

INSTRUCTION LETTER

REGIONAL INSTRUCTION NUMBER: WIOA R17-05

TO: SC Works Operator/Service Provider

SUBJECT: Local Sanctions under WIOA

DATE
ISSUED: June 30, 2017

DATE
EFFECTIVE: July 1, 2017

DATE
EXPIRES: Indefinitely

PURPOSE:

This policy updates the Local Sanctions policy for 4 county workforce region (Cherokee, Greenville, Spartanburg, and Union). This policy provides sanction procedures which will be imposed when there is continued noncompliance with the terms of the Act, Regulations, grants, and local and state policies.

BACKGROUND:

Because the local workforce region is tasked with evaluating and monitoring SC Works operations, system performance, and subsequently recommending new policies and changes to existing policies for the operation of the SC Works Upstate System, there was a need to issue a sanctions policy, in addition to performance based sanctions, for instances where repeat issues and/or noncompliance occurs.

POLICY:

The ultimate goal of this sanctions policy is to improve services to customers, both businesses and job seekers, and to promote continuous improvement in the region.

The Local Sanctions Policy for contractors failing to meet negotiated levels of performance and administrative, fiscal, and programmatic requirements is as follows:

Prior to Imposing Sanctions:

The local boards will ensure that the following documented conditions have been met before sanctions are imposed:

1. A written and signed grant/contract agreement with clear goals and funding obligations in unambiguous language are in place.
2. Appropriate corrective action has been recommended.
3. Technical assistance has been offered to correct violations, inadequacies, or deficiencies.
4. Violation follow-up has established lack of satisfaction and a continuation of noncompliance.

When the conditions outlined above have been met, and the local boards, or the local board's designated committee, determines that the response and/or corrective actions are inadequate or if the violation continues, sanctions will be imposed. Willful noncompliance or any criminal violation of the WIOA or Regulations will invoke immediate sanctions.

Violations for which Sanctions will be imposed:

Administrative

1. Failure to comply with policies and procedures as stated in the WIOA and Regulations, state and local laws/ policies and procedures, to include: management of the information system for participant data, terms and conditions of all grants, and financial reporting requirements.
2. Failure to correct deficiencies cited in monitoring reviews/reports issued by the respective workforce board, the South Carolina Department of Employment and Workforce, the Department of Labor or any other relevant audit, or failure to respond to monitoring reports by the requested date.
3. Failure to adequately maintain supporting documentation for programmatic and/or financial activities.
4. Failure to submit required reports, forms, and documents as scheduled or within the time limits established.
5. Failure to inform the appropriate board staff of any issue that might compromise the integrity of the 4 county region.

Fiscal

1. Failure to operate within grant budget limitations. Noncompliance with the grant budget spending plan and/or failing to request a grant modification to correct the spending plan.
2. Unreasonable invoice delays or repeat invoice inaccuracies and/or failure to meet bonding, auditing, or closeout requirements.
3. Incurring costs outside the time period of any grant.
4. Charging costs to any grant which are prohibited by the Act and Regulations, or charging costs not included within the approved grant budget.
5. Charging the same costs to more than one grant.
6. Failure to obtain and document matching funds when matching funds are required by the terms of the grant agreement.
7. Failure to provide required documentation with an invoice.
8. Expenditure of WIOA funds for disallowed, non-WIOA activities, including but not limited to: political, sectarian, or union activities.
9. Spending less than the required amount of planned expenditures as outlined in the grant Statement of Work.

Programmatic

1. Failure to meet enrollment levels as outlined in the grant Statement of Work.
2. Failure to meet service levels, for each county, as outlined in the grant Statement of Work.
3. Failure to meet service levels to specified target groups as outlined in the grant Statement of

- Work or other written guidance from the Upstate WB or Greenville County WDB.
4. Failure to meet OneStop Certification Standards.
 5. Failure to meet any performance measure.
 6. Failure to meet customer satisfaction levels as outlined in the Statement of Work.
 7. Failure to maintain accurate records for WIOA participants/registrants.

Possible Sanctions Include, but are not Limited to the Following (specific sanctions, per infraction, are attached):

1. Official notice from the local board that sanctions will be imposed, to include: specific violation(s), Corrective Action Plan, and an offer for technical assistance.
2. Delay of payment(s) or reimbursement(s) until a violation is corrected and approved.
3. Non-payment/reimbursement for a disallowed activity.
4. Repayment of disallowed costs, if applicable.
5. Monetary fine.
6. Reduction of a grant budget.
7. Limit participant enrollment to specified target groups only, until the target group enrollment level has been reached, as outlined in the grant Statement of Work.
8. Grant cancellation.
9. Debarment of service provider/grantee from future grants for a minimum of two (2) years.

Local Appeal Procedure:

Sanctions imposed by the local boards, or the local board's designated committee, may be appealed only for sanctions which reduce grant funding or for grant cancellation. The appeal should be submitted in writing and addressed to the respective board, within ten (10) days of reduced grant funding or grant cancellation notification. The local board designated committee will schedule a hearing within thirty (30) days of appeal receipt, and render a decision within thirty (30) days after the hearing date. The decision of the local board's designated committee is considered final.

INQUIRIES: Should you have any questions regarding this instruction, please contact Eva Anagnostis at 864-467-8142, TTY:711, or at eanagnostis@greenvillecounty.org Dana Wood at 864-596-2028 ext. 100, TTY 711, or at wood@upstateworkforceboard.org .


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