

## **TRAINING PROVIDER**

### **Local Appeals Process**

The Atlanta Regional Commission/Atlanta Regional Workforce Development Board (ARC/ARWDB) provides equal opportunity employment and training services regardless of race, color, religion, sex, national origin, age, handicap, or political affiliation.

The following appeal procedures as required in Section 122 (b) (c) (d) (f) and (h) of the Workforce Innovation and Opportunity Act have been established by Atlanta Regional Workforce Development Board to provide recourse to providers who have been denied or terminated from eligibility status as a training provider or denied eligibility as a provider of on-the-job training. The Atlanta Regional Workforce Development Board will provide notice to the applicant or provider with the letter of denial or termination containing the reasons for denial or termination, as well as the availability of the appeal process. Letters of denial of initial applications must be sent to the applicant within thirty (30) calendar days of the denial. An appeal by the provider for reconsideration of the termination must be made in writing thirty (30) calendar days from the day of receipt of the termination letter. Providers entering an appeal should be prepared to address the specific factors which prompted the denial or termination.

Providers may be removed from the ETPL under the following conditions:

- A. If inaccurate information regarding a program is intentionally supplied to a LWDB or WFD, a termination of eligibility will occur and will remain in effect for a minimum of two years,
- B. If a LWDB or WFD determines that an eligible provider has violated any requirements under WIOA, or other state or federal laws, regulations or requirements, a termination of eligibility will occur and will remain in effect for a minimum of two years.
- C. If a LWDB or WFD make termination determinations at any time during a training provider agreement to provide training services, there will be an opportunity for a hearing.
- D. A provider whose eligibility is terminated under the above conditions shall be liable for repayment of funds received during the period of noncompliance.
- E. If a provider does not respond to any continuing eligibility requests, the programs undergoing continuing eligibility will be removed from the ETPL. If the provider desires to have those programs reapproved, they should reapply through a LWDB after a six-month period, or
- F. If a provider's program fails to meet or exceed minimum established local and state performance levels, the provider's eligibility to receive funds for that program may be suspended by a LWDB or WFD.
- G. If it is deemed by a LWDB that training received by a WIOA customer did not adhere to program information as marketed by the training provider and/or the performance data was misrepresented by the provider, consequences levied upon the training provider may include: (1) additional training to the aggrieved customer at no cost; and/or (2) refund to the fiscal agent of amounts paid; and/or (3) debarment from the ETPL.

If any organization has a complaint against the Atlanta Regional Workforce Development Board, informal resolution should be attempted before filing a grievance. If there is no resolution of the complaint, the complainant(s) has/have a right to file a grievance by sending a written request for a hearing to:

**Rob LeBeau,**  
Manager, Workforce Solutions  
The Atlanta Regional Commission  
229 Peachtree Street, NE, Suite 100  
Atlanta, GA. 30303

After a written request for a formal hearing is received, the complainant(s) will be given written notice of the date, hour, place of the hearing, and of the manner in which the proceeding will be conducted and the issues to be decided upon, based on the complaint or grievance outlined in the written request. A Hearing Officer, independent of all parties, will be appointed to conduct the Hearing.

Prior to the hearing, the complainant(s) will be given the opportunity to:

- Withdraw the request for a hearing, in writing.
- Request a re-scheduling of the hearing for good cause.
- Bring witnesses and documentary evidence.
- Have records and documents produced; and
- Question any witness or party to the case.

Hearings on any grievance filed shall be conducted within thirty (30) days of such filing. Decisions shall be made not later than sixty (60) days after the filing of a complaint. Attempts at informal resolution may proceed during the 30-day period between the filing and hearing of the grievance and prior to the rendering of a decision on the grievance.

If the complainant does not receive a decision from the Hearing Officer within sixty (60) days of the filing of the grievance/complaint, or if either party receives a decision unsatisfactory to that party, either party has the right to request a review of the grievance by the Governor. The request for a review should be submitted to:

Deputy Commissioner, OWD 75 Fifth Street, NW Suite 845  
Atlanta, GA 30308  
Phone: 404-962-4005  
FAX: 404-876-1181

The Deputy Commissioner shall act as the Governor's authorized representative. The request for review shall be filed within ten (10) days of receipt of the adverse decision or ten (10) days from the date on which the parties shall have received a decision. The Technical College System of Georgia Office of Workforce Development will conduct a review of the complaint and issue a decision within thirty (30) days from the date of receipt of the review request. The decision rendered by the Deputy Commissioner will be final.