

## **Administrative Plan Instructions**

The following information should be reflected in each RWBs Administrative Plan and represents the minimum required administrative procedures for managing Workforce Investment Act, Wagner-Peyser, Welfare Transition, Food Stamp Employment & Training and any other program for which the Regional Workforce Board/administrative entity receives funds from the Agency for Workforce Innovation.

### **I. Description of the Administrative Entity/Fiscal Agent**

- A. Identify the Regional Workforce Board.
- B. Identify the workforce region number.
- C. Please state the full name of the designated administrative entity and grant recipient. (If not the same entity, describe the respective role of each entity)

### **II. Financial Management Procedures**

- A. Provide an overall description of the fiscal controls and accounting procedures used by the administrative entity. Provide a written assurance that the financial system provides fiscal control and accounting procedures that are in accordance with generally accepted accounting principles.
- B. Provide a description of how information pertaining to subgrant and contract awards, obligations, unobligated balances, assets, liabilities, expenditures, and income is maintained.
- C. Describe the procedures in place to compare actual expenditures with budgeted amounts for each subgrant and contract.
- D. Describe the procedures in place to ensure the proper charging of costs and cost allocation.
- E. Describe the procedures in place that permit the tracing of program income, potential stand-in costs and other funds generated in support of grant activities.
- F. Describe the procedures in place to require and maintain documentation to support accounting records. Federal regulations state that recipients shall keep records that are sufficient to permit the preparation of required

reports and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

- G. Describe the procedures in place to receive, disburse, and manage cash payments received from the state. The state is required to ensure that cash advances to a recipient organization be limited to the minimum amounts needed and timed in accordance with the actual, immediate cash requirements of the recipient.
- H. Describe the organization's payroll procedures.
- I. Describe the organization's travel policies and procedures.
- J. Describe procedures in place to maintain required fidelity bonding for individuals involved with the financial management system.
- K. Describe the audit and audit resolution processes that will assure that audit requirements are met (Audit and Audit Resolution Final Guidance AWI FG 05-019 issued August 12, 2005 as revised).
- L. Describe the corrective action policies and procedures established to ensure the prompt, appropriate and aggressive debt collection action to recover any funds misspent by subrecipients. Describe the procedures for the establishment and collection of a debt.

### **III. Procurement procedures**

Each regional workforce board administrative entity and/or grant recipient must establish a written system of uniform procedures to govern the procurement of contractual services. For public agencies this is usually contained in state and/or local law. Private organizations must establish their own policies and procedures according to their established corporate bylaws. The written procurement process must address the different steps in the procurement process and the organizational entity/person responsible for each of the identified steps/functions.

Public agencies that are required to follow Florida Statutes Chapter 287 when procuring goods and services will adhere to those policies and procedures when procuring goods and services with grant program funds awarded by the Agency for Workforce Innovation. These public agencies must also comply with the specific grant program regulations; Chapter 445 of Florida Statutes; and, the administrative standards established by Title 2 of the federal Code of Federal Regulations when procuring goods and services with grant funds awarded by the Agency for Workforce Innovation. All other public agencies, and all private subrecipients must establish local procurement policies and procedures which

adhere to the specific grant program regulations, Chapter 445 of Florida Statutes; and, the administrative standards established by Title 2 of the federal Code of Federal Regulations when procuring goods and services with grant funds awarded by the Agency for Workforce Innovation. All subrecipients must follow the same procurement policies and procedures used for non-federal funds as long as they comply with the minimum requirements established by the federal and state law and rules. A copy of the local procurement policy and procedures established by the Administrative Entity must be included as a part of the approved administrative plan and must, at a minimum, address the following:

- A. Provide a description of procedures in place to maintain written records sufficient to detail the significant history of procurement. These records shall include, but are not necessarily limited to, the following: rationale for the method of procurement, selection or agreement type, awardee selection or rejection, and the basis for the agreement price.
- B. Identify the title of the agency official(s) authorized to sign contracts and contract modifications. Also, identify the agency official(s) authorized to terminate contracts. Where members of the Regional Workforce Board have a full or partial role in some or all of these actions, this should be described in the policy.
- C. Provide a description of the agency's local code of conduct or similar rules that govern conflict of interest (or include as an attachment).
- D. Provide a description of the procedures and monetary thresholds for small purchases. Describe the local procedures for documenting and justifying noncompetitive procurements. Identify the agency official(s) authorized to approve noncompetitive procurements.
- E. Provide a description of each method of procuring goods and services (such as small purchases, Request for Proposals, sealed bids, etc.) and include a description of the circumstances under which one or the other method will be used.
- F. Provide a description of how contract awardees are selected. Include a description of who and how technical review rating factors are designed and the role of staff and board members in the technical review and selection process including a description of how these roles interrelate.
- G. Provide a description of how required cost and/or price analysis will be conducted and documented.

- H. Provide a description of the procedures and rules governing when certain types of contract instruments (purchase order or formal agreement, etc.) will be used to purchase goods and services.
- I. Provide a description of how procurement files will be established and maintained. Generally, these files should contain information about all offers, their ratings and price, negotiations, and any other actions affecting and leading to a contract award.
- J. Provide a description of the agency's rules and procedures regarding the appeal or protest of contract awards.
- K. Provide a description of the agency's policies and procedures regarding how contract payments will be reviewed and approved. Also, provide a description of how contractors will be reviewed for performance and available methods for addressing poor or inadequate performance.
- L. Provide a description of the minimum required elements of the active contract files. Also provide a description of the procedures for maintaining, storing, archiving, and disposing of contract files.
- M. Provide a description of the procedures in place to close out completed contracts.

#### **IV. Property management procedures**

Records management and retention - Procedures complying with Chapter 119, Florida Statutes and Chapter 1B-24, Florida Administrative Code, in the handling of records made or received pursuant to its statutory responsibilities and in the course of its official business. This procedure also includes the following elements:

- A. Confidentiality and security of customer/participant records - Confidentiality and information disclosure—the RWB should have a confidentiality policy in place that is in compliance with federal laws, regulations, Florida Statutes, codes and the Confidentiality Guidance. This should cover all records including the safeguarding of information retained on computer.
- B. Disposition of customer/participant records should a vendor or contractor goes out of business prior to an audit being completed.

#### **V. Grievance and complaint procedures**

Describe the grievance and complaint procedures, ensuring compliance with WIA Sections 188 and 667, Chapters 414 and 445, F.S., AWI guidance <http://www.floridajobs.org/pdg/administration/004GrievRev031504.rtf>, and Element 8 of the *Methods of Administration*. Ensure the procedures include the right to a fair hearing according to federal law, Florida Statute and guidance.

- A. Describe the procedures to be used to meet federal requirements to resolve grievances or complaints arising from participants, subgrantees, subcontractors, and other interested persons regarding grant activities. Include a description of procedures established for grievances arising from audit disallowance(s) or the imposition of sanctions taken with respect to audit findings, investigations or monitoring reports for its sub-recipients.
- B. Describe the process of notifying program participants of their right to file a grievance and assure that participants understand that right.
- C. Describe the process of notifying program applicants, participants and beneficiaries of services of their right to file a discrimination complaint.

## **VI. Monitoring Oversight and Evaluation Plan**

The Workforce Investment Act of 1998 expanded the oversight responsibilities of RWBs and/or administrative entities. The purpose of the expanded oversight is to ensure effective monitoring and oversight of the maintenance of program integrity and for on-going program evaluation and planning. Each administrative entity must include a monitoring plan as a part of the administrative plan. The plan should use the following principles as a guide in the development of the plan.

- A. The plan must include the provision that all training and training-related subcontracts will be monitored at least once per year or more frequently if needed, to ensure program integrity.
- B. The plan must provide for the gathering of sufficient information in the areas of fiscal, program operations, contractual requirements, and program outcomes to ensure program integrity.
- C. The plan must specify the type of information to be gathered and a description of the means to collect the specified information.
- D. The plan must include provision for corrective action(s) to be taken if the results of local monitoring and oversight activities are negative. These actions may include, but are not limited to, technical assistance and

guidance, deobligation of funds, cancellation of contracts, and other necessary and appropriate steps.

- E. The plan must include a description of the process for annual evaluations of the effectiveness of funded service strategies and programs.
- F. The RWBs may exercise independent oversight for grant activities, which shall not be circumscribed by agreements with the appropriate chief elected official, or officials (applicable to WIA).
- G. The RWB and the chief elected official(s) (applicable to WIA) may conduct such oversight as they, individually or jointly, deem necessary or delegate oversight responsibility to an appropriate entity pursuant to the Local Elected Officials (LEO) agreement (applicable to WIA) or local monitoring plan.

## **VII. Local Compliance Monitoring Plan**

- A. The monitoring plan must state that each service provider will be monitored on-site on a regular basis, but not less than once annually. An initial monitoring visit to service providers should be conducted within four months of the start date of the contract or before the end of the contract in cases where the duration of the contract is less than four months.
- B. The monitoring plan must provide that the service providers who are found to be out of compliance with the contractual agreement, the WIA, WP, TAA the WT program, and/or other workforce programs for which the RWB/administrative entity receives funds from the AWI will develop corrective action plans. The plan must also include provision for follow up to ensure that corrective actions have actually been implemented.
- C. The monitoring plan must include procedures that will be followed in providing technical assistance and guidance to service providers.
- D. The monitoring plan must describe the procedures for the deobligation of funds and cancellation of contracts that are not in compliance with the contractual agreement, the Workforce Investment Act (WIA), Wagner-Peyser (WP), Trade Adjustment Act (TAA) Welfare Transition (WT) and the Food Stamp Employment and Training Program (FSET) programs, or other workforce programs for which the RWB/administrative entity receives funds from the AWI.

- E. The monitoring plan must describe the procedures for submittal of monitoring reports to service providers. Every effort must be made to submit reports to service providers within 20 working days after a monitoring visit. The administrative entity must maintain backup documentation to support the findings of monitoring reports.
- F. The monitoring plan must describe the procedures for monitoring of the contractual requirements, program outcomes, and programmatic and fiscal records. The expenditures must be regularly examined against the cost categories and cost limitations specified in the WIA, WP, TAA, WT and FSET programs, or other workforce programs for which the RWB/administrative entity receives funds from the AWI. If the administrative entity has developed contracts with service providers, the administrative entity must ensure that an audit trail is established for all monies provided to service providers.
- G. The monitoring plan must describe procedures that will be used during the review and evaluation of service providers' programs in terms of outcomes, success rates, cost effectiveness, and value to the community.
- H. The monitoring plan must establish procedures to ensure that service providers achieve program quality and outcomes that meet the objectives of the WIA, WP, TAA, WT and FSET programs, or other workforce programs for which the RWB/administrative entity receives funds from the AWI.
- I. The monitoring plan must include a nondiscrimination-program component designed to ensure compliance with the provisions of 29 CFR 37.54(d)(2).<sup>1</sup>
- J. The monitoring plan must state that monitoring will include a review of the local Two Year Workforce Plan, including the WIA, WP, TAA, FSET and WT program plans, or other workforce programs for which the RWB/administrative entity receives funds from the AWI.

### **VIII. Records Management and Confidentiality**

Regional Workforce Boards are required to have processes and procedures in place to manage, retain and properly dispose of program and financial records in accordance with OMB Circular A-110, Chapter 119, Florida Statutes and specific

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<sup>1</sup> A suggested monitoring resource is the *Guide to Conducting Equal Opportunity Monitoring Reviews*, produced by the National Association of State Workforce Agencies, August 24, 2005, and available at: [http://www.workforceatm.org/articles/template.cfm?results\\_art\\_filename=eomonguide.htm](http://www.workforceatm.org/articles/template.cfm?results_art_filename=eomonguide.htm)

program related requirements such as 45 CFR 92.42, TANF specific: TANF-ACF-PI-2003-1; sections 404(e) and 409(a)(7) of the Social Security Act (Act) and FSET - 7 CFR 272.1 (f)

- Medical Records & Disability–Related Information:

Medical records and disability-related information on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment must be stored in a manner that ensures confidentiality, and must be used only for the purposes of record keeping and reporting; determining eligibility, where appropriate, for WIA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law. (29 CFR 37.37)

This information must be maintained on separate forms, stored separately from all other information about a particular individual, and treated as confidential medical records. Access to disability-related or medical information must be limited.

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of an employee or participant and regarding necessary accommodations.

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or evacuation; and

(iii) Government officials investigating compliance with Federal law must be provided information on request.

- Demographic Data in WIA Title I-Financially Assisted Programs:

Pursuant to 29 CFR 37.37(b)(2)&(c), demographic data (race/ethnicity, sex, age, and where known, disability status) for applicants, registrants, eligible applicants/registrants, participants, exiters, employees, and applicants for employment must be stored in a manner that ensures confidentiality. The data must be used only for the purposes of record keeping and reporting; determining eligibility, where appropriate, for WIA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law. The data will be use for statistical purposes only and will not be used in any manner which reveals the identity of the individual.

- **Confidentiality and Security of Records**

Related to records management, Regional Workforce Boards must not release confidential information unless specifically authorized by law. Regional Workforce Boards need to incorporate a system of review of public records request and subpoena requests. Guidance is provided in the Confidentiality of Records and Public Records Request and Subpoenas AWI FG 02-033. The Guidance lists some specific state and federal confidentiality and program related statutes such as:

- Article 1, Section 24 and Chapter 119, Florida Statutes
- 5 USC 552a
- SSN specific 119.0721 F.S. and 5 USCA 552a
- TANF: 45 CFR 205-50; 414.295 F.S.
- WIA: 29 CFR 37, 29 USCA 2101section 85, 29 USCA 2801; Workforce Investment Act Section 185 (a)(4)(b)
- NFTA/TAA and TAA: 20 CFR 617.57 (b)
- Employment services records: 443.171 F.S., 443.1715 F.S., 445.010 (2) F.S.
- Displaced Homemakers: 446.52 F.S.
- WARN: 29 USCA 2102-2109
- FSET: 7 CFR 272.1 (c)
- Job Corps: 20 CFR 670.965, 29 CFR Part 70, 29 CFR Part 71
- LMI: 443.1715 F.S., 445.010(2) F.S.; USDOL Commissioner's Order 3-93
- Migrant Seasonal Farmworker: 20 CFR 653.110 (d)
- Early Learning: 411.011 F.S., 402.308 (3)(a) F.S., 409.175(16)(a)&(b) F.S., 409.821 F.S.; Voluntary Pre-kindergarten: 1002.72 F.S.
- Medical documents: 29 CFR 37.37; 29 CFR 1630.14; 381.004(3)(e) and (6)(c) F.S.

Regional Workforce Boards need to have a system in place to ensure that employees, contractors and partners who may receive confidential information is trained and advised of procedures to secure the release of information by way of a non-disclosure agreement or other methods.

## **IX. Certification Regarding Debarment and Suspension**

## **X. Interlocal Agreement and Memorandum of Understanding**

## **XI. Signatures**