



**INNOVATE**

WORKFORCE DEVELOPMENT

**September 15, 2022  
10:00 a.m.  
Virtual Only**

# **Arkansas Workforce Development Board**

**Executive Committee**



# AGENDA

September 15, 2022

## ARKANSAS WORKFORCE DEVELOPMENT BOARD EXECUTIVE COMMITTEE MEETING

10:00 A.M.

Call to Order.....Tom Anderson, Committee Chair

### Agenda Item 1: ACTION

Approval of ADWS Policy No. WIOA I-B – 4.3, Change 1 (Requirements for Local Grievance, Complaint, and Appeal Procedures).....Eddie Thomas – Employment Assistance Division of Workforce Services

### Agenda Item 2: ACTION

Approval of ADWS Policy No. ADWS Policy No. 4.5- WIOA Title I-B, Eligible Training Provider Policy and Procedures .....Eddie Thomas – Employment Assistance Division of Workforce Services

### Agenda Item 3: ACTION

Approval of ADWS Policy No. WIOA I – 5.2 (Arkansas WIOA Title I Debt Collection Policy and Procedures).....Eddie Thomas – Employment Assistance Division of Workforce Services

VIRTUAL, VIA ZOOM



**Agenda Item 4: ACTION**

Approval of ADWS Policy No. WIOA I – 6.1, Change 3 (*Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities*).....Eddie Thomas –  
Employment Assistance Division of Workforce Services

Announcements

Adjournment

VIRTUAL, VIA ZOOM



**For Consideration of the  
Arkansas Workforce Development Board  
Executive Committee**

**September 15, 2022**

**AGENDA ITEM 1: ACTION:** ADWS Policy No. WIOA I-B – 4.3, Change 1 (Requirements for Local Grievance, Complaint, and Appeal Procedures)

**INFORMATION/RATIONALE:**

Each local area must establish and maintain procedures for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA, according to the applicable requirements of 20 CFR 683.600. This policy details the requirements for such procedures. This policy is not to be confused with ADWS Policy No. WIOA I – 6.1 (*Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities.*)

The purpose of this issuance is to describe the changes made in ADWS Policy No. WIOA I-B - 4.3, Change 1 from the previous version of the policy.

DIVISION OF WORKFORCE SERVICES  
ISSUANCE NUMBER PY XX-XX

August XX, 2022

**FROM:** Charisse Childers, Ph.D., Director

**TO:** Local Workforce Development Area Administrators, Service Providers, & One-Stop Operators

**SUBJECT:** ADWS Policy No. WIOA I-B – 4.3, Change 1 (Requirements for Local Grievance, Complaint, and Appeal Procedures)

1. **Purpose:** The purpose of this issuance is to describe the changes made in ADWS Policy No. WIOA I-B - 4.3, Change 1 from the previous version of the policy.
2. **References:**  
WIOA §181(c)(1)  
20 CFR 683.600  
Current version of ADWS Policy No. WIOA I - 6.1 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities)
3. **Background:** Each local area must establish and maintain procedures for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA, according to the applicable requirements of 20 CFR 683.600. This policy details the requirements for such procedures. This policy is not to be confused with ADWS Policy No. WIOA I – 6.1 (*Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities.*)
4. **Changes Made from ADWS Policy No. WIOA I-B – 4.3 (Updated 8/27/18) to ADWS Policy No. WIOA I-B, Change 1:**
  - a. The title was changed to clarify that these are **requirements** for the local procedures and not the procedures themselves.
  - b. ADWS Policy No. WIOA I – 6.1 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities) is referenced to give local areas information for appealing decisions made at the local level.
  - c. More detailed requirements are given concerning the requirement in 20 CFR 683.600(b)(3) to make reasonable efforts to assure that the procedures are easily understood.
  - d. Other non-substantial corrections were made.
3. **Additional Information:** The attached policy is placed in the ADWS Title I Policy Manual found at <https://dws.arkansas.gov/workforce-services/programs/workforce-innovation-wioa/>
4. **Attachment:** ADWS Policy No. WIOA I-B – 4.3, Change 1 (Requirements for Local Grievance, Complaint, and Appeal Procedures)

5. Action Required: Please provide this information to all appropriate WIOA title I sub-recipient staff.
6. Inquiries: Email [WIOATA@arkansas.gov](mailto:WIOATA@arkansas.gov)
7. Expiration: Ongoing



---

ADWS Policy Number: WIOA I-B – 4.3, Change 1 Effective Date: August XX, 2022

---

## **Requirements for Local Grievance, Complaint, and Appeal Procedures**

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning the Title I-B grievance, complaint, and appeal procedures as they apply to the local area, in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, and Arkansas State WIOA Title I policies.

**REFERENCE:**

WIOA § 181(c)(1)  
20 CFR 683.600

Current version of ADWS Policy No. WIOA I – 6.1 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities)

**POLICY:**

Each local area, including the local workforce development board (LWDB), the Title I-B program provider, and the One-Stop operator, must have written procedures to address grievance and complaints for allegations concerning WIOA Title I-B. These procedures may be unique for each entity or they may be one procedure for all. Each procedure must include the information listed below [WIOA § 181(c)(1)]; 20 CFR 683.600(a)]. Although there are some connotations of differences between the terms “grievance” and “complaint,” the two words are used interchangeably in this policy. No inference may be taken concerning the meaning of the two terms, even when only one is used.

Reasonable efforts must be made to assure that the information in the grievance, complaint, and appeal procedures will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals [20 CFR 683.600(b)(3)]. In order to meet the requirements of 20 CFR 683.600(b)(3), a brief version of the part of the grievance, complaint, and appeal procedures for the One-Stop operator must be displayed in the One-Stop and must also be available when requested; a brief version of the grievance, complaint, and appeal procedures for the program provider must be displayed in the offices of program staff, and a brief version of the grievance, complaint and appeal procedures of the LWDB must be displayed in the office of the staff of the board. All procedures must be available upon request to anyone who requests the procedures. Reasonable efforts must be made to help youth and those who are limited-English speakers understand the procedures [20 CFR 683.600(b)].

Each procedure must include:

- A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including one-stop partners and service providers [20 CFR 683.600(c)(1)].
- Assurance that the complaint will be investigated with an informal resolution to be proposed within 60 days of the filing of the grievance [20 CFR 683.600(c)(2)].
- The opportunity for a hearing to be completed, if requested, at the local level within 60 days of the filing of the grievance or complaint [WIOA § 181(c)(1); 20 CFR 683.600(c)(2)].
- A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure if a collective bargaining agreement covering the parties to the grievance so provides [20 CFR 683.600(c)(3)].
- An opportunity to appeal to the state level, using appropriate portions of the current ADWS Policy No. WIOA I – 6.1 (*Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities*) when (1) no decision is reached within 60 days or (2) either party is dissatisfied with the local hearing decision [20 CFR 683.600(c)(4)].

Nothing in this policy precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law [20 CFR 683.600(h)].



**For Consideration of the  
Arkansas Workforce Development Board  
Executive Committee**

**September 15, 2022**

**AGENDA ITEM 2: ACTION:** ADWS Policy No. 4.5- WIOA Title I-B, Eligible Training Provider Policy and Procedures

**INFORMATION/RATIONALE:**

WIOA Section 122 requires states to establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State.

The Arkansas Division of Workforce Services (ADWS) is the entity responsible publishing and maintaining the comprehensive Arkansas Eligible Training Provider List with cost information. In addition, the ADWS is responsible for ensuring programs meet the eligibility criteria and performance levels established in the ETPL Policy and Procedures.

This policy provides guidance and established procedures applicable to the training providers and programs listed on the state and local Eligible Training Provider List (ETPL) in accordance with the Workforce Innovation and Opportunity Act (WIOA).

**DIVISION OF WORKFORCE SERVICES  
ISSUANCE NUMBER PY XX-XX**

August XX, 2022

---

FROM: Charisse Childers, Ph.D., Director

TO: Local Workforce Development Area Administrators/Service Providers/One-Stop  
Operators/Training Providers/ WIOA Partners

SUBJECT: ADWS Policy No. 4.5- WIOA Title I-B, Eligible Training Provider Policy and  
Procedures

1. **Purpose:** To provide guidance and established procedures applicable to the training providers and programs listed on the state and local Eligible Training Provider List (ETPL) in accordance with the Workforce Innovation and Opportunity Act (WIOA).

2. **General Information:** WIOA Section 122 requires states to establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State.

The Arkansas Division of Workforce Services (ADWS) is the entity responsible publishing and maintaining the comprehensive Arkansas Eligible Training Provider List with cost information. In addition, the ADWS is responsible for ensuring programs meet the eligibility criteria and performance levels established in the ETPL Policy and Procedures.

3. **Additional Information:** The attached policy is placed in the ADWS Title I Policy Manual at <https://dws.arkansas.gov/workforce-services/programs/workforce-innovation-wioa/>

4. **Attachment:** ADWS Policy No. WIOA I-B 4.5 (Eligible Training Provider Policy and Procedures)

5. **Action Required:** Please share this information with all appropriate eligible training provider stakeholders.

6. **Inquiries:** Email - [WIOATA@arkansas.gov](mailto:WIOATA@arkansas.gov)

7. **Expiration:** Ongoing



***Workforce Innovation and Opportunity Act***  
Office of Employment Assistance

---

Policy Number: WIOA I-B – 4.5

Effective Date: August XX, 2022

---

**Arkansas Division of Workforce Services**  
**Eligible Training Provider Policy**

**PURPOSE:**

To provide information and direction required under the Workforce Innovation and Opportunity Act (WIOA) for training providers on Arkansas' statewide Eligible Training Provider List (ETPL).

**REFERENCES:**

Workforce Innovation and Opportunity Act (WIOA), Section 122  
Training And Employment Guidance Letter No. 8-19  
20 CFR 680.410  
20 CFR 680.430  
20 CFR 680.510  
20 CFR 680.470  
20 CFR 680.480  
WIOA Section 122 (b)(1)  
WIOA Section 122 (d)(1)  
WIOA Section 3(24)  
WIOA Section 133  
WIOA Section 134 (c)(E)  
TEGL 8-19

**BACKGROUND:**

WIOA Section 122 requires states to establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State.

The Arkansas Division of Workforce Services is the entity responsible publishing and maintaining the comprehensive Arkansas Eligible Training Provider List with cost information. In alignment with WIOA, the publishing of ETPL by ADWS promotes customer choice, and enables job seekers to compare offerings on the ETPL and select the most appropriate training program with the assistance of Arkansas Workforce Center Staff.

**Arkansas Division of Workforce Services**  
**Eligible Training Provider Policy and Procedures**

**POLICY:**

Except in specific circumstances listed in WIOA § 122(h), WIOA § 134(c)(3)(G)(ii), 20 CFR 680.320, TEGL 19-16, and TEGL 8-19, Occupational Skills Training is provided for WIOA title I Adults, Dislocated Workers, and Out-of-School Youth through an individual training account (ITA) that is used to purchase training from an Eligible Training Provider [WIOA § 134(c)(3)(G)(i); TEGL 19-16; TEGL 3-18; TEGL 8-19]. Eligible training providers (ETPs) must be certified by the State and local areas before they may receive funding through ITAs. Only ITAs require the use of an eligible training provider. Other training services required by contracts are not required to be certified as an ETP [TEGL 8-19].

An ITA is a payment agreement established by a local workforce development board on behalf of a participant with a training provider on the eligible training provider List (ETPL). An ITA may be used to pay for any allowable type of training, as listed in WIOA Section 134(c)(3)(D), 20 CFR 680.200, TEGL 19-16, and TEGL 8-19, as long as the program of study is on the state list of eligible training providers. However, ITAs are usually used for occupational skills training.

Occupational skills training is organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Such training must [20 CFR 681.540]:

1. Be outcome oriented and focused on an occupational goal specified in ISS or IEP
2. Be of sufficient duration to impart the skills needed to meet the occupational goal
3. Lead to the attainment of a recognized postsecondary credential, as described in TEN 25-19
4. Meet the quality standards in WIOA § 123

**Individual Training Account:**

While participants can select training from the ETPL, the LWDB policies determine the type and funding amounts for each program. Local WDBs must have the authority to write procedures for making payments, selecting individual training account options such as: vouchers, checkbooks, electronic transfers, setting duration and amounts of individual training accounts and policy regarding exceptions. The authority to restrict the duration of ITAs or to restrict funding amounts should not be used to establish limits that arbitrarily preclude WIOA participants from selecting a training provider of their choice.

The LWDB **may choose not to fund** specific training programs based on, but not limited to, the following reasons:

- Lack of high occupational demand; or
- High tuition costs compared to similar programs; or
- Lack leading to a self-sufficient wage
- Lack leading to a USDOL-defined “industry recognized credential”

**Licensing:**

In-state and out-of-state post-secondary institutions must be authorized by a state governing body—such as the Arkansas Division of Higher Education Commission (ADHE), Arkansas Department of Education (ADE), Arkansas Division of Career and Technical Education (ADE CTE), Arkansas State Board of Private Career Education, Higher Learning Commission (NLC) to operate in the State of Arkansas. This does not apply to RAs.

**AJL ProviderLink ETPL Application and Program Instructions:**

Prospective Eligible Training Providers must apply for eligibility approval status for their programs electronically using AJL ProviderLink, a web-based training application. To be included on the Eligible Training Provider List (ETPL), training providers must set up a user account for the ETPL application in AJL ProviderLink for the Local Workforce Development Board (LWDB) for each area where they wish to provide training services. The instructions to set up the user account for the AJL ProviderLink ETPL Application are included with this link, [AJL ProviderLink ETPL Application and Program Instructions](#).

The user account is designed to enable prospective providers to simultaneously apply for program approval for the WIOA Title I Individual Training Accounts (ITAs).

Being placed on the State ETP list is contingent upon the approval of a training institution's electronic application and at least one postsecondary occupational program.

Eligibility status for a training institution is one year from the date of approval by the State; however, provider and program approvals will end on a program year basis annually by July 1<sup>st</sup> thru June 30<sup>th</sup>. After the initial and first renewal or subsequent program performance reporting data is approved in AJL ProviderLink, eligibility status for a training institution can be approved for one year from the date of renewal or subsequent performance by the State.

An entity that carries out programs under the National Apprenticeship Act will be included and maintained on the ETPL for so long as their program remains registered. These providers will be required to contact ADWS to make known their desire to be listed and provide documentation that verifies their program is a registered apprenticeship program certified by the U.S. Department of Labor/Office of Apprenticeship.

**In-Demand Occupations and Projected Employment Opportunities:**

Local WDBs may approve a training provider program if there is a demand for an occupation. Local WDBs are responsible for giving training institutions information on occupations in-demand and sectors of the economy that have a high potential for sustained demand or growth within the labor market area. Using labor market information, a local WDB is responsible for determining occupational demand in its local area or in another local area to which a youth, adult or dislocated worker is likely to be willing to relocate.

Local WDBs should instruct providers wishing to explore occupations in-demand in the Arkansas economy to view labor market data found on the Discover Arkansas Labor Market Information Section, *Projected Employment Opportunities List*, for the State or local area. An occupation is considered an in-

demand or employment opportunity for a local area if it appears on the [Projected Employment Opportunities List \(arkansas.gov\)](#) 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 Division of Workforce Services with the information located in the Labor Market Information section, ["Adding to the List"](#), of the occupation within the Discover Arkansas Labor Market Information Section web site. For local areas in other states, the LWDB must provide the adjacent area's projected employment opportunities list, along with the adjacent state's contact information and occupations to be trained in before the occupations can be added.

### **Transferring WIOA Participants:**

Local WDBs will determine the feasibility of transferring WIOA participants to another eligible training provider with the same or similar program, when an eligible training provider is removed from the ETP list.

Primary factors to consider in transferring participants are the length of time remaining to complete the training program, necessity and reasonability of allowing participants to continue with a training provider removed from the State ETP list. WIOA participants enrolled with an eligible training provider removed from the ETP list may complete the program for the duration of an ITA. Local WDBs are encouraged to minimize disruption to WIOA participants, to the extent as possible.

### **PROCEDURES:**

#### **Initial Eligibility:**

Training providers who wish to be placed on the statewide ETPL must be initiated by completing the online application in the following link, [AJL ProviderLink ETPL Application and Program Instructions](#).

The Initial eligibility procedures apply to all training providers except for RAs. Training providers must provide the following for initial eligibility:

- Description of each program of training services to be offered;
- Information concerning whether the provider is in a partnership with a business
- Evidence that programs result in the awarding of an industry-recognized credential, national or State certificate, or degree, including all appropriate industry competencies, licensing, and certification requirements;
- Cost information, including tuition and fees;
- Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible;
- Access to training services throughout the State (including rural areas and through technology use).
- Information related to the indicators of performance, which include for all students Workforce Innovation & Opportunity Act (WIOA) performance indicators: employment 2nd & 4th Quarter after exit, median earnings 2nd Quarter after exit, and credential attainment.

### **Continued Eligibility:**

After the initial eligibility expires, training providers are subject to application procedures for continued program eligibility for one (1) year. All approved training providers on the ETPL will be required to provide performance data, except RAs, on all training participants and programs as required WIOA section 116(d)(4).

The continued eligibility reporting information must contain the nine data elements, 120-128, on "All Individuals" in [Attachment II – Guide to Reporting on the ETA-9171 \(doleta.gov\)](#). These elements are as follows:

- Total number of individuals served;
- Total number individuals exited (includes students who completed, withdrew or transferred out of the program);
- Total number who completed the program;
- Total number of exiters employed in the 2nd quarter after exit;
- Total number of exiters employed in the 4th quarter after exit;
- Median earnings of exiters in the 2nd quarter after exit;
- Total number of exiters who attained a credential during participation or within one year after exit;
- Average earnings in the 2nd quarter after exit; and
- Average earnings in the 4th quarter after exit.

### **Program Exit:**

As defined for the purpose of performance calculations, exit is the point after which a participant who have received services through any program meets the following criteria:

- (1) For the adult, dislocated worker, and youth programs authorized under WIOA title I, the AEFLA program authorized under WIOA title II. And the Employment Service Program authorized under Wagner-Peyser Act, as amended by WIOA title III, exit date is the last day of service.
  - (i) The last day of service cannot be determined until at least 90 days have elapsed since participant last received services; services do not include self-services, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services.

For consideration of renewal of programs, an eligible training provider must add continued program performance data in AJL ProviderLink annually for the current PY ending June 30<sup>th</sup>, and this will avoid any interruption of eligibility. The instructions to add the performance data is included in the following link, [AJL ProviderLink ETPL Application and Program Instructions](#).

Performance data must be added by the end of each program year between July 1<sup>st</sup> and August 15<sup>th</sup>. The continued eligibility review conducted is required for both the program and the eligible training provider as an institution.

The training provider and program approval date(s) will be extended for an additional year if the training providers meets the fiscal, programmatic integrity and performance standards. The State will not update any program approval for continued eligibility that does not meet the eligibility criteria.

Upon completion of the review of continued eligibility criteria, the training provider will be made aware of any programs for denial or removal via email correspondence or a notification from the AJL ProviderLink system along with the appeal process.

The State may consider a 30-day extension for a provider who has extenuating circumstances if performance cannot be entered prior to a program's renewal, expiration date.

### **Performance:**

LWDBs 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. The Arkansas Division of Workforce Services/Employment Assistance (EA) Section must be notified if these levels of performance are increased.

To facilitate the public and stakeholder access to such information, training provider outcomes information will also be published on <https://www.trainingproviderresults.gov/>.

### **State Minimum Performance Standards for Training Providers**

Performance Measure	Calculation	State Minimum Level
<b>ALL PARTICIPANT PERFORMANCE MEASURES</b> Programs must meet the State minimum level for the performance measure.		
Program 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 %

Besides the requirements above, the State has established additional minimum performance standards to evaluate the Renewal/Continued Eligibility determination for programs at the end of each program year (July 1- June 30). The State Minimum Performance Standards implemented by State in accordance with the requirements stipulated by Section 116 of the WIOA for eligible training provider programs inclusion to the state's ETPL for all are:

### **All Program Participants**

1. Credential Attainment Rate (state minimum performance level: **25%**)



*The percentage of those participants enrolled in an education or training program who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.*

2. Employment Rate 2nd Quarter after Exit (state minimum performance level: **40%**)

*The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.*

3. Employment Rate 4th Quarter after Exit (state minimum performance level: **45%**)

*The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.*

4. Median Earnings – 2nd Quarter After Exit (state minimum performance level: **\$1,500 per quarter**).

*The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.*

### **WIOA Title I-B**

5. Credential Attainment Rate (state minimum performance level: **25%**)

*The percentage of those participants enrolled in an education or training program who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.*

6. Employment Rate 2nd Quarter after Exit (state minimum performance level: **25%**)

*The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.*

7. Employment Rate 4th Quarter after Exit (state minimum performance level: **25%**)

*The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.*

8. Median Earnings – 2nd Quarter After Exit (state minimum performance level: **\$2,000 per quarter**)

*The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.*

### **Registered Apprenticeships:**

Registered Apprenticeship (RA) Programs are automatically eligible to be included on the ETP list. RA programs are an exception to the initial and continued eligibility certification processes. They are exempt from performance and reporting-related requirements. These programs have already gone through a rigorous assessment as part of the registration process with the U.S. Department of Labor, Office of Apprenticeship (DOLETA/OA). Information required for an RA program to be added to the ETPL is:

- Occupation(s) included within the registered apprenticeship program;
- Name and address of the Registered Apprenticeship Program Sponsor;
- Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address;
- Method and length of instruction, and

- The number of active apprentices.

The list of the RA programs are located on the *WIOA Approved Apprenticeship Program*, on the Arkansas Division of Workforce Services (ADWS) website, [Workforce Initiative – Arkansas Division of Workforce Services](#).

Inclusion of RA programs on the state Eligible Training Provider List (ETPL) enhances participants' awareness of the programs and provides local workforce systems with a mechanism to support this valuable training model. All RA programs listed on the ETPL will automatically be considered as a statewide demand occupation for as long as they have an unfilled opening(s). Local boards may not require additional criteria of RA programs.

To be listed on the state ETPL, a RA program should complete the online [ADWS Registered Apprenticeship Fillable Form](#), on the ADWS website. **Once the form is completed**, it will be reviewed by ADWS staff for approval. Once approved, the RA program will be displayed on the ADWS website at:

[Workforce Initiative – Arkansas Division of Workforce Services](#).

If RA Sponsors are interested in participants for a training program to **possibly be paid through WIOA funding based on the LWDB's policy**, they should follow the instructions in this link, [AJL ProviderLink ETPL Application and Program Instructions](#).

#### **Eligible Training Provider Responsibilities:**

Training providers must comply with the following:

- ETPs must answer all questions on the AJL ProviderLink Application located on the AJL system website, <https://www.arjoblink.arkansas.gov>.
- Submit additional documents as needed to the LWDB and the ADWS as required.
- Provide periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA participants as required and requested by the LWDB.
- Collect information about all students attending a training program as required for reporting of performance measures.
- Ensure their staff submit the performance for their training programs in the AJL ProviderLink system for the ETP Annual Report in the designated timeframe by ADWS.
- Notify the LWDB and ADWS of any changes or updates to a training program.
- Notify the LWDB and ADWS of any other changes such as a change in the point of contact, a transition of the school's location, change or removal of a program, or impending sale or closure.

#### **Arkansas Division of Workforce Services (ADWS) Responsibilities:**

The ADWS is the designated state agency for WIOA administration and is responsible for:

- Ensuring that the information contained on the ETPL is accurate and current.
- Determining eligible training providers' AJL ProviderLink applications and programs approved by the LWDBs are reviewed, and those approved are placed on the ETPL no longer than the first business week of each month.
- Establishing a process for adding programs to the ETPL and verifying their "approved" status.
- Maintaining the list of eligible training providers and programs approved by LWDB.
- Providing an updated list to all LWDBs and the public through the State's website.
- Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible.
- Submitting all reports to the appropriate Federal Agency as required.
- Distributing the ETPL, accompanied by credential, cost and performance information for each ETPL training program throughout Arkansas.
- Allowing training providers to appeal a denial or removal of eligibility, including an opportunity for a hearing at the state level, after a training provider receives an unsatisfactory decision.
- Providing technical assistance to the local areas and the training providers.

#### **Local Workforce Development Board (LWDB) Responsibilities:**

The LWDB is responsible for ensuring that all Workforce Center (WFC) staff members in the respective LWDBs have access to the ETPL and are knowledgeable about its use; the LWDB will also provide local access to the ETPL for customers within the WFCs.

The local WDB must maintain a local list which consists of training providers and programs that a local WDB has conducted business with and are approved on the State ETP list. The purpose of the local list is to:

- Serve as documentation for the local WDB to know which eligible training providers and programs are on the State ETP list;
- Allow a local WDB and the general public to know which eligible training providers WIOA participants have been enrolled;
- Assist the local WDB in setting up a system to evaluate training providers' performance;
- Track the WIOA participant outcome by training provider and program for which the local WDB has enrolled participants; WIOA participants must view and select eligible training providers from the State ETPS list.

Local WDBs cannot use the local list to limit choices for WIOA participants. Local WDBs have the option, by law to establish higher performance levels and make a case for in-demand occupations that may differ from the State's. Any local WDBs that have established higher minimum performance standards above the state minimum requirements may remove a program of training services from the eligible programs in the local area for failure to meet the higher performance levels, but only if applied consistently to all approved providers within their local area.

Additionally, LWDB must require training providers to supply information regarding their partnerships with businesses. The evidence may include whether the training program was designed as a result of the collaboration with the company and must also include assurance from employers that will hire the students upon successful completion of the training program. Additionally, the LWDB is responsible for:

- Reviewing training programs for initial eligibility;
- Ensuring that all participants are enrolled in approved training programs, as identified on the ETPL.
- Collecting performance and cost information and any other required information related to programs from training providers;
- Monitoring training providers for compliance and performance;
- Evaluating performance data of all training providers during the continued eligibility review to verify that the training programs meet minimum performance standards;
- Allowing training providers to appeal a denial or removal of eligibility of programs that includes an opportunity for a hearing at the local level, a timely decision and a right to appeal if the provider is unsatisfied with the LWDB decision.

Each local WDB must develop and maintain procedures to determine the eligibility of a training provider's programs in an objective and consistent manner. Each local WDB must define its own procedures, consistent with the requirements of this policy. Procedures must clearly describe how reviewer(s) will apply any local policies related to the following factors:

- Quality training programs linked to in-demand occupations as determined by the local WDB.
- Performance and cost information, including program-specific performance and cost information of the local outlet(s) of multi-site eligible training providers.
- Information indicating how programs are responsive to local requirements.
- Other appropriate information related to the objectives of WIOA.

#### **Performance Data Requirements for ETP Annual Reporting (Excluding Registered Apprenticeships):**

- ETPs must submit accurate and timely information for participants receiving training under WIOA Title I–B.
- ETPs must provide the information necessary to determine program performance and to meet requirements per WIOA. The ETP must agree to make their data available to validate the information submitted for reporting,
- The annual performance reports must contain individual-level data for all participants in programs offered by the ETP that include at least one (1) student receiving WIOA funding.
- The performance data is due in AJL ProviderLink and ADWS between July 1 through August 31 of every year.

#### **Denial, Removal, and/or Appeal of Training Providers and/or Programs:**

A training provider must meet the requirements for eligibility and provide accurate information in order to retain its status as an eligible training provider. Only the Governor's Administrative Entity can remove eligible training providers and programs from the ETP list after appropriate due process.

Local WDBs may take steps to request removal of eligible training providers and/or programs from the ETP list in consultation with the ADWS ETP Coordinator. The State can deny and/or remove a program, an eligible training provider, or both when the individual:

**Denial of a Program/Provider (may reapply for approval after 6 months):**

- Fails to meet the minimum criteria for initial eligibility as specified above;
- Fails to complete the initial eligibility application in AJL ProviderLink;
- Failure to have a license to operate by a private career school as required in the state of Arkansas;
- Fails to add the subsequent eligibility performance reporting ending dates and performance data in AJL ProviderLink as required;
- Program renewal expired past the renewal date; and/or
- Program not approved by the local board.

**Removal of a Program/Provider (may reapply for approval after 1 year):**

- Fails to supply available participant data required for the performance review within due dates established and unwilling to supply required and available participant data by the ADWS staff;
- Violates state and/or local laws;
- State or local required performance levels are not met;
- Loses its educational license or accreditation;
- Fails to notify any program changes including, but not limited to, costs or location of training;
- Ceases to be in business and/or lost its license to operate;
- Fails to meet criteria or minimum performance levels as part of the annual or biennial review of initial or continued eligibility;
- Submits a duplicate program in the system;

**Removal of a Provider (may reapply for approval after 2 years):**

- Substantially violates any provision of Title I of WIOA and its regulations including 29 CFR Part 38, the nondiscrimination and equal opportunity provisions, and
- Intentionally supplies inaccurate data.

**Appeal of Training Providers and Programs:**

If a provider of training services has its eligibility denied, are terminated due to substantial violations, failure to provide requested performance information without reasonable justification, or otherwise are removed for good cause, the training provider will be notified that their training program is being removed from the State's training provider list. This information regarding the decision will be submitted to the contact person listed on the training provider's account.

The training provider may appeal the denial or termination within in ten (10) calendar days from the date of receipt of notice of termination by submitting an appeal request to the following email address:

[ADWS.WIOAAppeals@arkansas.gov](mailto:ADWS.WIOAAppeals@arkansas.gov).

The State will review the appeal, provide opportunity for a hearing, and issue a written decision/response within (30) calendar days of the receipt of the appeal. The Director will appoint a hearing officer.

The ADWS ETP Coordinator or designee shall remove a provider and/or program that was determined to be no longer eligible no earlier than the 31st calendar day from the issuance of the removal notice. However, if a training provider initially chooses to appeal, a training provider and/or program that is subject to removal shall remain on the state ETPL until the appeal is concluded.

After official removal of a training provider and/or program from the ETP list, local WDBs cannot fund WIOA participants enrolled in the removed training provider and/or its programs. Per WIOA Section 122, a training provider removed from the ETP list for failure to meet performance or is in violation of the WIOA regulations, cannot apply for eligibility for one year after the official removal date. Training providers may appeal a removal decision under the appeal process.

#### **Monitoring:**

The ADWS will monitor the LWDBs for ETPL compliance during annual monitoring visits or desk reviews. The LWDB auditor will randomly select WIOA participant files and validate that the data has been uploaded into the system correctly, ensuring that the annual USDOL ETP report is accurate. Additionally, the LWDBs must establish monitoring procedures and will provide a copy of this process to the ETPL Coordinator upon request.

#### **Reciprocal Agreement:**

WIOA Section 122(g) encourages states to enter in reciprocal agreements to permit eligible providers of training services in a state to accept ITAs provided in another state. Under the current policy, Training Providers must have a physical and permanent Arkansas mailing address. Arkansas currently has reciprocal agreements with the state of Missouri. **Only Providers located in states bordering the state of Arkansas and approved Apprenticeship Sponsors are eligible for inclusion on the Arkansas ETPL.**

While the ETPL is the primary list of ETPs and programs to be used when referring an eligible WIOA Title I-B participant to training, the LWDB can send a participant to training located in a different state if the training provider has a Reciprocal Agreement with Arkansas. These agreements allow Arkansas participants to use ETPs if that training provider appears on the other State's ETPL. Similarly, WIOA participants in the reciprocal states can utilize programs that are on Arkansas's ETPL.

#### **Contact:**

For any questions related to this policy, please contact the ADWS Employment Assistance Unit at [WIOA@arkansas.gov](mailto:WIOA@arkansas.gov).

**For Consideration of the  
Arkansas Workforce Development Board  
Executive Committee**

**September 15, 2022**

**AGENDA ITEM 3: ACTION:** ADWS Policy No. WIOA I – 5.2 (Arkansas WIOA Title I Debt Collection Policy and Procedures)

**INFORMATION/RATIONALE:**

The Arkansas Division of Workforce Services (ADWS), as the grant recipient of WIOA title I funds, is responsible for oversight of WIOA title I sub-recipients and contractors, including monitoring; determining compliance with federal and state laws, regulations, guidance, and policies; and ensuring compliance with 2 CFR 200 [WIOA §184(a)(4); 20 CFR 683.410(a)]. ADWS, as the WIOA grant recipient and as the administrative entity of the Governor, is required to develop the State monitoring system and to take prompt corrective action when non-compliance is found [20 CFR 683.410-420].

The purpose of ADWS Policy No. WIOA I – 5.2 is to explain the reasons and circumstances for the collection of debt due to disallowed costs and misspent funds from ADWS WIOA title I sub-recipients and to outline the procedures used in the collection of such debt.

DIVISION OF WORKFORCE SERVICES  
ISSUANCE NUMBER PY XX-XX

August XX, 2020

**FROM:** Charisse Childers, Ph.D., Director

**TO:** Local WIOA Workforce Development Area Administrators, Service Providers, One-Stop Operators, and other Sub-Recipients of WIOA title I funds from ADWS

**SUBJECT:** ADWS Policy No. WIOA I – 5.2 (Arkansas WIOA Title I Debt Collection Policy and Procedures)

1. **Purpose:** The purpose of ADWS Policy No. WIOA I – 5.2 is to explain the reasons and circumstances for the collection of debt due to disallowed costs and misspent funds from ADWS WIOA title I sub-recipients and to outline the procedures used in the collection of such debt.
2. **References:**  
WIOA §184  
2 CFR 200  
31 CFR Part 900-904  
20 CFR 683  
Current versions of:  
Arkansas' Monitoring and Oversight Procedures  
ADWS Policy No. WIOA I - 6.1 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities)
3. **Background:** The Arkansas Division of Workforce Services (ADWS), as the grant recipient of WIOA title I funds, is responsible for oversight of WIOA title I sub-recipients and contractors, including monitoring; determining compliance with federal and state laws, regulations, guidance, and policies; and ensuring compliance with 2 CFR 200 [WIOA §184(a)(4); 20 CFR 683.410(a)]. ADWS, as the WIOA grant recipient and as the administrative entity of the Governor, is required to develop the State monitoring system and to take prompt corrective action when non-compliance is found [20 CFR 683.410-420].
3. **Policy:** ADWS, as the grant recipient of WIOA title I funds and as the administrative entity of the Governor in WIOA title I matters, will take measures to collect any debts associated with any misspent WIOA title I funds by sub-recipients. All misspent WIOA title I funds or disallowed costs must be repaid (including interest) with non-federal funds. Sanctions will be imposed on the local area or the grant sub-recipient if funds are not reimbursed in accordance with the procedures in ADWS Policy No. WIOA I - 5.2.
4. **Additional Information:** The attached policy is placed in the ADWS Title I Policy Manual at <https://dws.arkansas.gov/workforce-services/programs/workforce-innovation-wioa/>.



5. **Attachment:** ADWS Policy No. WIOA I – 5.2 (Arkansas WIOA Title I Debt Collection Policy and Procedures)
6. **Action Required:** Please provide this information to all appropriate title I sub-recipient staff.
7. **Inquiries:** Email [WIOATA@arkansas.gov](mailto:WIOATA@arkansas.gov)
8. **Expiration:** Ongoing



**Workforce Innovation and Opportunity Act**  
**Office of Employment Assistance**

---

ADWS Policy Number: WIOA I – 5.2 Effective Date: August XX, 2022

---

## **Arkansas WIOA Title I Debt Collection Policy and Procedures**

**PURPOSE:** The purpose of this policy is to explain the reasons and circumstances for the collection of debt due to disallowed costs and misspent funds from Arkansas Division of Workforce Services (ADWS) WIOA title I sub-recipients and to outline the procedures used in the collection of such debt. The policy and procedures were developed for local workforce development areas and any ADWS WIOA title I sub-recipient. Information using terms referring to local areas apply also to sub-recipients as appropriate. In addition, other programs administered by ADWS Employment Assistance, such as sub-recipients of discretionary grants or WIOA work-based learning grants, may be subject to the procedures described in this policy in order to collect debts due to disallowed costs and misspent funds.

**REFERENCE:**

WIOA (Pub. L. 113-128) §184

2 CFR 200

31 CFR Parts 900-904

20 CFR 683

Current versions of:

Arkansas' Monitoring and Oversight Procedures

ADWS Policy No. WIOA I - 6.1 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities)

**BACKGROUND:** The Arkansas Division of Workforce Services (ADWS), as the grant recipient of WIOA title I funds, is responsible for monitoring and oversight of WIOA title I subrecipients and contractors. Monitoring includes determining compliance with federal and state laws, regulations, guidance, and policies and ensuring compliance with 2 CFR 200 [WIOA §184(a)(4); 20 CFR 683.410(a)]. ADWS, as the WIOA grant recipient and as the administrative entity of the Governor, is required to develop the State monitoring system and to take prompt corrective action when non-compliance is found [20 CFR 683.410-420].

ADWS is responsible for establishing fiscal controls and for monitoring to ensure that all financial transactions carried out under their WIOA title I grants and sub-grants are conducted and records are maintained in accordance with generally accepted accounting principles [WIOA § 184(a)(1)]. When a local area is not in compliance with WIOA law, WIOA regulations, or the uniform administrative requirements, ADWS is responsible for requiring prompt corrective actions and repayment of misspent funds [WIOA § 184(a)(5); 20 CFR

683.410(b)(4)]. Federal regulations require ADWS to impose sanctions as provided in WIOA §184(b-c) if the subrecipient does not take the required corrective actions [20 CFR 683.410(b)(5)].

ADWS, as the grant recipient and the Governor's administrative entity, is responsible for all funds awarded to the agency under WIOA title I and is responsible for imposing corrective actions on the local areas when funds are not appropriately spent. ADWS is also responsible for collecting the repayment of misspent funds [20 CFR 683.710(a)]. Failure on the part of ADWS to collect misspent funds and/or to correct unacceptable situations in local areas will result in sanctions for the State of Arkansas imposed by the U.S. Department of Labor [20 CFR 683.700(b)]. In addition, if the State of Arkansas does not impose corrective actions on the local areas, the Grant Officer of the U.S. Department of Labor may impose actions directly against the local area or other sub-recipient [20 CFR 683.700(c,e)].

The local area's chief elected official(s) is liable for any misuse of the WIOA title I grant funds allocated to the local area by ADWS. When a local area is composed of more than one unit of general local government, the liability of the individual jurisdictions must be specified in a written agreement between the chief elected officials (CEOs). When there is a change in the chief elected official(s), the local workforce development board (LWDB) is required to inform the new CEO(s), in a timely manner, of their responsibilities and liabilities, as well as the need to review and update any written agreements among the CEOs. The use of a fiscal agent does not relieve the CEO(s) of responsibility for any misuse of WIOA title I grant funds [20 CFR 683.710(b)].

**POLICY:** ADWS, as the grant recipient of WIOA title I funds and as the administrative entity of the Governor in WIOA title I matters, will take measures to collect any debts associated with any misspent WIOA title I funds by sub-grantees. All misspent WIOA title I funds or disallowed costs must be repaid (including interest) with non-federal funds [2 CFR 200.410]. Sanctions will be imposed on the local area or the grant sub-recipient if funds are not reimbursed in accordance with the procedures below.

#### **PROCEDURES:**

**Step 1:** Questioned costs may be identified during a State monitoring visit, a desk review, a monitoring visit from the U.S Department of Labor or its representative(s), an investigation concerning a complaint, or through any other process. Questioned costs will be reported to the local area, and the local area will be given an opportunity to explain or correct the costs, as explained in Arkansas' Monitoring and Oversight Procedures.

An initial monitoring report or other official correspondence containing information about questioned costs will be sent to the local Workforce Development Board (LWDB) Director, the LWDB Chairperson, and the Chairperson of the Chief Elected Officials (CEOs). Included with the report will be a timeframe for response by the local area.

In compliance with Arkansas' Monitoring and Oversight Procedures, the local area must respond to a monitoring report or other official correspondence containing information about questioned costs within thirty (30) calendar days of the date of receipt of such correspondence or as otherwise stated in the correspondence. Through this response, the local area may provide clarification or other justification of the questioned costs. The local area may also report actions taken to correct activities that led to the questioned costs and repay the questioned costs with non-federal funds during this time.

If, after two (2) such responses from the local area or other sub-recipient, the local area or sub-recipient cannot justify or correct the questioned costs or does not repay the questioned costs within the time frame given in the correspondence, a final determination report of disallowed costs (also called Final Determination) or other correspondence establishing the debt will be sent to the above individuals in addition to the other

CEOs. LWDB staff must share the information with all LWDB members. Disallowed costs are expected to be repaid, with interest, within thirty (30) calendar days of the date of the Final Determination or other correspondence establishing the debt.

In accordance with 2 CFR 200.410, 2 CFR 200.346, and the Federal Claims Collection Standard (31 CFR parts 900 – 999), interest will accrue from the date of the Final Determination or other correspondence establishing the debt at the rate of 10% per annum, compounded monthly.

Actions that contributed to the disallowed costs will also be detailed in the Final Determination or correspondence. These detailed actions must be changed immediately to avoid further disallowed costs. Local areas or other sub-recipients will be monitored to ensure that such actions have been changed and that no further disallowed costs have accumulated.

**Appeals** may be made as described in the current version of ADWS Policy No. WIOA I – 6.1 (*Arkansas Grievance, Complaint, and Appeals Procedures for Title I Activities*). If an appeal is filed within ten (10) calendar days of the date of the Final Determination or other notice establishing debt and in accordance with the current version of ADWS Policy No. WIOA I – 6.1, the collection process will be delayed until the completion of the appeal process. Interest, as stated above, will continue to accrue during this time and will be added to the debt if the appeal is not successful.

ADWS will accept the following repayment options (all repayment must be from non-federal funds):

- **Cash Repayment:**
  - “Cash” is defined as a lump-sum payment of the entire debt, usually in the form of a check.
  - Cash is the preferred method of repayment. Settlement of debts on a non-cash basis will be by exception.
  - If the debt resulted from fraud, malfeasance, or other serious violations or illegal acts, repayment must be in cash. No other option is available.
  - Repayment of the debt in cash must occur within thirty (30) calendar days of the receipt of the Final Determination or other notice establishing the debt.
- **Installment Payments:**
  - An installment repayment agreement may be negotiated with ADWS when the sub-recipient is unable to make restitution in full within thirty (30) calendar days of receipt of the Final Determination or other notice establishing debt.
  - The installment repayment agreement is generally of short duration (3 - 12 months, depending on the size of the debt and the sub-recipient’s ability to pay), but it may be as long as 36 months, in compliance with the Federal Claims Collection Standards (31 CFR Part 900-904) and at the discretion of the Director of ADWS.
  - This method of repayment is not offered where debts result from fraud, malfeasance, misappropriation of funds, or other serious violations or illegal acts.
  - Interest on the unpaid balance will continue to accrue until the debt is paid in full.

- **Stand-in Costs:**
  - Stand-in costs are expenses that could have been charged to WIOA title I, but the expenses were paid with non-federal funds instead. Such expenditures must have been reported in the monthly expenditures report in the AWIS Financial System during the month each expenditure occurred.
  - The use of stand-in costs may be considered as a substitute for disallowed costs in audit or other debt resolution situations.
  - Stand-in costs must be substituted within thirty (30) calendar days of the date of the Final Determination or other notice establishing debt.
  - Interest will accrue during the time between the date of the Final Determination or other notice establishing debt until the stand-in costs are substituted.

**Step 2:** If the debt is not repaid or if acceptable payment arrangements are not made within thirty (30) calendar days of the receipt of the Final Determination or other notification establishing debt, a Debt Collection Notification will be sent to the local area, with copies to the Chairperson of the LWDB and all Chief Elected Officials (or appropriate representatives of other sub-recipients) by letter or email. (If an appeal is made, the Debt Collection Notification will be sent within 10 days of the date of the decision of the appeal.) The LWDB staff must send the notification to all other LWDB members. The notification will state that payment is due from the local area within thirty (30) calendar days of the date of receipt of the Debt Collection Notification. The ADWS Director may require more immediate action if, in the opinion of the Director or a designated appointee, the situation requires more immediate action.

**Step 3:** If payments are not made or repayment options are not negotiated within thirty (30) calendar days of receipt the Debt Collection Notification, a written notice, in the form of a non-compliance letter, will be sent to the local area or sub-recipient, including the LWDB members and the Chief Elected Officials (or appropriate representatives of other sub-recipients), stating special conditions or sanctions that will be imposed if funds are not repaid as required and the timeframe for the repayment of these funds. These sanctions may include, but are not limited to:

- Temporarily withholding funds until the disallowed costs are repaid [2 CFR 200.339(a)]
- Placing funds to the local area or other sub-recipient on a reimbursement basis rather than on advanced basis until the funds are repaid [2 CFR 200.208(c)(1)]
- Requiring additional, more detailed financial reports [2 CFR 200.208(c)(3)]
- Requiring additional project monitoring [2 CFR 200.208(c)(4)]
- Requiring the sub-grantee to obtain technical or management assistance [2 CFR 200.208(c)(5)]
- Establishing prior approvals for expenditures [2 CFR 200.208(c)(6)]
- Wholly or partly suspending or terminating the Federal award [2 CFR 200.339(c)]
- Withholding further Federal awards for the project or program [2 CFR 200.339(e)]
- Other corrective actions described in 2 CFR 200.208 or 2 CFR 200.339

**Step 4:** If disallowed costs are not repaid as stated in the Debt Collection Notification, then the sanctions listed in the Debt Collection Notification will be imposed. Examples of actions that may be taken are included above in Step 3.

**Step 5:** The Governor is required by WIOA § 184(a) and 20 CFR 683.410(b)(5) to impose the sanctions listed in WIOA 184(b)(1) if the corrective actions taken in Step 4 do not result in the repayment of the debt. If disallowed costs are not repaid in accordance with the procedures described above, ADWS, as the pass-

through entity for WIOA title I funds and the WIOA title I administrative entity for the Governor, must impose one of the two the sanctions required in WIOA §184(b)(1):

- Issue a notice of intent to revoke approval of all or part of the local plan affected; or
- Impose a reorganization plan, which may include:
  - decertifying the local board involved;
  - prohibiting the use of eligible providers;
  - selecting an alternative entity to administer the program for the local area involved;
  - merging the local area into one or more other areas; or
  - making other such changes as the Director of ADWS determines necessary to secure compliance with WIOA law, regulations, guidance, and the uniform guidance, as well as State law, policies, and issuances.

Similar actions will be taken against sub-recipients that are not local areas.

In accordance with 20 CFR 683.650(a), the imposed sanctions under Step 4 will not become effective until either time for an appeal to the Secretary of the Department of Labor has expired (30 days after the receipt of the notice that the plan will be revoked or the reorganization will occur) or the Secretary of the Department of Labor has issued a decision concerning the appeal, whichever comes first.

**For Consideration of the  
Arkansas Workforce Development Board  
Executive Committee**

**September 15, 2022**

**AGENDA ITEM 4: ACTION:** Policy No. WIOA I – 6.1, Change 3 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities)

**INFORMATION/RATIONALE:**

Each State must establish and maintain a procedure for participants and other interested parties to file grievances and complaints concerning WIOA title I activities and to appeal decisions made concerning WIOA title I. This policy details Arkansas' procedures for such complaints, grievances, and appeals.

The purpose of the issuance is to describe the changes made in ADWS Policy No. WIOA I - - 6.1, Change 3 from the previous version of the procedures.

DIVISION OF WORKFORCE SERVICES  
ISSUANCE NUMBER PY XX-XX

August XX, 2022

**FROM:** Charisse Childers, Ph.D., Director

**TO:** Local WIOA Workforce Development Area Administrators, Service Providers, and One-Stop Operators

**SUBJECT:** ADWS Policy No. WIOA I – 6.1, Change 3 (*Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities*)

1. **Purpose:** The purpose of this issuance is to describe the changes made in ADWS Policy No. WIOA I - 6.1, Change 3 from the previous version of the procedures.
2. **References:**  
See ADWS Policy No. WIOA I – 6.1, Change 3 for a list of references.
3. **Background:** Each State must establish and maintain a procedure for participants and other interested parties to file grievances and complaints concerning WIOA title I activities and to appeal decisions made concerning WIOA title I. This policy details Arkansas' procedures for such complaints, grievances, and appeals.
4. **Changes Made from ADWS Policy No. WIOA I – 6.1, Change 2 and ADWS Policy No. WIOA I – 6.1, Change 3:**
  - a. Added a one-page summary of the procedures for complaints and appeals of individuals, in compliance with 20 CFR 683.600(b)(3). The summary must be displayed in all Arkansas Workforce Centers. It may be translated by local areas to other languages, read to individuals or produced in other form a required to be understood by all affected individuals. Every entity to which ADWS give WIOA title I funds must ensure that all participants receive this summary [20 CFR 200.600(b)(2)]. The summary must also be available to any other individual who request information about submitting a complaint or appeal to the State. Sub-recipient must also help entities who request information who need other information in the policy to locate the complete policy on the ADWS website.
  - b. Removed the requirement to send and receive information through certified mail, return receipt requested (except to the Secretary of Labor, as required in 20 CFR 683). All complaints, grievances, and appeals for the State must be sent to [ADWS.WIOAAppeals@arkansas.gov](mailto:ADWS.WIOAAppeals@arkansas.gov).
  - c. Removed requirements for local complaint, grievance, and appeal procedures (currently in WIOA Policy No. WIOA I-B 4.3, Change 1 (*Requirements for Local Grievance, Complaint, and Appeal Procedures*))
  - d. Shortened title
  - e. Made non-substantive corrections
5. **Additional Information:** The attached policy is placed in the ADWS Title I Policy Manual at



<https://dws.arkansas.gov/workforce-services/programs/workforce-innovation-wioa/>

6. **Attachment:** ADWS Policy No. WIOA I – 6.1, Change 3 (Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities) and the DOL Complaint/Apparent Violation Form (ETA 8429)
7. **Action Required:** Please provide this information to all appropriate title I sub-recipient staff.
8. **Inquiries:** Email [WIOATA@arkansas.gov](mailto:WIOATA@arkansas.gov)
9. **Expiration:** Ongoing



---

ADWS Policy Number: WIOA I – 6.1, Change 3 Effective Date: August XX, 2022

---

## **Arkansas Grievance, Complaint, and Appeal Procedures for WIOA Title I Activities**

### **I. Purpose:**

The purpose of this policy is to outline the grievance and appeal procedures for WIOA title I activities administered by the Arkansas Division of Workforce Services (ADWS).

### **II. Reference:**

WIOA §§ 106, 116(g)(2)(A), 121(h), 122(c)(1), 181(c), & 188  
2 CFR 200  
20 CFR 361, 463, 652.8(j), 653.501(d)(2), 658.411, 658.450(b)(2), 677.225, 678.735, 678.750, 679.290,  
680.480, 683, 685.140, 686.470 & 688.500  
29 CFR 37.35  
29 CFR Part 38  
TEGL 37-14  
TEN 1-17  
Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.)  
Rehabilitation Act of 1973 (29 U.S.C. 794) § 504 H. R. 803—174  
Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)  
Pregnancy Discrimination Act of 1978, which amended title VII of the Civil Rights Act of 1964

### **III. Background:**

Each State and direct recipient funds under title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), except for Job Corps, is mandated to establish and maintain a procedure for grievances and complaints alleging violations of the requirements of WIOA title I from participants and other interested or affected parties [WIOA § 181(c)(1); 20 CFR 683.600(a)]. (The Job Corps procedure for grievances, complaints, and appeals is given in 20 CFR 686.960 and 965.)

Although there are some connotations of differences between the terms “grievance” and “complaint,” the two words are used interchangeably in this policy. No inference may be taken concerning the meaning of the two terms, even when only one is used.

**A. Each local area, State, and direct recipient of WIOA title I funds must [20 CFR 683.600(b)]:**

1. Provide information about the content of the grievance and complaint procedures to participants and other interested parties affected by the local workforce development system, including Arkansas Workforce Center partners and service providers;
2. Require that every entity to which it awards WIOA title I funds to provide the appropriate information in this policy and procedures to participants receiving WIOA title I-funded services from such entities; and
3. Make reasonable efforts to ensure that the grievance and complaint procedures information is understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts must comply with the requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English.

**B. The Arkansas State Grievance, Complaint, and Appeal Procedure provides:**

1. A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide WIOA title I system, including Arkansas Workforce Center partners and service providers [20 CFR 683.600(d)(1)];
2. A process for resolving appeals made to the State from the LWDB process [20 CFR 683.600(d)(2)];
3. A process for remanding grievances and complaints related to the local WIOA programs to the local area grievance process [20 CFR 683.600(d)(3)];
4. An opportunity for a decision by a hearing officer appointed by the Director of ADWS and a hearing, if requested, to be completed within 60 days of the filing of the grievance or complaint [20 CFR 683.600(d)(4)]; and
5. An opportunity for appeal to the Secretary of Labor when:
  - a. No decision has been reached within 60 days of the receipt of the complaint, grievance, or appeal request and either party wants to extend the grievance, complaint, or appeal to the Secretary of Labor; or
  - b. A decision has been reached and the party to which the decision is adverse wants to appeal the decision to the Secretary of Labor [WIOA § 181(c)(2)(A); 20 CFR 683.600(d)(5) & 683.610(a)].
6. A summary of the full policy that explains the rights and responsibilities of individuals who wish to file complaints, grievances, and appeals with the State. Sub-recipients of Arkansas WIOA title I funds must give this document must be given to each participant and to all other individuals who request such information. Local areas may also translate the summary into other languages as appropriate [20 CFR 683.600(b)].

**IV. Arkansas State Procedures for Grievances, Complaints, and Appeals for WIOA Title I Activities, other than Title I-D Job Corps**

Except as otherwise designated, these procedures are applicable only for WIOA title I activities administered by the Arkansas Division of Workforce Services (ADWS). Grievance and complaint procedures for other WIOA Programs, such as Job Corps, Adult Education and Literacy, Employment Assistance authorized under the Wagner Peyser Act, and Vocational Rehabilitation Services may be obtained from these respective entities. Although these procedures apply to complaints and grievances concerning one-stop delivery systems (WIOA title I-B), complaints will be referred to appropriate partners and their procedures if appropriate.

**A. What guidelines will be followed notifying individuals and entities concerning their right to appeal and the appeal process [20 CFR 683.600]?**

1. The entire grievance procedure, including the DOL Complaint/Apparent Violation Form (ETA 8429) and a summarized procedure for individuals are posted in the appropriate section of

the WIOA Title I Policy Manual located on the ADWS website at <https://dws.arkansas.gov/workforce-services/programs/workforce-innovation-wioa/>.

2. Information from this policy is included in other appropriate policies, requests for proposals or qualifications, opportunities for grants, and other applicable announcements.
3. The attached summary must be given to all individuals who participate in WIOA title I activities funded through ADWS. The summary must be displayed in all Arkansas Workforce Centers, and it must be made available to any individual who requests the information. The summary may be translated into other languages, read to individuals, or produced in other forms as required to be understood by all affected individual [20 CFR 683.600(b)].

**B. What general guidelines apply to all complaints, grievances, and appeals?**

1. If a grievance or complaint is filed with the Director of ADWS that, in the opinion of the Director, should first be filed with a local WIOA title I-B program provider, a WIOA partner, or a LWDB, that grievance will be remanded to the appropriate entity to be processed there. Information concerning the appropriate actions will be sent to the complainant or informant with the acknowledgement of the complaint. Contact with an individual complainant may be made by letter, telephone, or email to determine the details of the complaint, to give guidance concerning proper grievance procedures, and/or to attempt to direct the individual to the correct entity so that an informal decision may be reached.
2. The complainant's statement should be as complete as possible. The complainant should use the attached DOL Complaint/Apparent Violation Form (ETA 8429) if possible, but the complaint may be in any form. The complaint should include, if possible:
  - a. The full name and contact information (telephone number, email address, and or physical address), of the person making the complaint;
  - b. The full name and address (personal or business) of the person or entity against whom the complaint is made;
  - c. A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;
  - d. The provisions of the Workforce Innovation and Opportunity Act (WIOA), WIOA regulation, grant, agreement, law, state policy, and/or local policy believed to have been violated, if appropriate;
  - e. A statement of attempts to resolve the issue at the local level, if appropriate; and
  - f. 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.
3. Time limitations of complaints, grievances, and appeals are listed in the sections of each particular type of complaint.
4. Within fourteen (14) calendar days of receipt of the complaint/grievance/appeal, the Director of ADWS or his/her designee will acknowledge receipt of the grievance. The acknowledgement of receipt will:
  - a. Provide a synopsis of the issues to be decided;
  - b. Outline the steps to be taken to resolve the matter, including an attempt to reach an informal resolution; and
  - c. Notify all parties of the right to request a hearing.

5. The following procedures will apply to a hearing, if requested:
  - a. The hearing will be informal. Technical rules of evidence will not apply. Hearsay evidence will be admissible at the discretion of the hearing officer.
  - b. Hearings will be held at a time and place determined by the Director of ADWS or his/her designee after reasonable written notice has been sent to the parties and the witnesses.
  - c. The party requesting the hearing will have the burden of establishing the facts and the entitlement to the relief requested.
  - d. Either party may be represented by an attorney or other representative, but no such representative is required.
  - e. Either party may bring witnesses and documentary evidence.
  - f. The respondent will cooperate by making available any person under his or her control or employ to testify, if appropriate, and to release requested documents relevant to the issue after the requesting party has established that such testimony/documentation is relative and not cumulative.
  - g. Either party or representative will have the opportunity to question any witnesses.
  - h. A recording will be made of the proceedings.
  - i. A written decision will be made by the Director of ADWS or his/her designee within 60 days of receipt of the grievance or complaint [20 CFR 683.600(d)(4)].
6. If a hearing is not requested, the Director of ADWS or his/her designee will conduct an administrative fact-finding investigation. The investigation will include:
  - a. Opportunities for all parties to submit an in-depth position statement, including documentary supportive data and/or records;
  - b. Access to and review of appropriate official records; and
  - c. A written decision, to be made by the Director of ADWS or designee within 60 days of receipt of the grievance or complaint [20 CFR 683.600(d)(4) & 683.610(a)(1)].
7. A written decision will contain the following:
  - a. Statement assuring that all steps included in the grievance/complaint procedures have been adhered to;
  - b. Issue(s) being decided;
  - c. Statement of facts;
  - d. Reasons for the decision;
  - e. Remedies to be offered, if appropriate;
  - f. Summary; and
  - g. Advisement of the right to appeal the decision, if allowed for the particular type of complaint/grievance/appeal. (Information about appeals is provided in this policy for each type of complaint/grievance/appeal.)
8. Nothing in this policy precludes a grievant or complainant from pursuing a remedy authorized under Federal, State, or local law [20 CFR 683.600(h)].
9. Variances to these general guidelines are given as applicable in the portions of this policy concerning particular types of grievances, complaints, and appeals.

**C. Who may file a grievance, complaint, or appeal; and what are the regulations for filing an appeal under WIOA title I programs, except for Job Corps; and what procedures, policies, and regulations apply?**

1. An individual who has been discriminated against because of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions; and transgender status, gender identity, and sex stereotyping), national origin (including limited English proficiency), age (except as required by law), disability, political affiliation or belief, citizenship status as a lawfully admitted immigrant authorized to work in the United States, or participation in a WIOA title I-financially assisted program or activity [WIOA § 188; 29 CFR Part 38; 20 CFR 652.8(j), 653.501(d)(2), 658.411, 658.450(b)(2), 683.285, 683.420, 683.410, 683.600(g)(1), 685.140, & 688.500; TEGL 37-14]:

- a. WIOA prohibits discrimination or denial of participation on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); on the basis of disability under section 504 H. R. 803—174 of the Rehabilitation Act of 1973 (29 U.S.C. 794); on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or the Pregnancy Discrimination Act of 1978, which amended title VII of the Civil Rights Act of 1964; or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Programs and activities funded or otherwise financially assisted in whole or in part under WIOA are considered to be programs and activities receiving Federal financial assistance, even if individuals do not receive assistance in the form of money.
- b. Participation in programs and activities or receiving funds under WIOA title I must be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States, using eligibility requirements for each program.
- c. No person may discriminate against an individual who is a participant in a WIOA program or activity, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.
- d. Participants shall not be employed under WIOA title I to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).
- e. Individuals who have experienced discrimination or denied services based on a – d above should follow the procedures in the poster “Equal Opportunity is the Law” posted in each Arkansas Workforce Center.
- f. If no such poster is displayed and an employee of the Arkansas Workforce Center cannot provide the poster, contact the WIOA Equal Opportunity Manager of the Arkansas Division of Workforce Services (ADWS) at:

WIOA Equal Opportunity Manager  
PO Box 2981  
Little Rock, AR 72203  
Telephone: 501-682-1418  
Arkansas Relay Services: 1-800-285-1131

2. A participant or other interested party who has submitted a complaint or grievance at the local level and who has not received a decision within 60 days or is dissatisfied with the local decision [WIOA §181 (c)(1); 20 CFR 683.600, 683.610]:

- a. The appeal must be sent no later than 30 days after the local decision. If no decision was given at the local level, the appeal must be sent no later than 90 days after the filing of the local complaint. The appeal must be sent to ADWS.WIOAAppeals@arkansas.gov.
- b. An investigation will be done, and an informal resolution will be made within 60 days of receipt of the appeal. If the complainant requests, the resolution procedure will include an informal hearing.
- c. If a decision has not been reached in 60 days, either party may file an appeal to the Secretary of Labor no later than 120 days after filing the appeal with the State. If one party is dissatisfied with the decision, an appeal may be made to the Secretary of Labor no later than 60 days after receipt of the appeal decision. The Secretary of Labor will make a decision no later than 120 days after receiving the appeal. The appeal must be sent by certified mail, return receipt requested, to the Secretary of Labor at the following address:

Secretary  
U.S. Department of Labor  
200 Constitution Ave.  
NW.Washington, DC  
20210 Attention: ASET

When an appeal is sent to the U.S. Secretary of Labor, a copy of the appeal must be simultaneously provided to the ETA Regional Administrator and the opposing party. The address for the ETA Regional Administrator for Arkansas is:

Regional Administrator  
U.S. Department of Labor/ETA  
525 Griffin Street, Room 317  
Dallas, TX 75202

- 3. A participant or other interested party who has a complaint or grievance concerning a statewide WIOA program [WIOA §181 (c)(1); 20 CFR 683.600 & 683.610]:  
The grievance or complaint must be sent no later than 60 days after the date of the occurrence to ADWS.WIOAAppeals@arkansas.gov.
  - a. DOL complaint/Apparent Violation Form (ETA 8429) should be used for the complaint, if possible, and the complaint should follow the guidelines in Section IV.B.2. of this policy.
  - b. If a grievance or complaint is filed with the State that, in the opinion of the Director of ADWS, should first be filed with the local workforce development board or service provider or with a particular one-stop partner, that grievance or complaint will be remanded to the administrator or director of the appropriate entity to be processed there. This decision will be made within 30 days of receiving the grievance/complaint. Notification of remanding will be sent to the complainant or informant.
  - c. If the grievance or complaint should properly be addressed at the State level, an investigation will be done, and an informal resolution will be made within 60 days of receipt of the appeal. If the complainant requests, the resolution procedure will include a hearing.
  - d. If a decision has not been reached in 60 days or if one party is dissatisfied with the decision, an appeal may be made as described in IV.C.2.c. of these procedures.
- 4. A unit of local government that has requested designation as a local area but has been denied such designation [WIOA § 106; 20 CFR 679.290, 683.630 & 683.640.]
  - a. A unit of general local government (including a combination of such units) or grant recipient that requests, but is not granted, initial or subsequent designation of an area as a

local area under WIOA § 106(b)(2), WIOA § 106(b)(5), or 20 CFR 679.250 may submit an appeal to the Arkansas Workforce Development Board (State Board) within 30 days of the decision not to grant such request.

- b. The appeal must be sent to: ADWS.WIOAAppeals@arkansas.gov.
  - c. The State Board will investigate the appeal, including conducting a hearing in accordance with the rules outlined in Section IV.B.5 of this policy, and the State Board will make a decision within 60 days of the receipt of the appeal.
  - d. If the appeal does not result in designation, an appeal may be made to the Secretary of Labor within 30 days of the appeal decision of the State Board. This appeal must be submitted by certified mail, return receipt requested, to Secretary of Labor at the address in Section IV.C.2.c of this policy, with a copy to the ETA Regional Administrator at the address in Section IV.C.2.c of this policy.
  - e. A copy of the appeal must be simultaneously provided to the State Board at ADWS.WIOAAppeals@arkansas.gov. The appellant must establish that it was not accorded procedural rights under the appeal process set forth in this policy or establish that it meets the requirements for designation in WIOA § 106(b)(2) or WIOA § 106(b)(3), and also in 20 CFR 679.250. If the Secretary determines that the appellant has met the burden of establishing that it was not accorded procedural rights under this appeal process, or that it meets the requirements for designation listed in this paragraph, the Secretary may require that the area be designated as a local area. In making the determination, the Secretary may consider any comments submitted by the Arkansas Workforce Development Board in response to the appeal. The Secretary will issue a written decision to the Governor and the appellant [WIOA § 106(b)(5); 20 CFR 679.290 & 683.640].
5. A local area or other grant sub-recipient that does not agree with the findings of a monitoring report or audit [20 CFR 683 Part D]:
- a. The Governor must monitor LWDBs annually for compliance with applicable laws and regulations in accordance with the State monitoring system developed by the Governor in compliance with 20 CFR 683.410(b) [20 CFR 683.400(c)(2)]. Regular monitoring must be on-site reviews to ensure that local areas are achieving the objectives of WIOA, are following regulations of WIOA, and are in compliance with 2 CFR part 200 [20 CFR 683.410(b)]. Documentation of monitoring, including monitoring reports and audit work papers must be available for review by the Secretary of Labor, the Governor, or a representative of the Federal government authorized to request the information [20 CFR 683.400(d)].
  - b. The Governor must require that prompt corrective action be taken for any substantial violations of the standards and regulations of WIOA and 2 CFR 200, including corrective actions described in 2 CFR 200.207 and 200.338, as well as State laws and policies. The governor must impose sanctions if a local area fails to take the required corrected action [20 CFR 683.410(b), 2 CFR 200]
  - c. The Arkansas Division of Workforce Services (ADWS), as the direct grant recipient, is the entity responsible for monitoring subgrant recipients. ADWS is also responsible for resolving findings that arise from the monitoring reviews, investigations, and audits of all funds awarded [20 CFR 683.420(a)].
  - d. The Secretary of Labor is responsible for monitoring grant funds provided to ADWS [20 CFR 683.420(b)].
  - e. The resolution of findings of subgrant recipients, except for non-discrimination findings, will be made in accordance with the procedures outlined by ADWS and provided to local areas.



- f. If, after repeated attempts at resolving issues, corrective action is determined to be inadequate and findings are unresolved, special conditions or sanctions may be imposed on the local area, as allowed under standards and regulations of WIOA and 2 CFR 200, including corrective actions described in 2 CFR 200.208 for “Specific Conditions” and 200.339 “Remedies for Non-Compliance.”
  - g. Except for determinations involving the revoking of the local plan or reorganization of the local area program providers, the local area or other grant sub-recipient may appeal the final determination report within ten (10) calendar days of receipt of the monitoring final determination. This appeal must be sent to ADWS.WIOAAppeals@arkansas.gov.
  - h. The following documentation must be included with the appeal:
    - The local area or monitored entity must formally appeal the decision of the monitoring report in writing by submitting an official letter (on letterhead) explaining the purpose for the appeal. The letter must clearly identify each finding being appealed by the local area or monitored entity.
    - Copies of the original supporting documentation provided to ADWS during the monitoring process. The original documentation should demonstrate how the local area or monitored entity met the required federal and/or state regulation(s) inclusive of citations from Federal and/or State Regulations.
  - i. The hearing officer will conduct an investigation, including a hearing if requested, and will reach a decision within 60 days [20 CFR 683.600(d)(4)]. If a decision has not been reached in 60 days or if either party wishes to appeal the decision to the Department of Labor, either party may file an appeal to the Secretary of Labor no later than 60 days after the receipt of the decision of the hearing officer or time for the hearing officer to make a decision has expired [20 CFR 683.600(d)(5)]. The request to the Secretary of Labor must follow the process outlined in IV.C.2.c. of these procedures, including sending a copy to the ETA Regional Administrator.
  - j. If the sanctions involve the revoking of the local plan or reorganization of the local area program providers, the procedure in Section IV.C.6. of this policy must be followed.
  - k. No later than ten (10) calendar days after the final action on the grievance or the notification of imposed sanctions (if no appeal is made), copies of the report, responses and other related written communication will be mailed or emailed to the Local Workforce Development Board Chairperson and Executive Director.
  - l. Findings arising from investigations or reviews conducted under nondiscrimination laws will be referred to the state EO officer at the address in IV.C.1.f. of this policy and will be resolved in accordance with WIOA § 188 and the Department of Labor nondiscrimination regulations, codified at 29 CFR 38 [20CFR 683.420].
6. A local area that has been found in substantial violation of WIOA title I or has failed to meet local performance indicators for 3 consecutive program years, and has received a notice from the Governor that either all or part of the local plan will be revoked or that a reorganization will occur [WIOA §§ 116(g)(2)(A) & 184(b); 20 CFR 361.225, 463.225, 677.225, 683.410, & 683.650]:
- a. If the local area has been found in substantial violation of WIOA title I and has received notice from the Governor that either all or part of the local plan will be revoked or that a reorganization will occur as described in WIOA §184(b)(1), the local area may appeal the sanctions to the Secretary of Labor at the address in Section IV.C.2.c. of this policy, with a copy sent to the ETA Regional Administrator at the address in Section IV.C.2.c. The appeal must be sent by certified mail, return receipt requested, and a copy of the appeal must be simultaneously provided to the Director of ADWS at ADWS.WIOAAppeals@arkansas.gov. The appeal must be filed no later than 30 days after receipt of written notification of the

revoked plan or imposed reorganization. The Secretary will notify the Governor and the appellant in writing of the Secretary's decision within 45 days after receipt of the appeal. In making the decision, the Secretary may consider any comments submitted by the Governor in response to the appeal. The imposed sanctions do not become effective until either time for the appeal has expired or the Secretary has issued a decision concerning the appeal [20 CFR 683.650(a)].

- b. If the local area has failed to meet local performance indicators for three (3) consecutive program years and has received a notice from the Governor or his/her selected designee of intent to impose a reorganization plan, the LWDB and chief elected official(s) for the local area may jointly appeal to the Governor to rescind or revise the reorganization. The appeal must be sent to the Director of ADWS at ADWS.WIOAAppeals@arkansas.gov no later than 30 days after notice of the reorganization plan. The appeal must be jointly filed by the LWDB and the chief elected official(s). The Governor or designee must make a final decision no later than 30 days after receipt of the appeal. An appeal of the Governor's final decision may be submitted by certified mail, return receipt requested, to the Secretary of Labor at the address in Section IV.C.2.c. of this policy, no later than 30 days after receiving the decision of the Governor. A copy of the appeal must be simultaneously sent to the Governor through the Director of ADWS at ADWS.WIOAAppeals@arkansas.gov. and the ETA Regional Administration at the address in Section IV.C.2.c. of this policy. The decision of the Governor on the appeal becomes effective at the time it is issued and remains effective unless the Secretary of Labor rescinds or revises the reorganization plan under WIOA §116(g)(2)(C). The Secretary of Labor must make a final decision within 30 days of receipt of the joint appeal. In making the final decision, the Secretary of Labor may consider any comments submitted by the Governor in response to the appeal [20 CFR 683.650(c) & 677.225].
7. An Arkansas Workforce Center partner that believes the determination of the partner's portion of funds to be provided for one-stop infrastructure costs is unfair [WIOA § 121(h)(2)(E); 20 CFR 361.750, 463.735, 463.738, 463.750, & 678.750]:
    - a. A required Arkansas Workforce Center partner may appeal a determination regarding the portion of funds to be provided to operate the Arkansas Workforce Center system on the basis that such determination is inconsistent with the requirements in WIOA § 121(h); the proportionate share requirements in 20 CFR 361.735(a), 463.735(a), or 678.735(a); the cost contributions limitations in 20 CFR 361.735(b), 463.735(b), or 678.735(a); or the cost contribution caps in 20 CFR 361.738, 463.738, or 678.738; or the issuances of the Arkansas Division of Workforce Services (ADWS).
    - b. The appeal must be made no later than 21 calendar days after the determination regarding the infrastructure funding, and it must be sent to ADWS.WIOAAppeals@arkansas.gov.
    - c. The designated hearing officer will investigate the appeal, including conducting a hearing in accordance with the rules outlined in Section IV.B.5. of this policy and make a decision within 60 days of the receipt of the appeal. The decision will include instructions to the appropriate party for redistribution of funds, depending on the facts. This decision will be consistent with the requirements of 20 CFR 683.630 and the issuances of ADWS. If appropriate, a state funding mechanism may be developed.
    - d. If the appeal to the state results in a change to the infrastructure costs, the Infrastructure Funding Agreement (IFA) portion of the One-Stop Memorandum of Understanding (MOU)

must be updated to reflect the final partner infrastructure cost contributions [20 CFR 361.500, 463.500, & 678.500].

8. A training provider (including a provider of on-the-job training) that has been denied eligibility or has had its eligibility terminated [WIOA § 122(c)(1); 20 CFR 680.480 & 683.630(b)]:
  - a. An eligible training provider (ETP) who has been denied eligibility or has had its eligibility terminated must follow the appeal procedure in ADWS Policy No. WIOA I-B – 4.5 (*Arkansas Division of Workforce Services Eligible Training Provider Policy and Procedures*).
  - b. Other training providers may appeal the denial or termination within ten (10) calendar days from the date of receipt of notice of denial or termination to ADWS.WIOAAppeals.com.
  - c. The hearing officer will investigate the appeal, including conducting a hearing in accordance with the rules outlined in Section IV.B.5. of this policy and make a decision within 60 days of the receipt of the appeal [20 CFR 683.630(b)(2)].
  - d. A decision under this State appeal process may not be appealed to the Secretary of Labor [20 CFR 683.630(b)].
9. Anyone with knowledge of criminal activity, including fraud and abuse, under the WIOA system [20 CFR 683.200 (h) & 683.620; 2 CFR 200.113 & 200.338]:
  - a. 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:

Department of Labor 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  
Or to the Hotline number at 1-800-347-3756  
Or through the Web site: [www.oig.dol.gov/contact.htm](http://www.oig.dol.gov/contact.htm).
  - b. If information is sent to an Inspector General, a copy should be simultaneously sent to:

Employment and Training Administration  
US Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210
  - c. All recipients of WIOA title I awards must disclose in a timely manner and in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosure can result in any of the remedies described in 2 CFR 200.338, including withholding of funds, suspension or termination of the award, suspension, or disbarment.



**Workforce Innovation and Opportunity Act**  
Office of Employment Assistance

## Summary of Complaint & Appeal Procedures for Individuals

What to do if you are an individual who has a complaint involving WIOA or you want to appeal a decision made at the local level:

- If this complaint is about something at the local level, follow the local complaint procedure.
- If the local area does not have a complaint procedure (or will not give you one) or you have a complaint about a statewide activity, email your complaint to [ADWS.WIOAAppeals@arkansas.gov](mailto:ADWS.WIOAAppeals@arkansas.gov). You must send this complaint no later than 60 days after the date of the occurrence about which you are complaining.
- If you disagree with a ruling made at the local level (or no decision has been made by 60 days after you filed your complaint) and you wish to appeal to the State, email your appeal to [ADWS.WIOAAppeals@arkansas.gov](mailto:ADWS.WIOAAppeals@arkansas.gov). (This appeal must be made no later than 90 days after filing the complaint or 30 days after the local area decision was made, whichever comes first.)
- If you believe you have been discriminated against or denied participation in WIOA because of sex, race, color, national origin, disabilities, pregnancy, or other reasons listed on the “Equal Opportunity is the Law” poster displayed in the local Arkansas Workforce Center, follow the procedure on the poster. If the poster is not available, contact:
  - WIOA Equal Opportunity Manager
  - PO Box 2981
  - Little Rock, AR 72203
  - Telephone: 501-682-3106
  - Arkansas Relay Services: 1-800-285-1131
- When you send information about your complaint or appeal, give:
  - Your full name and contact information
  - The full name and contact information of the person against whom you want to complain, if this is a complaint
  - A statement of the decision of the local area if this is an appeal
  - A clear and complete description of the facts, including dates
  - A statement of attempts to resolve the issue if any were made
- Your complaint or appeal will be investigated, and an informal hearing will be held if you want one.



U.S. Department of Labor  
Employment and Training Administration

OMB Approval No. 1205-0039  
Expiration Date: 07/31/2023

For Official Use Only **Complaint/Apparent Violation Form<sup>1</sup>**

Complaint/Apparent Violation No.		Date Received	
<b>Part I. Contact Information<sup>2</sup></b>		<b>Respondent's Information<sup>3</sup></b>	
1. Name of Complainant/(Last, First, Middle Initial) <sup>4</sup>		4. Name of Person, Company, or Agency the Complaint is Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office	
3a. Permanent Telephone ( ) -	b. Temporary Telephone ( ) -	7. Telephone Number of Employer/One-Stop Office ( ) -	
8a. Description of Complaint or Apparent Violation (If additional space is needed, use separate sheet(s) of paper and attach to this form)			

8b. ☐ I hereby give authorization to: \_\_\_\_\_ to act on my behalf regarding this complaint.  
Phone #: \_\_\_\_\_ Address: \_\_\_\_\_

**Certification** I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant <sup>5</sup>	10. Date Signed / /
--	------------------------

<sup>1</sup> For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.

<sup>2</sup> If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.

<sup>3</sup> For definition of "Respondent" see 20 CFR 651.10.

<sup>4</sup> Pursuant to 658.400(d), "A complainant may designate an individual to act as his/her representative." If the complainant has a designated representative, the name and contact information of the designated representative must be provided in 8b.

<sup>5</sup> No signature is required at Part 9 if this form is submitted as an Apparent Violation. If the form is submitted as a complaint and a designated representative is acting on behalf of the complainant, the designated representative must sign here.

---

**Part II. For Official Use Only**

<p><b>1. Migrant or Seasonal Farmworker?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <hr/> <p><b>2. Complaint or Apparent Violation Employment Service Related ("X" Appropriate Box(es))</b></p> <p><input type="checkbox"/> Complaint against the Employer</p> <p><input type="checkbox"/> Apparent violation involving the Employer</p> <p><input type="checkbox"/> Complaint against the Local Employment Service Office</p> <p><input type="checkbox"/> Apparent violation involving the Employment Service Office</p> <p><b>2a. Job Order No, if available:</b>          _____</p> <p><b>3. Complaint or Apparent Violation Employment-Related Law:</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	<p><b>4. Issue(s) involved in Complaint or Apparent Violation ("X" Appropriate Box(es)):</b></p> <p><input type="checkbox"/> Wage Related                      <input type="checkbox"/> Housing</p> <p><input type="checkbox"/> Child Labor                          <input type="checkbox"/> Pesticides</p> <p><input type="checkbox"/> Health/Safety                        <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Transportation                       <input type="checkbox"/> Trafficking</p> <p><input type="checkbox"/> Sexual harassment/coercion/assault</p> <p><input type="checkbox"/> Other (Specify) _____</p>	<p><b>5. If employer is an H-2A/Criteria Employer, is the complainant a:</b>          ("X" Appropriate Box):</p> <p><input type="checkbox"/> U.S. Worker</p> <p><input type="checkbox"/> H-2A Worker</p>
--	--	--

6a. Referrals To Other Agencies ("X" Appropriate Box(es)) <input type="checkbox"/> WHD. U.S. DOL. <input type="checkbox"/> OSHA U.S. D.O.L. <input type="checkbox"/> EEOC <input type="checkbox"/> Other _____	7. Address of Referral Agency (No., St., City, State, ZIP Code and Telephone No.) _____ _____ (____)____-____
6b. Next Follow-up Date if complainant is an MSFW ____/____/____	

8. Actions Taken on Complaint/Apparent Violation (If additional space is needed for multiple actions taken, use a separate paper):

Action Taken By: \_\_\_\_\_ On: \_\_\_\_\_  
(First and Last Name) (Date)

Action Taken:

9. Complaint resolved at the local level ☐ Yes ☐ No If "No," explain\* \_\_\_\_\_

10. Apparent violations resolved at the local level ☐ Yes ☐ No, If "No," explain\* \_\_\_\_\_

11. Provided other American Job Center Services ☐ Yes ☐ No If "No," explain\* \_\_\_\_\_

\*If additional space is needed for explanations, use a separate paper.

12a. Name and Title of Person Receiving Complaint	12b. Office Address (No., St., City, State, ZIP Code)	
12c. Phone Number (     )	12d. Signature	12e. Date /      /

### Public Burden Statement

Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Obligation to reply is required to obtain or retain benefits (44 USC 5301). Public reporting burden for this collection is estimated to average 2 hours and 30 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.