

## MEMORANDUM

**FOR:** ITA Providers, DOL-DET Staff

**FROM:** Executive Director, Delaware Workforce Development Board (DWDB)

**DATE:** April 16, 2019

**SUBJECT:** ITA Appeal Process Policy #2019001

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1. Reference: Federal Register/ Vol 8. Dtd August 19, 2016, Part VI, Department of Labor, Employment and Training Administration, 20 CFR, § 683.630, (b) (ii).

Purpose. The Delaware Workforce Development Board (DWDB) establishes this appeal policy for ITA training providers and/or programs, whose eligibility is terminated for failing to meet published performance measures.

2. Scope. This policy applies to ITA providers and programs only. ITA programs are required to meet minimum standards aligned with Delaware's federally negotiated performance measures. The DWDB will remove programs and/or providers failing to meet minimum performance measures from the Eligible Training Provider List pending a successful appeal to the DWDB.

3. Process. The DWDB staff will evaluate provider performance during the renewal period. When an ITA program fails to meet prescribed performance measures:

- The DWDB executive director will notify the DWDB Proposal Review and Certification Committee (PRCC) at its next scheduled meeting of the failure and the requirement to remove the program from the Eligible Training Provider List (ETPL).
- The PRCC Chairman will then notify the Executive Committee of the failure and requirement to remove the program. The Executive Committee will acknowledge the poor performance and instruct the Executive Director to send a letter to the provider announcing the pending removal and advise the provider of the appeal opportunity.
- The Executive Director will ensure all programs pending removal from the list/appeal are put in a hold status and not available for use.
- The DWDB will notify the provider via email or regular mail of the intent to remove the provider from the ETPL and include this policy as an enclosure to the letter.
- A provider wanting to appeal the board's intent to terminate provider/program eligibility must submit a letter of appeal to the DWDB Executive Director within ten business days by notifying the Executive Director via email or regular mail. At a minimum the notice of appeal will include:
  - The name of program(s) considered for removal
  - An explanation of why the failure occurred
  - A corrective action plan, which addresses the problem of the failure.
- The executive director will review the appeal and will either approve the corrective action plan, or forward the appeal to the PRCC at its next scheduled meeting for final determination.

- The PRCC may – at its discretion – interview the appellant, adjudicate the written appeal, or direct the removal of the program from the ETPL.
- Programs removed from the ETPL will wait at least 1 year before applying for reinstatement.

4. Substantive Appeals. The DWDB will only accept substantive appeals. Simply, “We don’t agree” is not sufficient cause for an appeal.

5. Weight of Responsibility. If an appellant wants to change the reasons for an appeal after the process starts, the appellant must submit in writing an amended and revised appeal with any supporting documentation.

6. The DWDB Executive Director is the point of contact for these appeal procedures. The current Executive Director is William J. Potter at 302-761-8163 or [William.Potter@state.de.us](mailto:William.Potter@state.de.us)

William J. Potter  
Executive Director  
Delaware Workforce Development Board