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AWDB Policy Number: WIOA MOA-1 Effective Date: April 10, 2018

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**State of Arkansas**  
**Grievance, Complaint, and Appeal Procedures**  
**Workforce Innovation and Opportunity Act Title I Activities**

**I. Purpose:**

The purpose of this issuance is to outline the grievance and appeal procedure and to give the guidelines for grievance and appeal procedures required for local areas in accordance with WIOA § 181(c) and 20 CFR 683

**II. Reference:**

WIOA §§ 106, 116(g)(2)(A), 121(h), 122(c)(1), 181(c), & 188  
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, & 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  
WIOA State Plan for the State of Arkansas (Arkansas State Unified Plan)  
ADWS Policy No. WIOA I-B – 4.3 (Grievance and Complaint Procedures)

**III. Background:**

Each State, local area, or direct recipient receiving funds under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), except for Job Corp, is mandated to establish and maintain a procedure for grievances or 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 Corp procedure for grievances, complaints, and appeals is given in 20 CFR 686.470.)

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 State, local area, and direct recipient 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 Job Center partners and service providers;
2. Require that every entity to which it awards WIOA Title I funds provide information related to these grievance and/or complaint 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. Each local procedure must provide:**

1. A process for dealing with grievances and complaints from participants and other interested parties affected by the local workforce development system, including Arkansas Job Center partners and service providers [20 CFR 683.600(c)(1)];
2. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint [WIOA § 181(c)(1); 20 CFR 683.600(c)(2)];
3. A process that allows an individual alleging a labor standards violation to submit the grievance to binding arbitration procedure if a collective bargaining agreement covering the parties to the grievance so provides [20 CFR 683.600(c)(3)];
4. A process for appealing complaint decisions made by local Title I program providers to the local Workforce Development Board (LWDB) grievance process [ADWS Policy No. WIOA I-B – 4.3 (Grievance and Complaint Procedures)]; and
5. A process for resolving appeals from decisions made through the LWDB process, including an opportunity for an appeal to the State when:
  - a. No decision is reached within 60 days of the filing of the grievance or complaint; or
  - b. Either party is dissatisfied with the local hearing decision [20 CFR 683.600(c)(4)].

**C. The Arkansas State Grievance, Complaint, and Appeals Procedure provides:**

1. A process for dealing with grievances and complaints from participants and other interested parties affected by the state workforce development system, including the one-stop system [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. An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint [20 CFR 683.600(d)(4)]; and
4. 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 complaint to the Secretary of Labor; or
- b. A decision has been reached and the party to which the decision is adverse wants to appeal to the Secretary of Labor [WIOA § 181(c)(2)(A); 20 CFR 683.600(d)(5) & 683.610(a)].

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

**A. These procedures are applicable only for WIOA Title I activities (other than Title I-D Job Corp) in Arkansas.** Grievance and complaint procedures for Job Corp, Adult Education and Literacy, Employment Assistance authorized under the Wagner Peyser Act, and Vocational Rehabilitation Services may be obtained from these respective entities. This policy does apply to complaints concerning one-stop delivery systems (WIOA Title I-B), but complaints will be referred to appropriate partners and their procedures if the complaint directly affects them.

**B. 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), will be posted on the appropriate section of the website of the Arkansas Department of Workforce Services (ADWS).
2. Appropriate information from this policy will be included in requests for proposals or qualifications, opportunities for grants, and other applicable announcements.
3. Information from this policy applying to individuals will be displayed in all Arkansas Workforce Centers and must be available to any individual who requests the information. The portion of the policy that applies to applicants and/or participants may be translated into other languages, read to individuals, or produced in other forms as required to be understood by all affected individuals.

**C. What general guidelines apply to all complaints or grievances?**

1. If a grievance or complaint is filed with the Assistant Director of Employment Assistance that, in the opinion of such Assistant Director, should first be filed with a local Title I-B program provider, a WIOA partner other than Title I-B, Job Corp, or the local Workforce Development Board (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 also be made by telephone or email to determine the details of the complaint, to give guidance concerning proper grievance procedures, and/or to attempt to reach an informal decision.
2. The complainant's statement should be as complete as possible. The complainant should use the 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;
  - 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 Assistant Director of Employment Assistance or designee will acknowledge receipt of the grievance to all parties by certified mail, return receipt requested. 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 examiner.
  - b. Hearings will be held at a time and place determined by the Assistant Director of Employment Assistance 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 Assistant Director of Employment Assistance or designee within 60 days of receipt of the grievance or complaint.

6. If a hearing is not requested, the Assistant Director of Employment Assistance or 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;
  - c. Interview of principle parties and opportunity for all parties to offer rebuttal to information received; and
  - d. A written decision, to be made by the Assistant Director of Employment Assistance or designee within 60 days of receipt of the grievance or complaint.
  
7. A written decision will be sent by certified mail, return receipt requested, and 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. Advise of the right to appeal the decision, if allowed for the particular type of complaint/grievance/appeal. (Information about appeals is provided 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.

**D. What are the most common addresses used in filing a grievance, complaint, or appeal?**

Assistant Director of Employment Assistance (EA):

Assistant Director, Employment Assistance  
Arkansas Department of Workforce Services  
Suite 430  
PO Box 2981  
Little Rock, AR 72203

Secretary of Labor:

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

**E. 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 Corp; 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 Department of Workforce Services (ADWS) at:

WIOA Equal Opportunity Manager  
PO Box 2981  
Little Rock, AR 72203  
Telephone: 501-682-3106  
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 should be sent by certified mail, return receipt requested to the Assistant Director, Employment Assistance, at the address in Section IV.D. of this policy.
  - 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 address in Section D of this policy.

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 Workforce Investment program [WIOA §181 (c)(1); 20 CFR 683.600 & 683.610]:
- a. The grievance or complaint must be sent no later than 60 days after the date of the occurrence to the Assistant Director at the address in Section IV.D. of this policy. DOL complaint/Apparent Violation Form (ETA 8429) should be used for the complaint; and the complaint should be sent by certified mail, return receipt requested, following the guidelines in Section IV.C.2. of this policy.
  - b. If a grievance or complaint is filed with the State that, in the opinion of the Assistant Director of Employment Assistance, should first be filed with the local workforce

investment 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, 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 state's 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 address in Section D of this policy.

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

4. A unit of local government that has requested designation as a local area, but has been denied such designation [Arkansas State Plan § VI.a.1.C.; 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)(3), 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 by certified mail, return receipt requested to:

Arkansas Workforce Development Board  
Attn: Appeal/Grievance Review  
P.O. Box 2981  
Little Rock, Arkansas 72202

- c. The State Board will investigate the appeal, including conducting a hearing in accordance with the rules outlined in Section IV.C.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 above.

A copy of the appeal must be simultaneously provided to the State Board at the address in Part b above. 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 appeals 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 local Workforce Development Boards (LWDBs) annual 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)]. The 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 the WIOA, including 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)].
  - c. The Arkansas Department of Workforce Services (ADWS), as the direct grant recipient, is the responsible entity for monitoring local areas and other 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 funds is responsible for monitoring grant funds provided to ADWS [20 CFR 683.420(b)].
  - e. Monitoring reports and related correspondence are to be presented to auditors prior to their initiating audits. Problems identified in a monitoring report may be identified as administrative findings or questioned costs in subsequent audits. The monitoring findings and corrective actions may also be used to assist in resolving audit findings and could be used as part of the justification for requesting a waiver of repayment of disallowed costs, if appropriate.

- f. The procedure for the resolution of findings in monitoring reviews and investigations is the same for WIOA Title I grants as it is for all other ADWS grants [20 CFR 683.420]. Resolution of findings except for non-discrimination findings will be made in accordance with the following procedures:
- i. The local area or other grant sub-recipient will have seven (7) calendar days from the date of the monitoring report to review the report for accuracy. This period will serve as a review stage to ensure that the State staff or the monitored entity staff has not overlooked information that has a significant impact on any of the items noted in the report. The subrecipients must notify the State monitoring contact of any mistakes in the report no more than seven (7) days from the date of the report. Contact information for the State monitoring contact will be given in the monitoring report.
  - ii. If the State monitoring contact is not made aware in writing of any corrections that have a significant impact on the items noted in the report within the seven-day period, the report will be considered final, and a response is due within thirty (30) days of the date of the report. The response must include documentation for clarifications and for correction taken or being taken for each finding.
  - iii. If the State monitoring contact is made aware of valid corrections to the report within the seven-day window, a new report will be issued, and the time-tables discussed in i – ii of this procedure will be repeated.
  - iv. ADWS will respond to the sub-recipient’s response within fifteen (15) days of the post-mark (or email sent date) of the response. The State’s response will either accept the corrective action taken and close the report or request additional information or documentation. If ADWS is closing the report, the process in v. of this process will be followed. If additional information is requested, the process in i – iv of this procedure will be repeated, except only fifteen (15) calendar days will be available for the response. If, after two (2) responses, corrective action is determined to be inadequate and findings are unresolved, the final report will be written and actions may continue as described beginning in vi. of this procedure.
  - v. If no findings are reported or if the corrective action is determined acceptable, the closeout letter will be issued within ten (10) calendar days of the receipt of the last response. The closeout letter will constitute the final action of the report. Closing a monitoring report, or portions thereof, does not absolve subsequent audit findings that may arise from the same issue(s) identified in the monitoring report.
  - vi. If, after two (2) responses from the local area or sub-recipient, corrective action is determined to be inadequate and findings are unresolved, a final determination will be written. This determination, which will include identification of the unresolved issues and will identify what steps are to be taken as a result of the unresolved issues, will be sent to the sub-recipient, the local Workforce Development Board, the Arkansas Workforce Development Board chair, and the Department of Labor within thirty (30) calendar days of the postmark of the second response. This determination will include identification of the unresolved issues, steps to be taken as a result of the unresolved issues, and any sanctions to be imposed. The final determination may

include reimbursement of funds by the local area, redistribution of funds, reorganization of the local area program providers, or other such corrective actions as determined by ADWS.

- vii. 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 decision of the monitoring group within ten (10) calendar days of receipt of the decision to the Arkansas Appeals Tribunal at:

Arkansas Appeals Tribunal  
PO Box 8013  
Little Rock, AR 72293

A copy of the appeal must be simultaneously sent to the Assistant Director, Employment Assistance at the address in Section IV.D. of this policy. The Arkansas Appeals Tribunal will conduct an investigation, including a hearing if requested, and will reach a decision within 60 days. 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 Arkansas Appeals Tribunal or time for the Tribunal to make a decision has expired. The appeal must be sent by certified mail, return receipt requested, to the Secretary of Labor at the address in Section IV.D. of this policy. A copy of the appeal must be simultaneously provided to the ETA Regional Administrator at the address in Section IV.E.2. of this policy and to the opposing party. The Secretary must make a final decision on the appeal no later than 120 days after receiving the appeal.

- viii. If the sanctions involve the revoking of the local plan or reorganization of the local area program providers, the procedure in Section IV.6. of this policy must be followed.
  - ix. 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 to the Local Workforce Development Board Chairperson and Executive Director.
  - x. Findings arising from investigations or reviews conducted under nondiscrimination laws will be referred to the state EO officer and will be resolved in accordance with WIOA § 199 and the Department of Labor nondiscrimination regulations, codified at 29 CFR 38 [20 CFR 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. One of the purposes of the annual monitoring review of local areas is to determine whether a local plan will be disapproved for failure to make acceptable progress in addressing deficiencies [20 CFR 683.410].

- b. 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.D. of this policy. The appeal must be sent by certified mail, return receipt requested, and a copy of the appeal must be simultaneously provided to the Assistant Director, Employment Services, at the address in Section IV.D. of this policy. 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 appeals. 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, whichever comes first [20 CFR 683.650(a)].
  - c. 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 by certified mail, return receipt requested to the Assistant Director, Employment Assistance, at the in Section IV.D. of this policy 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.D. 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 Assistant Director, Employment Assistance, at the address in Section IV.D. 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 appeals [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 One-Stop partner may appeal a determination regarding the portion of funds to be provided to operate the One-Stop 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 Department of Workforce Services (ADWS).

- b. The appeal must be made no later than 21 days after the determination regarding the infrastructure funding, and must be sent by certified mail, return receipt requested to the Assistant Director, Employment Assistance, at the address in Section IV.D. of this policy.
  - c. The Arkansas Department of Workforce Services will investigate the appeal, including conducting a hearing in accordance with the rules outlined in Section IV.C.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.
  - 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; Arkansas State Unified Plan § VI.a.1.D.].
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. The same procedure is used whether the status as a training provider is denied or terminated by the Local WDB or by ADWS or if the status of eligibility as a provider of on-the-job training or customized training provided by a one-stop operator.
  - b. If the determination was made at the local area (such as for violations discussed in 20 CFR 680.480) the local grievance procedure must be followed before the appeal can be made to the State level. If the complainant is dissatisfied with the decision at the local level or if no decision is made within 60 days of the filing of the complaint, an appeal may be made to the State using the procedure in IV.E.2. of this policy.
  - c. If the decision to deny or terminate was made at the State level (such as by ADWS's discovery of inaccurate information submitted or during the biennial review, as discussed in 20 CFR 680.480), the appeal may be sent directly to the State.
  - d. The appeal must be must be sent by certified mail, return receipt requested to the Assistant Director, Employment Assistance, at the address in Section IV.D. of this policy.
  - e. The complainant has the opportunity for an informal hearing, using the guidelines in Section IV.C.5. of this policy, with an opportunity for resolution will be completed within 60 days of the filing of the grievance or complaint [20 CFR 683.630(b)(2)].
  - f. Denial or termination of eligibility made by the ADWS and upheld by ADWS in an appeal, may be appealed to the Arkansas Appeals Tribunal within ten (10) calendar days of receipt of the decision of the ADWS appeal:

Arkansas Appeals Tribunal  
 PO Box 8013  
 Little Rock, AR 72293

A copy of the appeal must be simultaneously sent to the Assistant Director, Employment Assistance at the address in Section IV.D. of this policy. The Arkansas Appeals Tribunal will

conduct an investigation, including a hearing if requested, and will reach a decision within 60 days.

- g. 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.