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Department of Workforce Investment

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May 27, 2022

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TENCO Workforce Development Board
General Manager, Family Dollar Distribution
1000 Cr-1425
Morehead, KY 40351

Denise Dials, Workforce Director
TENCO Kentucky Workforce
Development Area
201 Government Street, Suite 300
Maysville, KY 41056

Dear Mr. Doan and Mrs. Dials:

Thank you for your responses to the Workforce Innovation and Opportunity Act Title 1B PY20 Comprehensive Monitoring Report issued on April 14, 2022. While these responses have been accepted, the Cabinet reserves the right to review files of this cohort, as well as all participant files for ongoing compliance purposes.

If you have any questions, please contact Jim Beyea at jim.beyea@ky.gov or email at oetmonitoringteam@ky.gov.

Sincerely,

Jim Beyea - DWA

Jim Beyea
Assistant Director

Attachment(s): PY20 Comprehensive Compliance Review



Comprehensive WIOA Programmatic Review

TENCO LWDB

November 16, 2021

Monitoring of the TENCO Local Workforce Development Area

The TENCO Local Workforce Development Area was monitored by the monitoring team staff on December 13, 2021. Department of Workforce Investment (DWI) monitoring staff included Anita Doster, Amanda Cummins, Donna Burke and Jim Beyea. The team reviewed the Workforce Innovation and Opportunity Act (WIOA) Title 1B programs, specifically Adult, Dislocated Worker (DW), and Youth relating to Program Year 2020.

Due to complexities with the Initial TENCO fiscal review, which typically is part of the initial comprehensive report, DWI monitoring will delay this review until further notice. As a result, this report will not be final until the fiscal portion is complete. There is no date set for completion as DWI cannot forecast beyond the complexities involved.

A closing conference was held on February 14, 2022. A brief review of programmatic monitoring was given by Jim Beyea, Anita Doster, Amanda Cummins, and Donna Burke.

The purpose of the monitoring review was to analyze information regarding the above-noted formula programs and grants operated by TENCO's LWDB in order to:

- determine if the programs are meeting their goals and objectives;
- assess whether the programs are operating in accordance with federal, state, and local requirements, and
- identify promising practices.

For purposes of this monitoring review, a finding could denote noncompliance with the following:

- applicable laws and regulations;
- relevant Office of Management and Budget (OMB) circulars;
- uniform administrative requirements;
- state policies and directives; and/or
- local policies and procedures.

The monitoring team appreciates the time and information provided by TENCO LWDB staff. This report is critical to the continuous improvement of the workforce system leading to better services and outcomes for jobseeker and employer customers.

Title 1B Executive Summary

The following is a description of findings and observations found when monitoring WIOA Title 1B Programs:

The Program monitor(s) identified eight (8) findings and one (1) observation during the PY 2020 Comprehensive Monitoring Review. The findings identified within this report are indicative of operational or quality issues worthy of attention and/or follow-up.

A finding requires immediate attention and corrective action, up to and including a corrective action plan. An observation may be a concern that, if left unaddressed, may result in future finding(s). An observation may also be a concern in which a written clarification from the LWDB could alleviate the concern. The operational challenges identified in the observations are related to those activities for which the Commonwealth has a strategy or an initiative, but for various reasons, the action is incomplete or insufficient.

Incorporated in this summary is a list of applicable findings and observations for each program based on the Comprehensive Monitoring Review. Following the summary are the individual program details.

Program Monitoring Summary

Finding(s):

1. Internal Control Issue(s)
2. ISS/IEP Incomplete
3. Case notes not entered at time of contact
4. Violation of case note policy
5. Follow-up Not Documented
6. Assessment Not Documented
7. Overpayment of OJT
8. Need to Train not established

Observation(s):

- A. Incomplete/Incorrect WIOA-1

PROGRAM MONITORING DETAILS

FINDINGS

Finding (1):

Internal Control Issue(s) - Category 2 not checked properly on WIOA-1 and eligibility documentation not uploaded in a timely manner

Issue(s):

1. Dislocated Worker: Workforce Case #001881519, 001880941, 001880974, 001881052, 001881639, 001954554, 001923716, 001541127, 001907145, 001933959, 001935194, #002440761, #002473467, 001954631, 001970740, 001935420, 001723474, and 000050411. Eighteen dislocated worker participants had missing UI Verification that was submitted after these participants completed training. It was later discovered the incorrect box was checked on the WIOA-1 form under the Dislocated Worker section.

Citation(s):

In reference to 20 CFR 683.220, internal controls must include reasonable assurance that the entity is:

- Managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
- Complying with Federal statutes, regulations, and the terms and conditions of the Federal award;
- Evaluating and monitoring the recipient's and subrecipient's compliance with WIOA, regulations and the terms and conditions of Federal awards; and
- Taking prompt action when instances of noncompliance are identified.

Instance(s): 18/48 (38%)

Required Action:

LWDB must ensure case managers verify information in KEE Suite at the time of WIOA enrollment. All documents associated with the participant must be scanned and saved in KEE Suite prior to or on the day of eligibility. It is recommended for the LWDB to develop and publish a written internal policy to establish and define the parameters of enrolling Dislocated Workers and ensuring the appropriate category is selected for that participant.

A training must be given to counselors showing the importance of timeframes and utilizing the State system accurately. The training shall include the process of conducting the WIOA enrollment, focusing on DW, and uploading required eligibility documentation in a timely manner. A sign-in sheet and training material must be submitted to the State to show that all counselors did attend this training. This must be submitted to DWI within 30 days of receipt of this report to attest this finding has been resolved.

LWDB Response:

Training was completed on May 11, 2022. Training PowerPoint and sign-in sheet is attached. All Career Counselors, Quality Control, and Administrative Staff completed the training.

DWI Response:

DWI accepts LWDB's response. Finding is resolved.

Finding (2):

ISS/IEP Incomplete

Issue(s):

1. Youth: Workforce Case #001111143, #001748922, #003332013. Three participants have an incomplete ISS and are missing one or more of the following sections: LMI, Industry Sector, Long-term goals, short-term goals, and challenges.
2. Adult: Workforce Case #001073361. One participant had an incomplete IEP and was missing LMI data and industry sector.
3. Dislocated Worker: Workforce Case #002473467. One participant had an incomplete IEP and was missing Work History, Strengths, Goals, Tool Test, Challenges/Stressors. The IEP did not contain detailed information relating to the development of a plan for the customer.
4. Dislocated Worker: Workforce Case #002014190. One participant had an incomplete IEP and was missing Work History, Tool Test, and Challenges/Stressors.

Citation(s):

Workforce Innovation and Opportunity Act Sec. 129 (c)(B) "...develop service strategies for each participant that are directly linked to 1 or more of the indicators of performance described in section 116(b)(2)(A)(ii), and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program;"

According to Policy (29 U.S.C. § 3164(c)(1)(B)). The IEP/ISS shall contain the following components: short and long-term goals identified collaboratively to achieve the participant's specific occupational goal, objectives identified collaboratively as action steps to achieve each of the established goals, all goals and objectives shall address holistic case management including the elimination of barriers identified during assessment. All goals and objectives shall be measurable and attainable within the identified timeframe.

Instance(s): 6/48 (13%)

Required Action:

LWDB must ensure that all elements of the ISS/IEP are completed prior to providing training services. A training must be given to staff regarding the importance and process of including all information of the ISS/IEP. A sign in sheet for this training and the training itself must be completed and forwarded to DWI within 30 days of receipt of this report to attest this finding has been resolved.

LWDB Response:

Training was provided on May 11, 2022. The PowerPoint presentation and Sign-in sheet is attached. All Career Counselors, Quality Control, and Program Administration completed the training.

DWI Response:

DWI accepts LWDB's response. Finding is resolved.

Finding (3):

Case notes not entered into KEE Suite within the allotted time frame

Issue(s):

1. Youth: Workforce Case #001160249, #001748922, #003332013, #001911124, #001688512, and #001881396. Six participants have case notes entered later than the 10-day timeframe and are not being documented at the time of contact.

Citation(s):

Case Note Policy # 16-207 states that effective case management practices include comprehensive case notes. Case notes document details about intake, evaluations, participation, outcomes, service decisions, one-on-one meetings, achievements, and follow-up services. The purpose of case notes is to provide a detailed description of an individual's participation in services. Case notes must be clear, relevant, and useful. Case notes will be written at the time of the event of contact and entered into KEE Suite as soon as possible, not to exceed 10 business days.

Instance(s): 6/48 (13%)

Required Action:

LWDB must ensure that all case notes are completed in KEE Suite at the time of event or contact and should be clear, relevant, and useful. A training must be given to staff regarding the importance of entering data into KEE Suite within the allotted time frame. A sign in sheet for this training and the training itself must be completed and forwarded to DWI within 30 days of receipt of this report to attest this finding has been resolved.

LWDB Response:

Training completed on May 11, 2022. The PowerPoint Presentation and Sign-In Sheet is attached. All Career Counselors, Quality Control, and Program Administrative staff completed the training.

DWI Response:

DWI accepts LWDB's response. Finding is resolved.

Finding (4):

Violation of case note policy.

Issue(s):

1. Adult: Workforce Case #001073361, #000937108, and #001453677.
2. Dislocated Worker: Workforce Case #002883018, #002440761, #002473467, #001520269, #001468911, #002578212, #003312191, #001881519, 001880941, #001880974, 001881052, #001881639, 001954554, #001891296, #001923716 #001541127, #001907145, #001933959, 001935194, #001935369, #001954631, #001970740, #001902102, #001935420, and #001723474.
3. Youth: Workforce Case #001111143, #001160249, #001748922, #003332013, #001911124, #001213314, and #001881396.

Thirty-five participants do not show consistent contact and/or good communication between the counselor and participant. A case note policy for TENCO to better support this issue was not found.

Citation(s):

In reference to case note policy, 16-027, “Case notes must show interaction between the customer and career planner and show results. The content of case notes should include information that accurately describes the services provided and the individual’s experiences. Case notes should tell a story of the participant’s journey through programs into self-sufficiency.

In reference to case note policy, 16-027, it is also stated, “Local workforce development areas should develop policies and procedures that comply with this policy.”

Instance(s): 35/48 (73%)

Required Action:

It is highly recommended for TENCO to develop a case note policy that will assist in helping the counselors to better follow protocol and will meet case note policy 16-027. A training must be given to staff regarding the importance of effective case notes. A sign in sheet for this training and the training itself must be completed and forwarded to DWI within 30 days of receipt of this report to attest this finding has been resolved.

LWDB Response:

TENCO has a Data Entry policy which includes case note expectations - policy # 46 - see attached. The policy will be updated to include the recent state policy changes. Training was completed on May 11, 2022. The PowerPoint presentation and sign-in sheet is attached. All Career Counselors, Quality Control, and Program Administrative staff completed the training.

DWI Response:

DWI accepts LWDB’s response. Finding is resolved.

Finding (5):

Follow-up Service Not Documented

Issue(s):

1. Youth: Workforce Case #001160249 and #001881396. Two participants had incomplete quarterly follow-ups and all quarterly outcomes were entered into KEE Suite on the same day.

Citation(s):

20 CFR § 681.580 describes follow-up services as (a) critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise." Follow-up services may begin immediately following the last expected date of service in the Youth program (and any other DOL program in which the participant is co-enrolled if the state is using a common exit policy as discussed in TEGl No. 10-16) when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program.

Instance(s): 2/48 (4%)

Required Action:

LWDB must ensure case managers complete follow-up services in a timely manner and all case notes are documented in KEE Suite. A training must be given to staff regarding the importance of follow up activities. A sign in sheet for this training and the training itself must be completed and forwarded to DWI within 30 days of receipt of this report to attest this finding has been resolved.

LWDB Response:

Employment outcomes can only be entered after the KEE Suite record has exited or it will generate a new activity that keeps the record active. Due to KEE Suite not exiting records in a timely manner, there have been several occasions where the Career Counselor must wait and enter all the outcomes at the same time. Case notes are used to reflect the outcome data until the system exits the record and outcomes are then entered.

A training was provided on May 11th. Sign in sheets and PowerPoint is included. All Career Counselors, Quality Control, and Program Administrative staff completed the training.

DWI Response:

DWI accepts LWDB's response. Finding is resolved.

Finding (6):

Basic Skills Assessment Not Documented

Issue(s):

1. Youth: Workforce Case #001748922. One participant does not have a basic skills assessment documented.

Citation(s):

TEGL 21-16, Assessment Requirements: The WIOA youth program requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interest aptitudes, supportive service needs, and developmental needs. Assessments must also consider a youth's strengths rather than just focusing on areas that need improvement.

Instance(s): 1/48 (2%)

Required Action:

LWDB must ensure that all youth participants undergo an objective assessment and the assessment/results must be documented into KEE Suite prior to the beginning of any services. During Covid-19 Pandemic, Tabe testing was waived and other forms of assessments were allowed but the assessment must be documented under Tool Test Summary or in a case note stating which form of assessment was given to satisfy the Objective Assessment requirement. A training must be given to staff regarding the importance and process of objective assessments. A sign in sheet for this training and the training itself must be completed and forwarded to DWI within 30 days of receipt of this report to attest this finding has been resolved.

LWDB Response:

Training was provided on May 11th. The sign in sheets and PowerPoint is included. Career Counselors, Quality control and Program Administrative Staff completed the training.

DWI Response:

DWI accepts LWDB's response. Finding is resolved.

Finding (7):

Overpayment of OJT.

Issue(s):

1. Dislocated Worker: Workforce Case #001891296 and #001902102. Two participants had overpayment of OJT.
 - #001891296 – participant was reimbursed four days prior to start of OJT; hourly wage was \$25.26. 50% of this total is \$10.05 working 25.26 hours totaling to \$253.87.
 - #001902102 – participant was reimbursed five days prior to start of OJT; hourly wage was \$11.59. 50% of this total is \$5.80 working 34.97 hours totaling to \$202.83.

Citation: 2 CFR 200.403 Factors affecting allowability of costs. Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards: (a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

2 CFR 200.404 Reasonable costs. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally funded. In determining reasonableness of a given cost, consideration must be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.

Instance(s): 2/48 (4%)

Required Action:

LWDB must reduce the next draw amount against grant #271DW20 by the disallowed cost amount of \$456.70. Present the documentation to the DWI Monitoring team for this draw, less the \$456.70, for approval.

LWDB Response:

After discussion with Mr. Beyea, it has been agreed upon for Buffalo Trace ADD to send a check from local funds for \$456.70 to DWI.

DWI Response:

Payment in the amount of \$456.70 was received on May 25, 2022. DWI accepts LWDB's response. Finding is resolved.

Finding (8):

Need to Train not established

Issue(s):

The need to train was not established for participants who currently possess skills and/or qualifications to obtain self-sufficient wages.

1. Dislocated Worker: Workforce Case #002473467 and #002014190. Two participants are missing information that show a need of an OJT in Assessment and in case notes.

Citation(s):

In reference to TENCO's policy #34, "Need to Train", "Adult, Dislocated Worker, and youth applicants must meet the following criteria in order to be considered for occupational training funds." Number 2 in this policy states, " The individual has met the following six criteria as established through the State "Need to Train" policy.

- Suitable employment is not available with the current skill set;
- The customer will benefit from the training;
- There is a reasonable expectation for employment following training;
- Training is reasonably available;
- The customer is qualified to undertake and complete training; and
- The training is suitable and available on the ETPL.

Instance(s): 2/48 (4%)

Required Action:

LWDB must ensure Case Managers conduct a thorough assessment prior to placing a participant in training. Documentation that includes assessment, analysis, LMI, etc., must be provided to support the determination for Need to Train. Evidence that the participant is not able to obtain/retain employment with their current skill sets must be included in the case file as well.

LWDB Response:

Training was provided on May 11th. The sign in sheets and PowerPoint are included. Career Counselors, Quality Control, and Program Administrative Staff completed the training.

DWI Response:

DWI accepts LWDB's response. Finding is resolved.

OBSERVATIONS

Observation A:

Incomplete/Incorrect WIOA-1.

Dislocated Worker: Workforce Case #002883018 and #002883018 had incomplete KEE Suite WIOA-1's, the last "AND" section under Category 1, which is required, wasn't checked nor was an explanation provided. Workforce Case #001891296 had two social security boxes not checked on the WIOA-1 form in KEE Suite with enrollment date of 8/11/20. However, Social Security card was scanned and uploaded. on 8/17/20.

Dislocated Worker: Workforce Case # 001541127. Participant's paper WIOA-1 has "Passport" boxes checked for Social Security, Date of Birth, and Citizenship verification. A copy of the Passport was not scanned into KEE Suite. However, the KEE Suite WIOA-1 form has boxes checked for Driver's License and Social Security and those documents were scanned into KEE Suite.

Recommendation A:

It is recommended to ensure all WIOA-1 documents are fully and accurately completed prior to approval for eligibility. By ensuring completion of the data being entered into the State system, this can assist in the avoidance of potential disallowed cost. It is highly encouraged for the local area to utilize the State system for the purposes for eligibility approval and other required processes.

END OF REPORT