
**Workforce Investment Act
State Compliance Policies**

SECTION: 1.13

Termination of Training Service Providers

August 2005

I. General:

If the designated state agency or the Local Workforce Investment Board (LWIB), working with the state agency, determines that the eligible provider substantially violates any requirement under the Act, then the state agency will recommend termination of eligibility of such provider to receive funds for the programs involved or take such other actions as the agency or LWIB determines appropriate (§663.565 and Section 122).

II. Enforcement:

- A. A provider must deliver results and provide accurate information in order to retain its status as an eligible provider. A provider must be removed from the list in accordance with the enforcement provisions outlined in Section 122(f):
1. If the provider does not meet the established performance levels:
 - a. The LWIB must determine during the subsequent eligibility determination process whether a provider meets performance levels [§663.565(b)(1)].
 - b. If agreed levels are not met, the LWIB will submit a recommendation to the state agency to remove the provider from the list [§663.565(b)(1)].
 - c. The designated state agency, upon receipt of the performance information accompanying the local list, may recommend removal of the provider from the state list if the agency determines the provider failed to meet the levels of performance prescribed [§663.565(b)(2)];
 2. If the provider has intentionally supplied inaccurate information [§663.565(b)(3)]; or
 3. If the provider has violated any provision of Title I of the Act or regulations [§663.565(b)(3)].
- B. A terminated provider will not be eligible to receive funds for any program for a period of time, but not less than two (2) years [Section 122 (f)(1) and §663.565(b)(3)].

III. Repayment [Section 122(f)(3) and §663.565(b)(4)]:

A provider whose eligibility is terminated for providing inaccurate information or for noncompliance shall be liable for repayment of all funds received for the program during

any period of noncompliance.

IV. Appeal [Section 122(g), §§663.565(b)(4) and 667.650]:

- A. A provider may appeal the action of the LWIB by requesting an independent review.
1. Such a request must be in writing from the provider to the Governor within thirty (30) days of the date of denial and must include factors the provider deems necessary to be considered in the review.
 2. Upon request by the Governor, the LWIB will appoint an independent review committee composed of parties without interest in the outcome.
 3. The committee will make a recommendation to the Governor regarding the appeal within sixty (60) days of beginning the review.
 4. The Governor will issue a final decision on the appeal.