State of Arkansas
Department of
WORKFORCESERVICES
"America's Workforce Network"
www.arkansas.gov/esa

Mike Huckabee
Governor

Artee Williams
Director

Post Office Box 2981 • Little Rock, AR 72203-2981

Department of Workforce Services
and
Arkansas Workforce Investment Board Issuance PY 05-02

From: Artee Williams, Director
Sandra Winston, Executive Director

Date: August 23, 2005

Re: Eligible Training Provider Procedures

---

1. **Purpose**: To provide updated procedures for training providers to use when applying for inclusion on the WIA Eligible Training Provider List.

   Background: In order to maintain an adequate number of training providers on the Eligible Training Provider List and to maximize customer choice, the United States Department of Labor granted a waiver for Arkansas to reinstate initial eligibility for all training providers. This will provide temporary relief on the subsequent eligibility issues they are facing. The attached document incorporates these recent changes.

2. **Information**: The attached Eligible Training Provider Procedures document will replace previously established procedures and guidelines. Use of the new procedures began August 1, 2005.

3. **Action Required:** Please ensure that all employees are made aware of this information.

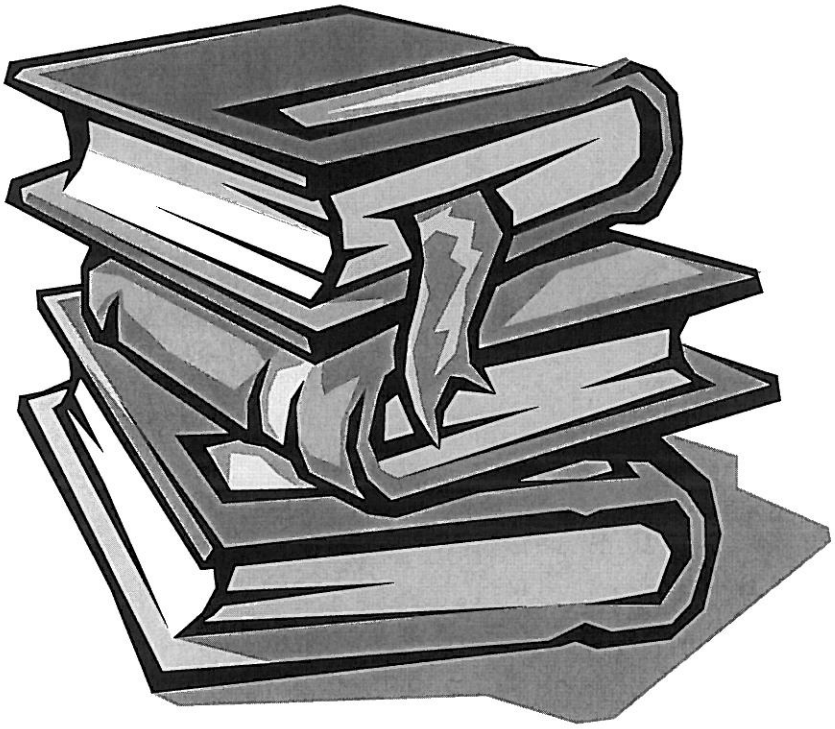
4. **For Additional Information**: Contact Ron White at (501) 682-3121/ ron.white@aesd.arkansas.gov or Belinda Hodges at (501) 682-3118/ belinda.hodges@aesd.arkansas.gov.

5. **Attachment**: Eligible Training Provider Procedures

6. **Expiration Date**: June 30, 2007.

05-02

ELIGIBLE TRAINING PROVIDER PROCEDURES



Prepared by:
Department of Workforce Services
Labor Market Information
Occupational-Career Information
P.O. Box 2981
Little Rock, AR 72203
Phone: (501) 682-3118
Fax: (501) 682-3186

Published: August 2005

Table of Contents

Introduction	**Page 1**
Common Program Definitions	**Page 1**
Initial Eligibility Certification Process	**Page 3**
Subsequent Eligibility Certification Process	**Page 5**
Appeal Procedure	**Page 5**
Use of the State List of Eligible Training Providers	**Page 6**
State Minimum Performance Standards for Training Providers	**Page 7**
Appendix	**Page 8**

I. Introduction

Purpose: To establish procedures for identification of eligible training providers as prescribed under the Workforce Investment Act.

References: 1.) PL 105-220, sections 122, 134 and 136. 2.) 20 CFR 652 et al., Department of Labor/Employment and Training Administration manual dated August 11, 2000. 3.) Arkansas State Unified Plan.

Overview: The Workforce Investment Act (WIA) of 1998 mandates that Local Workforce Investment Boards (LWIBs) in conjunction with the state develop, maintain and disseminate a state list of Eligible Training Providers (ETP). The ETP list is a publicly available list of training providers who qualify to receive WIA funds for their approved training programs. To be listed, the training provider's program must be evaluated and approved by one or more LWIB(s) and meet the criteria established by the state.

Training providers are required to submit an initial eligibility application to the LWIB in each local workforce investment area where the training provider desires to provide training. The initial application must contain cost information and the required performance information when necessary. If an application is approved, the training provider and program will go on the state list of eligible training providers for a period of one year. For a training provider to remain on the state list, they are required to submit an application that contains updated program cost information.

II. Common Program Definitions

A. **Exempt Provider: (Initial Certification):** For the purposes of initial certification, an exempt provider is (1) A post-secondary educational institution that is certified under Title IV of the Higher Education Act, and that provides a program certified under Title IV of the Higher Education Act leading to an associate degree, baccalaureate, or certificate, ***or*** (2) An entity that carries out programs under the National Apprenticeship Act.

B. **Non-Exempt Provider: (Initial Certification):** For the purposes of initial certification, a non-exempt provider is any educational institution, board, or training entity that provides training, including programs at post-secondary institutions, that do not offer a degree or certificate; and are not eligible under Title IV of the Higher Education Act. This includes apprenticeship programs not registered under the National Apprenticeship Act.

C. **Certificate:** A document issued by an approved training provider to a program completer that serves to provide proof of training. The duration of the program might be less than two years, more than two years but less than a baccalaureate degree, or that required for a post-baccalaureate certificate.

D. **Diploma:** A high school diploma or General Education Diploma (GED).

E. **Degree:** An Associate, Baccalaureate, Masters, Specialist, Doctoral, or first Professional degree.

F. **Certification:** Certification credentials are documents issued by an accredited educational institution, board, or organization and contain written determinations that an individual demonstrates a mastery of a specific set of skills that may include national, state, or industry-recognized certification criteria.

G. **Licensure Documents:** Certified credentials issued by an accredited and approved training provider to a program completer that may lead to national or state recognized licenses.

H. **License:** Formal document required for participation in a specific career field or cluster.

I. **Skill:** Written documentation that demonstrates that an individual has attained a specific knowledge level. To obtain credit for a skill, the participant must have been enrolled in and successfully completed an approved training program that does not provide a license, certificate or degree.

J. **Certificate of Competency:** A document of proof provided by an approved training provider that was awarded after successful completion of an approved course, sequence of courses or program.

K. **All Participants:** For purposes of calculations of performance measures required for a WIA eligible training provider, a participant is defined as: (1) For four-year programs, the number of students who were enrolled as juniors one year prior to the reporting period. (2) For three-year programs, the number of students who were enrolled as freshmen two years prior to the reporting period. (3) For two-year programs, the number of students who were enrolled as freshmen one year prior to the reporting period. (4) For one-year programs, the number of students who were enrolled during the reporting period. Students who complete one program and continue their education in another program should not be counted until they exit their training.

L. **WIA Participants:** A subgroup of all participants who are receiving assistance under WIA, Title I, Section 134 to participate in a program of study.

III. Initial Eligibility Certification Process

A. General Overview:

To be initially eligible, providers must submit an electronic application to the Local Workforce Investment Board (LWIB) for the area where they wish to provide training services. A separate electronic application must be submitted for each training program. Also, if applying for a training program to be offered at different training locations, a separate electronic application is required for each training location. Each training program must be on the current *Projected Employment Opportunities List*. For additional information, see Section VI, A.

The first step in determining the initial eligibility status of a training provider is to determine if the provider is exempt or non-exempt. The following definition is used to determine status:

1. An exempt provider is:

   a) A post-secondary educational institution that is eligible under Title IV of the Higher Education Act, and that provides a program leading to an associate degree, baccalaureate degree, or certificate; *or*

   b) An entity that carries out programs under the National Apprenticeship Act.

   Training Providers that are classified as "exempt" and are applying under the initial eligibility application procedures are not required to submit program performance data with their application in order to be included on the State List of Eligible Training Providers.

2. A non-exempt provider is:

   Any educational institution, board, or training entity that provides training, including programs at post-secondary institutions that do not offer a degree or certificate; and are not eligible under Title IV of the Higher Education Act. This includes apprenticeship programs not registered under the National Apprenticeship Act.

   a) If a non-exempt provider has an established training program on the date of application, that non-exempt provider must submit the following performance information with their electronic application. This data includes:

      (i). Program completion rates for all participants.

      (ii). Employment rates for all participants.

      (iii). Average wage at placement for all participants.

   b) If the non-exempt training provider does not have performance data because the training program is a new program, then the non-exempt provider must submit the following information to the LWIB of application to include:

(i). Written justification for the missing data, and

(ii). The process that will be used to track and record the required information for re-certification.

The Local Workforce Investment Board may choose to waive the performance documentation requirement in this situation. The Local Workforce Investment Board should submit in writing their intentions to do so to the Department of Workforce Services/LMI Section for processing of the application to continue.

B. Performance Information for Initial Eligibility:

The information to be included on the initial application of a non-exempt provider is described below. It should be noted that these performance requirements utilize the definition of *all participants* (see section II, item K).

a) The program completion rate for **all** individuals participating in the applicable program conducted by the provider.

To calculate: The number of all participants who completed the program/course during the reporting period *divided by* the total number of all participants.

b) The percentage of **all** individuals participating in the applicable program who obtain unsubsidized employment.

To calculate: The number of all participants who obtained unsubsidized employment during the reporting period *divided by* the total number of all participants.

c) The wages at entry into employment for **all** individuals participating in the applicable program.

To calculate: *Total* the hourly placement wage of all participants that obtained unsubsidized employment during the reporting period and *divide by* the number of all participants who obtained unsubsidized employment.

C. The Initial Eligibility Certification Process:

1. All training providers will complete an online electronic application for "initial certification" through the automated Arkansas Consumer Report System located at ***www.arkansascrs.org***. Providers must apply for each individual program. If multiple training locations exist, an application must be made for **each location**. Providers may make application to any, or all Local Workforce Investment Boards at the same time.

2. The Local Workforce Investment Board(s) will receive the application via Internet file if (1) The program's CIP Code appears on the current *Projected Employment Opportunities List* for the State or Local Workforce Investment Area, and (2) Required items such as tuition and book cost are complete.

3. The Local Workforce Investment Board will electronically approve or disapprove each application received via the Internet. The Local Workforce Investment Board is responsible for ensuring that the provider's performance information meets or exceeds the State minimum levels.

4. Upon approval by the Local Workforce Investment Board, the provider will be automatically placed on the ACRS website as a WIA Eligible Training Provider for the applicable program.

NOTE: Local Workforce Investment Boards have the authority to increase the levels of performance required by the State, and require additional verifiable program-specific information from training providers for initial eligibility.

IV. Subsequent Eligibility Certification Process

A. General Overview:

Section 122 (c) and (d) of WIA requires that training providers submit verifiable program specific information on the outcomes of all individuals and WIA participants who have attended the training program when applying for subsequent eligibility. Section 122 also stipulates that the information submitted must meet minimum levels set by the State. Currently, most of Arkansas' training providers have entered into the subsequent eligibility portion of this process. However, many have found it difficult or impossible to collect and report the required data. This has caused many schools to be disqualified as Eligible Training Providers in Arkansas or to quit participating in the process, which has resulted in limited customer choice.

The subsequent eligibility concerns are a national issue and being reviewed as part of the WIA reauthorization process. Therefore, in a letter dated July 20, 2005, the United States Department of Labor (USDOL) granted a waiver for Arkansas to reinstate initial eligibility until June 30, 2007, or until WIA is reauthorized. Starting August 1, 2005, training providers will submit applications following the initial eligibility procedures (see Section III). This will provide temporary relief on the subsequent eligibility issues.

All training providers must re-submit annually an electronic application to the Local Workforce Investment Board (LWIB) for the area where they wish to provide training services. The process for initial eligibility will be followed for this submission.

PLEASE NOTE: The ACRS web site will still identify an application as initial or subsequent, even though a subsequent application does not exist. Please ignore this distinction and proceed with the process.

V. Appeal Procedure

The appeal procedure for training providers is included in Arkansas' WIA Strategic Plan. It is included in the appendix of this document.

VI. Use of the State List of Eligible Training Providers

A. The State List of Eligible Training Providers:

In the past, Arkansas has struggled with the question of whether a training provider has to apply to each LWIB for which the training provider wishes to provide training, or whether a training provider needs only to apply to the LWIB where the training provider's program is physically located. A guidance letter from the U.S. Department of Labor dated November 30, 2004, gives the following answer:

A training provider must submit an application to each LWIB from which it wishes to receive students and funding. Each LWIB is to make an independent decision whether to approve the application. The approved applications then go on a local and state list maintained by the state, visible to all areas, which denotes each program and local area for which that training provider is approved.

B. Individual Training Accounts (ITAs):

An Individual Training Account (ITA) is a voucher given to an eligible adult or dislocated worker who has been determined to be in need of training. LWIBs have developed policies and procedures to address the issuance of ITAs. ITAs are used by a participant to purchase training from a training provider on the local and/or state list of eligible training providers.

C. Customer Choice:

The state list of eligible training providers consists of training providers who have been approved by a LWIB(s) and have met the criteria established by the state. The local and state list of eligible training providers must be shown to all participants. An eligible participant may, in consultation with a case manager, select a training provider from these lists. The role of the case manager is to help the customer make an informed choice after looking at the lists, program and cost information, and taking into consideration the dollar amount of the ITA and policy set by the LWIB.

LWIBs have discretion in the issuance of ITAs. A LWIB may choose not to pay for approved training with an ITA if the provider has not been determined eligible by that LWIB. However, the LWIB should make every effort to facilitate training through all providers on the state list "to the extent practicable". Examples of this include working with the training provider to become approved by that LWIB, or referring the participant to another local area where the training provider has been approved and working with that local area to make sure the participant receives the requested training.

D. Projected Employment Opportunities:

All training must be directly linked to employment opportunities either in the local area or in an area to which the individual is willing to relocate. If a local area does not have a particular occupation on its projected employment opportunities list, they

may send a participant to, or a customer may choose, a training provider/program not approved by their LWIB if that participant agrees in writing that s/he would be willing to relocate or commute to become employed in that occupation.

An occupation is considered an employment opportunity for a local area if it appears on the *Projected Employment Opportunities List* for the State or local area. Occupations on an adjacent local area's list, including local areas in other states, may also be considered employment opportunities in the local area. If a local area would like to train in an occupation that is not on their local area's projected employment opportunities list, but is on the list of an adjacent area, they should contact the Labor Market Information section of the Department of Workforce Services to have the occupation added within the Arkansas Consumer Report System web site. For local areas in other states, the LWIB must provide the adjacent area's projected employment opportunities list, along with the adjacent state's contact information before the occupations can be added to the Arkansas Consumer Report System.

VII. State Minimum Performance Standards for Training Providers

A. All Participants

Non-exempt training providers will be required to meet or exceed State minimum levels for the three *All Participant* performance measures. The three *All Participant* performance measures are:

1. The program completion rate for all individuals participating in the applicable program conducted by the provider. (State minimum requirement - 19.5%)
2. The percentage of all individuals participating in the applicable program who obtain unsubsidized employment. (State minimum level requirement - 68%)
3. The wages at entry into employment for all individuals participating in the applicable program. (State minimum level requirement - $6.59/hr)

Performance Measure	***Calculation***	***State Minimum Level***
ALL PARTICIPANT PERFORMANCE MEASURES Programs must meet the State minimum levels for three all participant performance measures.		
1. Completion Rate	The number of all participants who completed the program during the reporting period divided by the total number of all participants.	19.5%
2. Employment Rate	The number of all participants who obtained unsubsidized employment during the reporting period divided by the total number of all participants.	68%
3. Average Hourly Rate	Total the hourly placement wage of all participants that obtained unsubsidized employment during the reporting period and divide by the number of all participants who obtained unsubsidized employment.	$6.59

VIII. Appendix

Grievance and Appeal Procedure

I. Purpose:

In accordance with 20 CFR 667.600, the purpose of this procedure is as follows:

- A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide workforce investment programs
- A process for resolving appeals from decisions made at the local level
- A process for remanding grievances and complaints related to the local Workforce Investment Act programs to the local area grievance process

The purpose of this procedure is also a process for appealing decisions made concerning the statewide workforce investment system.

These procedures will be made available, upon request, to all WIA Title I participants and staff persons.

II. General Guidelines for Filing a Grievance or Complaint *[WIA §181(c); 20 CFR 667.600; 20 CFR 610]*

A. Each local workforce investment board will establish and maintain a procedure for grievances or complaints alleging violations of the requirements of Title I of the Workforce Investment Act of 1998 or Arkansas Act 1125 of 1999 from participants and other interested or affected parties. Grievances or complaints involving local activities should follow these local procedures. Grievances or complaints involving statewide activities should be sent by certified mail, return receipt requested, to the Executive Director (Director) of the Arkansas Workforce Investment Board at the address below.

B. If a grievance or complaint is filed with the Director that, in the opinion of the Director, after consultation with the chairman of the Arkansas Workforce Investment Board, should first be filed with the local workforce investment board, that grievance will be remanded to the administrator or director of the local board to be processed there. This decision will be made within 30 days of receiving the grievance. Notification of remanding will be sent to the complainant or informant.

C. All complaints, with the exception of complaints alleging fraud or criminal activity, must be filed within one year of the alleged occurrence.

D. The name of the complainant or informant will be kept confidential where possible. Where disclosure of the person's identity is essential to assure a fair determination of the issues and to effectively accomplish responsibilities under the Workforce Investment Act, disclosure will be under conditions that promote continued receipt of confidential information. Written reports may be subject to disclosure under Arkansas Freedom of Information Act.

E. No person, organization, or agency may discharge or in any other manner retaliate against any person because that person has filed a complaint, instituted any proceeding related to the Workforce Investment Act, testified or is about to testify in any proceeding or investigation, or provided information or assisted in an investigation.

F. Complainant's statement must include:

- The full name, telephone number (if any), and address of the person making the complaint
- The full name and address of the person or entity against whom the complaint is made
- A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation
- The provisions of the Workforce Investment Act of 1998, Act 1125 of 1999, regulations, a grant, or other agreements under WIA Title I believed to have been violated
- A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any federal, state, or local authority, and if so, the date of the commencement or conclusion and the name and address of the authority

G. Upon receipt of a grievance or complaint, the Director or designee will acknowledge of receipt of the grievance to all parties by certified mail, return receipt requested. The acknowledgement of receipt of the grievance will:

- Outline the stops to be taken to resolve the matter
- Notify all parties of the right to request a hearing
- Advise of attempt to reach an informal resolution
- Provide a synopsis of issues to be decided

H. The Arkansas Workforce Investment Board (State Board) will be consulted on all grievances or complaints. A written decision will be made within 60 days of receipt of the grievance or compliant. If requested, a hearing will be completed within those 60 days.

I. The following procedures will apply to a hearing:

- The hearing will be informal. Technical rules of evidence will not apply. Hearsay evidence will be admissible at the discretion of the hearing examiner.
- Hearings will be held at a time and place determined by the Director, in agreement with the State Board, after reasonable written notice has been sent to the parties and the witnesses.
- The party requesting the hearing will have the burden of establishing the facts and the entitlement to the relief requested.
- Either party may be represented by an attorney or other representative.
- Either party may bring witnesses and documentary evidence.
- The respondent will cooperate by making available any person under their control or employ to testify, if these persons are requested to testify by the complainant, and to release requested documents relevant to the issue after the

requesting party has established that such testimony/documentation is relative and not cumulative.

- Either party or representative will have the opportunity to question any witness.
- A verbatim record or tape recording will be made of the proceeding.
- A written decision will be made by the Director or designee, after consultation with Arkansas Workforce Investment Board.

J. If a hearing is not requested, the Director or designee will conduct an administrative fact-finding investigation, with the collaboration of the State Board. The investigation will include:

- Opportunities for all parties to submit an in-depth position statement, including documentary supportive data and/or records
- Access to and review of appropriate official records
- Interview of principle parties and opportunity for all parties to offer rebuttal to information received
- A written decision

K. A written decision will be sent by certified mail, return receipt requested, and will contain the following:

- Statement assuring that all steps included in the grievance/complaint procedures have been adhered to
- Issue(s) being decided
- Statement of facts
- Reasons for the decision
- Remedies to be offered, if appropriate
- Summary
- Advisement of the right to appeal the decision

L. A party to which the decision is adverse may appeal the decision to the Secretary of Labor (Secretary). The appeal must be filed within 60 days of the receipt of the decision. All appeals must be sent by certified mail, return receipt requested, to the address below. A copy of the appeal must be simultaneously provided to the appropriate U.S. Department of Labor Employment and Training Administration Regional Administrator and the opposing party. The Secretary will investigate the grievance or complaint and make a final determination relating to the appeal no later than 120 days after receiving such appeal.

M. If no decision reached by the Director and the State Board within 60 days of the filing of the grievance or complaint, then the grievance or complaint may be filed with the Secretary within 120 days of the original filing date. The procedures listed in II(L) above must be followed.

N. In most cases, the decision of the Secretary may be appealed to the Office of Administrative Law Judges within 21 days of receipt of the final determination. Instructions for this appeal are given in 20 CFR 667 Subpart H. *[WIA §186; WIA §187]*

O. Nothing in this procedure shall be constructed to prohibit a grievant or complainant from pursuing a remedy authorized under another federal, state, or local law.

III. Appeal of Local Decisions

A. A decision made by a local workforce investment board may be appealed to the Arkansas Workforce Investment Board (State Board) when no decision is reached within 60 days or when either party is dissatisfied with the local hearing decision. *[WIA §181(c)(1); 20 CFR 667.600]*

B. A training provider that has been denied eligibility or has had eligibility terminated may appeal to the State Board within 60 days of the decision. *[20 CFR 663.565(b)(4); 20 CFR 667.640(b); WIA §122(g)]*

C. A provider of on-the-job training or customized training that has been denied eligibility may appeal to the State Board within 60 days of the decision. *[20 CFR 667.640(b)(iii); WIA §122(g)]*

D. The appeal must be sent by certified mail, return receipt requested to the Director at the address below within 60 days of the local decision or, when no local decision has been reached, within 120 days of the original filing date. The Director will contact the local board director or administrator and investigate the appeal. Except as indicated below, procedures in II(H-O) above will apply.

E. A decision made under the state appeal process concerning a training provider (including on-the-job training and customized training may not be appealed to the Secretary of Labor. *[20 CFR 667.640(b)(3)]*

IV. Appeal of Non-designation as Workforce Investment Area. *[20 CFR 661.280; 20 CFR 667.640(a); WIA §116(a)(5); Act 1125 §8(f)]*

A. A unit or combination of units of general local government or rural concentrated employment program grant recipient (as described in WIA §116(a)(2)(B)) that requests, but is not granted designation as a local workforce investment area under WIA §116(a)(2) or §116(a)(3) may appeal to the decision to the State Board within 30 days of the decision. The appeal must be sent by certified mail, return receipt requested to the Director at the address below.

B. The Director, with collaboration by the State Board will investigate the appeal and make a decision in agreement with the State Board within 60 days of receipt of the appeal.

C. If the appeal does not result in designation, an appeal may be made to the Secretary within 30 days of the appeal decision of the State Board. It must be submitted by certified mail, return receipt requested, to the Secretary at the address below. A copy of the appeal must be simultaneously provided to the Arkansas Workforce Investment Board. The appeal will be made in accordance with 20 CFR 667.645.

V. Appeal of Local Areas Found in Violation of WIA Title I

A. The Governor of Arkansas (Governor) is responsible for resolving findings that arise from the State's monitoring reviews, investigations and audits (including OMB Circular A-133 audits) of subrecipients. Appeal procedures in III above will be followed, with the Governor making the final decision. *[20 CFR 667.500(a)]*

B. A local area may appeal to the Governor to rescind or revise a reorganization plan imposed because of failure to meet performance levels for two consecutive program years. The Governor must make a final decision within 30 days after receipt of the appeal. The Governor's final decision may be appealed by the local board to the Secretary under 20 CFR 667.650(b) not later than 30 days after the local area receives the decision. The decision by the Governor to impose a reorganization plan becomes effective at the time it is issued, and remains effective unless the Secretary rescinds or revises the reorganization plan. The Secretary will notify the Governor and the appellant in writing of the Secretary's decision within 30 days after receipt of the appeal. *[WIA §136(h); 20 CFR 666.420(c); 20 CFR 667.650]*

C. A local area found to be in substantial violation of WIA Title I that has received notice from the Governor that either all or part of the local plan will be revoked or that a reorganization will occur may appeal to the Secretary within 30 days of written notification of the revoked plan or imposed reorganization. The actions do not become effective until the time for appeal has expired or until the Secretary has issued a decision. The Secretary will notify the Governor and the appellant in writing of the Secretary's decision within 45 days of the receipt of the appeal. *[20 CFR 667.650; WIA §184(b)]*

D. A local area found to be out of compliance with the uniform administrative requirements found at 29 CFR part 95 or part 97, as appropriate may appeal to the Secretary in accordance with WIA §667.650. The action will not become effective until the time for appeal has expired or the Secretary has issued a decision. *[20 CFR 667.710]*

VI. Special Complaint Procedures

A. Complaints of discrimination from participants and other interested parties will be handled in accordance with WIA section 188(b) and the Department of Labor nondiscrimination regulations implementing that section. Questions about or complaints alleging a violation of the nondiscrimination provisions of WIA section 188 may be mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210. *[20 CFR 667.600(f)]*

B. A complaint may be made directly to the Secretary of Labor if a WIA Title I recipient has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or investigation under or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title or the Secretary's regulations. In this case,

the Secretary shall take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both, within 30 days. *[WIA §184(f)]*

C. Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department of Labor's Incident Reporting System to the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. *[20 CFR 667.630]*

D. Testing for use of controlled substances is not part of the Arkansas Workforce Investment system, therefore, an appeal procedure is not established for this procedure at this time. *[20 CFR 667.640(c)]*

VII. Job Corps *[20 CFR 670.470; 20 CFR 670.545]*

Job Corps has a separate appeal procedure.

A. A person who is determined to be ineligible to participate in Job Corps or is not selected for enrollment may appeal the determination to the outreach and admissions agency or to the center within 60 days of the determination.

B. The appeal will be resolved according to the procedures in 20 CFR 670.990 and 670.991.

C. If the appeal is denied by the outreach/admission contractor or the center, the person may appeal the decision in writing to the Regional Director within 60 days of the date of the denial. The Regional Director will decide within 60 days whether to reverse or approve the appealed decision. The decision by the Regional Director is the Department of Labor's final decision.

D. If an applicant believes that he or she has been determined ineligible or not selected for enrollment based upon a factor prohibited by WIA §188, the individual may proceed under the applicable DOL nondiscrimination regulations implementing WIA §188.

E. Disciplinary actions taken by a Job Corps center may be appealed in accordance with that center's appeal policy.

Addresses:

Executive Director
Arkansas Workforce Investment Board
#1 Pershing Circle
North Little Rock, AR 72114

Secretary
U.S. Department of Labor
Washington, DC 20210
Attention: ASET