

TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC. WORKFORCE INVESTMENT ACT TITLE I-B ACTIVITIES WELFARE-TO-WORK GRANT ACTIVITIES	DATE: May 1, 2001
	SUBJECT: Appeals Process

WIB DIRECTIVE

WIBD-00-10

*Superseded by
WIBD-01-08*

TO: Service Providers
SUBJECT: APPEALS PROCESS

EXECUTIVE SUMMARY

Purpose:

This directive transmits local policy and procedures regarding the appeal of funding decisions made by the Tulare County Workforce Investment Board, Inc.(TCWIB).

Scope:

This directive requires that all proposers shall comply with the local policies and procedures detailed herein.

Effective Date:

This directive is effective upon release.

REFERENCES:

- Title 20 Code of Federal Regulations (CFR) Part 652 and Parts 660-671, Workforce Investment Act; Final Rule
- Title 29 CFR Part 97.36(12-13)

TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC. (TCWIB) – IMPOSED REQUIREMENTS:

The contents of this directive constitute WIB-imposed requirements developed in accordance with the Board’s responsibility to establish local policy and procedures.

FILING INSTRUCTIONS:

Retain this directive until further notice.

BACKGROUND:

The WIA Final Rule, Title 20 CFR 652, provides guidance for the administration of the WIA program. The guidance includes specific direction and referral to Title 29 CFR Part 97 for states and local governments. Part 97, in paragraphs 12-13 provides instruction on the federal grantee’s responsibility to have protest procedures in place to handle and resolve disputes relating to procurements.

POLICY AND PROCEDURES:

Each proposer responding to a Request for Proposal issued by the Tulare County Workforce Investment Board, Inc. (TCWIB) shall have an opportunity to appeal the funding decision of the Board.

All proposers will receive a written or faxed notice from the TCWIB informing them of the Board's funding decisions. Should a proposer wish to appeal the Board's decision, the proposer must provide written notice within five (5) working days to the Administrator of the TCWIB, requesting an appeal based upon one or more of the four (4) criteria for appeal noted below. The appeal must specifically detail the nature of the violation and provide clear and substantive evidence supporting the appeal. Listed below are acceptable criteria to form the basis of an appeal.

1. Clear and substantial error or misstated facts relied upon by the Board in their decision;
2. Unfair competition in decision making process;
3. Any illegal or improper act or violation of law;
4. Other legal basis that may substantially alter the Board's decision.

To be considered for review, the appeal must contain the following information:

1. The full name, address, and telephone number of the appealing party;
2. A full and complete statement of the reasons for appeal, including the issue(s) in dispute and the legal authority or other basis for the protestors' position;
3. A statement of relief sought.

Proposers must make their appeal as specific as possible and must fully identify the procedural issue being contested.

Once the Administrator of the TCWIB has received the appeal, the following process shall be followed:

1. The Administrator of the TCWIB will meet with the appealing party to discuss the nature and content of the appeal;
2. If a satisfactory resolution cannot be reached, representatives of the TCWIB Program Committee and the appealing party shall meet and attempt to resolve the dispute;
3. If the appealing party concludes that an agreement cannot be reached, any and all unresolved issues shall be submitted to the TCWIB Executive Committee for final resolution and presentation to the full TCWIB. The decision of the TCWIB is final. If it is alleged that a violation of the law has occurred, the matter will be resolved in accordance with 20 CFR 627.500(c).

Proposals disqualified for not meeting the deadline for submission and final decisions based on the above process are not eligible for appeal.

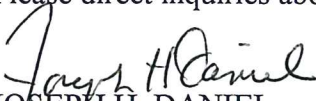
Ratings and scoring by the evaluation panel are not subject to appeal.

ACTION:

Bring this directive to the attention of all affected staff and all subrecipients.

INQUIRIES:

Please direct inquiries about this directive to the Workforce Investment Department, at (559) 513-5200.


JOSEPH H. DANIEL
Administrator

JD:AP:ap