



**Monitoring | July 17, 2019**

**TO:** Division of Workforce Development and Adult Learning (DWDAL) staff;  
Local Workforce Development Area directors;  
Local Administrators of WIOA Title II Adult Education provider programs;  
and other DWDAL sub-recipients

**FROM:** Division of Workforce Development and Adult Learning  
Maryland Department of Labor (Labor)

**SUBJECT:** Monitoring

**PURPOSE:** To provide comprehensive policy guidance of Labor DWDAL programs and initiatives.

**ACTION:** WIOA Title I Local Workforce Development Area Directors, WIOA Title II local grant administrators, American Job Center Labor Exchange Administrators, central office managers, and other DWDAL sub-recipients will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available [on the Labor website](#).

**EXPIRATION:** Until cancelled or replaced.

**QUESTIONS:**

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# GENERAL INFORMATION

## PURPOSE

The purpose of monitoring is to ensure the integrity of the state’s workforce development system as well as other program areas, assess compliance with applicable laws and regulations, and to identify successful methods and promising practices that serve to enhance the system. A successful monitoring system builds upon existing design and governance, safeguarding the following components:

- Program and grant management,
- Program quality and effectiveness,
- Financial management systems,
- Program eligibility compliance, and
- Performance goals.

## FEDERAL GUIDANCE ON MONITORING

At the federal level, there is a wealth of information pertaining to monitoring of programs and initiatives that receive federal funding, including law, regulation, and guidance. While not an exhaustive list, the following subsections provide examples of applicable federal law, regulation, and guidance.

### **Federal Law**

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. By design, the workforce system established under WIOA is integrated to help both businesses and jobseekers. WIOA envisions connecting businesses with job seekers, through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training, and support services to succeed in the labor market. Through the American Job Centers, WIOA works to address employer needs by matching them to skilled workers to compete in the global economy. WIOA is a large source of workforce development funds, passed through and administered by states and Local Workforce Development Areas (Local Areas), under the Local Workforce Development Boards (Local Boards). Programs and initiatives funded by WIOA are subject to the monitoring rules as described in the law and subsequent regulations and guidance.

### **Federal Regulation**

Federal funding streams, received on or after December 26, 2014, are subject to 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Uniform Guidance), produced by the Office of Management and Budget. This Uniform Guidance provides the baseline compliance rules for federal grants; however, specific award administration may include additional rules. The Uniform Guidance establishes baseline performance and financial monitoring procedures and timeframes.

### **Federal Guidance**

United States Departments of Labor (USDOL) and the United States Department of Education have a system of Training and Employment Guidance Letters (TEGLs), Training Employment Notices, Unemployment Insurance Program Letters, Veteran Program Letters, and Program Memoranda to assist in the implementation of applicable

law and regulation.<sup>1</sup> Guidance acts as technical assistance resources from the federal level, often specific to individual initiatives or programs.

## MARYLAND’S APPROACH TO MONITORING

The Maryland Department of Labor (Labor) Division of Workforce Development and Adult Learning (DWDAL) oversees a number of workforce programs and initiatives that receive federal and/or state funding. State-level DWDAL monitors include the Office of Monitoring and Compliance, Labor Exchange Administrators, as well as specific program staff. Programs and initiatives may receive additional monitoring from federal and state partners. Each program or initiative is monitored according to its funding stream as well as applicable federal and state law and guidance.<sup>2</sup> Examples of state guidance include the Maryland Workforce Plan, Nondiscrimination Plan under WIOA, the DWDAL’s Language Access Plan, Regional and Local Plans under WIOA, state policy issuances, Memoranda of Understanding, Resource Sharing Agreements, grant agreements, and the Eligible Training Provider List.<sup>3,4</sup>

Labor’s Office of Fair Practices is responsible for monitoring overall compliance with equal opportunity and nondiscrimination provisions of WIOA and other applicable federal, state, and local mandates, policies, Maryland’s Nondiscrimination Plan under the Workforce Innovation and Opportunity Act, and language access.

This policy is not meant to be an exhaustive list of all monitoring types and schedules; rather, the scope is specific to monitoring conducted by DWDAL. DWDAL programs and initiatives may have additional monitoring by other partners.

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<sup>1</sup> Other federal departments issue similar guidance letters under different names.

<sup>2</sup> See *Table 1: Programs Monitored by Labor*, pages 6-9, for more information on how each program or initiative is monitored.

<sup>3</sup> This list is not meant to be exhaustive but instead is recognition of the guidance most commonly used in the monitoring process.

<sup>4</sup> See the References page, on page 13-14, for links to state and local plans. DWDAL’s current and archived policies can be found at the following link: <http://www.dlfr.state.md.us/employment/mpi/>.

## MONITORED BY LABOR

*Table 1: Programs Monitored by DWDAL*, below, outlines all of the programs and initiatives monitored by Labor, DWDAL. Programs and initiatives may have additional monitoring by local, state, and federal partners; however, that is not in the scope of this table. The table does not outline program or initiative design, functioning, performance, etc. This information can be found in program or initiative-specific federal and state law, guidance, and policy issuances. Program administrators should follow the implemented law, guidance, or policy issuance for that program or initiative to ensure compliance. The table is organized by program or initiative and outlines:

- Who administers the program,
- Which office or individual is responsible for monitoring,
- The monitoring timeline (what type of monitoring is conducted and how often),
- Who the monitoring reports are sent to, and
- Additional details specific to that program or initiative.

*Attachment A – Monitoring Definitions* includes a list of terms commonly used in the monitoring process by DWDAL as well as different types of monitoring. The attachment defines the monitoring-specific terms found in *Table 1: Programs Monitored by DWDAL*. Program and fiscal monitoring both serve to ensure that programs and initiatives are effective and in compliance with applicable law, regulation, policy, and grant agreements. Programmatic monitoring may include review of enrollments, activities, services, referrals, etc. Fiscal monitoring may include review of expenditures, grant budgets, funding stream allowances and disallowances, etc.

**Table 1: Programs Monitored by DWDAL**

<b>Program/ Initiative</b>	<b>Program Administrator</b>	<b>Monitor</b>	<b>Monitor Timeline</b>	<b>Monitoring Reports Sent to<sup>5</sup></b>	<b>Details</b>
Correctional Education	DWDAL Correctional Education staff	Office of Monitoring and Compliance, Office of Administration, and Adult Education Program Specialists	Annual –Program; On-Site Review  Biannual –Fiscal; Desk Review	Director of Correctional Education, Correctional Education Academic Coordinator, and Director of the Office of Adult Education & Literacy Services	Random file selection of participant files, intake processes, and enrollment verification
Disability Employment Initiative (DEI)	Local Areas	Office of Monitoring and Compliance and DEI Program Manager <sup>6</sup>	Annual – Comprehensive – Program and Fiscal; On-Site Review	Director of Office of Workforce Development, Labor Exchange Administrator, Local Area Director, Local Board Chair, grant signatories, and Local Area designees	Enrollment and eligibility
EARN Maryland	Strategic Industry Partnership grantees	EARN Fiscal Administrator	Annual – Comprehensive Program and Fiscal; Desk or On-Site Review	EARN Maryland Administrator and grant agreements points of contact	Random file selection of participant files for fiscal review, based on the EARN Quarterly Expenditure reports
Jobs for Veterans State Grant	DWDAL Veteran staff	DWDAL Veteran staff	Annual – Self-Audit	Director of Office of Workforce Development, Labor Exchange Administrator, Veterans Program Manager, and Local Area Director	Review of Maryland Workforce Exchange participant files
Migrant and Seasonal Farmworker	Local Areas	State Monitor Advocate	Annual – Comprehensive – Program and Fiscal; Desk Review  Regular – Comprehensive – Program and Fiscal; On-Site Review	Director of Office of Workforce Development, Labor Exchange Administrator, Local Area Director, and Local Board Chair	Outreach activities, complaints, and discrepancies in practice

<sup>5</sup> Monitoring reports can generally be released upon request as permitted pursuant to Maryland's Public Information Act.

<sup>6</sup> The DEI Program Manager is the lead on monitoring the DEI Program. The Office of Monitoring and Compliance provides general information as part of the WIOA Title I Adult, Dislocated, and Youth program review.

<b>Program/ Initiative</b>	<b>Program Administrator</b>	<b>Monitor</b>	<b>Monitor Timeline</b>	<b>Monitoring Reports Sent to<sup>5</sup></b>	<b>Details</b>
One-Stop Operator	American Job Center One-Stop Operator	Office of Monitoring and Compliance and the Governor's Workforce Development Board	Review procurements of the One-Stop Operator  As needed – Comprehensive – Program and Fiscal; On-Site Review	Director of Office of Workforce Development, Local Area Director, and Local Board Chair	Reports from outside consultants and/or designees for a general monitoring of flow and integration
Partner Access to the Maryland Workforce Exchange	DWDAL Local and State Partners	Office of Monitoring and Compliance and Office of Workforce Information and Performance	Annual – Comprehensive – Program; Desk Review	Director of Workforce Information and Performance	Requesting, granting, and removing access
Reemployment Opportunities Workshop (ROW)	DWDAL ROW staff	Reemployment Program Manager	Annual – Comprehensive – Program; On-Site Review	Director of Office of Workforce Development, Labor Exchange Administrator, and Reemployment Program Manager	Implementation of ROW and participant file review
Reemployment Services and Eligibility Assessment (RESEA)	DWDAL RESEA staff	RESEA Program Administrator, Reemployment Program Manager, and Labor Exchange Administrators	Annual – Comprehensive – Program; On-Site Review	Director of Office of Workforce Development, Labor Exchange Administrator, and Reemployment Program Manager	Implementation of RESEA and participant file review
Registered Apprenticeship	DWDAL Apprenticeship staff	Office of Monitoring and Compliance	Annual – Comprehensive – Fiscal; Desk Review	Director of Office of Workforce Development, Labor Exchange Administrator, and Director of Apprenticeship	Maryland Apprenticeship and Training Program and Apprenticeship Innovation Fund

<b>Program/ Initiative</b>	<b>Program Administrator</b>	<b>Monitor</b>	<b>Monitor Timeline</b>	<b>Monitoring Reports Sent to<sup>5</sup></b>	<b>Details</b>
Senior Community Service Employment Program (SCSEP)	DWDAL SCSEP staff <sup>7</sup>	Office of Monitoring and Compliance	Annual – Data Validation	Director of Office of Workforce Development, Labor Exchange Administrator, and SCSEP Program Manager	Random participant file sample, selected by USDOL
Special Program Grants	Local Areas and other grantees	Office of Monitoring and Compliance and Project Manager	Annual – Comprehensive – Fiscal; Desk Review	Director of Office of Workforce Development, Labor Exchange Administrator, Project Manager, grant signatories, and Local Area Director and Local Board Chair, when applicable	Current and future special program grants <sup>8</sup>
Trade Adjustment Assistance	State Staff	Office of Monitoring and Compliance and Trade Program Manager	Annual – Data Validation  Quarterly – Data Integrity	Director of Office of Workforce Development, Labor Exchange Administrator, Trade Program Manager, Local Area Director, and Local Board Chair	Onsite, random participant file selection
WIOA Title I Adult, Dislocated Worker, and Youth	Local Areas	Office of Monitoring and Compliance	Annual – Comprehensive – Program and Fiscal; On-Site Review	Director of Office of Workforce Development, Executive Director of the Governor’s Workforce Development Board, Local Area Director, Local Board Chair, grant signatories, and Local Area designees	Random participant file selection Includes Eligible Training Provider List <sup>9</sup> and the flow between Wagner-Peyser
WIOA Title II Adult Education and Family Literacy	Local Adult Education Grantees	Office of Monitoring and Compliance and Adult Education Program Specialists	Annual – Comprehensive – Program and Fiscal; On-Site Review	Director of the Office of Adult Education & Literacy Services, local Grant Administrator, and grant signatories	Intake process and enrollment verification

<sup>7</sup> Senior Service America, Inc. is the national grantee to administer the Senior Community Service Employment Program. Labor, the state grantee, only monitors this program in Local Areas administered by Labor.

<sup>8</sup> Examples of current special program grants include, but are not limited to: Highway or Capital Transit Construction, Maryland Business Works, Apprenticeship Innovation Fund, Career Pathways Connections for Adult Learners, Title I - Opioid Crisis Workforce Solutions, Opioid Workforce Investment Fund, and the Older Worker Grant.

<sup>9</sup> Local Areas are monitored on their use and documentation of Exceptions in offering Individual Training Accounts, in accordance with Labor Policy Issuance 2017-09, “WIOA Title I Training and Maryland’s Eligible Training Provider List”. Current and archived policy issuances can be found at:

<http://www.dllr.state.md.us/employment/mpi/>.



<b>Program/ Initiative</b>	<b>Program Administrator</b>	<b>Monitor</b>	<b>Monitor Timeline</b>	<b>Monitoring Reports Sent to<sup>5</sup></b>	<b>Details</b>
Work Opportunity Tax Credit (WOTC)	DWDAL WOTC staff	DWDAL WOTC staff	Quarterly – Self- Audit	Director of Office of Workforce Development and WOTC Program Manager	Random participant file selection of ten percent of cases processed that quarter

## STAFF ROLES AND RESPONSIBILITIES

Program administrators, monitors, and the local and state workforce development boards all contribute to effective and efficient monitoring, resulting in a system of governance for Labor programs.

### PROGRAM ADMINISTRATORS

To maintain efficient and effective programming and monitoring, program administrators, including DWDAL staff, One-Stop Operators, Local Workforce Development Boards, and sub-recipients must:

- Ensure compliance with WIOA, Uniform Guidance, federal guidance, the Maryland Workforce Plan, Regional and Local Plans, and state and local policies and procedures, including through internal monitoring;
- Maintain a system of local policies and procedures, where applicable;
- Monitor sub-recipients, where applicable;
- Submit monthly or quarterly programmatic and fiscal reports, where applicable;
- Report data in appropriate databases;<sup>10</sup>
- Maintain records for relevant retention periods;<sup>11</sup>
- Make necessary information available to monitors for monitoring and audits;
- Develop and implement Corrective Action Plans to respond to any concerns or findings, if appropriate, in monitoring reports;
- Notify DWDAL of incidents and security breaches;<sup>12</sup>
- Provide technical assistance and training on program requirements and design, as applicable; and
- Maintain compliance with the Americans with Disabilities Act of 1990, as amended; Section 188 of WIOA and 29 CFR Part 38; Title IV of the Civil Rights Act of 1964, as amended; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and other applicable laws and regulations concerning nondiscrimination and equal opportunity.

### MONITORS

The state monitoring system must:

- Ensure compliance with WIOA, Uniform Guidance, federal guidance, and state and local policies and procedures;
- Provide for annual on-site monitoring reviews of each Local Area to ensure compliance with 2 CFR Part 200, as required by WIOA section 184(a)(3);
- Ensure compliance with award specific terms and conditions;
- Ensure compliance with award specific narratives and budgets;
- Maintain data security and protect Personally Identifiable Information;

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<sup>10</sup> Examples of DWDAL database systems include the Maryland Workforce Exchange; Literacy, Adult and Community Education System; Apprenticeship Information Management System; Registered Apprenticeship Partners Information management Data System; and the Correctional Education Student Database. Any new functionality or systems incorporated into the system are covered by this policy.

<sup>11</sup> Record retention timeframes include three years for workforce program data, seven years for fiscal data, and five years for adult education data, or until all audit and litigation issues are resolved, whichever is later. If any litigation, claim, or audit is started before the expiration of the standard retention period, the records then must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action has been taken.

<sup>12</sup> DWDAL Policy Issuance 2019-04, "Privacy and Data Security" outlines the parties that must be notified in the event of a security breach. Current and archived policy issuances can be found at: <http://www.dlfr.state.md.us/employment/mpi/>.

- Alert program administrators within a reasonable amount of time before audit or monitoring takes place, according to each program or initiative’s guidelines;
- Share audit or monitoring tools with administrators;
- Conduct monitoring according to the timeline outlined in *Table 1: Programs Monitored by DWDAL*, pages 6-9;
- Write and share monitoring reports, including information on:
  - Commendations: Given when the monitor finds consistently promising practices;
  - Areas of Concern: When the state monitor finds a practice that might lead to non-compliance and any instances in which there is no violation of law, regulation, policy, or guidance, but which may lead to such violations in the future, has a negative impact on program outcomes, or otherwise represents a source of increased risk;<sup>13</sup>
  - Compliance findings: Any violation of law, regulation, policy, or guidance at the federal, state, or local level;
- Approve planned corrective action and verify implementation, where applicable;
- Provide technical assistance and training on the monitoring process and corrective action, where applicable;
- Conduct focused monitoring,<sup>14</sup> where applicable;
- Safeguard the WIOA and DWDAL programs financial systems from the abuses of financial crime and other illicit activities; and
- Notify state and federal partners of incidents and security breaches.<sup>15</sup>

## LOCAL BOARDS

Pursuant to WIOA section 107(d)(8), the Local Board, in partnership with the chief elected official for the Local Area must:

- Conduct oversight for local youth workforce investment activities, local employment and training activities for adults and dislocated workers, and the one-stop delivery system in the Local Area;
- Ensure the appropriate use and management of the funds provided for the activities;
- For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116; and
- Develop a policy addressing how the Local Area will conduct monitoring of their sub-recipients, pursuant to 2 CFR 200.331, and how they will engage their Local Board in monitoring and oversight activities.

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<sup>13</sup> Depending on the area of concern, the program administrator may or may not provide a response to these on the monitoring report.

<sup>14</sup> The term “focused monitoring” is defined in *Attachment A – Monitoring Definitions*.

<sup>15</sup> DWDAL Policy Issuance 2019-04, “Privacy and Data Security” outlines the parties that must be notified in the event of a security breach. Current and archived policy issuances can be found at: <http://www.dllr.state.md.us/employment/mpi/>.

## **SANCTIONS AND MONITORING BY PARTNERS**

Administrators and monitors are bound by law to maintain programmatic and fiscal standards. The failure to do so, or to address a security breach, will result in state, and possibly federal, action. This policy does not address any additional criminal and civil liabilities which may be found in the relevant state and federal laws, or as otherwise defined by any specific data sharing agreements entered into by partners, but is limited to a partner's duty to DWDAL.

Consequences of failure to address a compliance finding will be based on the level of harm and magnitude of the finding. There may be additional penalties, including monetary penalties, criminal penalties, contractual and personal employment consequences, etc.

### **SANCTIONS**

If Local Areas fail to respond to and correct substantial compliance findings in the monitoring reports, then the Governor's Workforce Development Board and/or the Labor Office of the Secretary is responsible for imposing sanctions.

Any other sanctions, outside of GWDB jurisdiction, shall be handled by the State Level Authority designated by the Governor.<sup>16</sup>

### **MONITORING BY PARTNERS**

The state of Maryland acknowledges that federal, state, and other partners may have the authority to monitor fiscal and/or programmatic activities and monitoring.

To ensure that policies are being followed and expectations are being met, the state, Local Areas, and all grantees should expect Labor to conduct monitoring, as outlined in this policy issuance.

Sub-recipients should expect Local Areas to conduct monitoring of contracts as well as fiscal and/or programmatic activities.

Local Areas are responsible for monitoring the Eligible Training Provider List and/or training providers who receive Title I funding, as they are the entities that oversee and approve these training activities.

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<sup>16</sup> Labor anticipates issuing a policy issuance on sanctions for more information.

## REFERENCES

### LAW

- [Workforce Innovation and Opportunity Act \(WIOA\)](#), 29 U.S.C. § 3101 *et seq.* (2015);
- [Maryland Public Information Act \(MPIA\)](#), Md. Code Ann., Gen. Prov. §§ 4-401 *et seq.*

### REGULATION

- 2 CFR Part 200 and 2900, “[Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#)”;
- 20 CFR Part 683, “[Administrative Provisions Under Title I of the Workforce Innovation and Opportunity Act](#)”;
- 29 CFR Part 97.42 and 95.53, “[Retention and Access Requirements for Records](#)”;
- 29 CFR Part 38, “[Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act](#)”;
- 45 CFR Part 5b, “[Privacy Act Regulations](#)”;
- 21 CFR Part 21, “[Protection of Privacy](#)”;
- 45 CFR Part 160, “[General Administrative Requirements](#)”;
- 45 CFR Part 164, “[Security and Privacy](#)”;
- 20 CFR Part 603 “[Administration of Unemployment Program](#)”;
- COMAR 13A.08.02, “[Student Records](#)”;
- COMAR 07.01.07, “[Confidentiality of Records](#)”.

### FEDERAL GUIDANCE

- [Training and Employment Guidance Letter \(TEGL\) 39-11, “Guidance on the Handling and Protection of Personally Identifiable Information \(PII\),”](#) dated June 28, 2012;
- [TEGL 01-17, Change 2, “Change 2 to Training and Employment Guidance Letter \(TEGL\) 1-17, Dislocated Worker Opportunity Grants,”](#) dated September 1, 2017;
- [TEGL 38-14, “Operational Guidance to Support the Orderly Transition of Workforce Investment Act Participants, Funds, and Subrecipient Contracts to the Workforce Innovation and Opportunity Act,”](#) dated June 8, 2015;
- [TEGL 16-16, Change 1, “Change 1 to Training and Employment Guidance Letter \(TEGL\) 16-16 One-Stop Operations Guidance for the American Job Center Network,”](#) dated June 16, 2017;
- [TEGL 17-16, “Infrastructure Funding of the One-Stop Delivery System,”](#) dated January 18, 2017;
- [TEGL 37-14, “Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System,”](#) dated May 29, 2015;
- [TEGL 19-16, “Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act \(WIOA\) and the Wagner-Peyser Act Employment Service \(ES\), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules,”](#) dated March 1, 2017;
- [TEGL 21-16, “Third Workforce Innovation and Opportunity Act \(WIOA\) Title I Youth Formula Program Guidance,”](#) dated March 2, 2017;
- [TEGL 22-15, “Program Year \(PY\) 2015/Fiscal Year \(FY\) 2016 and PY 2014/FY 2015 Data Validation and Performance Reporting Requirements and Associated Timelines,”](#) dated May 12, 2016;
- [TEGL 8-15, “Second Title 1 WIOA Youth Program Transition Guidance,”](#) dated November 17, 2015;

- [TEGL 10-09, “Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor \(DOL\),”](#) dated November 10, 2009;
- [TEGL 10-16, Change 1, “Performance Accountability Guidance for Workforce Innovation and Opportunity Act \(WIOA\) Title I, Title II, Title III, and Title IV Core Programs,”](#) dated;
- [TEGL 27-16, Change 1 & 2, “,”](#) dated August 23, 2017;
- [TEGL 03-17, “WIOA Annual Performance Report Submission,”](#) dated September 12, 2017;
- [TEGL 5-18, “Workforce Innovation and Opportunity Act \(WIOA\) Annual Statewide Performance Report Narrative,”](#) dated November 7, 2018;
- [TEGL7-18, “Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act \(WIOA\),”](#) dated December 19, 2018;
- [TEGL 3-18, “Eligible Training Provider \(ETP\) Reporting Guidance under the Workforce Innovation and Opportunity Act \(WIOA\),”](#) dated August 31, 2018;
- [TEGL 22-08, “Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009,”](#) dated May 15, 2009;
- [TEGL 19-13, “Jobs for Veterans’ State Grants \(JVSG\) Program Reforms and Roles and Responsibilities of American Job Center \(AJC\) Staff Serving Veterans,”](#) dated April 10, 2014;
- [TEGL 20-13, Change 2, “Designation of Additional Population of Veterans and Other Populations Eligible for Services from the Disabled Veterans' Outreach Program Specialists,”](#) dated February 7, 2019;
- [TEGL 14-18, “Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor \(DOL\),”](#) dated March 25, 2019;
- [Veteran Program Letter \(VPL\) 03-14, “Jobs for Veterans State Grants \(JVSG\) Program Reforms and Roles Responsibilities of American Job \(AJC\) Staff Serving Veterans,”](#) dated April 10, 2014;
- [VPL 4-14, “Designation for Additional Population of Veterans Eligible for Services from Disabled Veterans’ Outreach Program Specialist — Veterans Ages 18-24,”](#) dated April 10, 2014;
- [VPL 8-14, “Designation for Additional Populations Eligible for Services from Disabled Veterans’ Outreach Program \(DVOP\) Specialists: Transitioning Service Members in need of Intensive Services; and Wounded, Ill, or Injured Service Members Receiving Treatment at Military Treatment Facilities or Warrior Transition Units \(MTFs — WTUs\); and the Spouses and Family Caregivers of such Wounded, Ill or Injured Service Members,”](#) dated September 26, 2014.

## **OTHER RESOURCES**

- [Workforce GPS, “State Monitoring & Oversight”;](#)
- [DWDAL Policy Issuances;](#)
- [Labor WIOA Resource Page.](#)

# **ATTACHMENTS**

Attachment A – Monitoring Definitions

## MONITORING DEFINITIONS

The following terms are common to monitoring processes of programs and initiatives in the Maryland Department of Labor, Division of Workforce Development and Adult Learning.

**Area of Concern:** When the state monitor finds a practice that might lead to non-compliance and any instances in which there is no violation of law, regulation, policy, or guidance, but which may lead to such violations in the future, has a negative impact on program outcomes, or otherwise represents a source of increased risk.

**Audit:** A formal process conducted as required or when deemed useful for thorough inspection purposes. There are various types of audits (i.e., fiscal, compliance, operational, investigative, and information system).

**Audit or Monitoring Report:** A clear and accurate formal report of the results of the audit or monitoring review, written to present the compliance picture to management and the organization providing the funds. The report should contain balancing statements to provide a complete assessment of the situation and an accurate statement of the conditions found compared to the requirements in law or regulations. For example, a report could note not only the conditions found during the monitoring review, but also those found by the auditor in the audit report. The report should include commendations, areas of concern, and compliance findings.

**Biannual:** Twice per year.

**Commendation:** Given when the monitor finds consistently promising practices

**Compliance Finding:** Any violation of law, regulation, policy, or guidance at the federal, state, or local level.

**Comprehensive Review:** A full monitoring of the program or initiative's fiscal and/or programmatic activities from a specified time (e.g. Fiscal Year).

**Corrective Action:** Often in the form of a Corrective Action Plan, the detail of how an administrator will rectify compliance findings. The timeframe for this depends on the magnitude of the compliance finding and will be outlined in the monitoring report. A Corrective Action Plan is necessary to ensure that the processes and procedures are in place to make corrections to the system in a timely manner. Timely corrections of issues could prevent findings and/or disallowed costs during the next audit or monitoring.

**Data Validation:** Consists of report validation and data elements, where report validation evaluates the validity of aggregate reports by checking the accuracy of software utilized to calculate these reports. Data element validation assesses the accuracy of participant data records. It is accomplished by reviewing samples of participant records on-site against source documentation to ensure compliance.

**Desk Review:** Monitoring of fiscal and/or programmatic physical and/or electronic files from the monitor's location, as opposed to at the administrator's location.



**Focused Monitoring:** A monitoring centered on compliance findings found during the preceding monitoring that present a red flag, due to a request from the Governor or the Department of Labor's Secretary's Office or due to something revealed through a single audit. This report is typically shared with leadership staff only.

**Monitoring:** A process of collecting and analyzing data for the purpose of addressing oversight of programmatic and fiscal activities, administrative systems, and management practices to determine a systematic review of internal and external programs and operations.

**On-Site Review:** Monitoring of fiscal and/or programmatic physical and/or electronic files, and may include monitoring of the site location itself, at the administrator's location.

**Sanction:** A penalty imposed by the state of Maryland on an administrator or grantee sub-recipient for significant inability to perform as required or to consistently fail to address a compliance finding.

**Technical Assistance:** Ongoing guidance provided to administrators and grantees regarding correct program or initiative implementation procedures as well as applicable state and federal law, regulation, guidance, policies, and procedures. Technical Assistance may include but is not limited to sharing information and expertise, facilitating implementation of corrective action, instruction, skills training, transmission of working knowledge, and consulting services.