

## **Eligible Training Provider List Policy and Procedures**

### **Purpose**

The Workforce Innovation Opportunity Act (WIOA) requires that providers of training services for WIOA participants be certified as Eligible Training Providers. The Act further requires that states establish criteria by which Local Workforce Development Boards certify Eligible Training Providers. Training providers certified through the process then may serve as the training service providers for the Individual Training Accounts (ITAs) identified within the Act. This requirement is intended to assure that WIOA participants are trained by education and training entities that have demonstrated effectiveness in providing training that leads to program completion, employment in unsubsidized jobs and retention on the job.

This policy establishes the procedure and criteria for Eligible Training Provider Certification in the Jefferson-Lewis Workforce Development Area pursuant to WIOA Section 122.

### **Background**

1. The Governor must set procedures for the Eligible Training Provider List (ETPL).
2. To remain eligible, providers must submit performance and cost information and annually meet performance levels on specified performance measures. The minimum performance levels are established by the Governor, but local boards may require higher levels on the specified performance measures, or local boards may require additional measures and corresponding levels.
3. The local boards accept applications from training providers for listing and determine if the applicant meets State and local board criteria for listing, and then forwards the Provider's information to the State if they meet the criteria.
4. The State will accept the information forwarded by local boards on training providers and compile a single state list, which is then available to the AJC delivery system.
5. Customers requesting an ITA have the opportunity to select any of the eligible providers and programs from the ETPL. Selected programs must meet the performance levels established by the Governor or, if higher, the performance levels established by the local board issuing the ITA.

### **Policy/Action**

- A. Training providers seeking approval in the Jefferson-Lewis LWDA must meet one of the following criteria:
  1. Postsecondary institutions eligible under the Title IV of the Higher Education Act and offering programs leading toward an associate degree, baccalaureate degree or certificate. Completed applications received for these programs shall be determined initially eligible.

2. Programs that are registered under the Act of August 16, 1937 (National Apprenticeship Act), or provide on-the-job training in the construction industry and are approved by the NYS Department of Labor. Completed applications filed under this provision shall be determined initially eligible.
3. Another public or private provider of a program of training services.

#### **B. Initial Eligibility**

1. Providers meeting the criteria of #1 and #2 above and that provide services related to the LWDA's Demand Occupation List shall be deemed initially eligible and shall be automatically approved for addition to the ETPL upon the completion and review of the Applicant Questionnaire.
2. Providers of services that do not relate to the LWDA's Demand Occupation List shall not be approved.
3. Providers who offer training services at multiple locations do not need to apply for each location; if the Provider is approved, the approval extends to all locations.

#### **C. Subsequent Eligibility**

Subsequent eligibility will be reviewed on an as needed basis, at which time the Jefferson-Lewis WDB will review the performance records of each offering. If an offering does not meet the performance levels as required for subsequent eligibility, that offering will be determined ineligible. The offering will remain ineligible until performance levels are met or it is determined through the appeal process to retain the offering on the state list.

#### **D. Additional Criteria**

A program that has been modified in goals and/or curriculum shall be considered a new program subject to an initial eligibility determination only if the regulatory body over the program has required that it be submitted to that body for approval as a new program.

#### **Applicable Training Types**

In order for a Provider to receive WIOA ITA funds, its program(s) must be listed on the ETPL and these programs may provide training services, such as:

1. Occupational skills training, including training for non-traditional employment;
2. Programs that combine workplace training with related instruction, which may include cooperative education programs;
3. Training programs operated by the private sector;
4. Skills upgrading and retraining;
5. Job readiness skills; and
6. Adult education and literacy activities provided in combination with any other training service outlined above.

There are some training programs that are exempt from direct application to the ETPL or are subject to special ETPL policy provisions. On-the-Job Training and Customized Training (as defined by the Act)

are exempt from the ETPL. Contract training providers that do not charge clients directly for their services must be listed on the ETPL, but are subject to different performance criteria. A client may use an ITA to take a single course that is part of a larger program listed on the ETPL.

## **Procedure**

### **A. Applicant/Provider**

1. Applications for initial and subsequent eligibility must be initiated by the Provider and submitted to the Jefferson-Lewis Workforce Development Board if they wish to provide services in Jefferson and Lewis counties.
2. The initial application must be submitted via the Internet at the following website: <http://www.labor.ny.gov/etp/default.asp>. Once the online information has been completed, the website will notify the WDB Office of application via email.
3. Upon notification of a pending application, the WDB Office will then forward the Provider an Application Questionnaire requesting additional information. This questionnaire must be returned to the WDB office within 30 days or the application can be deemed closed and the Provider denied approval.
4. Applicants must agree to provide such information as may be necessary to determine program performance and to meet other requirements of the WIOA. The Provider must agree to make available backup data to validate any information submitted.
  - a. Providers meeting the criteria of Policy/Action Section A, 1 or 2 must submit at a minimum - a copy of the course curriculum/outline and the overall placement rate of graduates.
  - b. All other Providers must submit at a minimum - a copy of the course curriculum/outline, the overall placement rate of graduates, a copy of any certifications, licenses, registrations, or approvals from any State or Federal agency to provide the training, and years of experience in providing the training.

### **B. WDB/Operations Oversight Committee**

1. Upon receipt of a completed questionnaire, the Executive Director will notify the Executive Committee of the pending application and the applicant's State List status (primary WDB/LWDA). The Executive Committee will review the Applicant Questionnaire and other information at regularly scheduled committee meetings. In special circumstances, effort will be made to expedite this process.
2. The Executive Committee will be responsible for performing due diligence during the review period to ensure that the provider is legitimate and that the training services to be provided are needed within the area. Due diligence will include, but not be limited to, the following:
  - a. Ensuring that the Provider completes and submits a questionnaire for review.
  - b. Solicit input from the AJC Managers and other Workforce Development Areas in which the Provider may be currently approved regarding the Provider's history, experience, and performance.

- c. Ensure that Providers submit performance and cost information for each offering for consideration.
  - d. Require the Providers are in compliance with State laws and have the license, certification, registration, or approval from the appropriate State and/or Federal oversight agency to provide the training.
  - e. Evaluate the experience and reputation of the Provider and the schedule of offerings.
  - f. Assure that the course offerings are in line with the training needs of the LWDA based upon the Demand Occupation List and targeted industry sectors.
  - g. Consider other information that may be locally relevant to making a determination of eligibility.
  - h. Act on a provider's offering application within 30 days of receipt of all required information.
3. After review of the information, the committee will vote to approve or deny the Provider.
  4. The Executive Committee will be responsible to recommend all additions of new Providers to the local list for full Board approval. In instances where time is a critical factor, the WDB Executive Committee is empowered to bestow full Board approval.
  5. The WDB shall then notify the Provider of the decision by either approving or denying the listing on the <http://www.labor.ny.gov/etp/default.asp> site, which shall generate an automatic notification to the Provider via the email listed in the online application.

### **C. Denial of a Provider or Program Application**

If a local board denies a provider's application for Initial or Subsequent Eligibility, it must, within 30 days, inform the provider in writing; including the reason(s); and provide complete information on the appeal process.

### **Additional Program/Course Approval Procedure**

Once a Provider is deemed approved and added to the ETPL, they may submit additional programs/courses for approval.

1. The Executive Director receives notification that a currently approved Provider is applying to add additional courses to their listing.
2. The Executive Director can approve or deny the request at his/her discretion based upon the course/program's applicability to the Local Demand Occupation List.
3. The Executive Director shall report any added course listings to the committee at the next meeting. In turn, the committee shall report added course listings to the full Board at the next meeting.

### **Appeal Process**

Providers that have been denied approval to be included and/or removed from the local area ETPL may appeal this decision. The LWDA retains the right to deny or remove Providers from the ETPL for the following reasons:

- Does not provide training related to the LWDA's Demand Occupation List;

- Failure to provide necessary information or improperly filing an application;
- Failure to adhere to process and reporting requirements;
- Failure to meet performance levels annually;
- Failure to provide verifiable accurate information;
- Failure to apply for continuation;
- Fraud;
- The Provider requests to be removed;
- If it is determined that the Provider was not in good standing under a previous name; and/or
- If it is determined that the Provider intentionally supplied inaccurate information.

**A. Provider**

The Provider must submit a written request for a hearing to the LWDA within 20 days notification of being denied approval or removal from the ETPL. Written requests should be mailed to:

Executive Director  
The WorkPlace  
1000 Coffeen Street  
Watertown, NY 13601

**B. WDB/Operations Executive Committee**

1. The Executive Director will notify the Executive Committee of a pending appeal and will schedule a hearing to take place within 30 days receipt of the request.
2. The hearing shall include a rendering as to why the eligibility was denied or terminated. The Provider may provide additional information as to why the decision should be reversed or a compromise established.
3. The committee will issue a decision within 10 working days after the hearing.