

Department of Workforce Services/Office of Child Care

**Policy for Provider Suspension for
Failure to Fulfill Grant Requirements**

Updated: August 21, 2014

Suspension Process

Decisions to begin the suspension process will be made by a team in the Office of Child Care (OCC). If the decision is made to begin the suspension process, the Department will send a first notice of its intent to suspend the current contract.

The first notice will allow the contractor 30 days to comply with the contract terms and conditions, fulfill the grant requirements, and/or provide the requested information as outlined in the notice. A longer period of time may be allowed, at the discretion of the Department, if completion within 30 days is not possible due to unusual or extraordinary circumstances.

If the contractor fails to comply with the terms and suspension conditions, fulfill the grant requirements, and/or provide the requested information as outlined in the first notice within 30 days, the Department will send a second and final letter to suspend the contract.

A suspended contractor is not eligible to apply for or receive any grants or awards funded by the Department of Workforce Services/Office of Child Care. This includes grants from the Office of Child Care, TEAM grants, Career Ladder awards and Training & Longevity awards.

Length of Suspension

If the suspension is the contractor's first suspension, the suspension period will be for the remainder of the current contract/grant period plus one year.

If the suspension is the contractor's second suspension, the suspension period will be for the remainder of the current contract/grant period plus two years.

If the suspension is the contractor's third suspension, the suspension period will be for life.

If the contractor is suspended for knowingly and willfully misusing grant funds, the contractor will be suspended for life regardless of previous suspension history. In cases such as this, an attorney will be consulted.

Grant Closure (same as suspension)

Failure to comply with the terms and conditions of a grant, fulfill a grant requirement or provide requested information might also result in the termination of the contract before the grant period has ended. In this case, Department will keep any unexpended funds or request that any unexpended funds be returned to the Office. Length of suspension rules apply.

If the contractor owns/operates multiple programs sites, a team within the Office of Work & Family Life will examine contract monitoring records for all grants/contracts operated under the same ownership and make a determination if the suspension will affect other programs operated under the same ownership.

The suspension periods may be transferred to a new owner.

A contractor may appeal a suspension within 15 days of the date on the written letter of suspension. The procedure for appeal is found in Department rule R986-100-123 through R986-100-134. The time limit for filing an appeal is 15 days. Oral appeals are not allowed. Written appeals are sent to:

Department of Workforce Services
Office of Child Care
140 East 300 South
Salt Lake City, UT 84111

The suspension period will not be stayed during the appeal and the Department will not release unexpended grant money pending appeal.