

Compliance Team Year-in-Review

WIOA TITLE I MONITORING
PROGRAM YEAR 2021

Welcome!

Welcome to the DWD Compliance Team's Year-in-Review - a look at PY2021 aggregated review data collected from Indiana's 12 Local Workforce Development Areas' (LWDA) Workforce Innovation & Opportunity Act (WIOA) monitoring reviews. After conducting all PY2020 reviews and about 66% of PY2021 reviews virtually due to the pandemic, in March 2022, the Compliance Team transitioned back to in-person reviews. What a difference it makes to interact with people face-to-face! We have enjoyed being able to talk with so many board staff and service providers in person and to see first-hand where and how WIOA services are delivered. In-person reviews help us assess compliance with statutory and regulatory requirements and determine effectiveness of service delivery.

Effective oversight and monitoring is intended to drive continuous improvement. Therefore, we hope the information provided here may be beneficial as regions develop trainings for their staff and plan for their own internal monitoring purposes. As DWD monitors we offer a unique, outsider perspective to identify issues that those intricately familiar with the service delivery system may not see. Across the board the perseverance to provide quality training and employment services to people in need is abundantly apparent.

As you peruse this information, we welcome any feedback you have. Please send any comments or questions to DWDoversight@dwd.in.gov

Thank you!!

---- BECKY PAUL, DIRECTOR OF MONITORING & QUALITY

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PY 21 Factors Influencing Reviews

While the Compliance Team uses standardized tools to conduct its reviews, the content of reviews is not totally the same from one region to the next. Review questions are tailored to ensure that every region’s review accounts for the region’s unique circumstances and characteristics as identified through previous reviews and resulting resolutions. Questions may shift over the course of conducting reviews and making observations in other regions, and Department of Labor (DOL) priority areas and/or review outcomes. PY21 reviews were based on:

Issues Identified During Desk Review

Prior to on-site monitoring, the Compliance Team conducts a desk review of the documents submitted by the region and a participant file review. Issues identified here – such as participants being exited from services too soon, inconsistent referrals and follow-up of participants to partner services – are covered in DWD’s interviews with regional staff.

Region Specific Risk Assessment Results

Prior to each review, the Compliance Team uses a [Risk Assessment Tool \(RAT\)](#) to assess the region’s potential risk for compliance issues and to determine where follow-up is needed. (See Assessed Risk section for more information on the RAT).

DOL Reviews of Indiana

DOL’s areas of concerns and findings influence DWD’s reviews. For PY21, this included regions not having multiple roles agreements in place when one entity was fulfilling more than one major role in administering WIOA programs and Dislocated Worker Grant – Employment Recovery (DWG-ER) low performance (low enrollments and dollars spent).

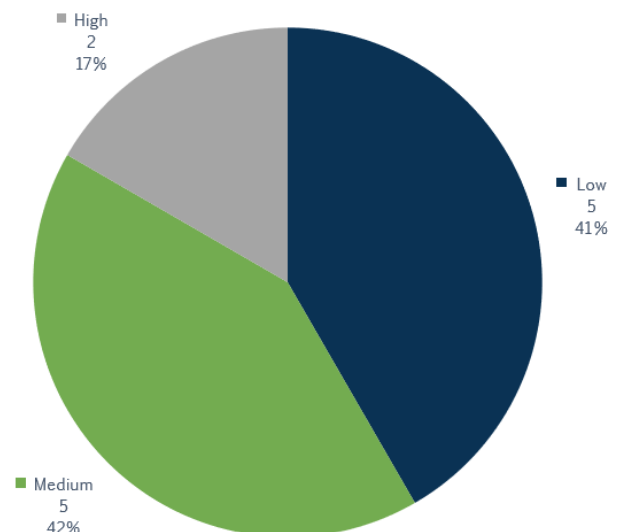
Risk Assessment

The Compliance Team completes a [Risk Assessment Tool \(RAT\)](#) prior to monitoring and after the onsite portion of the review and results in pre-RAT and post-RAT scores. The RAT is completed using information gathered before and during a review. The tool generates a risk score that indicates the level of risk (low, moderate, or high) the region has for potential compliance issues.

The RAT is organized into risk categories:

- Region’s reorganization of key players since last year’s review (fiscal agent, OSO, service providers, staff, etc.)
- Prior state and federal monitoring results
- Grant administration based on fiscal, Equal Opportunity (EO), and program related documents submitted
- DWD subject matter expert feedback.
- **NEW for PY22:** WIOA Performance Metrics

REGIONS’ ASSESSED RISK



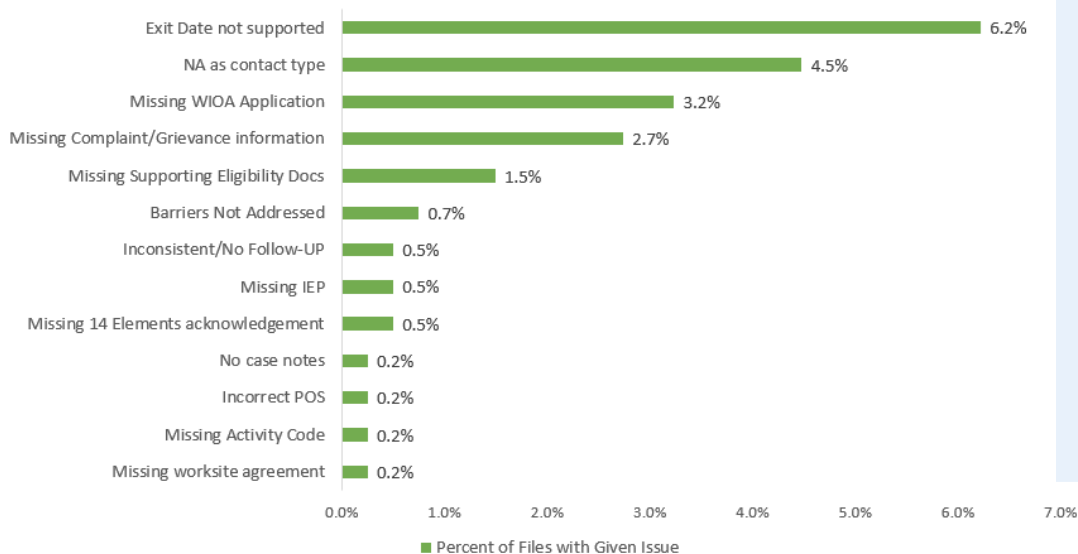
Participant File Reviews

In PY21, the Compliance Team reviewed **402 files** across all 12 regions.

- **19% of all files reviewed contained errors** (75 files of the 402 reviewed)
- 86 individual errors were found across those 75 files

The chart below shows the percent of files reviewed that had the given issue. For example, of the 402 files the Compliance Team reviewed, 6.2% did not show supporting documents/case notes to explain the client exit date.

ISSUES IDENTIFIED IN ALL FILES REVIEWED



The Compliance Team uses each region's prior monitoring year's Post Risk Assessment Score to determine the number of files to review. This score translates to a risk rating which drives the number of files to be reviewed:

- Low Risk = 30 files
- Moderate Risk = 35 files
- High Risk = 40 files

Additional files may be reviewed to help assess if an identified issue is a pattern or an outlier.

EO Data Analysis

29 CFR 38.51(b) requires grant recipients to conduct a data analysis and subsequent investigation into significant differences in populations receiving services. The Compliance Team used the formula developed by the National Association of State Workforce Agencies' (NASWA) EO Subcommittee which compares WIOA recipient demographics with US Census data for the total labor force on gender, race, ethnicity, age, and limited English proficiency (LEP). The goal of the analysis is to identify if the region is serving protected groups at the level expected given the demographics of the communities that it serves. We would expect the numbers of individuals the region serves to be representative of the numbers of individuals in their communities.

This formula uses standard deviation (SD) to measure how likely an outcome is due to random chance. We can assume that small changes in the SD are due to random chance and that large changes in the SD are due to outside factors influence. For this analysis, if the SD was greater than +2.0, we can assume that

EO Data Analysis Cont.

there is something influencing the difference because there is a less than 5% probability that this is due to random chance.

If the SD is greater than +2.0, it suggests that the region may not have provided services to people in XYZ protected group. **This is not a certainty**; this indicates that there is a higher probability of possible discrimination. The below chart shows the number of Indiana regions with a higher probability of *possible* discrimination based on the SD of individuals served compared to US Census data.

	Race: Black/African American	Race: Asian	Race: Other	Ethnicity	Age	Disability	Gender	LEP
Number of Regions with a higher probability of <i>possible</i> discrimination	0	4	1	0	11	1	3	1

Statewide we can see that protected groups with higher SDs include individuals 55+ years old, people of Asian descent, and females. This analysis suggests that these groups may be underserved.

Regions are encouraged to:

- Look deeper into the data or at other internal utilization data
 - Is the unemployment rate significantly lower for the group you are serving less of? Is this across the LWDA or does it appear to be an issue with one office/county? Is the participation population different than those registering?
- Look at outreach efforts
 - Does your LWDA not have a relationship with an organization that targets the group you are serving less of? Does your LWDA have a presence within this community?
- Look at internal processes
 - Is something prohibiting this group from participating in your programs? (For example, translated documents, computer competency, etc.)

Report Observations

Areas of Concern

Items that may or may not be compliance-based but may impede effectiveness and efficiency of service delivery to individual and business clientele shall be classified as Areas of Concern. The Compliance Team may offer suggestions or assistance to the Local Area in making qualitative improvements or may make a referral to appropriate DWD staff for further technical assistance.

Compliance Finding

Items identified as non-compliant with federal, state, or local regulations, policies, or procedures shall be classified as Findings. Compliance Team staff provides citations from appropriate authorities, identifies specific areas of non-compliance, and prescribes the corrective measures necessary for resolution.

Noteworthy Effort

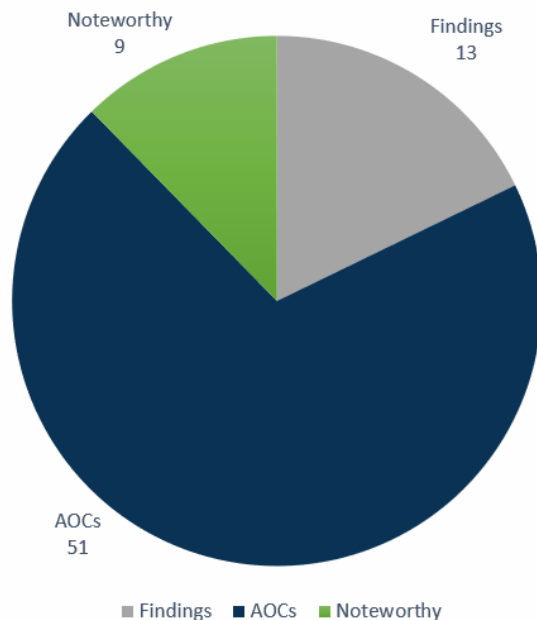
These include new, unique, significant, or innovative initiatives and results, and/or notable or exemplary practices that other regions may be interested in.

Report Observations Cont.

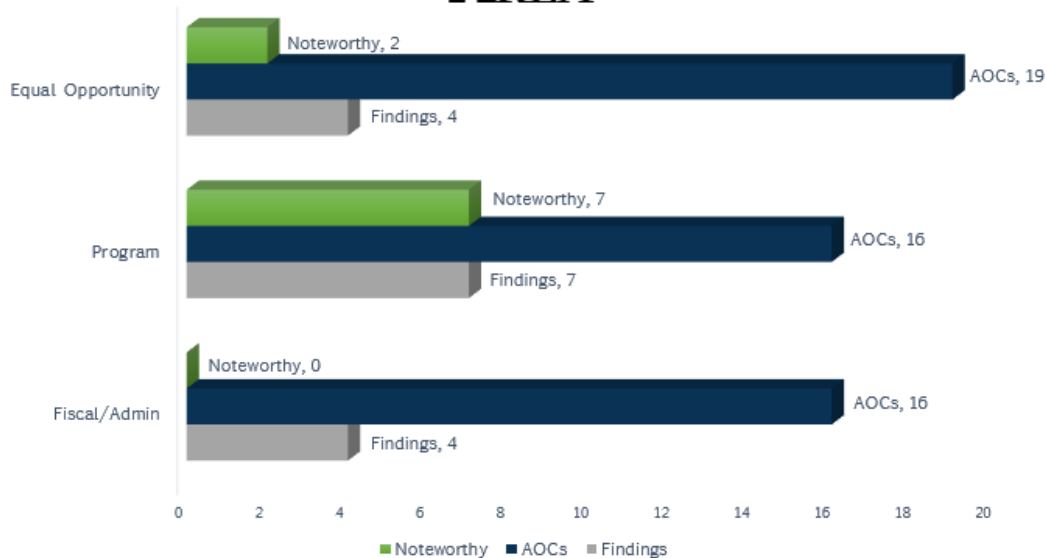
In PY21, the Compliance Team identified a total of 73 observations across all 12 Indiana regions. These observations include 51 Areas of Concern (AOC), 13 Findings, and 9 Noteworthy Efforts.

The aggregated data presented below allows regions to provide context to their own review results.

PY21 TOTAL OBSERVATIONS



PY21 REPORT OBSERVATIONS BY SUBJECT AREA



PY 21 Noteworthy Efforts

Noteworthy Efforts highlight areas where LWDA's are excelling in their efforts to serve their communities by implementing new, unique, significant, or innovative ideas. While there were many positive practices across the state, the Compliance Team identified nine actions in six regions that were worth noting and sharing with other regions. These efforts are as follows:

SUPPORTING CASE MANAGERS

Training Program Promotes More Effective Participant Support

This region created a climate/culture survey for staff seeking opportunities for improvement and staff identified a need for more consistent training across the board. To address this concern, the LWDA developed a formal multi-year three-phase training program to provide a broad overview of the organization before drilling down to focus on staff-specific knowledge and skills. Training program also includes opportunities for 1-on-1 training and mentoring.

Use of LiveBinder to Electronically Store Information for Case Managers

The LWDA's service provider uses the virtual services of LiveBinder to maintain and organize useful internal information. Given the multitude of forms/resources that case managers are required to keep track of when serving participants, this tool provides a streamlined and organized location for reference. This promotes efficiency and effectiveness.

SUPPORTING PARTICIPANTS

Unique Staff Positions to Best Serve Participants

To better serve participants and manage its staffing resources, this LWDA created unique positions to provide more individualized services to participants transitioning out of services and to better support staff. They created the "Transition Career Advisor" position to manage clients who have completed their training and/or career services. This LWDA also created the "Skill Training Manager" position to train Career Advisors to ensure proper administration of special grants.

Unique Implementation of Dislocated Worker Grant – Disaster Recovery (DWG-DR)

To increase participation in the DWG-DR grant, this region collaborated with its Out of School Youth provider to provide temporary employment to youth dislocated from the service industry. Through a grassroots organization participants gathered data in their local neighborhoods regarding the pandemic and shared information on the availability of community resources. The region was able to double its expected outcome for the number of participants served.

Collaboration with Vocational Rehabilitation (VR)

This region established a strong collaboration with VR where for each participant both programs' counselors/case managers participate in routine team meetings to discuss how to best serve the participant.

Providing Expanded Supportive Services

This region engaged with a contractor to assist in a rebranding effort to take advantage of additional funding opportunities. As a result, the region was able to secure "Barrier Buster" funding to supplement its WIOA funds by expanding the types of supportive services that it provides. This "Barrier Buster" funding has allowed the region to cover expenses like legal fees, traffic tickets, utility assistance fees, and other penalties. Providing funding for these types of additional supportive services may increase a participant's ability to obtain and/or retain employment.

PY 21 Noteworthy Efforts Cont.

PROMOTING THE USE OF TECHNOLOGY

Robust Use of Mobile and Virtual Services to Outreach to Potential Clients/Employers

This region began expanding the use of mobile and virtual services prior to the start of COVID-19 restrictions and this continues to be ongoing. They contracted with a new mobile services provider to allow for more focus on expanding and improving mobile services in the region. The region also contracted with another provider to implement virtual workshops via Zoom. These workshops cover several topics designed to meet the needs of both employers and jobseekers.

Strong Online Presence and Traditional Outreach Efforts

Acknowledging the need for a strong online presence while not abandoning traditional outreach efforts, this region had two staff members to focus on increasing their online audience through their website and social media. The LWDA maintains six social media platforms by posting content that is informative and engaging. This combination of media platforms allows the LWDA to reach potential clients in many different age groups.

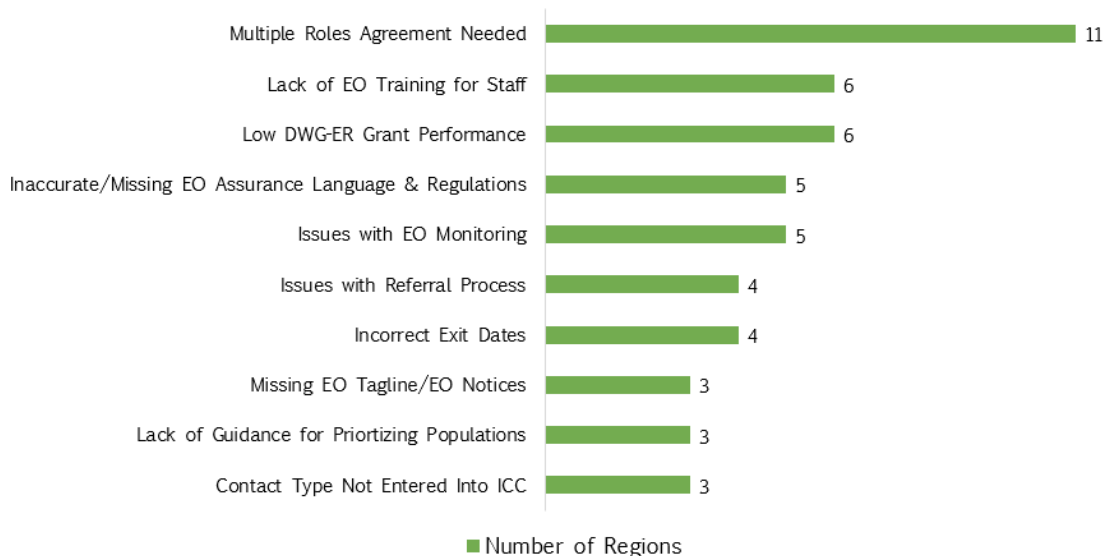
New Teletypewriter (TTY) Software Available

This LWDA replaced their existing TTY machines with a software-based TTY program called IpTTY. This allows clients who are deaf or hard of hearing to make and receive phone calls and as a result, have the auxiliary communication aid to receive necessary services in their community.

PY21 Common Observations

The Compliance Team saw some common issues among the 12 regions. The issues below were reflected in both AOCs and Findings depending on the severity of the issue.

PY21 STATEWIDE COMMON OBSERVATIONS



PY21 Common Observations Cont.

Multiple Roles Agreement Needed

Per WIOA sec. 121(d)(4)(A), 20 CFR 679.430 and DOL's Training and Employment Guidance Letter (TEGL) No. 15-16, organizations that fulfill more than one role – e.g., staff to the board, OSO, service provider, fiscal agent – must have a written agreement in place with the WDB and Local CEO, and sometimes the state, to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and related regulations. [DWD Policy 2022-05](#) provides guidance around how to fulfill this requirement.

Lack of EO Training for Staff

The Compliance Team found a need for training or re-training of staff on EO related issues (e.g. LWDA's local EO policy, discrimination complaint procedures, etc). According to 29 CFR 38.31 and [DWD Policy 2016-09](#), the Local EO Officer is responsible for providing equal opportunity related training to WorkOne staff and service providers.

Low DWG-ER Grant Performance

DOL analyzed statewide performance data in its recent review of Indiana's DWG-ER and issued a state-level finding for the grant's low enrollments and expenditures. Uniform Guidance requirements at 2 CFR 200.303(a) indicate that, "The non-Federal entity must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with...the terms and conditions of the Federal award." Evidence of this includes routine monitoring that should identify the need for action when spending and/or participation is over or under expected levels for the award's period of performance.

Inaccurate/Missing EO Assurance Language & Regulations

Under 29 CFR 38.25 and [DWD Policy 2016-09](#), WIOA recipients are obligated to provide written EO assurance language in every grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. The Compliance Team found missing or inaccurate/outdated verbiage in contracts and Memorandum of Understandings (MOUs).

Issues with EO Monitoring

According to 29 CFR 38.31 and [DWD Policy 2016-09](#), one of the EO Officer's responsibilities is to monitor and investigate entities that receive WIOA Title I funds to ensure that there are no violations in their nondiscrimination and equal opportunity obligations.

Issues with Referral Process

WIOA's intentions are for LWDA's to collaborate and coordinate with partner agencies to ensure that individuals can access all necessary supports for meeting their employment/educational goals. The Compliance Team has observed where referrals were inconsistent or lacked clear guidelines. As indicated in DWD's Sample MOU Template ([DWD 2018-04 Change 1, Att. A](#)), LWDA's should work with their partner agencies to develop clear referral processes to ensure that individuals consistently obtain intended services.

Missing EO Tagline/EO Notices

According to 29 CFR 38.38, WIOA recipients must indicate that WIOA Title I funded programs or activities are an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities". WIOA recipients are required to include this EO assurance language in all materials that are distributed or communicated in written and electronic form to staff, clients, or the public at large. This is done through use of the EO tagline as referenced in [DWD Policy 2016-09](#).

PY21 Common Observations Cont.

Incorrect Exit Dates

According to 20 CFR 677.150(c), TEGL14-18, and [DWD Policy 2021-08](#), an exit occurs when a participant has not received services for at least 90 days and is not planned to receive any future services. Something that benefits the client, such as counselling, must be documented on the selected exit date for the exit to be correct and to be acceptable for data validation testing. The exit date represents the end of a client's period of participation in WIOA programs and the start of the follow-up period and the performance measurement period. Therefore, it is crucial that clients' exit dates are accurate and properly documented. An exit date not supported by documentation of a final service will also fail Federally required data validation testing.

Lack of Guidance for Prioritizing Populations

The Compliance Team found issues with lack of guidance for prioritizing populations. WIOA section 134(c)(3)(E) establishes a priority of service requirement for how local areas must allocate WIOA Title I adult funds for individuals to receive individualized career and training services. TEGL 19-16 and [DWD Policy 2019-04, Change 1](#) define priority populations under WIOA and establish the priority of order that services should be provided. The Compliance Team identified issues with lack of guidance for identifying required priority of service populations versus additional groups and inconsistencies between LWDAs' Local Plans, local policies, and regions' practices. Priority requirements are applicable regardless of funding available.

Contact Type Not Entered Into ICC

When contact type is not entered ICC defaults to "not applicable" (N/A) and the method of communication between the case manager and participant is unknown. Detailed case notes that include the method of communication between the case manager and participant support the development of comprehensive service plans to help participants meet their employment and education goals. Additionally, should a participant change case managers, knowing the most effective way to communicate with the participant should support the transition being more seamless.

Areas for Improvement

Based on the overall observations from the PY21 reviews, the Compliance Team has identified the following as areas for improvement for all regions in the PY22 program year.

Equal Opportunity

EO had the most report observations (AOCs and findings) across multiple regions. Most of the EO issues observed are preventable with more staff training on local EO complaint procedures, local EO policies, and language access procedures. When conducting interviews with regional staff it became apparent that there is a lack of training and awareness in these areas. Another trend identified was the need for regions to conduct more thorough reviews of required section 188 language requirements in contracts and agreements. Best practice is for Local EO Officers to review contracts and agreements as they are being developed to ensure that these requirements are included. Additionally, EO officers need to have a more comprehensive reviews of their local EO monitoring that includes the results of monitoring of their service providers.

Areas for Improvement Cont.

Case Manager Training

The Compliance Team interviewed a number of case managers and the interviews indicated the WorkOne system has many very dedicated workforce professionals who care deeply about providing quality services to the residents of their region. Over the last two years or so, they have endured office closures, re-openings, re-closures, major changes in service delivery models, many new programs, massive turnover in co-workers, shifting job duties, and other such frustrations. We applaud the staff for displaying grace and patience under such pressure.

The interviews also indicated that some additional training for WorkOne staff may be needed. We understand that case managers hired during the pandemic did not have the usual orientation experience so now might be a good time to look at providing additional training opportunities to both newer hires and more seasoned staff. Regions may want to consider:

- Exploring how to ensure that all training sessions are available to all staff. We've seen training take place at off hours and making recorded sessions available on a shared website.
- Taking advantage of workforcegps.org to stay apprised of workforce resources
- Focusing or establishing frequent meetings on specific training topics as identified through most recent service provider monitoring. This could include how to access interpreter services, expectations for making referrals, case noting, etc.
- Restoring opportunities for partner agencies to routinely educate WorkOne staff on their services as these activities may have been disrupted during the pandemic. Also, ensure that partner info is available on a shared drive to make ability to update easier and so all can access.

Outreach Efforts

Several regions are implementing and expanding virtual services and mobile sites to increase availability of services. Regions that have implemented these innovative initiatives are encouraged to continue experimenting with new ways to reach and serve clients. Regions that have not yet ventured into virtual services or mobile sites yet or whose efforts were hampered by pandemic restrictions may wish to network with other areas to get advice on what has and has not worked. Some interesting outreach ideas we have seen:

- Hiring media-savvy staffers or working with contractors to devise strategies to increase views and likes on social media sites. Regions may want to partner to share costs of hiring a contractor.
- An area met with leaders of local megachurches to share information about WorkOne services
- Another region teamed up with a local mall for a Halloween event where children got candy, courtesy of the mall, and parents received WorkOne information. This same type of strategy was also used for a food pantry event.
- A partnership between one local area and a basketball program designed to benefit disadvantaged young people which resulted in a targeted outreach opportunity for WIOA Youth, especially those out of school.
- Leadership of one region was able to persuade a local theater to include a slide about WorkOne services in its pre-show ads targeted to out of school youth.
- Targeting organizations whose audiences are protected groups identified in LWDA's EO data analysis as being potentially underserved.

Areas for Improvement Cont.

Need for Co-Enrollment

Co-enrollment in partner programs was inconsistent across the state and there is a concern that individuals may not be receiving the full array of services they may be eligible for. Some possible areas for co-enrollment include:

- MSFW clients who may need WIOA Title I training and job search assistance to make a career change
- Senior Community Service Employment Program (SCSEP) clients may benefit from WIOA Title I-provided job search strategies and WIOA workshops to help older workers overcome barriers and gain valuable skills
- WIOA Youth clients may find Job Corps a good fit for their future

Regions should continue efforts to build relationships and educational opportunities with partners, not just at the leadership level, but also for frontline office staff. DWD leadership strongly recommends co-enrollment in order to provide the most comprehensive package of services available ([DWD Policy 2021-08](#)).

Non-Formula Grant Enrollment & Expenditure Strategies

For non-formula grant enrollment or expenditures, it is recommended to focus on the recently issued DWD Grant Performance Management [DWD Policy 2022-06](#) and discuss potential performance issues with DWD's grant managers. To fully support the regions, grant managers benefit from timely and accurate submission of required reports and communications.

Looking to PY22 Reviews

The DWD Compliance Team's review activities will focus on the following programs during the PY22 reviews:

- The Compliance Team will review:
 - WIOA Title I adult, dislocated worker, and youth programs
 - Employment Recovery National Dislocated Worker Grant
 - Opioid Response Dislocated Worker Grant (as applicable)
 - Performance Support Grants
 - RESEA Grant and Apprenticeship State Expansion (ASE) fiscal reviews
- The Director of Reemployment Pathways for the RESEA program will conduct RESEA program monitoring.
- The Office of Work Based Learning and Apprenticeship (OWBLA) staff will be following-up from the PCG monitoring of the region's ASE Grants and discussing the regions' initial efforts to implement the new Apprenticeship Building America (ABA) Grant.

While review weeks will be busy for the regions, the DWD Compliance Team, with your LWDA's point of contact, will develop an agenda that is efficient and minimizes staff time away from day-to-day activities. There will be one agenda for all review activities. All DWD program representatives will participate in the entrance and exit meetings and will then break out to perform their own review activities. Following the reviews, each program will develop its own monitoring report to complete the review process.

Looking to PY22 Reviews Cont.

While the WIOA review process will largely stay the same, there are some changes that regions can expect to see for the PY22 reviews.

Program:

- Monitors will be spending more unstructured time in WorkOne offices, approaching case managers, welcome desk staff, and participants to conduct interviews and spending time observing operations.
- All interviews will incorporate more questions related to MSFW, priority of service, and co-enrollment
- Monitoring reports will include summarized results from all participant records reviewed. Regions will continue to have the opportunity to address those issues that can be corrected but aggregated identified issues will be incorporated into reports.
- Incorporating an interview regarding Performance Support Grants.
- Board member interviews are being discontinued for PY2022.
- Review announcement letters may identify additional programs to be reviewed.

Fiscal:

- An increased number of sampled WIOA expenditures will be reviewed
- Expenditures will be sampled from Apprenticeship Grants and Performance Support Grants
- Region's travel policy will be reviewed and property leases/office space agreements
- Fiscal interview questions have been revised

Equal Opportunity

- Stronger emphasis on accessibility, in person and virtually, for individuals with limited English proficiency,
- Assessing the availability of Spanish materials in WorkOne offices
- Emphasis on reviewing regions' analysis of EO-related data to identify potentially unserved or underserved populations.
- Reviewing records for those individuals identified as having a disability and/or LEP to assess experience with WorkOne services/activities.

To help prepare for upcoming reviews, keep in mind that there are lists of the program, EO, and fiscal related topics that will be covered during interviews on the [Compliance Team's webpage](#).

The Compliance Team will release a training webinar focused on "What DWD Monitors Look for" when conducting review activities. The webinar's target audience is case managers but is accessible for anyone who wants a better understanding of why DWD conducts these reviews. We will notify the regions when the webinar is available for viewing on the Compliance Team's webpage.

Thank You!

Thank you for all the hard work and effort you put into preparing for our reviews. We understand that it is difficult to prepare and participate in our reviews while maintaining a normal business flow in the office. We appreciate you and all you do to serve the members of your communities.

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PY22 Monitoring Schedule	Region
September 26, 2022	1
October 17, 2022	10
November 14, 2022	11
December 5, 2022	8
January 9, 2023	5
January 30, 2023	12
February 20, 2023	4
March 13, 2023	7
April 10, 2023	6
May 1, 2023	9
May 22, 2023	3
June 12, 2023	2