

# VI WORKFORCE DEVELOPMENT BOARD POLICY DOCUMENT

## Workforce Program Guidance WIOA 308-15

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**TO:** Virgin Islands Single State Workforce Development Area

**SUBJECT: REMOVAL FROM THE ELIGIBLE PROVIDER LIST AND THE APPEAL PROCESS**

**DATE:** July 2015

Purpose: To establish the procedures for removing a provider from the eligible provider list and the process of appeal.

References: Workforce Innovation and Opportunity Act of 2014 - Title I Section 122;  
TEGL 41-14

Background: A training provider may be removed from the Eligible Training Provider List for false reporting, for substantially violating a provision of title I of WIOA or its implementing regulations or for failure to meet required performance outcomes. Eligible training providers are subject to the equal opportunity and nondiscrimination requirements under WIOA Section 188, which prohibits discrimination on the basis of race color religion, sex, national origin, age, disability, political affiliation or belief and for beneficiaries only citizenship and participation in WIOA.

Policy: A training provider must deliver results and provide accurate information in order to retain its status as an eligible training provider under WIOA title I-B. A provider may be removed from the List of Eligible Providers by the State Agency or the State Board, if:

1. The provider is found to have intentionally supplied inaccurate information;
  2. The provider's activities are found to have substantially violated any of the provisions described in title I of WIOA;
  3. The provider has failed to meet performance outcomes as agreed upon being placed on the Provider List.
- The State agency will review the applications received from the State Board and determine whether the information submitted is accurate. Providers of service found to have intentionally supplied false information will result in the provider's removal from the list.
  - The State Board must determine, during the continued eligibility determination process, whether a provider has complied with the requirements of the Act and whether performance levels have been met. The provider may be removed from the list for noncompliance with the Act and/or if performance levels are not met.
  - A provider whose eligibility is terminated under these conditions is liable to repay all adult and dislocated worker training funds it received during the period of noncompliance.

- A training provider may be *temporarily* removed from the eligibility listing if program design, quality and cost value is determined to be inconsistent with actual program output.

A provider of training services, who is removed from the eligible provider list, may appeal such decision. The following procedures should be followed:

- 1) A written request for a hearing should be made to the State Board.
- 2) The State Board will conduct a hearing within thirty (30) days of receiving this request; at which time the provider may present all information that shows cause for eligibility to be reinstated.
- 3) The State Board will give its decision within fifteen (15) days of the hearing.
- 4) If the decision of the State Board found unacceptable, the provider of service may be further appealed to the Governor, in writing.
- 5) The Governor's decision will be made within fifteen (15) days of receiving the complaint.

The State may offer corrective action or technical assistance to a provider of training service who has been removed from the eligible provider list for failure to meet performance. Such provider may then reapply for inclusion on the eligible provider list after the period of one (1) year.

The State may offer corrective action or technical assistance to a provider of training service who has been *temporarily* removed from the eligible provider list based on Board noted inconsistencies in program design, quality or cost value of the program. Such provider after having received technical assistance may reapply for inclusion on the eligible provider list after the period of six months.

The eligibility of a provider of training services determined to have intentionally supplied inaccurate information or to have substantially violated the provisions of the Act will be terminated for a period of time not less than two (2) years.

Inquiries: Questions should be addressed to the:

Chairman of the Workforce Development Board at VI Workforce Board, Sunny Isle Professional Building, Suite 7, Christiansted, VI 00820; (340) 773-5237.