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Minimum Participant Cost Rate

Effective Date: September 11, 2025

Duration: Indefinite

Purpose: To establish a policy to ensure a minimum of 40% of qualifying Federal, State, or local funds are expended on allowable direct participant costs by the end of each program year.

Policy: In accordance with Workforce Services Policy – Minimum Participant Cost Rate (MPCR), the LWDB adopts this State Policy and all subsequent updates as its local performance accountability measure (WIOA, Section 116(b)(2)(B)). Link below.

Further, the LWDB ensures a minimum of 40 percent of their qualifying allocations will be expended on allowable participant costs. Qualifying expenditures are those that represent direct benefit to participants and do not include administrative, personnel staff, or operating costs of the LWDB, one-stop operators, and/or contracted service providers. For all other types of allowable services not mentioned in TDLWD WFS Policy Minimum Participant Cost Rate, the LWDB or staff will request clarification from the TDLWD staff to determine if the costs can be included in the minimum expenditure calculation. The MPCR will be calculated and recorded monthly to ensure compliance by the end of the program year.

Reference: WIOA, Section 116(b)(2)(B)

Related TDLWD Policy: [Minimum Participant Cost Rate \(MPCR\)](#) Link below.

<https://www.tn.gov/content/dam/tn/workforce/documents/contact-02/Minimum-Participant-Cost-Rate-Policy.pdf> (effective 2/28/2025)

Vetted and Approved by the Local Workforce Development Board: September 11, 2025

Ben Ferguson

Signer ID: WDW3QWZX15...

Ben Ferguson, Chair

Southwest Tennessee Workforce Board

Monitoring and Oversight

Effective Date: September 11, 2025

Duration: Indefinite

Purpose: To establish a policy for the conduct of monitoring of Service Provider staff / sub-recipients / contractors and the engagement of the local board in monitoring and oversight activities.

Policy: Monitoring is a joint responsibility of the Fiscal Agent/Staff to the Board, Workforce Innovations, Inc. (WFI), for the Local Workforce Development Board (LWDB). Compliance staff and each of the administrative-level staff are responsible for performing desktop review and monitoring of their respective area and reporting deficiencies to the appropriate Director. Fiscal and Compliance staff monitor all fiscal aspects of the programs. The LWDB staff and Tennessee Department of Labor and Workforce Development (TDLWD) staff, or their agents, monitor subcontractors and in-house operations. The State Comptroller's Office may also conduct an audit.

The Local Workforce Development Board will conduct monitoring and oversight of its' Services Provider staff, contractors, and sub-recipients in receipt of WIOA funds. A pre-award financial review and / or on-site post-award monitoring of recipients that have little or no workforce program experience will be conducted no later than one hundred twenty (120) days after the award of a contract. All activities conducted and records maintained will be subject to monitoring and evaluation, including from both a fiscal, including procurement, and programmatic aspect. The LWDB Director of Performance and Compliance shall be responsible for overseeing the monitoring of each program activity and for ensuring corrective actions are taken when problems are found.

Programmatic, fiscal, and procurement monitoring may be completed through desktop review, on-site review, including reviews of policies, plans, and procedures governing all segments of program activities and program operations at least once during the program year, or a combination of the two processes. The review may include examining program records, questioning employees, interviewing participants, policy reviews, and entering any site or premise which receives WIOA funds. Participant files may be reviewed through random sampling. Monitoring will also determine compliance with the general procurement standards outlined in 2 CFR 200.318: "The non-Federal entity must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section." The monitoring review is designed to help reduce possible audit exceptions, sanctions and unallowable costs. Monitoring at the Local Workforce Development Board, State, and Federal level will include a sample review of the Service Provider(s) staff and / or contractors and One-Stop Operator monitoring, oversight and quality control of participant training and corresponding employer payroll records, as well, as a sample review of how work-based activities align with and are facilitating the progress of career pathway strategies outlined in the local plan.

Internal Controls

Local organizations often function simultaneously in a variety of roles, including local fiscal agent, Local WDB staff, one-stop operator, and direct provider of services. Per 20 CFR 679.430, any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the Local WDB and CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget (OMB) circulars, and the State's conflict of interest policy. Reporting structures with clear separations of job duties and responsibilities have been established to create

adequate firewalls as an internal control to ensure integrity in decision making, compliance with WIOA, corresponding regulations, and relevant OMB circulars:

Board / Fiscal Agent Staff

The Executive Director, hired and supervised by the President of the Board of Directors for the entity serving as staff to the Board / Fiscal Agent shall supervise, either directly or indirectly, staff designated as staff to the Board / Fiscal Agent to fulfill the following responsibilities:

As outlined in 20 CFR 679.400, staff to the board may assist with fulfilling the LWDB's required functions as outlined in 20 CFR 679.370 which may include:

- In partnership with the CLEO, develop and submit a local plan.
- Conduct workforce research and regional labor market analysis.
- Convene local workforce development system stakeholders to develop local plan.
- Lead efforts to engage with a diverse range of employers and entities.
- With secondary and postsecondary education programs, lead efforts to develop and implement career pathways.
- Identify and promote proven and promising strategies for meeting employer and jobseekers' needs.
- Develop strategies for using technology to maximize accessibility and effectiveness of the workforce system.
- Conduct program oversight activities.
- Negotiate and reach agreement on local performance accountability measures.
- Select one-stop operators to fulfill duties outlined in 20 CFR 678.660 and service provider staff / contractor(s) to fulfill the duties described below in accordance with TDLWD procurement policies.
- Coordinate with education and training providers.
- Develop a budget for the board's activities.
- Assess annually the physical and programmatic accessibility of all one-stop centers in the local area.

As outlined in 20 CFR 679.420, and in an agreement with the CLEO, Board / Fiscal Agent staff shall also fulfill the responsibilities of the Fiscal Agent to include:

- Receive funds and ensure sustained fiscal integrity and accountability for expenditures of funds.
- Respond to audit financial findings.
- Maintain proper accounting records and adequate documentation.
- Prepare financial reports.
- Provide technical assistance to subrecipients regarding fiscal issues.
- At the direction of the LWDB, procure contracts or obtain written agreements, conduct financial monitoring of service providers, and ensure independent audit of all employment and training programs.

Service Provider Staff

The Director of Program Services, hired and supervised by the Vice-President of the Board of Directors, shall supervise, either directly or indirectly, staff designated as Service Provider staff to fulfill the responsibilities outlined in 20 CFR 680.140 and 20 CFR 680.160, which may include:

- Provide direct services including but not limited to participant intake, orientation, initial assessments, employment services, and referrals to other partners and services.
- Provide individualized direct services including but not limited to comprehensive and specialized assessments, case management, individual employment plans, career planning and vocational counseling.

Service Agreement

The Executive Director, under the supervision of the President, shall oversee the development of a Service Agreement outlining the assigned duties and objectives for the Service Provider as they relate to the delivery of services within the One-Stop System. If the LWDB receives specialized funding opportunities, then the Service Provider must work with the LWDB to execute these services at the direction of the LWDB. If United States Department of Labor (USDOL) or Tennessee Department of Labor and Workforce Development (TDLWD) allocate additional or specialized funds to the LWDA, the LWDB must direct the Service Provider on how to leverage the additional funds to maximize service delivery within the LWDA.

In addition to defining the role and scope of work of the Service Provider, the Service Agreement must include, but is not limited to, the following requirements and objectives for the Service Provider:

1. Develop a business plan to outline the staffing, procedures, and tools to be utilized to provide services through the One-Stop System and meet objectives within the assigned budget.
2. Manage Service Provider staff including but not limited to hiring and managing performance of staff, tracking and approving time worked and related expenses such as supplies, travel, etc., annual evaluation, and development and tracking of corrective action plans, if needed.
3. Manage provided participant budgets through tracking of participant obligations and expenditures, including, but not limited to, projecting current and future obligations for participants, ensuring invoices are received timely from vendors and training providers, posting vouchers in the VOS / Jobs4TN case management system, and submitting approved invoices to the Fiscal Agent staff for payment.
4. Submit periodic reports to the LWDB and its staff to inform them of trends concerning the delivery of services through the One-Stop System, such as, but not limited to, service levels by county, progress towards meeting the negotiated targets established by the TDLWD, training enrollments and expenditures by sector and provider type, outreach efforts, and services to target populations.

Compliance with the scope of work and objectives outlined in the Service Agreement will be monitored by the LWDB staff as described below. The Service Provider must respond to monitoring reports issued by the LWDB staff within the required timeframe by making and documenting corrections and issuing corrective action plans to staff if needed.

Monitoring and Oversight Functions by Staff

To ensure compliance with the above responsibilities and established firewalls and internal controls, the following monitoring and oversight activities will be conducted by the Board / Fiscal Agent staff.

Assistant Director of Performance & Compliance - Responsible for developing and maintaining a schedule that will ensure one or more monitoring reviews per year of all aspects of the WIOA program. Write systematic procedures for monitoring of all service components for compliance with WIOA regulations and policies. Monitor all adult, dislocated worker, and youth training activities to assure compliance with local, state, and federal WIOA guidelines. Perform a fiscal review of source documents of LWDB / Fiscal Agent staff, Service Provider staff, contractors and/or vendors to assure compliance. Produce written report(s) of all monitoring findings on contractor and/or vendors to the Director of Performance and Compliance, Executive Director and Contractor and the LWDB. Work with appropriate staff/contractors to remedy any findings. Conduct follow-up visit to affirm corrective action is taken in a timely manner. Monitor participant eligibility information and training documents. Performance related issues including monitoring for proper documentation, appropriate dates, allowable activities,

etc. Serve as a contact for state monitors and auditors during their monitoring activities of the LWDB. Provide input to, and participate in, the review/evaluation process for Requests for Proposal process.

Fiscal Staff – Responsible for desktop review of subcontracts, invoices, support service contracts and reimbursements on a monthly basis, as well as grant budget and expenditure rates.

Director of Performance and Compliance - Provide policy and direction to Service Provider, Business Services staff, Compliance staff, and subcontractors regarding eligibility and record keeping. Responsible for reviewing program objectives and preparing participant status reports monthly.

Director of Operations – Serve as the Service Agreement manager to ensure compliance and performance by collecting and reviewing reports from the Service Provider, providing or arranging for technical assistance or guidance, and assisting in the development of performance and monitoring reports.

EO Officer - Responsible for on-site review of facilities to assure compliance with state and federal regulations.

Monitoring and Oversight by Function

PROCUREMENT – Procurement of goods and services are monitored on an ongoing basis by the Local Workforce Development Board / Fiscal Agent Staff. Staff prepare requisitions for purchase and secure approval of the Director of Finance & Administrative Services and/or Executive Director or his/her designee. The Assistant Director of Finance reviews purchases prior to approval by the Director of Finance.

FISCAL – Budgets and expenditures of all grants are monitored on a monthly basis by the Director of Finance and reported to the Executive Director and reported quarterly to the Local Workforce Development Board Executive Committee who then presents to the full board, including the local elected officials as ex-officio members. Monthly reports are prepared based on the organization's accounting system and approved by the Executive Director prior to submission to the TDLWD. A review of expenditure and budget levels is made on a periodic basis dependent upon the particular grant. Fiscal monitoring of the LWDB / Fiscal Agent by the Assistant Director of Performance & Compliance will occur monthly through a review of all bank and credit card statements and reconciliations, selection of a sample of transactions to review, and issuing of a monitoring report with any corrections needed.

Every subcontract must be fiscally monitored during the contract period. The Assistant Director of Performance & Compliance will keep a file for each individual contract and keep the monitoring report updated. The fiscal monitoring process is as follows:

- One Stop Operator and Career Service Providers staff / contract invoices are reviewed monthly.
- For On-the-Job Training and Incumbent Worker Training Contracts, if the contract allows for contractors to bill at the end of the participant's training, the invoice is monitored once received for payment. A minimum of one invoice must be monitored per contract.
- Back-up documentation supporting the invoice must be included. Back-up documentation is defined as supporting documents for amounts on the invoice.

PROGRAM OBJECTIVES – Program Objectives are monitored on a monthly basis. The Executive Director, and / or his / her designee, and Director of Performance and Compliance review internal reports submitted by the Service Provider and One Stop Operator Staff and/or contractor and prepares summary reports to be reviewed by the Local Workforce Development Board.

GRIEVANCE PROCEDURES – Monitoring includes a review of a sample of participant files to assure that the participant has acknowledged receipt of a registrant handbook and grievance procedures.

RECORD KEEPING – All contracts, participant and fiscal records are to be maintained for a minimum of five years, unless subject to audit which are kept until the audit is concluded.

EQUAL EMPLOYMENT OPPORTUNITY – On-site visits to subcontractors and in-house operations include an interview with participants regarding their knowledge of Equal Employment Opportunity and a viewing of appropriate equal opportunity posters.

AMERICANS WITH DISABILITIES ACT – On-site visits to subcontractors and in-house operations include discussions with subcontractors and a review of the property.

FINANCIAL MANAGEMENT AND INTERNAL CONTROLS – Grantees that receive money from the federal government (grants, cooperative agreements, etc.) and expend more than \$750,000 of federal dollars in a single fiscal year are required to have Single Audits. A Single Audit is when an independent auditor, selected by the Board of Directors, goes over a grantee's financial management processes, including its financial management system and its compliance with all of its federal grant requirements. The purpose is to ensure grantees receiving federal grant funds use the funds in compliance with the government's requirements. In addition to reviewing financial management processes, the independent auditor shall also monitor compliance with programmatic processes such as segregation of duties, internal controls, and eligibility determination and record keeping.

On-Site Program Evaluation

The purpose of the on-site evaluation process is for the Compliance Coordinator to observe each program, to see how the program is being implemented, meet and interview some of the participants to assess their satisfaction/success with the program and to observe that funds are being spent according to the contract. There are specific monitoring questions to be utilized during the on-site review according to the program. The current contracts that require on-site evaluation (subject to change) are On-the-Job Training contracts and may include the One Stop Operator and Service Provider staff / contractor(s). Site reviews may be conducted virtually as needed.

One-Stop Operator Monitoring & Oversight

The Local Workforce Development Board will monitor the activities of the One-Stop Operator at least once annually during the contract period, no less than sixty (60) days prior to the expiration date of the contract. The monitoring process will determine compliance with the contractual agreement, federal, state and LWDB policies.

Additionally, all invoices will be monitored prior to payment, including a review of a minimum of a random 20% sample of source documents supporting payments. The sample must include a variety of types of expenditures and account for associated risk level. Identification of significant compliance issues may result in expansion of the sample. In the event of inappropriate or undocumented requests for reimbursement, the Authorized Signatory Authority will be notified and given an opportunity to provide additional documentation and/or explanation. The Director of Performance and Compliance will consult with the Director of Finance & Administrative Services regarding any final adjustments to the invoice.

Upon completion of a monitoring, the Performance and Compliance staff will develop a formal, written, monitoring report, detailing the results of the monitoring, including any necessary corrective action.

The report is forwarded to the Executive Director for review prior to issuing the final report to the One-Stop Operator Signatory Authority. The final report will be issued within thirty (30) days of the completion of the review. Continued monitoring will occur if the Correction Action Plan is deemed inadequate. Results of the monitoring will be reported to the Executive Committee of the LWDB, who will then report results to the full LWDB, which includes the Consortium of Local Elected Officials as ex-officio members.

Service Provider(s) Monitoring & Oversight

The Local Workforce Development Board will monitor the activities of the Service Provider(s) staff and / or contractor at least once annually during the program year or contract period, no less than sixty (60) days prior to the expiration date of the contract, if applicable. The monitoring process will determine compliance with contractual or service agreements, federal, state and LWDB policies.

In addition, a minimum of a 20% sample of the newly enrolled participants will be monitored on an on-going basis for eligibility and other compliance factors, including but not limited to, providing appropriate service strategies, proper documentation, accurate recording of data, and timely case notes. The LWDB will utilize the TDLWD Program Accountability Review form, Data Validation guidelines, policies of the Board, policies of the TN Department of Labor and Workforce Development, the WIOA, federal regulations and guidance, and other relevant information as the basis of the review of the following areas:

- Date of WIOA Application in Jobs4TN
- Eligibility Date in Jobs4TN
- Contact Information (Social Security Number, Address, Phone Numbers)
- Demographic Information (DOB, Gender, US Citizenship, Selective Service if applicable, Race, Disability)
- Veteran Information
- Employment Information
- Education Information
- Public Assistance Information
- Barriers
- Household and Income
- Federal Initiatives
- Eligibility Summary
- Eligibility correctly entered in Jobs4TN with supporting documentation in the electronic file verifying how they were made eligible. The income table for Adult/DW/Youth should be attached to support the time-period of eligibility if making eligible based on income.
- If the participant was made eligible as a youth (family of one) based on a disability, supporting documentation showing proof of the disability must be in the file.
- Data has been keyed and documents uploaded to VOS within 10 days.
- Assessment used and uploaded to documents in VOS
- Objective Assessment keyed for Youth – Dates should match activities keyed in VOS
- Individual Employment Plan/Service Strategy (goals to be in line with the participants plan) – Dates should match activities keyed in VOS
- Appropriate Activities keyed in VOS with documentation to back up dates: for Youth – 14 Elements reflected accordingly
- Case Notes are required monthly and should be detail oriented and clearly explain what is actively occurring with the participant. It is crucial that staff is obtaining direct contact with the participant or school/institution to determine their current progress in school.

- EO statement/Grievance complaint procedure.
- Proof of other grant coordination in the file (SAR showing they are getting pell, lottery, etc. The EAS form can be used to show proof of the SAR).
- Review all ITAs and travel authorizations with back up documentation.

Identification of significant compliance issues may result in expansion of the sample. A sample of participant files identified to close/exit will be reviewed for compliance with closure/exit data and documentation. Further, all invoices will be monitored prior to payment, including a review of a 20% random sample of source documents supporting payments. The sample must include a variety of types of expenditures and account for associated risk level. Identification of significant compliance issues may result in expansion of the sample. In the event of inappropriate or undocumented requests for reimbursement, the Authorized Signatory Authority will be notified and given an opportunity to provide additional documentation/explanation. The Director of Performance and Compliance will consult with the Director of Finance & Administrative Services regarding any final adjustments to the invoice.

Upon completion of a monitoring, the Performance and Compliance staff will develop a formal, written, monitoring report, detailing the results of the monitoring, including any necessary corrective action. The report is forwarded to the Executive Director for review prior to issuing the final report to the Service Provider Signatory Authority. The final report will be issued within thirty (30) days of the completion of the review. Continued monitoring will occur if the Correction Action Plan is deemed inadequate. Results of the monitoring will be reported to the Executive Committee of the, LWDB, who will then report results to the full LWDB, which includes the Consortium of Local Elected Officials as ex-officio members.

Data Validation

In accordance with TDLWD policy, each local workforce development board (LWDB) will also be responsible to conduct data validation review of each program for which they are a sub-recipient of program funds. The results of the data validation must be submitted to the State Workforce Development Board (SWDB) along with the LWDB's other monitoring report(s) as requested. The LWDB must conduct the number of data validation reviews based on the sample size established by the TDLWD Workforce Services (WFS) staff. Notification of sample size will be sent to the LWDBs through a 'Notice of Data Validation.' During the validation process, any files that contain data errors will be expected to be corrected within 30 business days after the submission of the quarterly monitoring report.

Service Provider Monitoring (as Contracting Authority)

It is the responsibility of the Service Provider staff / contractor to monitor (fiscal/programmatic and desktop/onsite) their subcontracts at least annually, as well as a sample of participant files. The Service Provider will submit a plan/schedule of monitoring to Workforce Innovations, Inc. the Fiscal Agent/Staff for the LWDBs. A copy of any completed monitoring reports will be due by the 10th of the month for the previous month.

The Service Provider is also responsible for monitoring a sample of all other participants (non-work-based training) for eligibility, service strategy, expenditures, and data validation elements.

One-Stop Operator Oversight

It is the responsibility of the One-Stop Operator to provide quality control checks on services provided

through the American Job Center on behalf of participants and employers. This may include a review of new enrollments to determine that appropriate services were provided and review of potential exits to determine if additional services are required. Additionally, the One-Stop Operator will conduct surveys with individual and employer customers of the American Job Center.

Other Subcontractor(s) Monitoring

It is the responsibility of the Director of Performance & Compliance to monitor (fiscal/programmatic and desktop/onsite) other subcontracts at least annually. Contracts for Work-Based Training must be monitored at least once by the contracting authority. Monitoring will be based on the contract agreement and may be performed by the contract manager or another position. If the Work-Based Training is for reimbursement of wages, the employer must submit the following for review:

- Invoice form;
- Payroll records showing the gross wages paid to the trainee;
- Time records showing actual hours worked;

Onsite monitoring visits should be conducted shortly after the trainee begins work, and include additional visits at appropriate intervals (determined by the length of the training plan). Effective monitoring also includes desk review of correspondence from the employer, including payment invoices and required documentation to support those invoices.

Monitoring must also include regular review of each trainee's progress in meeting program and service strategy objectives. Such strategies should include the trainee's acquisition of basic/occupational skills and the adequacy of supportive services provided as related to work-based training. Any deviation from the work-based training contract should be dealt with and documented promptly. A sample of participant files engaged in work-based training should be monitored for eligibility, service strategy, expenditures, and data validation elements.

Additional Monitoring

The LWDB and its staff reserve the right to conduct additional monitoring outside the established procedures in this policy. Additional monitoring will only take place when there is reason to suspect that there are non-compliant practices occurring by the Service Provider staff and / or subcontractor. If additional monitoring is conducted, the staff / subcontractor will be notified in writing to identify the reason and timeline to be established.

Monitoring Reports & Resolution Process

Written monitoring reports are comprised of five basic areas:

1. Scope of Contract
2. Timeliness of Invoice Submission
3. Adequacy of Documentation
4. Proper Completion of Invoice
5. Compliance within Budget Limits

A finding in a monitoring report is any specific violation of program authorization/statute, other applicable Federal, State, or local statutes, policies, or procedures, applicable appropriations, implementing regulations, Executive Orders, OMB Circulars (including 2 CFR part 200 & 2 CFR part 2900), DOL-ETA Directives, or terms and conditions of the award. Findings always require action to correct the violation and documentation of non-compliance is required. Observations or areas of concerns are not specific compliance violations but may have negatively impacted program or could lead

to a finding in the future. They may include activities related to effectiveness objectives or indicators that have not been met and could possibly result in a finding at some later point if not addressed. Typically, no corrective action is specified but suggestion for improvement may be made.

Additionally, if necessary, reports will include instructions to the subcontractor for:

1. Developing a Corrective Action Plan, such as instruction on how, where, and when to submit a corrective action plan. Corrective action plans must typically be received within 30 business days of the issued monitoring report unless otherwise stated.
2. Addressing Questioned Costs such as providing missing documentation, making repayments, or transferring costs to another source.

LWDB Compliance staff will track issues until the corrective action is completed and may verify on-site if appropriate. If action is not completed within the required timeframe, additional actions may be taken if needed and may include:

1. Temporarily withhold cash payments;
2. Disallow all or part of the cost of the activity or action not in compliance;
3. Wholly or partly suspend or terminate the award; or
4. Take other remedies that may be legally available.

Submission of Quarterly Monitoring Reports

Each LWDB must submit a report that outlines the results of their monitoring to WFS staff by the designated deadline in the format prescribed by WFS. The submitted reports will be reviewed to ensure compliance, track progress, identify concerns, and locate best practices. A report for each LWDA and planning region will be compiled and WFS staff will address concerns or offer technical assistance as needed.

Corrective Actions and Sanctions for Non-Compliance

Not all actions or inaction result in non-compliance with federal and state regulations. However, there may be times when actions or inaction could create an increased risk for non-compliance. In these instances of increased risk, the Board will issue a “Notice of Risk” to help prevent or mitigate risk to avoid instances of non-compliance. Actions that warrant a “Notice of Risk” could include loss of key personnel, complaints from participants, external fraudulent activity (i.e. system hacking), etc. The “Notice of Risk” will not place service providers or subcontractors into a sanction level, but will require certain corrective actions. Actions that can be required from a “Notice of Risk” could include increased monitoring, submission of documents, change in procedures/policy, etc. Inability to adhere to the requirements listed in the “Notice of Risk” will lead to sanctions as indicated in this policy.

The Board may also issue a notice of non-compliance ranging from category 1 to category 4, depending on the severity of an infraction, in accordance with TDLWD policy. Noncompliance will generally be addressed by the Corrective Action Plan process; however, the Board may impose sanctions when necessary. In such circumstances, the Board may issue a Notice of Sanctions containing the sanctionable act(s) upon which the sanctions are based, the sanction level, the actions and deadlines necessary to remove the sanction, and instructions detailing rights to an appeal. Sanctions will be imposed in accordance with TDLWD policy based on the category of the infraction. Sanctions may also be imposed for debts owed beyond 90 days.

Subcontractor debt is established when the Board determines either through project management, fiscal or performance monitoring, or audit review that a previously reimbursed expense is unreasonable

or unallowable in accordance with applicable federal and state requirements and guidelines. Once a debt is established, the subcontractor is required to make repayment in full of those costs. Debts may be paid by a reduction in future payments when possible. In instances where repayment by payment reduction is not feasible, debts may be paid to the Board from non-federal resources. An installment agreement, not to exceed 36 months, may be negotiated if payment cannot be made within 30 calendar days. The use of stand-in costs may be considered as a substitute for disallowed costs in audit or other debt resolution situations. Stand-in costs must be from non-federal sources that may be substituted for WIOA expenditures questioned or disallowed costs.

Appeals Process

In the event of a disagreement resulting from the monitoring process, the contractor and / or sub-recipient may choose to file an appeal. A disagreement is considered to have reached the level of an appeal when an issue arises that is not easily coming to a point of resolution. It is the responsibility of the LWDB Chair (or designee) to coordinate the dispute resolution to ensure that issues are being resolved appropriately through the appeal process:

- (1) Any disputes shall first be attempted to be resolved informally.
- (2) Should informal resolution efforts fail, the appeal process must be formally initiated by the petitioner seeking resolution. The petitioner must send a notification to the LWDB Chair (or designee) regarding the conflict within 10 business days.
- (3) The LWDB Chair (or designee) shall place the dispute on the agenda of a special meeting of the LWDB's Executive Committee. The Executive Committee shall attempt to mediate and resolve the dispute. Disputes shall be resolved by a 2/3 majority consent of the Executive Committee members present.
- (4) The decision of the Executive Committee shall be final and binding unless such a decision is in contradiction of applicable State and Federal laws or regulations governing the contractor and / or sub-recipient agencies.
- (5) The right of appeal no longer exists when a decision is final. Additionally, final decisions will not be precedent-setting or binding on future conflict resolutions unless they are officially stated in this procedure.
- (6) The Executive Committee must provide a written response and dated summary of the proposed resolution to all parties.
- (7) The LWDB Chair (or designee) will contact the petitioner and the appropriate parties to verify that all are in agreement with the proposed resolution.

Reference: 2 CFR 200.331

Related TDLWD Policy:

[WFSPolicyMonitoring.pdf \(tn.gov\)](#) (effective 11-13-20)

[WFSGuidanceLocalWorkforceDevelopmentBoardMonitoringActivities.pdf \(tn.gov\)](#) (effective 3-20-18)

[WFSPolicyDataValidation.pdf \(tn.gov\)](#) (effective 11-13-20)

Workforce Services Policy: Corrective Actions and Sanctions for Non-Compliance (effective 2/28/25)

Vetted and Approved by the Local Workforce Development Board: September 11, 2025

Ben Ferguson

Signer ID: WDW3QWZZX15
Ben Ferguson, Chair

Southwest Tennessee Workforce Board

Chief Local Elected Official Approval

Per 20 CFR 679.430, any organization that has been selected or otherwise designated to perform multiple roles develop a written agreement with the LWDB and the CLEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget (OMB) circulars, and the State’s and region’s conflict of interest policies. The CLEO signature below certifies agreement with the specified roles, lines of authority, and responsibilities for monitoring, oversight, and reporting as described within this policy.



Signer ID: SD1000AH16...
Mayor Mike Creasy, CLEO

Southwest Tennessee Local Workforce Development Area

Property Management

Effective Date: March 9, 2023

Duration: Indefinite

Purpose: To establish a Property Management Policy.

Policy: The Local Workforce Development Board (LWDB) has established Property Management policies for Procurement, Contract Administration, Conflict of Interest – Code of Conduct, and Property Inventory Systems in accordance with the Workforce Innovations, Inc. (fiscal agent) Financial Management Manual approved by the Board of Directors as follows:

Procurement

The Local Workforce Development Area (LWDA) follows the below guidelines to procure goods and/or services:

- (1) Small Dollar Purchases - Non-recurring purchases totaling less than \$10,000, cumulatively in expense or revenue, may be made without documenting any quotes or proposals from multiple vendors.
- (2) Informal Solicitations - Purchases totaling less than \$50,000 in expense or revenue may be made based upon written, telephone or electronic bids. For purchases totaling \$10,000-\$49,999.99, bids must be solicited from at least three (3) Responsive/Responsible Bidders/Proposers.
- (3) Formal Solicitations - A formal solicitation process shall be used when the estimated aggregate total of the expense or revenue is \$50,000 or more, including renewal terms of multi-year awards. The types of formal solicitations include 1) Request for Information (RFI); (2) Invitation to Bid (ITB)/Request for Quotation (RFQ); and (3) Request for Proposals (RFP). For competitive procurement of goods, an ITB/RFQ is appropriate, and in general, a purchase order may be used to finalize the purchase. For competitive procurement of services, an RFP is more appropriate, and a purchase order is generally not sufficient to serve as the written contract for the services.
- (4) Non-Competitive Procurements - (A) Contracting with Another State/Governmental Entity. Personal, professional and consultant service contracts may be obtained by non-competitive negotiation when the contractor is a State Agency, a political subdivision of the state, or any other public entity in Tennessee, or an entity of the federal government. (B) Sole Source and Proprietary Purchases. Whenever specifications are not so worded or designed to provide for competitive bidding, a Sole Source or Proprietary Purchase may be allowed. A Sole Source Purchase is available only from a single Supplier; a Proprietary Purchase allows for a competitive procurement process to be used that specifies a particular good or service. Written justification for Sole Source or Proprietary Purchases must be submitted in writing for approval by the Executive Director and additional documentation may also be required as a part of the request.
- (5) Federal and State Guidelines - All procurement policies follow Federal and State guidelines and fiscal staff are trained on allowable and unallowable costs. All purchases are made in accordance with Workforce Services Policy- WIOA (Allowable and

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Disallowed Costs, Including Food) and Workforce Services Policy- Workforce Services
(Property Management)
– WIOA.

When making purchases for the American Job Centers (AJCs), fiscal staff review the request to determine if the item will be shared amongst partners in order to properly allocate the cost. Duties are properly segregated between employees responsible for purchasing, accounts payable, and cash disbursements. There are always two signatures on each purchase prior to submitting the information to the Director of Finance & Administrative Services and Executive Director for payment. Once entered into the system for payment, the Director of Finance & Administrative Services reviews the invoice for proper coding before approving it for payment.

Furthermore, each partner is required to contribute to the operating costs as described in the Infrastructure Funding Agreements. Shared costs are identified and agreed upon at partner meetings and are proportionately distributed based on full-time equivalent, FTE, (communication, advertising, supplies, etc.) or square footage (utilities, building maintenance, lease, etc.). Proportionate share, cost allocation methodologies, and any additional considerations are determined and costs are billed to partners on a monthly basis. Actual costs are billed rather than estimates or budgeted amounts. Periodically, space, FTE, and any other contributing factors are reviewed to determine if the IFA needs to be modified. Fiscal staff also attend appropriate trainings, as offered, in order to ensure compliance with the Uniform guidance.

The Local Workforce Development Board (LWDB) staff/fiscal agent may contract with various agencies, in accordance with WIOA Legislation and Tennessee Department of Labor and Workforce Development (TDLWD) policies, in order to select a One-Stop Operator, provider(s) of Title I services, and / or employers for programs such as On-the-Job Training (OJT) Grants, Incumbent Worker Training (IWT) Grants, and “Buy-out” classes. When awarding contracts through a competitive process, such as Title I sub-contracts, the LWDB staff/fiscal agent researches potential bidders, issues a Request for Proposal, receives proposals, reviews, and then awards competitive grants to providers based on identified scoring criteria and approval of the LWDB. Once it is determined that funds can be allocated for OJT/IWT grants or Buy-out classes, the LWDB has authorized administrative staff to initiate agreements or contracts with employers or appropriate community organizations.

Consistent with WIOA Sections 107(d)(10) and 121(d) and the Workforce Services Policy regarding One-Stop Delivery and Design System, and in accordance with the Regional Planning Council, the LWDB, with the agreement of the chief elected officials for the local area, shall designate or certify one-stop operators as described in section 121(d)(2)(A). In order to conduct a competitive process for the selection of a one-stop operator in accordance with 121(d)(2)(A), the Board, with the agreement of the CEOs, shall issue a Request for Proposals for a designated time period, with public notice being provided through print media and / or electronic means, and with potential bidders being notified of the release by email. Proposals received shall be reviewed by a committee approved by the Board and CEOs. The review committee shall make a recommendation to the Board for selection of the Operator. The selected Operator shall enter into a contract with the Board and CEOs as developed by the fiscal agent.

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Debarred and Suspended Parties

In accordance with WIOA regulations as Final Regulation 20 Section 683.200, LWDBs must not make any award or permit (sub-grants or contracts) to any party debarred, otherwise, suspended, or otherwise excluded from being eligible for participation in Federal assistance programs in accordance with US DOL Regulation at 29 CFR Part 98. Recipients and sub-recipients shall comply with these requirements.

Contract Administration Systems

Workforce Innovations, Inc., as fiscal agent for the undersigned Local Workforce Development Board, has an opportunity to contract with various entities for services. This includes both competitive and non-competitive awards using standard contracts, leases and purchase orders in accordance with WIOA and related guidance. The Contract Administration System is established to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

All contracts, leases and purchase orders will:

1. be procured according to WIOA and related guidance
2. be in written form, utilizing standard language that coincides with the funding source grant language.
3. be reviewed by at least two individuals prior to approval
4. be assigned an identifying number
5. be maintained for a period of 5 years (effective July 1, 2017)

Further, all contracts will:

1. require timely invoices and progress reports
2. be reviewed periodically by contract manager for progress toward contract goals
3. be monitored annually for compliance requirements

Conflict of Interest – Code of Conduct

The purpose of this policy is to define and provide guidance to all workforce entities providing WIOA services, what would be considered a conflict of interest and how to conduct business while preventing any actual, potential, or questionable conflict of interest.

Individuals

The WIOA is not an entitlement program. Still, it should be accessible to any individual, in any local area, who is eligible and suitable for available services subject to Local Workforce Development Board (LWDB) policies and procedures. However, when applicants have a close relationship with WIOA staff members, management, and other specific stakeholders of the Workforce Development System, access to program services should not be based on such relationships or based on political influence. It is possible that, even without any intention of misuse of WIOA funds, that a decision to enroll an individual in the program could be perceived as improper. Such a perception could cause non-compliance with state and / or federal law.

For the purpose of this policy, a conflict of interest “relative” will be considered a parent, step-parent, or parent-in-law, child including step child or adopted child, spouse or partner, brother, including step, half, or foster brother, sister, including step, half or foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, aunt, uncle, cousin, or other family member who resides in the same household. A “close personal acquaintance” is defined as a personal friend, personal

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friend's spouse or children, boyfriend / girlfriend and their children, and church or neighbors with whom you have a close relationship.

- If a relative or close personal acquaintance of a staff member is to be enrolled in any WIOA program, the employee will notify his/her supervisor and the Executive Director.
- Staff members will not determine eligibility for a relative or close personal acquaintance for any WIOA program.
- Staff members will not authorize or approve funds for a relative or close personal acquaintance enrolled in any WIOA program.
- Staff members will not serve as Career Advisor for a relative or close personal acquaintance.
- Staff members will not make approval of payments when a relative or close personal acquaintance is involved.
- Staff members will not accept gifts from participants in any WIOA program.

A disclosure statement for both the participant and staff member determining eligibility and providing services must be included in the intake / eligibility paperwork.

Contractors/Vendors

WIOA includes opportunities to contract with various organization, including non-profits, educational institutions, private employers, vendors, etc. Staff members with the responsibility to select, award and or administer contracts or payments must avoid any potential conflict of interest.

No employee, officer or agent of the LWDB shall participate in any way (including discussion, review and/or voting) in the selection, or in the awarding of, or administration of a contract supported by Federal or State funds if a conflict of interest, real or apparent, would be involved. Such conflicts arise when:

- The employee, officer (for the purpose of this policy, workforce board members shall be considered as officers), or agent,
- Any member of immediate family,
- His or her partner, close personal relationship, or
- An organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for the award.
- The LWDB officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub agreements.

For the purpose of this policy, a conflict of interest "immediate family" will be considered a parent, step-parent, or parent-in-law, child including step child or adopted child, spouse or partner, brother, including step, half, or foster brother, sister, including step, half or foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, aunt, uncle, cousin, or other family member who resides in the same household and is in an ownership and/or management position with the Contractor/Vendor entity. A "close personal acquaintance" is defined as a personal friend, personal friend's spouse or children, boyfriend / girlfriend and their children, and church or neighbors with whom you have a close relationship and is in an ownership and/or management position with the Contractor/Vendor entity.

Officers, employees or agents of the LWDB will not:

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- solicit bids from a potential Contractor/Vendor of immediate family member or close personal acquaintance.
- award a bid to a Contractor/Vendor of an immediate family member or close personal acquaintance.
- serve as contract officer for a Contractor/Vendor of an immediate family member or close personal acquaintance.
- approve payments for a Contractor/Vendor of an immediate family member or close personal acquaintance is involved.
- monitor contracts/payments for a Contractor/Vendor of an immediate family member or close personal acquaintance.

Officers, employees or agents of the LWDB will:

- act in a courteous, friendly, helpful and prompt manner in dealing with the public, customers and officials.
- conduct all business with honesty, fairness, integrity and loyalty, consistently practicing ethical behavior and processes.
- conduct themselves in such a manner as to merit the respect of their employer, co-workers and peers.
- exercise skill and good judgement to obtain the maximum value for each dollar of expenditure.
- treat with discretion all information obtained in confidence.
- strive for standardization to reduce cost and further the development and methods of products that emphasize high quality, safety and effectiveness of services.
- be knowledgeable of and comply with all applicable laws and regulations of the United States, the State of Tennessee, WIOA and other grant resources in a manner that will reflect a high standard of ethics.

Staff members are required to adhere to the Local Workforce Development Board policy, as well as, the TN Department of Labor and Workforce Development Conflict of Interest Policy.

Property Inventory Systems

In accordance with 2 CFR 200.313(d)(1)-(5) the Local Workforce Development Board will, at a minimum, meet the following requirements:

- (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
- (2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
- (3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
- (4) Adequate maintenance procedures must be developed to keep the property in good condition.

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(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

Types of Property for which Accountability must be Maintained

In accordance with the TDLWD Property Management policy, the types of property for which accountability must be maintained include:

(1) Tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Examples include furniture, machinery, office, operational, and educational equipment, etc.

(2) Sensitive equipment having a unit cost of \$100 to \$5,000. Examples include typewriters, tape recorders, printers, computers, and cameras.

(3) Computer systems will be tagged as a unit consisting of the CPU, monitor, keyboard, and mouse. All other equipment will be tagged separately.

All LWDB procurements of sensitive equipment or procurements having a unit acquisition cost of \$5,000 or more must have prior written approval from TDLWD. Monthly subscription fees under \$5,000 are also included should the total annual cost for the subscription exceed \$5,000, in which prior approval must be obtained.

The Governor, on behalf of the U.S. Department of Labor (DOL) reserves the right to claim title to all property purchased with WIOA, WIA, JTPA, or CETA funds with a current per-unit fair market value in excess of \$5,000 (Property Accountability 114S-60.401 Classification Criteria).

Equipment Property Management Procedures

In accordance with the TDLWD Property Management policy:

(1) When property with a current per-unit value in excess of \$5,000 has been stolen or destroyed by fire (or another disaster), is considered obsolete, or is to be traded for new equipment, the LWDB shall notify the State office of the particular event and request approval to remove the property from the Record Inventory.

(2) If any property is stolen, the theft must be reported to the police for investigation and a copy of the Police Report must accompany the Report of the Survey. If the stolen property has a current per-unit value of \$5,000 or more the Federal Bureau of Investigation must be notified and a copy of the report must accompany the Report of the Survey.

(3) If the property is destroyed by fire, a copy of a Fire Marshall's Report must accompany the Report of the Survey.

When the LWDB determines that the property is non-serviceable due to obsolescence, the destruction of the equipment must be requested through the State's system, at which time the State Procurement Office re-evaluates the condition of the equipment. TDLWD will review the request and approve it with instructions to forward it to the LWDB before the State Procurement Office re-evaluates the condition of the equipment. All property records must be maintained for three years after final disposition of the property. For additional information regarding disposition of property, please see Provision 4, Section D of the Supplementary Financial Guide.

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(4) The LWDB must tag all property with the appropriate tag and records must indicate the program under which the property was acquired. Upon request, tags will be provided by the TDLWD. After tagging the equipment, it should be added to the LWDB inventory listing. Inventory records must contain the following information:

- a. Tag number
- b. Program funding the acquisition
- c. Percentage federally funded (if not 100%)
- d. Date of purchase or acquisition
- e. Condition of the property (cost or fair market value)
- f. Location
- g. Serial number or other identifying number should be added to other pieces of equipment acquired.

New acquisitions must be reported to TDLWD on the Property Record form. All new property should be clearly marked. New property listings must be submitted to TDLWD as soon as possible after tagging the property.

Reference: 2 CFR 200; 2 CFR 200.311-312; 2 CFR 200.313(d)(1)-(d)(5); 2 CFR 200.333(c)-(d)

Related TDLWD Policy: [Property Management Policy \(2-3\)](#)

[Allowable and Unallowable Costs \(tn.gov\)](#)

[PropertyManagement.pdf \(tn.gov\)](#)

[WFSPolicyConflictofInterest.pdf \(tn.gov\)](#)

[WorkforceServicesGuidancePurchaseSupplierEquipment.pdf \(tn.gov\)](#)

[WFSPolicyOne-StopOperatorandServiceProviderProcurement.pdf \(tn.gov\)](#)

[WFS_Guidance-Cost_Classification.pdf \(tn.gov\)](#)

Vetted and Approved by the Local Workforce Development Board: March 9, 2023

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 Ben Ferguson, Chair
 Southwest Tennessee Workforce Board

Information Access

Effective Date: March 9, 2023

Duration: Indefinite

Purpose: To establish the roles and responsibilities for making meeting information and minutes available to the public.

Policy: WIOA Section 107(e), along with 20 CFR 679.390 and 20 CFR 679.550(b)(5), requires that the local boards make available to the public, on a regular basis through electronic means and open meetings, certain information such as minutes of formal Local Board meetings. This information must be made available upon request and on the local area's website. Workforce Services' Local Governance Policy requires that each Local Workforce Development Board (LWDB) have its minutes made available on the LWDB's website within fifteen (15) business days of the LWDB's approval of the meeting minutes. Only the formal minutes must be posted on the website; no attachments of presentations at the board meeting are needed unless the LWDB believes that these attachments are necessary. Meeting handouts for the Local Workforce Development Board meetings will typically be posted in conjunction with the minutes as a means of recordkeeping and access for board members, staff, contractors, partners, and the public.

Along with the board minutes, the LWDB must provide the updated LWDB roster to be uploaded on the LWDB's website. The board roster must be easily accessible, visible to the public, and must include the following information:

- The date the member was confirmed to serve on the LWDB,
- The member's first and last name,
- The member's county of representation residence, and
- The organization the member represents-

Tennessee Code Annotated Section 10-7-503(a)(2)(A)(B) requires that public records are to be open to the public. Transparency and accountability must be a part of the function and duties of the LWDB; business conducted in an open manner and with appropriate accommodations ensures that the public, including people with disabilities, can access information concerning board meetings. The LWDB must ensure that appropriate accommodations—such as documents in Braille and large print, sign language interpreters, wheelchair accessibility, and closed captioning—are made so that those with disabilities have access to all its public meetings and pertinent records.

With the approval of this policy, the Local Workforce Development Board assures compliance with the referenced Workforce Services Division policy, including all federal rules and regulations, by:

1. Providing adequate notice to the public about its upcoming meetings including location, date, and time of meetings. Notices will be posted on the Board's website and social media page, and be emailed to Board Members and Local Elected Officials for distribution thirty (30) days prior to the meeting.
2. Conducting its business of those meetings in an open manner.
3. Arranging for all individuals, including those with disabilities, to have physical and electronic access to LWDB meetings, including appropriate accommodations, auxiliary aids, and services

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such as offering documents in Braille and large print, sign language interpreters, wheelchair accessibility, and closed captioning.

4. Arranging for the public to have access to the LWDB meeting minutes and any other pertinent information related to LWDB business by making them available to the public upon request, on its website within fifteen (15) business days of the Board’s approval of the meeting minutes, and available in alternate formats for people with disabilities as needed.
5. Providing notification to the Tennessee Department of Labor and Workforce Development (TDLWD), as instructed by the State Workforce Development Board, immediately after posting minutes to its website

Reference: WIOA Section 107(e); 20 CFR 679.390; 20 CFR 679.550(b)(5); Tennessee Code Annotated Section 10-7-503(a)(2)(A)-(B)

Related TDLWD Policy: Local Governance Policy

Vetted and Approved by the Local Workforce Development Board: March 9, 2023

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Ben Ferguson, Chair
Southwest Tennessee Workforce Board