

Governor's Workforce Investment Division Policy Guidance Letter No. 21-02

To: ALL WORKFORCE INVESTMENT BOARD CHAIRS
ALL WORKFORCE INVESTMENT BOARD DIRECTORS
ALL WORKFORCE INVESTMENT BOARD CHIEF ELECTED OFFICIALS
ALL WORK4WV ONE-STOP LIAISONS
WEST VIRGINIA WORKFORCE INVESTMENT COUNCIL CHAIR

From: DAVID H. LIEVING
INTERIM DIRECTOR
GOVERNOR'S WORKFORCE INVESTMENT DIVISION

Subject: TRAINING PROVIDER/PROGRAM APPEAL PROCEDURES

Effective Date: July 1, 2002

Purpose: To establish procedures for providers of training services to appeal a denial of initial, subsequent eligibility or removal by a local board or the State of a training program's inclusion on the State WIA approved training list.

References: Workforce Investment Act of 1998, Section: 122(g), 20 CFR Part 667.640(b)

Background: The Act, in Section 122, requires that training providers submit an initial eligibility application and annually submit a subsequent eligibility application to each local Workforce Investment Board (WIB) where the training provider desires to provide training. Such application must contain the program costs, performance and other requirements established by the WIB for each of the training provider's programs. Programs must meet local WIB and State performance standards to be placed on the list and annually meet performance in subsequent years to remain on the list. Training programs or providers may be removed from the WIA approved list for not meeting established performance standards, intentionally supplying inaccurate information or substantially violating any requirements under the Act.

The Act also requires the Governor (Governor's Workforce Investment Division, GWID) to establish procedures for training providers to appeal the denial or removal of a provider or program from the list. Such procedures must allow the provider of training services the opportunity to appeal the denial or removal from the list by the local WIB or GWID. Appeal procedures must provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

Policy:

Denial or removal by a local WIB :

- a. Each WIB must establish a local appeal process for providers of training services that must include the opportunity for a hearing.
- b. Within 10 working days after the training provider is notified of the results from the local hearing, the training provider may appeal the local WIB's decision to GWID. The training provider must submit the appeal using the GWID Training Provider Appeal form attached (also available at each WORK4WV Center or from the GWID website www.wvgwio.org) along with any supporting documentation for the appeal.
- c. GWID has 30 working days from receipt of the appeal form and supporting documentation to conduct an investigation, hold a hearing and render a written decision. The investigation may include, but is not limited to, on-site visits, informal conferences or conference calls to seek a resolution, and a formal hearing.
- d. Within 10 working days after the training provider is notified of the results from GWID, the training provider may appeal GWID's decision to the State Workforce Investment Board. The written decision from GWID will indicate how to appeal to the State Workforce Investment Board should the provider be dissatisfied with the GWID decision.
- e. The State Workforce Investment Board will have 30 working days from the receipt of the appeal to render a decision. The decision of the State Workforce Investment Board is final. The appeal review will be conducted by the State WIB's Chairperson, Vice-Chairperson and the legal counsel of the West Virginia Development Office.

Denial or removal by GWID:

- a. If a local WIB approved the application (within the parameters of GWID Policy Letter No. 17-01, Subsequent Eligibility) and forwarded the application to GWID for inclusion on the State list, where the application was denied by GWID; or if GWID removed a provider or program from the list, then;
- b. Within 10 working days of receiving notification of denial or removal, the training provider may appeal to GWID by submitting the GWID Training Provider Appeal form, along with supporting documentation. The appeal will be reviewed by GWID staff members who were not involved in the original decision to deny or remove the provider/program from the list.
- c. GWID has 30 working days from receipt of the appeal form and supporting documentation to conduct an investigation, hold a hearing and render a written decision. The investigation may include, but is not limited to, on-site visits, informal conferences or conference calls to seek a resolution, and a formal hearing.
- d. Within 10 working days after the training provider is notified of the results from GWID, the training provider may appeal GWID's decision to the State Workforce Investment Board. The written decision from GWID will indicate how to appeal to the State Workforce Investment Board should the provider be dissatisfied with the GWID decision.
- e. The State Workforce Investment Board will have 30 working days from the receipt of the appeal to render a decision. The decision of the State Workforce Investment Board is final. The appeal review will be conducted by the State WIB's Chairperson, Vice-Chairperson and the legal counsel of the West Virginia Development Office.

Action: Local WIBs should follow the procedures outlined in this policy to develop written local procedures for training providers to appeal the denial or removal of a training provider/program from the approved training program list.

Questions: Questions should be directed to the Governor's Workforce Investment Division. Building 6, Room B-617, 1900 Kanawha Blvd. East, Charleston, WV 25305. Toll free 1-877-WORK4WV.

Expiration Date: Effective until rescinded or modified by the Governor's Workforce Investment Division.

Governor's Workforce Investment Division

**Building 6, Room B-617
1900 Kanawha Blvd., East
Charleston, WV 25305
1-877-WORK4WV**

Training Provider Appeal

Please print or type

Name of Training Provider/School _____

Mailing Address _____

City _____ **State** _____ **ZIP** _____

Person submitting the appeal _____ **Phone** _____

Nature of appeal (Attach additional sheets if necessary) _____

Was a written appeal made to the local WIB? ___Yes ___No **Indicate WIB Region No.** _____

Date training provider/school was notified the appeal was denied _____

Appeals must be submitted to the next level within 10 working days from notification of the appeal denial

State the remedy sought _____

Signature of person submitting appeal _____ **Date** _____

Attach any documentation, evidence or justification to support your appeal.