**Monitoring Policy**

Implementing Section 188 of the Workforce Innovation and Opportunity Act of 2014

These policies and procedures govern monitoring under Section 188 of the Workforce Innovation and Opportunity Act (WIOA) at 29 U.S.C. § 3248, as implemented by 29 C.F.R. §§ 38.51-38.52. Monitoring serves the purpose of ensuring that WIOA Title I-programs and activities are conducted in compliance with:

WIOA Section 188, which prohibits discrimination against all individuals in the United States 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, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 *et seq.*, as amended, which prohibits discrimination on the basis of sex in educational programs.

**Overview**

At minimum, each annual monitoring review will include the following:

* A statistical or other quantifiable analysis of records and data kept by the recipient under 29 C.F.R. § 38.51, including analyses by race/ethnicity, sex, age, and disability status;
* An investigation of any significant differences identified in paragraph 29 C.F.R. § 38.51(d)(2)(ii)(A) in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This monitoring is conducted through review of the recipient’s records and any other appropriate means; and
* An assessment to determine whether the recipient has fulfilled its administrative obligations under WIOA Section 188 and any duties assigned to it under the District of Columbia’s Nondiscrimination Plan.

Monitoring conducted onsite and/or through a desk audit will cover the recipient’s compliance with WIOA Section 188 and the District of Columbia’s Nondiscrimination Plan, which includes the following elements:

* Assurances
* Equal Opportunity Officers
* Notice and Communication
* Data and Information Collection Maintenance
* Affirmative Outreach
* Mayor’s Oversight Responsibilities Regarding Recordkeeping (applicable to the District of Columbia EO Officer only)
* Mayor’s Oversight and Monitoring Responsibilities for State Programs (applicable to the District of Columbia EO Officer only)
* Required Elements of Complaint Processing Procedures

**Frequency**

A review schedule is developed at the beginning of each program year identifying when each American Job Center and one-stop system partner is scheduled for a desk and onsite review. The Local-Level Equal Opportunity (EO) Officer at the Department of Employment Services (DOES), or a designee, will conduct desk reviews of each One Stop Career Center as well as DOES sub-recipients on an annual basis.

The DOES EO Officer shall conduct on-site visits of the One-Stop Career Centers once every three (3) years, unless a complaint is received or a desk audit indicates the need of an immediate on-site review.

The following table sets for the onsite monitoring schedule for One Stop Career Centers and DOES sub-recipients:

|  |  |
| --- | --- |
| **One-Stop Career Center/Sub-recipient/Service Provider**  | **Month/Year for Monitoring** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

The Local-Level EO Officer has authority to direct that the EO contact for each One-Stop Career Center conduct monitoring of its service providers and One-Stop partners; requirements set forth in this policy continue to apply.

**Monitoring Tools**

WIOA Section 188 monitoring of recipients shall be conducted using the attached General Monitoring Checklist. The ADA Physical Access Checklist and ADA Accessible Design Checklist also will be used, as appropriate.

**Monitoring Process**

Step 1: A notification letter, with monitoring tools attached, is transmitted to the recipient at least 30 days in advance of monitoring. The notification letter sets forth the due date for submission of the completed monitoring Report. The letter also should note whether the monitoring will be conducted as a desk audit, onsite review, or a combination of both.

Step 2: The recipient’s EO contact conducts a statistical analysis of the recipient’s service area population and inserts the results in the monitoring report.

Step 3: On an annual basis, the recipient’s EO contact conducts a self-evaluation of the One Stop Career Center and sub-recipients and reports the observations and findings on the Monitoring Report.

Every three years, an onsite monitoring is conducted of each One Stop Career Center and sub-recipient. Prior to arriving onsite, the monitoring EO Officer should conduct a preliminary analysis of the recipient’s service area population. Prior to arriving onsite, the monitoring EO Officer shall meet with the recipient’s EO contact and leadership to discuss the scope of the review, make arrangements for client and staff interviews or file reviews, and to discuss preliminary findings.

The onsite monitoring will address the following:

* Staff composition;
* Identity and qualifications of the recipient’s EO Officer, including other duties performed, reporting structure, staffing, training, and budget provided to the recipient’s EO Officer by the recipient;
* Management and client interviews;
* Staff awareness of nondiscrimination and equal opportunity laws;
* Complaint files (if appropriate);
* Participant files;
* Physical aspects of the site — programmatic and architectural accessibility;
* Observing of reception, intake, and assessment processes, if applicable, and whether these processes are accessible by individuals with disabilities and limited English proficient individuals;
* Review of the recipient’s equal opportunity policies;
* Interviews with community-based organizations and advocacy groups, as appropriate;
* Agreements, contracts, memoranda of understanding and other arrangements to ensure compliance with WIOA Section 188; and
* Display of the "Equal Opportunity is the Law" posters, including in alternative formats and languages.

Step 4: At the conclusion of the monitoring review process, the monitoring EO Officer conducting the review shall issue a Determination Letter to the recipient within thirty (30) working days of the completion of the review. A copy shall be maintained by the monitoring EO Officer conducting the review, and a copy shall be provided to the District of Columbia State-Level EO Officer as well as the DOES EO Officer. The Determination Letter shall contain the following:

* Name, location, and contact information of the recipient reviewed;
* A brief description of the services or program provided by the recipient;
* Name and contact information of the EO Officer conducting the review;
* Reason(s) for the review;
* Results of any analytical data;
* Names of staff interviewed (by phone or onsite);
* Names of participants interviewed (for onsite monitoring);
* Overall results of the review;
* Any findings of noncompliance including condition, cause, and criteria;
* Corrective actions identified; and
* Method and time frame for follow-up.

Step 5: Immediately following completion of the monitoring, the monitoring EO Officer may conduct an exit meeting with the recipient’s EO contact and leadership to discuss the findings and clarify areas in question. A preliminary compliance status may be given at this time, and corrective action(s) may be suggested.

Step 6: The monitoring EO Officer follows the District of Columbia’s Corrective Actions and Sanctions policies and procedures to address any deficiencies with the recipient.