

I. Purpose:

The purpose of this guidance is to establish the appeal process for denial or termination of eligibility as a training provider's participation in the approved Eligible Training Provider's List (ETPL)

II. Appeals Process

A. Appeal of Southeast Tennessee Local Workforce Development Board (STLWDB) Denial

- i. If the STLWDB denies a training provider's initial application for listing on the ETPL, the STLWDB will notify the provider in writing within 30 days from the date of determination. The written notification must include the detailed reasons for the denial and complete information of the appeals process.

B. Reasons for the Denial of Application for Initial Eligibility

- i. The STLWDB may deny eligibility if the application from a training provider is not complete or not submitted within the required time frame.
- ii. The STLWDB may deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in this policy.
- iii. The STLWDB may deny eligibility if the training programs offered by the training provider do not lead to gainful employment for in-demand occupations as determined by a labor market analysis.
- iv. The STLWDB may deny eligibility if the training program demographics (i.e. costs and length) are substantially higher (beyond 50%) than previously approved programs offering the same credential (within the past two program years).
- v. The STLWDB or the State may deny eligibility if it is determined that the applicant intentionally supplied inaccurate information (WIOA Section 122(f)(1)(B)).
- vi. The STLWDB or the State may deny eligibility to a training provider who has been found to have substantially violated any WIOA requirements (WIOA Section 122(f)(1)(B)).

C. Appeals to the Southeast Tennessee Local Workforce Development Board

- i. Any training provider wishing to appeal a decision by the STLWDB must submit a written appeal within 30 days of the denial notice. The appeal must be addressed to the Southeast Tennessee Local Workforce Development Board and delivered via electronic mail to mholt@sedev.org.
- ii. The appeal must include a statement of the desire to appeal, specification of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official. The training provider may choose to rely on the written appeal or an in-person appeal hearing can be scheduled.

- iii. The Workforce Director will notify the STLWDB Chair and request to appoint one to three (1-3) impartial appeal officers who are responsible for re-evaluating the supplemental materials supplied by the training provider in addressing the initial reasons for denial. An impartial appeal officer may be any board member not involved in the initial designation.
- iv. The STLWDB will notify the training provider of the final decision made by the STLWDB on an appeal within thirty (30) days of receipt of the appeal.
- v. If the training provider is not satisfied with the outcome of the STLWDB's decision, the training provider has the option to file a State appeal. This procedure applies only to training providers who have exhausted the appeal process of STLWB and are dissatisfied with the final decision. For more information on the process to file a State appeal, please reference the Workforce Services Policy – Eligible Training Provider List TN-WIOA (16-19).

For additional information or questions concerning this appeals process, please contact Michele Holt, Director of Workforce Development for the Southeast Tennessee Local Workforce Development Area at (423) 424-4210 or via email at mholt@sedev.org.