

TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC. WORKFORCE INVESTMENT ACT TITLE I-B ACTIVITIES WELFARE-TO-WORK GRANT ACTIVITIES	DATE: November 8, 2001
	SUBJECT: Appeals Process

WIB DIRECTIVE

WIBD-01-8
Supercedes WIBD-00-10

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 TCWIB-imposed requirements developed in accordance with the TCWIB’s responsibility to establish local policy and procedures.

FILING INSTRUCTIONS:

Replace WIBD-00-10 with this directive and mark the previous directive as superceding the preceding directive and reference the date. 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 notice by registered mail/return receipt requested from the TCWIB informing them of the Board's funding decision(s). Should a proposer wish to appeal the TCWIB's decision, the proposer must provide written notice to the Administrator of the TCWIB, within five (5) working days of the postmarked date of the registered mail/return receipt requested letter of award status, 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; or
4. Other legal basis that may substantially alter the TCWIB'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; and
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. An Appeal Review Panel comprised of the TCWIB Chair, TCWIB Administrator (or Assistant Administrator), members of the Program Committee, and other designees as selected by the TCWIB Chair will convene. At the discretion of the Appeal Review Panel the appellant may be requested to meet. The Appeal Review Panel will issue a decision regarding the appeal. The Appeal Review Panel will forward their recommendation to the full TCWIB. As with all Board matters, any member with a conflict of interest must not participate in discussion or action regarding the appeal.
2. The appeal decision is final and there is no other local administrative action afforded the appellant.

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

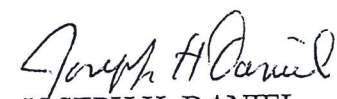
Ratings and scoring by either the Review Workgroup or the Program Committee are NOT subject to appeal.

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) 713-5200.


JOSEPH H. DANIEL
Administrator

JD:BC:VMT:mb

**WID ADMINISTRATION & PROGRAM STAFF
DISTRIBUTION RECORD
Check-off Sheet**

DATE: 2-1-02

ITEM(S): WIB Directive WIBD-01-08 "Appeals Process"

ADMINISTRATION	<input checked="" type="checkbox"/>	JOB RESOURCE CENTERS	<input checked="" type="checkbox"/>	BUSINESS RESOURCE CENTER	<input checked="" type="checkbox"/>
Joe Daniel (If requested only)		SITE LOCATION			
Kathy Johnson	X	VISALIA			
Jim Oakley	X	Jim Flowers*	X	Bill Diltz	
Bill Cooper	X	Stella Soria*			
Adam Peck	X	Edie LaVonne*			
Natalie Boudreaux	X				
David McMunn	X				
Donna Caudill	X	PORTERVILLE			
Vyvian Timm	X	Sharon Pearson*		Luis Huerta	
Rosa Leijas					
Diane King					
Roger Chace					
Janet Ewing*		TULARE			
Gary Dungan	X	Theresa Hill*		Irene Santos	
Gail McCann	X				
Sandi Miller					
Jeannie Warren					
Becky Loyd-Kelch					
Ruth Medlin					

* = Program Staff Supervisor