

## **WORKFORCESOLUTIONS**

### **G R E A T E R D A L L A S**

<b>Policy Number:</b> CM0413, change 2	<b>RE:</b> <i>Quality Assurance Guidelines, WD Letter 21-16, change 3, TWC Policy Guidance, Legislation and Regulations</i>
<b>Date Issued:</b> 9/24/2021	<b>Effective Date:</b> 8/18/2021

### Quality Assurance Guidelines

#### Background

In accordance with the Texas Workforce Commission requirements, the Dallas County Local Workforce Development Board has established a policy to ensure effective oversight and monitoring of all entities that receive workforce funds through the Board. WFSDallas follows TWC's guidance for Quality Assurance with no local flexibility: <https://www.twc.texas.gov/agency/laws-rules-policy/workforce-policy-and-guidance> WFSDallas follows TWC program guides: <https://www.twc.texas.gov/partners/workforce-program-guides>

#### Policy

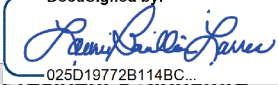
Monitoring functions are performed in accordance with a well developed monitoring plan. (see attached Quality Assurance Guidelines for Workforce Solutions Greater Dallas). **This policy incorporates WD Letter 21-16 change 3, Requirements for Fact Finding for Suspected Fraud, Waste, Theft, Program Abuse Cases and Recovery of Improper Payments.**

#### Action Required

This policy should be distributed to all affected staff and other interested parties.

#### Contact

Inquiries regarding this policy should be directed to **Connie Rash, Senior Vice President, Resource Development and Deployment 214.290.1008.**

<b>Approved for Content:</b>	
<i>Connie Rash</i>	9/24/2021
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<b>President's Signature</b>	<b>Date</b>

# **Workforce Solutions Greater Dallas Quality Assurance Guidelines**

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### **1.0 – INTRODUCTION**

Workforce Solutions Greater Dallas (WFSDallas) will monitor the delivery of workforce services, education, and training provided for employers and Dallas County residents throughout the Dallas area workforce system and childcare network. Monitoring of these programs will include review of funding streams and programs encompassing workforce development activities. Programs described in TWC Rules <https://www.twc.texas.gov/files/twc/rules-chapter-800-general-administration-twc.pdf> WIOA programs, Temporary Assistance to Needy Families (TANF)(CHOICES), Employment Services, Supplemental Nutrition Assistance Program (SNAP) Employment and Training, and Child Care Services, Trade Act Services, Adult Education and Literacy, and any other programs/special grants that may come under the oversight of the Board will be included in reviews. WFSDallas staff or its external consultant will also carry out all monitoring in compliance with the Texas Workforce Commission’s (TWC) rules.

WFSDallas staff members (internal program and accounting staff) and other external consultants, as needed, will carry out program and financial monitoring activities. WFSDallas President will allocate resources to the monitoring function as determined necessary and reasonable to meet requirements established by WFSDallas and the rules and regulations of each program administered. All monitoring activities will be carried out through the direction of the WFSDallas staff, under the supervision of the President.

### **1.0 – PURPOSE**

The purpose of oversight and monitoring is to ensure that WFSDallas and contractors are operating in compliance with all applicable laws, regulations, grant agreements with the State, and appropriate administrative directives. Monitoring will occur to ensure programs are designed and operating to achieve expected results, to ensure funds are being spent for authorized purposes, and to ensure reliable and timely information is captured, reported, and utilized to improve decision-making to meet continuous quality improvement objectives. Both financial and programmatic compliance will be evaluated on a periodic basis. WFSDallas will use results of monitoring to evaluate the consistency of program performance against contracted program goals. Results from monitoring reviews will be used by the Board and Board staff to analyze program performance and current and future program funding objectives.

### **3.0 - INDEPENDENT OVERSIGHT**

WFSDallas conducts oversight of the area’s workforce related programs. WFSDallas will review operation of all workforce related programs under their authority. Written reports will be provided to the Board outlining performance, operation, and monitoring of all workforce-related programs. WFS Dallas will use this information in the decision-making process regarding program procurement, changing program direction, and in requiring corrective action to resolve concerns. Upon request, written reports will be provided to the Chief Elected Officials, Board members, the contractor's board, TWC, and interested contractor staff.

#### **OVERSIGHT OF CONTRACTOR PERFORMANCE AND PROCEDURES**

WFSDallas will be provided regular reports concerning the performance and operation of workforce-related programs. These reports include:

- 1) Reports on actual program performance as compared to plan, expenditures; applicable performance standards and goals; fiscal systems, policies and procedures; separate funding streams; and contract/contractor compliance.
- 2) Summaries of individual contractor monitoring reports, including corrective actions taken to resolve problems
- 3) TWC monitoring reports
- 4) Federal, State, and local audit of Board and contracted entities fiscal systems.

## **4.0 MONITORING PLAN**

### **A. MONITORING PLAN DEVELOPMENT**

WFSDallas staff members and external contract consultants, if needed, will monitor the delivery of workforce services, education, and training provided for customers throughout the Dallas workforce system and the childcare network. Monitoring of these programs will include review of funding streams and workforce programs. Programs described in TWC Rules <https://www.twc.texas.gov/files/twc/rules-chapter-800-general-administration-twc.pdf> WIOA programs, Temporary Assistance to Needy Families (TANF)(CHOICES), Employment Services, Supplemental Nutrition Assistance Program (SNAP) Employment and Training, and Child Care Services, Trade Act Services, Adult Education and Literacy, and any other programs/special grants that may come under the oversight of the Board will be included in reviews. WFSDallas staff or its external consultant will also carry out all monitoring in compliance with the Texas Workforce Commission's (TWC) rules. WFS Dallas or its external consultant will develop a monitoring plan based on the results of a risk assessment. The risk assessment will be re-evaluated at least semi-annually to identify significant changes. The monitoring plan will incorporate all of the following:

- 1) Schedule or timetable for monitoring all funded activities and subcontractors.
- 2) Type of review planned for each subcontract.
- 3) Estimated time budgeted to perform each review.
- 4) Review methodology.

### **B. MONITORING INSTRUMENTS/TOOLS**

WFSDallas staff and/or external consultants will use standard written monitoring instruments/tools for assessing the compliance of each contractor. WFSDallas and the external consultants will ensure that instruments/tools are targeted to monitor specific local, state, and federal guidelines concerning programmatic performance, participation, eligibility, and other needed areas. Monitoring tools will be developed through coordination and liaison with members of the statewide Quality Assurance Network and TWC monitoring department. On-site and desk reviews will utilize monitoring instruments/tools that are developed with the goal of ensuring that subcontractors' program operation, accounting systems, physical and programmatic accessibility are in compliance with:

- 1) Federal/state/local laws, regulations, policies, procedures, program guides, and other authoritative directives.
- 2) Contractual and grant requirements.
- 3) Proper expenditure of and accurate accounting for federal/state funds.
- 4) Overall goals of delivering quality services effectively and efficiently.

Monitors may expand review of a contractor beyond the scope of the standard monitoring program, as necessary, to insure program activities and systems are consistent with the intent of the applicable law.

### **C. MONITORING TIME FRAME**

WFS Dallas or its external contract consultant will review each workforce related program under the authority of the Board at least once each program year. Follow-up to the review will include a written description of deficiencies, recommended corrective action, and quality program enhancements, and may be included in the report issued during the next scheduled review.

## **5.0 RISK ASSESSMENT**

This section describes the risk assessment process for WFSDallas' sub-recipients and contractors, establishes common terminology, and provides a process for ensuring coverage of major risk areas so that the most important issues are addressed first. Risk assessment is an

integral part of accomplishing the mission of ensuring the highest degree of compliance by sub- recipients of WFS Dallas funds.

The Risk Assessment will help accomplish the following objectives:

- To provide high percent dollar coverage for all programs.
- To identify contractors with the highest risk to the WFS Dallas.
- To identify the program areas with the highest risk to the WFS Dallas.
- To identify any "red flags" and minimize serious problems from arising at the contractor level.

A risk assessment should be conducted annually for each contractor by WFS Dallas staff or other contracted external consultants. Through analysis of the below risk factors a score of Low, Medium or High will be assigned to each contractor. The risk assessment will be used in developing the monitoring schedule. The risk assessment will be updated semi-annually with the monitoring schedule adjusted accordingly.

#### **A. DEFINITIONS**

1. Risk is the chance that something will happen that will adversely impact the success of achieving expected results.
2. Risk assessment is a thoughtful judgment that identifies high risk areas through consideration of the following factors:
  - a. Instability in the management environment
  - b. Ineffective or inefficient controls
  - c. Significant gaps between expected and actual results
  - d. Large commitments of State and Federal resources
  - e. Complex information systems.

#### **B. RISK ASSESSMENT PROCEDURES**

The risk assessment will be determined by assigning a rank to individual risk factors utilized to assess possible programmatic risk. Each factor will be assigned a ranking of HIGH, MODERATE or LOW. The monitoring schedule will be guided by assigning the contractor an overall ranking of high, medium, or low, based on the summary of those factors assessed.

#### **C. RISK FACTORS**

The following individual risk factors may be considered as a part of the risk assessment conducted by WFS Dallas staff or the contracted external consultant.

1. Newness to the administration of the program.
2. Recent change in contract and/or scope of services and responsibilities.
3. Potential impact that turnover of key entity personnel may have on the effectiveness of the program.
4. Expectation of non-compliance based on review of prior instance of noncompliance, questioned costs, and fiscal related sanctions.
5. Timeliness and accuracy of past reporting.
6. Condition of the independent audit.
7. Prior monitoring reports to consider the number and severity of the monitoring findings and determine the timeliness of the resolution to these findings.
8. Monetary resources committed to contractor.
9. Effectiveness of contractor's own internal monitoring function.
10. Complaint history.

11. Demonstrated ability to achieve performance measures.
12. Other factors, as deemed appropriate by WFSDallas staff.

## **6.0 - MONITORING PROCEDURES**

All areas identified by the risk assessment will receive at least one monitoring per program year, as necessary. Follow-up to the review will include a written description of deficiencies and recommended corrective action and quality program enhancements.

### **A. NEW CONTRACTORS**

WFS Dallas staff or its external consultant will conduct a pre-award review for all new contractors. A subsequent review for any new contractor will be arranged as quickly as can be reasonably scheduled after funds are provided for program activities. The future monitoring schedule for the new contractor will be based on Risk Assessment results.

### **B. SCHEDULING**

Prior to the beginning of each program year, WFS Dallas staff or its external contract consultant will perform a Risk Assessment to determine the order and amount of scheduled monitoring reviews. Reviews may be announced and scheduled with contractors prior to the review date, or they may be unannounced, unscheduled reviews.

### **C. DESK REVIEW**

WFS Dallas staff or its external contract consultant will review the status of the contract to be monitored with the President or other appropriate staff members before a site visit. Desk reviews will include contracts, participant and program record, financial data, and policies and procedures.

### **D. SITE VISIT**

WFSDallas staff or its external consultants will conduct reviews in a professional manner and accommodate the special needs or schedules of contractor personnel and participants. WFSDallas staff or its external contract consultant will not harass, intimidate, verbally abuse, or command contractor personnel or program participants for any reason. If a contractor is not, in the monitor's opinion, cooperating in the review process, the monitor will notify the President or other WFS Dallas staff immediately.

### **E. PREP FOR SITE VISIT**

At the beginning of a site visit, WFSDallas staff or its external contract consultant will discuss with the appropriate representative(s) of the contractor. The following areas will be discussed: the program to be reviewed, expected timetable for the review, and requirement for information and access to individuals and records. Logistics about appropriate workspace, working hours, and access to office equipment and phones will also be included in the discussion.

### **F. MONITORING OF WORKFORCE CENTER PROGRAM CONTRACTORS**

Program contractor monitoring may include desk reviews, on-site reviews and field reviews of all categorical program and fiscal activities. Specifics may include, but not limited to, the following:

1. Basic contract and grant requirements
2. Property
3. Intake and assessment procedures
4. Participant eligibility
5. Case management practices

6. TWIST - reporting and records for both participant and fiscal information
7. Budgets, allowable costs, cost allocation, and cost limitations
8. Complaints, grievances, investigations, and hearings
9. Data entry accuracy and timeliness
10. Personnel records and practices, including Human Resources management
11. Fraud and abuse
12. Classroom (occupational and vocational) training programs
13. Financial systems and administrative records
14. Worksite compliance
15. Compliance with WFS Dallas contractor policies and procedures
16. Subcontractors
17. EEO, physical, and programmatic accessibility
18. Internal monitoring
19. Customer satisfaction

### **G. MONITORING OF CHILD CARE PROGRAM CONTRACTORS**

Program contractor monitoring will include desk reviews, on-site reviews and field reviews of all categorical fiscal and program activities. Specifics may include, but not limited to, the following:

1. Client files including; eligibility determination and re-determination and accompanying paperwork, income evaluation, and parent fee assessment
2. Provider files including; contracts, provider rates, license, insurance, and billing
3. Internal Monitoring
4. Case Management practices
5. Fiscal and financial systems and administrative records
6. Inclusion Program
7. Texas Rising Star Program
8. Human Resources management
9. Early Childhood Development Resource Program
10. Procurement
11. TWIST, reporting and records
12. Group and fund codes
13. Budgets, allowable costs, cost allocation, and cost limitations
14. Complaints, grievances, investigations and hearings
15. Client & provider tracking system (TWIST)
16. Data entry accuracy and timeliness
17. Personnel records, practices, including Human Resources management
18. Compliance with WFS Dallas and contractor policies and procedures
19. Fraud and abuse
20. Subcontractors
21. EEO, physical and programmatic accessibility
22. Customer satisfaction

### **H. EXIT INTERVIEW**

After completing a visit, the monitor will provide an exit interview with appropriate representative(s). During the exit interview, the monitor will identify all issues of non-compliance found as a result of the review and may offer comments and suggestions on program operation. Further technical assistance may be scheduled at this time. WFS Dallas staff or its external contract consultant have no authority to require action by any contractor and will not represent themselves as having this authority.

### **I. FRAUD AND CRIMINAL ACTIVITY**

A monitor suspecting fraud or criminal activity on part of a contractor will immediately notify the WFSDallas President. The President will notify the Texas Workforce Commission and, if appropriate, the applicable funding source in compliance with WD Letter, 21-16 Change 3, WD Letter 16-08, Change 1.

### **J. HANDLING AND PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION AND OTHER SENSITIVE INFORMATION**

As in accordance with WD Letter 02-18, 13-08, and applicable WD Letters, legislation, the Board and agency grantees must ensure the security of PII and other sensitive information.

## **7.0 – MONITORING REPORTS**

### **A. WRITTEN REPORT**

The monitor will prepare a written report at the conclusion of each review. The report will identify at a minimum:

1. Name of the contractor reviewed
2. Dates of the review
3. Date the report is submitted
4. Scope, site(s) and activities reviewed
5. Method of review
6. Findings from the review, including any non-compliance with federal/state laws, regulations and other authoritative pronouncements or the WFSDallas contract
7. Recommendations for corrective actions
8. Observations that can assist in program enhancement
9. Recommendations for corrective actions on these observations
10. Any other areas of program performance or financial systems that may deserve special attention.

Monitors may make suggestions for improvements in program operation that are not related to compliance issues. In addition, reports may highlight contractor successes and accomplishments.

Initial Reports will be sent to the contractor. Contractors will have the opportunity to respond to any deficiencies listed and submit a corrective action plan. A “final” report may be issued for any deficiencies not addressed. The “final” report will detail all contractor responses and replies of WFSDallas staff or its external consultant.

### **B. REPORTING TIMEFRAMES**

#### Initial Draft monitoring report

Initial DRAFT monitoring reports are due 30 working days following the day of the exit interview or 30 calendar days following the agreed upon due date of any subsequent information provided after the review.

#### Contractor response

President or designee will sign and issue initial draft monitoring within 7 calendar days of acceptance of the report to the Contractor. Within 10 working days the contractor will provide a response, unless otherwise negotiated and approved by the President or designee.



Final determination report

Upon receipt of additional information, Monitor will have 40 working days to review and provide the final determination report. Monitor can request an extension, but must be negotiated and approved by the President. After that time, the final report will be provided to Board staff and will be immediately issued to the Contractor. No additional documentation will be accepted at this time. Contractor will have 10 working days to provide a remedy to the issues and/or repayment.

Contractor must provide up to three (3) primary contacts for receipt of all monitoring reports. All monitoring reports will be delivered electronically. Contractor must acknowledge receipt and provide remedy and/or repayment.

WFSDallas staff or its external consultant will maintain a folder for each contract monitored that includes correspondence to the contractor, draft and final reports, review backup materials, contractor responses, and follow up information provided by WFS Dallas staff or its external contract consultants.

**C. CONTRACTOR RESPONSE TO REPORT**

Contractors are required to respond to monitoring reports in writing within ten (10) business days after the date the report was issued, unless otherwise negotiated and approved by the President. Contractor responses will describe plans for corrective action with a timetable for accomplishing the changes and the staff person and position responsible for carrying out this action. Monitoring reports, contractor replies, and corrective action plans will be maintained on file, for each contractor, for use in follow-up activities, future monitoring, and contract performance reviews.

**D. CONTRACTOR CORRECTIVE ACTION**

The President, other appropriate WFSDallas staff, or the external monitor will review responses to monitoring findings, and planned corrective actions to determine the adequacy of the response. If necessary, WFS Dallas staff will consult with appropriate resource persons and department staff to analyze compliance problems and develop further recommendations. WFSDallas staff will be responsible for ensuring that the contractor has taken corrective action. If necessary, WFSDallas staff or its external contract consultant will schedule a follow-up visit to ensure issues have been resolved.

The resolution of monitoring findings and any decision regarding a response to the monitoring report are the responsibility of the President whose decisions are final.

**E. FOLLOW-UP AND CORRECTIVE ACTION**

● **CONTRACTORS**

WFS Dallas staff or its external contract consultant will schedule follow-up visits by monitors for contractors whose initial review resulted in compliance findings. Follow-up visits will be scheduled at a specified time designed to allow the contractor to correct program deficiencies. After a follow-up visit, WFS Dallas staff or its external contract consultant may schedule additional follow-up visits or reviews. WFS Dallas staff or its external contract consultant will document all follow-up and corrective action in the initial monitoring report and will issue a "Final" report when all issues are resolved. Follow-up visits may be conducted in conjunction with regular monitoring visits.

● **TWC MONITORING REPORT**

WFSDallas staff is responsible for preparing responses to findings from reviews by the Texas Workforce Commission. The President will review the TWC monitoring report, the WFS Dallas response, and planned corrective actions. WFS Dallas staff is responsible for ensuring that the planned corrective actions are accomplished.

### **8.0 REMEDIES**

WFS Dallas reserves the right to impose certain restrictions on a contractor for various reasons, including but not limited to the following:

- Failure to comply with any provision of the contract.
- Failure to comply with any applicable Federal or State law and/or regulation.
- Failure to take corrective action to resolve a monitoring finding within the time specified in the monitoring report.
- Failure to respond to all audit resolution issue with the time specified.
- Failure to meet performance standards or take required corrective action pursuant to a technical assistance plan developed with WFS Dallas staff.

The remedies may include:

- Withholding of funds/reimbursement
- Recapture of payment
- Reduction in budget/contract amounts
- Termination of the contract
- Other changes deemed necessary by Workforce Solutions Greater Dallas to ensure compliance.

These remedies may be administered after follow-up reviews have documented failure to correct deficiencies and the President has approved the sanction. Timelines for the remedy will be determined on a case-by-case basis depending on the circumstances and severity of the findings.

### **9.0 TECHNICAL ASSISTANCE**

WFSDallas staff is available to provide technical assistance to service providers in interpreting and applying components of local, state, and federal legislation, regulations, and procedures to ensure compliance. This technical assistance may be provided in the form of on-site staff trainings, phone contact, consultation(s), and through written documentation, as-needed.

### **10.0 EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAMMATIC/PHYSICAL ACCESSIBILITY**

As defined by Section 188 of the Workforce Innovation and Opportunity Act (WIOA) as amended, Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act, as amended and including additional state and federal laws and regulations, WFSDallas EO officer will conduct EO/accessibility reviews at Workforce Centers and Board offices on an annual basis. The appropriate monitoring tools (i.e., EO Accessibility Monitoring Instrument) will be utilized and in accordance with guidelines issued by the applicable funding sources and TWC Rules will be used during this review.

This review will include, but is not limited to, the following:

- 1) EO Officer (Job Description, ID/Contact information, Training)

- 2) Notice and Communication (EO Polices are disseminated, "EO is the Law" notice provided, Training, etc.)
- 3) Assurances (EO and Nondiscrimination language in RFP, Contracts, Agreements, etc.)
- 4) Universal Access (Appropriate steps to ensure we are providing universal access to the WIOA funded programs)
- 5) Compliance with Section 504 of the Rehabilitation Act, as amended (Physical and programmatic accessibility, Reasonable accommodation, etc.)
- 6) Data and Information Collection and Maintenance (Confidentiality, Record retention, etc.)
- 7) EO Monitoring (Periodically monitoring the compliance of recipients with WIOA sections CFR38.20 - 38.22, Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Age Discrimination Act of 1975, as amended and Title IX of the Education amendments.)
- 8) Discrimination Complaint procedures (<https://twc.texas.gov/equal-opportunity-law>, Staff trained, Logs are kept, etc.)
- 9) Corrective Actions/Sanctions (Policies in place)
- 10) Compliance with 29 CFR §38.34–38.39 and 7 CFR §15.5(d), 29 CFR §38.15, and CFR §38.9(b)
- 11) Compliance with 7 CFR §15 and Departmental Regulation 4300 – 003.

Issues of non-compliance and recommended corrective actions are reported and resolved as above.

#### **11.0 COMPLAINTS**

The Board adopts the complaint procedures set forth in Workforce Innovation and Opportunity Act.