversight and monitoring responsibilities for workforce-related grants, programs, and activities established and funded by the U.S. Department of Labor (DOL) and administered by the State. Applicable programs, activities and governing regulations include:

- Programs authorized under Title I of WIOA, serving:
 - Adults;
 - Dislocated workers; and
 - Youth.

The above regulations summarize the roles of each administrative level to ensure a comprehensive monitoring and oversight system.

In addition to routine annual monitoring duties, the OOWD also has oversight and monitoring responsibilities for investigations, including matters that arise through discoveries or other notifications.

GOVERNOR' S OVERSIGHT AND MONITORING PLAN

I. AUTHORITY

Pursuant to WIOA (20 CFR 683.400) (c) (2)), the Governor of the State of Oklahoma is responsible for developing a State Monitoring Plan requiring each local area to be monitored at least once a year. The plan must also require the collection and review of sufficient information to enable the Governor to determine whether LWDBs and subrecipients/subgrantees (e.g., fiscal agents and service providers) have demonstrated substantial compliance with WIOA requirements. This plan will enable the Governor to ensure the State Monitoring system meets the requirements of 20 CFR 683.410(b)(2). LWDBs are also responsible for conducting oversight and monitoring of the Oklahoma Works (One-Stop) system and employment and training activities under Title I of WIOA. Similarly, at 20 CFR 683.400(c)(1), fiscal agents are required to continuously monitor grant-supported activities in accordance with the uniform administrative requirements found at 2 CFR 200.328, 200.330 and 200.331, including the applicable cost principles indicated at 2 CFR 200.405, for all entities receiving WIOA Title I funds.

II. THE GOVERNOR' S STATE OVERSIGHT AND MONITORING PLAN

A. Introduction

Oklahoma's approach to Program and Fiscal monitoring of each local area utilizes a combination of on-site and desktop monitoring, as well as, investigative monitoring if deemed necessary to determine compliance, as prescribed in Section 183 of WIOA.

The State must conduct an annual fiscal on-site monitoring review of each local area's compliance with 2 CFR part 200, as required by sec. 184 (a) (4) of WIOA. Prior to the onsite monitoring review, specific information will be requested from the local area which will be reviewed virtually prior to the on-site review.

Oklahoma Office of Workforce Development (OOWD) will utilize, at a minimum, the following methods to conduct monitoring oversight of Local Workforce Development Boards and sub-recipients:

- Random sampling
- Risk assessments
- Desk reviews
- On-site visits
- Data validation

OOWD is not restricted to using only the aforementioned methods, and may incorporate other methods as determined necessary.

With the implementation of a Virtual Case Management System, Oklahoma has established a more strategic role for programmatic and performance monitoring, allowing for the virtual (desktop) monitoring of participant files, uploaded supporting documents, policies and program notes. On-site monitoring will still be conducted at the discretion of the Oklahoma Office of Workforce Development (OOWD) and as the need is indicated by Local Areas, allowing for collaboration between the OOWD and the Local Areas.

The Governor must be able to demonstrate, through a plan or otherwise, that the State monitoring system meets the following requirements:

- a. Provides for annual on-site monitoring reviews of local areas' compliance with DOL uniform administrative requirements;
- b. Ensures that established policies to achieve program performance and outcomes meet the objectives of WIOA and the WIOA regulations including policies relating to the provision of integrated services delivery by Oklahoma Works (One-Stop) Centers, eligible providers of training services, and eligible providers of youth activities;
- c. Enables the Governor to determine if subrecipients/subgrantees and contractors have demonstrated substantial compliance with WIOA requirements;
- d. Enables the Governor to determine whether a local plan will be disapproved for failure to make acceptable progress in addressing deficiencies as required in sec.108 (e) of WIOA; and
- e. Enables the Governor to ensure compliance with WIOA nondiscrimination, disability, and equal opportunity requirements of sec. 188 of WIOA, including the Assistive Technology Act of 1998 (29 U.S.C. 3003).

The State must conduct an annual on-site fiscal monitoring review of each local area's compliance with 2 CFR 200, as required by sec. 184 (a)(4) of WIOA.

LWDBs, as sub-grantees of WIOA funding, are subject to desktop evaluation, on-site evaluation, or a combination of these two processes for programmatic, fiscal, and performance monitoring. Additional reviews may be warranted based on evaluations of risk of noncompliance.

The Governor must require that prompt corrective action be taken if any substantial violation of standards identified in 20 CFR 683.410 (b)(2) or (3) is found. The Governor must impose sanctions provided in secs. 184 (b)-(c) of WIOA in the event of a subrecipient's failure to take required corrective action under 20 CFR 683.410 (b)(4). The Governor may issue additional requirements and instructions on monitoring activities to local areas. Pursuant to Oklahoma Administrative Code 150:120-7-3, the OOWD Executive Director or his/her designee is responsible for these duties, including resolution of findings and notice of impending sanction(s).

The Governor must certify to the Secretary of the U.S. Department of Labor every two years that:

- a. The State has implemented 2 CFR 200;
- b. The State has monitored local areas to ensure compliance with 2 CFR 200, including annual certifications and disclosures as outlined in 2 CFR 200.113, Mandatory Disclosures. Failure to do so may result in remedies described under 2 CFR 200.338, including suspension and debarment; and
- c. The State has taken appropriate corrective action to secure such compliance.

B. Purpose

The primary purpose of the Governor’s directed oversight and monitoring activities is to ensure that local area boards and fiscal agents operate programs and provide integrated service delivery efficiently and effectively in compliance with all applicable laws, regulations, uniform administrative requirements, and State and locally-established policies.

C. Process/Methodology

Oversight and monitoring will focus on local areas’ systems to ensure acceptable standards for fiscal accountability, program administration, procurement, and integrated services delivery are established and in practice. Oversight and monitoring will be conducted year-round to ensure compliance with applicable uniform administrative requirements; to identify system strengths, weaknesses, required corrective actions, and trends requiring State action, and to gather and share best practices throughout the State’s workforce community.

III. STATE ORGANIZATION, OVERSIGHT AND MONITORING RESPONSIBILITIES

A. Introduction/Staffing

OOWD, as the Governor-assigned administrative entity for the Workforce Innovation and Opportunity Act, has the responsibility for oversight and monitoring of programs, and the Oklahoma Works (One-Stop) Delivery Systems.

Local areas shall provide OOWD with up-to-date copies of all local areas’ plans, contracts, and memorandums of understanding, grants, sub-grants, reports, records, and files applicable to programs administered by OOWD. At the beginning of each program year, local areas shall review the above noted documents and ensure through written correspondence that OOWD possesses up-to-date copies.

Local areas will electronically forward to OOWD copies of new documents (e.g., contracts), documents identified by OOWD as missing from its files, and any revisions to documents OOWD has previously received.

Local areas shall provide OOWD with all pertinent work papers, documentation, case notes, correspondence, reports, etc. relating to the particular local area being monitored. Also, monitoring reports and resolutions generated by an OOWD subrecipient or LWDB must be submitted to OOWD at the time of issuance.

Local areas shall also place OOWD on routing lists to receive official copies of any regulations, issuances, changes to plans, contracts, memorandums of understanding, grants, subgrants, reports, and records, and correspondence pertinent to all programs administered by OOWD. Copies of regulations, issuances, policies, procedures, reports, board minutes, and correspondence submitted by LWDBs, boards’ staff, and fiscal agents to OOWD must be signed and/or accompanied by signed cover letters attesting to official board approval.

B. Administrative Procedures of the Oklahoma Office of Workforce Development on the behalf of the Governor.

1. Overall Responsibilities

The OOWD Policy and Program team will utilize their WIOA Monitoring Tool, a monitoring instrument, as the foundation for oversight/monitoring activities distributed toward the beginning of each program year, and will review locally-provided supporting source documentation to determine each compliance area.

The State must conduct an annual fiscal on-site monitoring review of each local area's compliance with 2 CFR part 200, as required by sec. 184 (a) (4) of WIOA. OOWD will prepare and distribute the monitoring instrument for information and self-assessment.

For on-site monitoring, OOWD will provide, by separate correspondence, instructions on required documents to be submitted to OOWD at least thirty (30) days prior to scheduled desk-reviews and on-site monitoring visits and a listing of documents which must be available to monitors. OOWD will identify a Comprehensive Oklahoma Works (One-Stop) Center in the workforce development area where the on-site system monitoring will be conducted, and will issue monitoring reminders to the LWDB Staff prior to scheduled on-site monitoring visits.

Program and financial monitoring of activities is performed through desk reviews and on-site visits. During and in advance of these visits, OOWD will request a sample of documentation for monitoring activities.

Specific areas of emphasis, which are contained within the OOWD's WIOA Monitoring Tool include, but are not limited to:

- a. System Administration and Effectiveness of Monitoring
 1. LWDB governance, bylaws, composition, minutes, re-certification, and oversight and monitoring responsibilities;
 2. Local agreements and contracts;
 3. Memorandums of Understanding (MOUs);
- b. Fiscal Compliance Oversight and Monitoring
 1. Fiscal agent operational policies and procedures;
 2. Accounting system, entries, and documentation;
 3. Procurement methods and documentation;
 4. Contracts verification (purchase, rent, leases);
 5. Internal controls;
 6. Personnel and payroll records;
- c. Program Administration and Effectiveness Monitoring
 1. Integrated delivery of Adult and Dislocated Worker services and Youth services funded by WIOA; and
 2. National Emergency Grants.

2. Scheduling

OOWD will prepare and distribute annual monitoring schedules near the beginning of each program year, along with the OOWD's WIOA Monitoring Tool for information and self-assessment. Each program year, OOWD staff shall publish the annual monitoring schedule to include the date and time of the on-site monitoring visit and virtual monitoring for each area. This schedule is subject to change to accommodate requests from local areas as well as unanticipated situations affecting state staff.

3. Entrance/Exit Conferences

Prior to the start of each on-site monitoring review the OOWD policy and program team will hold an entrance conference call with the board staff, fiscal agent, and other interested parties to establish the purpose, parameters, and time frame of the visit. At that time, any relevant information will be discussed which may enhance the effectiveness of the review. Also, all previously requested documents must be available for distribution, including items to be retained by the monitoring team.

An exit conference call will be conducted after each OOWD monitoring review. The exit conference call will identify issues that may result in findings and/or questioned costs, and will be provided to the local area. Additional findings and/or questioned costs may arise after the on-site review and exit conference call are concluded.

Note: The goal is for OOWD and the Local Area to work together to resolve issues and for OOWD to provide technical assistance prior to the issuance of the Final Monitoring Report.

4. Reporting and Distribution

The Executive Director or his or her designee will electronically issue a report within a reasonable time frame following the monitoring review to the Chief Local Elected Official (CLEO), local area fiscal agent, LWDB, or OOWD's subrecipient/subgrantee after each monitoring review. If evidence of possible violations is discovered, they will be detailed in the report. The report shall be based, in part, on the requirements of WIOA, the regulations promulgated thereunder, administrative requirements, applicable cost principles, grant agreements, and state and local policies. The report will include a written summary identifying system strengths (for possible promotion as statewide best practices), weaknesses, noncompliance findings supported by citations and required corrective actions, and any findings common to preceding years' reviews which may suggest trends warranting additional local or state corrective measures.

5. Monitoring Resolution

The OOWD Executive Director or his or her designee is responsible for monitoring resolution. Resolution of a monitoring finding is required when there are disallowed/questioned costs, administrative findings, or deficiencies.

The CLEO, local area fiscal agent, LWDB, or subrecipient/subgrantee has thirty (30) days from the date of the monitoring report to submit a single coordinated area response to designated portions of the monitoring report to the OOWD Executive Director or his or her designee. The response must be submitted electronically using the report template provided by OOWD, and must contain all additional information, documents, or opinions the CLEO, local area fiscal agent, LWDB, or OOWD's subrecipient/subgrantee want to have considered in the final determination. Electronic copies of supporting documents submitted as exhibits in support of responses to the monitoring report findings are required. Documents submitted as exhibits must be organized and referenced so as to facilitate easy identification and analysis by OOWD staff.

An entity submitting a response to the monitoring report may request in writing a review of new documentation within an additional thirty (30) day time period. The OOWD Executive Director or his or her designee will

determine if new information provided warrants additional time and will advise the entity in writing of his or her decision within a reasonable timeframe. The OOWD Executive Director or his or her designee may request additional information from the entity submitting a response if clarification is needed.

The OOWD Executive Director or his or her designee may schedule an informal resolution conference in order to discuss the findings in the monitoring report. The CLEO, local area fiscal agent, LWDB, or subrecipient/subgrantee may also request an informal resolution conference. The request for the informal resolution conference should be submitted to the OOWD Executive Director or designee prior to the first thirty (30) day deadline.

All monitoring findings shall be resolved within six (6) months after the initial monitoring report is issued.

The OOWD Executive Director or his or her designee will maintain a monitoring resolution file documenting the disposition of reported questioned costs and corrective actions taken for all findings.

6. Final Monitoring Determination

After follow-up procedures are completed, if the subrecipient is found in non-compliance, the OOWD Executive Director or his or her designee will send a notice letter of impending sanctions. The notice will indicate the violation, the corrective action to be taken, the impending sanction, and the process by which the subrecipient may appeal the sanction.

The OOWD Executive Director or his or her designee shall issue a final determination which will include any issues remaining unresolved from the monitoring report within sixty (60) days from the date the response to the monitoring report is received. This time may be extended an additional thirty (30) days if an information resolution conference is requested. If all issues have not been resolved, the final determination shall be sent to the local area by electronically. A final determination will:

- a. Enumerate the efforts that were made to resolve the issues identified in the monitoring report.
- b. List issues upon which the parties do not agree.
- c. List any changes to the factual findings and conclusions set forth in the monitoring report.
- d. Establish a debt, if appropriate.
- e. Require corrective action, when needed.
- f. Determine liability, method of restitution of funds, and sanctions.
- g. Advise recipient of appeal rights, if applicable.

7. Issues of Non-compliance and State Corrective Action

If the State determines that the local area is not in compliance with the appropriate uniform administrative requirements or is not responsive to monitoring findings, the State will:

- a. Require corrective action to secure prompt compliance with the requirements;
- b. Cease the disallowed activity;
- c. Reclassify the cost to allowable categories, if feasible;
- d. Pay back drawn funds to the State immediately upon determination that the costs are disallowed and reclassification is not an option;

- e. Impose special conditions or restrictions; and
- f. Identify the local area as “high risk” pursuant to 2CFR 200 Section 200.519.

If the OOWD Executive Director determines that a local area is not in compliance with the appropriate uniform administrative requirements or is not responsive to monitoring findings, sanctions may be imposed up to and including identifying the local area as “high risk” pursuant to 2 CFR 200.519. If this determination is made, the OOWD may impose special conditions or restrictions in an attempt to correct these non-compliance issues.

In accordance to WIOA Sec. 184, the OOWD under the authority of the Governor, can issue a notice to revoke approval of all or part of the local plan affected, or impose a reorganization plan, which may include:

- a. Decertifying the LWDB involved;
- b. Prohibiting the use of eligible providers;
- c. Selecting an alternative entity to administer the program for the local area involved;
- d. Merging the local area into one or more other local areas;
- e. Making such other changes as the Secretary or Governor determines necessary to secure compliance with the provision.

8. Appeal and Hearing Procedures

If the subrecipient is not satisfied with the determination(s) issued in the final determination, it has fifteen (15) days from the date of the final determination to request an appeal or within two (2) business days from the close of the informal resolution conference. Upon receipt of the request for a State hearing, the OOWD Executive Director or designee shall review the appeal and provide an opportunity for a hearing within thirty (30) days from the receipt of the appeal, unless the parties and the Executive Director agree to waive this requirement in order to allow additional time to resolve the matter. The Executive Director, or designee, can unilaterally waive the hearing requirement when the severity of the violation warrants immediate action. The Executive Director or designee will issue a decision within thirty (30) days from the date the hearing record is closed. The decision of the Executive Director will be final and binding.

At the hearing, the subrecipient bears the burden of proof to show the subrecipient acted in compliance with the statutes, regulations, state policies, uniform administrative requirements, and OMB Circulars that govern these funds and programs.

Determinations related to disallowed costs are not appealable. Pursuant to the WIOA Act, appeals may be made to the U.S. Department of Labor if the final determination imposes sanctions that include:

- a. Decertifying the LWDB involved;
- b. Prohibiting the use of eligible providers;
- c. Selecting an alternative entity to administer the program for the local area involved;
- d. Merging the local area into one or more other local areas; and/or
- e. Making such other changes as the Governor determines necessary to secure compliance with WIOA provisions.

Any fee charged to the subrecipient for assistance in resolving determinations or to prepare and present an appeal to the Executive Director or U.S. Department of Labor cannot be charged to grant or contract funds received from OOWD. This includes fees charged by an accountant, expert witness, attorney, or other representative.

9. Technical Assistance

The OOWD will provide formal and informal training and technical assistance as necessary and appropriate. Technical assistance will be conducted virtually via telephone, electronic means, or on-site both regionally and locally.

10. Common Terms and Definitions contained within a Monitoring Report

Observation: At the time of examination, the OOWD Policy and Program team may indicate key actions, processes, or items noticed or sampled. Observations are practices or processes that are particularly effective or efficient and/or may be replicated. Or, these observations are practices or processes that are not effective or efficient and should be re-evaluated. These observations may also include questionable operational or business practices that must be noted for documentation purposes.

Area of Concern: At the time of examination, areas of concern are questionable indicators that have not been met or are potentially problematic processes that without notation or action may result in a finding at a later point. Areas of concern are primarily for technical assistance purposes to prevent violations of:

- a. Federal Law;
- b. Federal Regulations;
- c. Grant agreement;
- d. Contract agreement;
- e. Formal state policy.

Questioned Costs: At the time of examination, questioned costs are identified costs that are not supported by adequate documentation, or are identified costs incurred that appear unreasonable. Questioned costs are those that do not reflect the actions a prudent person would take in the circumstances.

Disallowed Costs: Charges to an award that are determined to be a finding, and unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award.

Administrative Finding – Any violation of:

- a. Federal Law;
- b. Federal Regulations;
- c. Grant agreement;
- d. Contract agreement;
- e. Formal state policy.

All finalized monitoring reports, including corrective action correspondence, will be maintained in a centralized location accessible and available to all in-house staff, DOL representatives, auditors, and other authorized individuals.

Note: OOWD's fiscal, programmatic, and performance monitoring reviews a sample of activities for the programs authorized under Title I of WIOA including Adults, Dislocated Workers, and Youth. The absence of findings within the monitoring report only indicates a lack of finding in the sample; it does not indicate the absence of findings in activities that were not sampled.

IV. LOCAL OVERSIGHT AND MONITORING RESPONSIBILITIES

A. Authority

Within each local workforce development area, the LWDB, and the CLEO-designated fiscal agent have local oversight and monitoring responsibilities for programs funded through OOWD. The LWDB is responsible for monitoring all DOL-funded programs and the Oklahoma Works (One-Stop) System to ensure compliance with federal, state, and local policies, plans, and procedures. The LWDB and fiscal agent are responsible for overseeing and monitoring their WIOA and other federal grant-funded activities and those of their subrecipients in order to: (1) Determine that expenditures have been made against the cost categories and within the cost limitations specified in the Act and the regulations in this part; (2) Determine whether or not there is compliance with other provisions of the Act and the WIOA regulations and other applicable laws, regulations, and contracts; and (3) Provide technical assistance as necessary and appropriate.

B. Administrative Responsibilities

1. LWDBs and fiscal agents will:
 - a. Ensure monitoring of service providers on an annual basis and at least sixty (60) days prior to expiration of the service provider or subrecipients's contract with its subrecipient, and submit monitoring reports and resolutions to the OOWD Policy and Program team when they are issued.
 - b. Provide to the OOWD Policy and Program team all requested documents at least thirty (30) days prior to the scheduled monitoring date.
 - c. Have documents previously identified by the OOWD as required for on-site review available in an organized, orderly manner to facilitate expedient examination by monitors.
 - d. Ensure appropriate staff is available at the on-site location on the monitoring date(s) to assist the OOWD Policy and Program team.
2. Pursuant to the following minimum standards established by the Governor, each LWDB shall ensure all service providers are periodically monitored throughout the year for:
 - a. Compliance with federal, state, and local area regulations, plans, policies and guidelines, including –
 1. Participant eligibility verification documentation,
 2. Review of participant records for assessment and employability plan,
 3. Review of contracts (i.e., on-the-job training, customized training, and worksite agreements),
 4. For providers of WIOA adult and dislocated worker services, proper delivery of services consistent with the LWDB's integrated service delivery design, and
 5. For providers of WIOA youth services, proper delivery of services consistent with the LWDB's youth program
 - b. Compliance with local established policies; and
 - c. Contract performance compliance.

As noted in Section III, part A "Introduction/Staffing" above, LWDBs must submit copies of all board-approved monitoring results at the time of issuance to the OOWD for review. If during annual on-site monitoring the OOWD Policy and Program team determine failure by LWDBs to conduct periodic, thorough monitoring for a second

consecutive year, the local area will be sanctioned in accordance with WIOA Sec. 184 to include, but not limited to, suspension of WIOA grant funds until such time as the OOWD Policy and Program team determine adequate LWDB compliance with board monitoring requirements and responsibilities.

3. Fiscal agents will prepare and submit to the OOWD Policy and Program team a listing of all contracts with periods of service and a plan of review no later than thirty (30) days after the beginning of each program year (i.e., July 1 – June 30). Pursuant to the following minimum standards established by the Governor, fiscal agents are also responsible for developing and enforcing specific policies, plans, and procedures which address the following:
 - a. Ensuring accountability for expenditures of funds in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Federal regulations, and State policies;
 - b. Preparing and administering contracts and ensuring contract compliance;
 - c. Responding to monitoring financial findings;
 - d. Maintaining proper accounting records and adequate documentation in accordance with uniform administrative requirements;
 - e. Preparing financial reports;
 - f. Providing technical assistance to subrecipients regarding fiscal issues;
 - g. Procuring contracts and/or obtaining written agreements;
 - h. Disbursing funds for salaries, contracts, wages, and vouchers;
 - i. Conducting continuous financial oversight and monitoring of the board staff and service providers for compliance with uniform administrative requirements and cost allowability principles provided in applicable Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
 1. Fiscal agents may accomplish these responsibilities through a process combining routine review of invoices prior to payment with federal grant funds and periodic on-site review of LWDB and service provider financial records. As noted in Section III, part A “Introduction/Staffing” above, fiscal agents must submit copies of all monitoring reports and resolutions to the OOWD Executive Director when they are issued.
 - j. Ensuring independent audits of all contracted entities receiving seven hundred fifty thousand dollars (\$750,000.00) or more in DOL grant funds (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); and
 - k. Ensuring funds are being expended according to the LWDB-developed and CLEO approved budget

V. GOVERNOR’S INSTRUCTIONS TO LOCAL BOARDS AND FISCAL AGENTS ON OVERSIGHT AND MONITORING PROCEDURES

These instructions establish guidelines for LWDBs and fiscal agents to develop their oversight and monitoring plans.

1. Written Policies and Procedures

As a part of their oversight or monitoring role, each LWDB and fiscal agent shall develop written policies and procedures for the monitoring of DOL-funded programs and delivery of integrated services to ensure compliance with federal, state, and local administrative and financial requirements, policies, and procedures, and to ensure performance goals are being achieved.

These specific monitoring policies and procedures may be consolidated into one single comprehensive document or may be separated into two documents which distinctly and separately address board and financial compliance requirements. Written policies and procedures shall describe, but are not limited to:

- a. The roles and functions of LWDBs, board staff, and fiscal agents in their oversight or monitoring processes;
- b. Who, by title, shall be responsible for the monitoring of each program activity;
- c. The types of reports which shall be prepared as a result of such monitoring;
- d. To whom reports will be distributed;
- e. The scope and frequency of monitoring efforts for each program activity consisting of:
 1. Monitoring activities by utilizing a monitoring document, desk reviews, on-site visits, telephone contacts and on-site visits resulting in a summarized written report;
 2. Conducting on-site reviews of policies, plans, and procedures governing all segments of their program activities and program operations at least once during the program year;
 3. Conducting pre-award financial review or on-site post-award monitoring of recipients that have little or no workforce program experience no later than one hundred twenty (120) days after the award of a contract;
 4. Monitoring each subrecipient providing services to participants for program accountability and to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Note: fiscal agents must monitor each subrecipient once annually, and no less than sixty (60) days prior to the expiration date of the contract;
 5. Reviewing a sample of participants' files to determine compliance with required federal, state, and local laws, policies, plans, and procedures
- f. The methods which shall be utilized for the monitoring of program activities;
- g. The methods which shall be utilized for procurement and financial monitoring;
- h. Who, by title, shall be responsible for ensuring corrective actions are taken when problems are found;
- i. The time-frame in terms of days or weeks for completion of corrective actions;
- j. Guidelines for follow-through monitoring when necessary to determine if corrective action has been completed; and
- k. An appeal process for disagreements.

VI. TECHNICAL ASSISTANCE

OOWD staff will provide limited technical assistance throughout the duration of on-site monitoring visits. To ensure monitoring visits and reporting distribution stay on schedule and are timely, CLEOs, LWDBs, and fiscal agents may request further technical assistance related and/or unrelated to the monitoring from the OOWD Policy and Program team to occur outside of the monitoring timeframe.

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and subrecipients/subgrantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: This Oklahoma Workforce Development Issuance (OWDI) is to become a part of your permanent records and made available to appropriate staff and subrecipients.

INQUIRIES: [If you have any questions about this issuance, please contact Staff in the Oklahoma Office of Workforce Development. Contact information can be found at http://www.oklahomaworks.gov/about/.](http://www.oklahomaworks.gov/about/)