LEGAL UNIT MEMORANDUM

Employment Training Panel

To:	Panel Members	Date: 09/25/2020
cc:	Reg Javier, Executive Director Peter Cooper, Assistant Director	
From:	Michael A. Cable, Legal Counsel	
Subject:	Appeals Process; and Public Records Act Requests	

I. Section 4450: Appeal Process

(a) An interested person may appeal any final adverse decision made on behalf of the Panel where said decision is communicated in writing. Appeals must be submitted in writing to the Executive Director at the Employment Training Panel in Sacramento.

(b) There are two levels of appeal before the Panel. The first level must be exhausted before proceeding to the second.

    (1) The **first level of appeal** is to the Executive Director, and must be submitted within 30 days of receipt of the final adverse decision. This appeal will not be accepted by the Executive Director unless it includes a statement setting forth the issues and facts in dispute. Any documents or other writings that support the appeal should be forwarded with this statement. The Executive Director will issue a written determination within 60 days of receiving said appeal.

    (2) The **second level of appeal** is to the Panel, and must be submitted within 10 days of receipt of the Executive Director's determination. This appeal should include a statement setting forth the appellant's argument as to why that determination should be reversed by the Panel, and forwarding any supporting documents or other writings that were not provided at the first level of appeal to the Executive Director. If the Panel accepts the appeal and chooses to conduct a hearing, it may accept sworn witness testimony on the record.
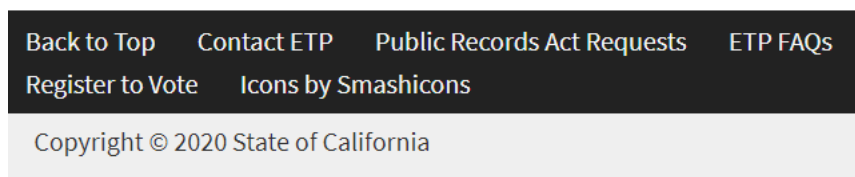
        (A) The Panel must take one of the following actions within 45 days of receipt of a second-level appeal:

            (1) Refuse to hear the matter, giving the appellant written reasons for the denial; or

            (2) Conduct a hearing on a regularly-scheduled meeting date; or

            (3) Delegate the authority to conduct a hearing to a subcommittee of one or more Panel members, or to an Administrative Law Judge with the Office of Administrative Hearings.

(B) The Panel or its designee may take action to adopt any of the administrative adjudication provisions of the Administrative Procedures Act at Government Code Section 11370 et seq., for the purpose of formulating and issuing its decision. Said action may take place at the hearing, or in preliminary proceedings.

(C) Upon completion of the hearing, the record will be closed and the Panel will issue a final ruling. The ruling may be based on a recommendation from the hearing designee. The ruling shall be issued in a writing served simultaneously on the appellant and ETP, within 60 days of the record closure.

(c) The time limits specified above may be adjusted or extended by the Executive Director or the Panel Chairman for good cause, pertinent to the level of appeal.

(d) Following receipt of the Panel's ruling, the appellant may petition for judicial review in Superior Court pursuant to Code of Civil Procedure Section 1094.5. This petition must be filed within 60 days from receipt of the Panel's ruling.

II.   Public Records Act Request

There is a new website page for submitting a Public Records Act Request.
There is a link to the website page in the navigation bar at the bottom of the website.

| Back to Top | Contact ETP | Public Records Act Requests | ETP FAQs |
| Register to Vote | Icons by Smashicons | | |

Copyright © 2020 State of California

The website page provides instructions for submitting a Public Records Act Request.

Public Records Act Requests

Public records maintained by the Employment Training Panel (ETP) are available for inspection by members of the public pursuant to the Public Records Act (PRA) which is contained in the California Government Code beginning at section 6250.

Requests for inspection or copies of public records:

Requests for public records may be made by using the easy to use **FORM** below, email, mail, or telephone. ETP encourages written requests to avoid miscommunication regarding the records being sought, and to help ensure that the requesters get the records as soon as possible.

Send requests for public records to:

Michael Cable
1100 J St, 4th floor
Sacramento, CA 95814
Phone: (916) 327-5422
Email: Michael.Cable@etp.ca.gov

In order for ETP to locate the requested records, the request must clearly describe an identifiable record. ETP is available to assist in formulating the request. Whenever possible, a request should provide all of the following information:

- Name of the contract holder
- Contract number and/or reference number
- Name of any participating employer for which records are being sought
- The period of time for which the records are being sought

If a request is made for records in electronic format, and ETP maintains the records in electronic format, then ETP will produce the records in the electronic format in which it maintains them.

The website page provides information about when to expect a response.

Response:

Some simple requests can be satisfied immediately. For most requests, ETP requires up to ten (10) days to notify the requester whether ETP has responsive records, when those records will be available, and whether any of the records contain information that is exempt from inspection. Under some circumstances, ETP may require an additional fourteen (14) days to make those initial determinations.

The website page also provides an easy-to-use online form.

Online Public Records Request Form

Name *

First	Last

Company Name *

Email *

Phone *

🇺🇸 ▾ (201) 555-0123

Address *

Address Line 1

Address Line 2

City	California ⌄
	State

Zip Code

Subject of Request *

Records Requested *

**In order for us to provide a timely and complete response, please provide as much detailed information as possible regarding the records you seek, such as: the people, places and/or things the records involve such as names, addresses, case names, and case numbers; the date or date range of the records; and the office, division, branch or section of the Department that created or maintains the records.

Submit