

<p>WORKFORCE INVESTMENT BOARD OF TULARE COUNTY</p>	<p>DATE: November 8, 2023</p>
<p>WORKFORCE INNOVATION AND OPPORTUNITY ACT TITLE I</p>	<p>SUBJECT: WIB WIOA Eligible Training Provider List Policy and Procedures</p>

WIB DIRECTIVE

TUL 23-04

APPROVED BY
WORKFORCE INVESTMENT BOARD
MINUTES OF 11-08-2023

TO: WIB Subrecipients
 WIB Eligible Training Providers
 WIB Staff

SUBJECT: WIB WIOA Eligible Training Provider List Policy and Procedures

EXECUTIVE SUMMARY

The Employment Development Department (EDD) has revised the policy and procedures for training providers and programs to be listed on the state and local Eligible Training Provider List (ETPL) under the Workforce Innovation and Opportunity Act (WIOA). The Workforce Investment Board (WIB) of Tulare County has established the requirements for training providers and training programs to be listed on the local ETPL. This policy applies to current and new training providers who want to be listed on the California (CA) and local ETPL.

This directive contains WIB/State imposed requirements. ***WIB requirements are in bold, italics.***

This Directive supersedes WIB Directive TUL 15-05 and 15-01. Retain these directives until further notice.

REFERENCES

- Workforce Innovation and Opportunity Act ([Public Law 113-128](#))
- Title 20 Code of Federal Regulations (CFR) Part 677: “Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act” (Uniform Guidance)
- Title 20 CFR Part 680: Adult and Dislocated Worker Activities Under Title I of the WIOA
- Title 20 CFR Part 681: Youth Activities Under Title I of the WIOA
- [EDD WSD22-01](#), Performance Guidance, July 18, 2022
- [EDD WSD21-03](#), ETPL Policy and Procedures, November 10, 2021
- [EDD WSD19-06](#), CalJOBS Activity Codes, December 27, 2019
- [EDD WSD17-01](#), Nondiscrimination and Equal Opportunity Procedures, August 1, 2017
- WIB Directive [TUL 20-05](#), Recovery of WIOA Tuition and Training Funds
- WIB Directive [TUL 19-01](#), WIOA Grievance and Complaint Resolution Procedures
- California Private Postsecondary Education Act of 2009

BACKGROUND

WIOA Section 122 requires states to establish and maintain a list of training providers who are eligible to receive WIOA Title I, subtitle B funds for training services. These training services are issued through an Individual Training Account (ITA) for eligible Adults, Dislocated Workers, or out of school youth (OSY) ages 16-24 to fund training services.

EDD is responsible for publishing, disseminating, and maintaining the comprehensive CA ETPL. EDD also ensures that programs meet the eligibility criteria and performance levels outlined in the state ETPL Policy and Procedures Directive, [WSD21-03](#). EDD is authorized to remove programs that fail to meet these criteria or performance levels and take enforcement actions against providers that intentionally provide inaccurate information, or that substantially violate the requirements of WIOA.

The WIB is responsible for executing the procedures specified in the state's revised ETPL Policy and Procedures Directive. Additionally, the WIB collaborates with the state to ensure an adequate number and variety of providers of training services with expertise in assisting individuals with disabilities and adults requiring adult education and literacy activities. Moreover, the WIB oversees the development and maintenance of a local ETPL and ensures its dissemination through the Employment Connection Centers (ECCs), also known as America's Job Centers of California (AJCCs), making it accessible to individuals with disabilities.

EDD has updated the policy and procedures governing ETPL operations by introducing performance criteria to identify high-quality training programs and desired outcomes for WIOA clients enrolled in these programs. These criteria will determine the initial and continued eligibility of Eligible Training Providers (ETP) to be included in the local ETPL. This directive outlines WIB procedures for soliciting and approving applications from interested training providers and transmitting information about locally approved providers and their programs to the state for inclusion on the CA ETPL.

POLICY AND PROCEDURES

This directive outlines the mandated state's ETPL requirements for initial and continued eligibility, in addition to the local requirements set by the WIB for inclusion in the local ETPL. Annually, approved ETPL programs are required to reapply for approval on the CA ETPL and are required to meet several mandated performance measures on aggregate students and statewide enrolled WIOA students. Training providers and programs listed on the CA ETPL are eligible to receive WIOA funds to provide training services to Adults, Dislocated Workers, and youth. To be listed on the local ETPL, training providers must be listed on the CA ETPL.

Training Provider Initial Eligibility Criteria

Training providers previously not listed on the CA ETPL under WIOA or Workforce Investment Act of 1998 (WIA), must meet initial eligibility to be included on the CA ETPL. Training providers must

first complete an application by entering their information into the [CalJOBSSM](#) ETPL module. [CalJOBSSM](#) is the mandatory system to be used by training providers and WIB for transmitting data to the state. The WIB ETPL Coordinator can assist training providers in completing all necessary information. The initial eligibility period is one year (365 days) from the date the provider is nominated by the State ETPL Coordinator.

The WIB ETPL Coordinator will review the completed application in [CalJOBSSM](#) for training providers headquartered in Tulare County. This review will be completed within 7 to 10 business days of the completed application, to either deny or nominate the training provider for review by the State ETPL Coordinator for inclusion on the CA ETPL. EDD will review the application within 30 days of receipt from the WIB ETPL Coordinator. Once EDD approves a training provider for the CA ETPL, the WIB ETPL Coordinator will then review the training provider for inclusion on the local ETPL.

The initial eligibility process for the type of institution is based on the following:

- 1. Adult education secondary schools** – must be an eligible provider of adult education and literacy activities under Title II of WIOA.
- 2. Pre-apprenticeship and Apprenticeship providers** – training providers of pre-apprenticeship programs must have a letter of commitment from a Department of Labor (DOL) registered or Department of Industrial Relations (DIR), Division of Apprenticeship Standards (DAS) approved apprenticeship program. DOL Registered Apprenticeships and DIR DAS approved Apprenticeships are automatically eligible to be listed on the CA ETPL and do not have eligibility requirements.
- 3. Private postsecondary institutions** – must be accredited by the Accrediting Commission of Schools (ACS) Western Association of Schools and Colleges (WASC); the WASC Senior and University Commission (SCUC); have current Bureau of Private Postsecondary Education (BPPE) Approval to Operate.
- 4. Public Postsecondary institutions** – must be accredited by WASC Accrediting Commission for Community and Junior Colleges (ACCJC) or by the WASC Accrediting Commission for Senior Colleges and Universities (WASC SCUC).
- 5. Distance Education Training Providers** – must complete an application in [CalJOBSSM](#) and upload a signed CA ETP Assurances form. The State ETPL Coordinator will determine eligibility for the CA ETPL.

In addition to the above requirements, all training providers (except for apprenticeship programs) must meet the following:

- Adhere to the Equal Opportunity and Nondiscrimination requirements under WIOA Section 188 for all their site locations. ***The WIB has established a local policy to direct participants to file grievances and complaints alleging violations of WIOA Title I requirements. Upon enrollment all participants receive a copy of the WIB's grievance and complaint procedures found in WIB Directive [TUL 19-01](#), Grievance and Complaint Resolution Procedures (or most current directive). These procedures are followed by the WIB if a participant files a grievance or complaint against a training provider. Training***

providers must maintain grievance/complaint procedures through which participants can address any concerns and are required to upload their Equal Opportunity and Nondiscrimination policy in [CalJOBSSM](#). Training providers may be monitored by the WIB annually to ensure compliance with this requirement.

- Provide information supporting the training provider's partnership with businesses.
- Enter program(s) of training services into [CalJOBSSM](#) desired to be on the CA ETPL.
- Upload a signed copy of the CA ETP Assurances Form (Attachment 4) in the state's ETPL Directive [WSD21-03](#).

WIB Local Training Provider Initial Eligibility Criteria

In addition to the state requirements, for a training provider to be listed on the local ETPL, the training provider must also meet the following:

- ***Training provider and programs must be located within Tulare, Fresno, Kings, or Kern County. Requests to add training providers to the WIB local ETPL outside of this four-county area must be submitted to the WIB Executive Director for approval.***
- ***Training providers cannot be debarred from doing business with the Federal Government as per the System for Award Management (SAM.gov) database governing acquisitions.***
- ***Distance Education Providers approved by the State ETPL Coordinator will be reviewed by the WIB ETPL Coordinator for inclusion on the local ETPL.***

Training Programs Initial Eligibility Criteria

Initial eligibility applies to a program previously not listed on the CA ETPL under WIOA or the WIA; the initial eligibility period is for one year (365 days). Once the training provider has been approved to be on the CA ETPL, each individual training program provided by the training provider must meet the following requirements to be listed on the CA ETPL:

- The training program must be for occupations in-demand industry sectors identified by the state, region, or Local Workforce Development Board.
- The training program provides training services that lead to an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certifications requirements, or employment in a specific occupation after receiving measurable technical skills.
- The training program leads to a quality job which includes principles such as family-supporting wages, benefits, safe working conditions, fair scheduling practices, and career advancement opportunities that are transparent.
- The cost listed in the Cost Details tab in [CalJOBSSM](#) should match the cost of a member of the general public enrolling in the program without assistance from WIOA.
- The mode of instruction, and class schedule(s) are consistent with the provider's advertised brochure/website.

- The training program and its location are approved by the accrediting body – BPPE, WASC, WASC SCUC.
- Programs must provide and meet performance metrics based on aggregate data for all students in the program for the most recent program year. ***The WIB ETPL Coordinator will provide guidance on the specific performance that must be provided and met based on the state’s ETPL Policy and Procedures.***

WIB Local Training Program Initial Eligibility Criteria

The following are the WIB’s additional requirements for training programs listed on the CA ETPL to be listed on the WIB’s local ETPL:

- ***The training program must be for occupations within the WIB’s in-demand industry sectors: Advanced Manufacturing, Construction (including public infrastructure), Energy (including green energy), Healthcare, Transportation and Logistics, and Value-added Agriculture, as described in the WIB’s local plan, [WIOA Local Plan](#) and the San Joaquin and Associated Counties Regional Planning Unit [WIOA Regional Plan](#).***
- ***The training program cost listed in [CalJOBS](#)SM must match the cost of a member of the general public enrolling in the program without assistance from WIOA. The training provider should notify the WIB ETPL Coordinator if they would like to negotiate a different cost for WIOA participants.***
- ***All approved apprenticeship programs listed on the CA ETPL are included in the WIB’s local ETPL.***
- ***Distance education training programs will be reviewed by the WIB ETPL Coordinator on a case-by-case basis for inclusion on the WIB’s local ETPL.***

Training Provider Continued Eligibility

Continued eligibility applies to all training providers listed on the CA ETPL whose initial eligibility has expired. The WIB ETPL Coordinator will conduct continued eligibility annually for all training providers headquartered in Tulare County. To determine continued eligibility, the training provider must meet the requirements outlined in the initial eligibility.

Training Programs Continued Eligibility

Continued eligibility applies to all training programs listed on the CA ETPL whose initial eligibility has expired. All active training programs will be evaluated annually by the WIB ETPL Coordinator to ensure they meet continued eligibility to be retained on the CA ETPL, no earlier than 60 days, and no later than 30 days prior to the program’s eligibility expiration date.

Training providers must review and update the training program information in [CalJOBS](#)SM and meet all requirements listed under the training program initial eligibility section. In addition, training programs must provide and meet the following performance metrics based on the type of institution:

- Public Postsecondary Community Colleges, Adult Education Secondary schools, UCs and CSUs are required to enter the following:
 - Total number of students enrolled in the program.
 - Of the number of students enrolled in the program and exited (did not withdraw or transfer), at least 50% successfully completed the program.
 - Of the number of students who completed the program, the number of students who are employed within six months of graduating from the program.
- Private Postsecondary Institutions are required to provide and meet the following performance data:
 - Total number of students enrolled in the program.
 - Of the number of students who enrolled and exited the program (did not withdraw or transfer), at least 50% successfully completed the training program.
 - Of the number of students who completed the program, at least 50% must be employed within six months of graduating from the program.
- Apprenticeship programs are not required to meet performance metrics.

Including the performance metrics listed above, training programs must meet additional performance measures for WIOA participants who completed the program for the most recent complete program year (July 1 – June 30). Programs in which two complete program years of data is available for WIOA participants will be held accountable for the negotiated state-level Adult WIOA performance measures:

- Employment Rate 2nd Quarter after Exit
- Employment Rate 4th Quarter after Exit
- Median Earnings
- Credential Attainment
- Measurable Skill Gains

EDD works out an agreement with the U.S. Department of Labor (DOL) on state-level performance goals for WIOA Title IB Adult, Dislocated Worker, and Youth programs every two years. EDD will publish the most recent State negotiated performance goals with DOL in a Workforce Services Information notice located on the [EDD Website](#).

The state has set the specific performance criteria that must be provided and met for continued eligibility depending on the institution type. In addition, the state has a specific timeframe for the data required for each performance measures. ***The WIB ETPL Coordinator will provide guidance based on established guidelines for continued eligibility.***

Training Program Changes

Training providers can update and make changes in [CalJOBSSM](#) for any of their training programs to ensure all information is current. Performance data should only be entered or updated during the annual continued eligibility review period. Training providers should confirm changes made in the confirmation tab in [CalJOBSSM](#) to submit changes to the WIB ETPL Coordinator.

For more information on initial and continued eligibility requirements for training providers and programs reference the EDD ETPL Policy and Procedures Directive [WSD 21-03](#). The [ETPL Module Guide Card](#) (located on the Staff Resources page in CalJOBS) provides instructions to assist the WIB and training providers with entering data in the CalJOBS ETPL module.

Record Keeping

Training providers are required to maintain sufficient records and make these records available for monitoring or audit by either the WIB and/or the state. These records should be readily available and be provided to the WIB ETPL Coordinator within five business days if requested.

Training Provider Documentation

The WIB requires that training providers maintain any training provider and programs initial and continued eligibility documents electronically in their [CalJOBSSM](#) profile. These documents may include accreditations/approval to operate, ETP Assurances Form, Equal Opportunity and Non-Discrimination policy, documents supporting the provider's partnership with businesses, and other documents requested by the WIB ETPL Coordinator to ensure compliance with the state's ETPL directive.

Participant Documentation

Training providers are required to maintain participant records which may include invoices, attendance records, student evaluations, and certificates of completion among others to show services being provided. ***Training providers are required to provide monthly attendance records throughout the training program for participants funded through an ITA to ensure participants are attending the training program. If a training provider is not able to provide monthly attendance records, they shall confirm, at least quarterly, that participants are still attending training.***

Training providers must notify the WIB ETPL Coordinator immediately if participants drop out of a training program to determine the recovery of WIOA tuition and training refunds during the period when tuition can be refunded. For additional information, reference the WIB's directive, [TUL 20-05 Recovery of WIOA Tuition and Training Refunds](#) (or most recent directive).

Customer Choice

To maximize informed consumer choice, the WIB's local ETPL is available to individuals accessing the ECCs/AJCCs. The WIB's local ETPL can be accessed through the following link – [WIB Local ETPL](#). After consultation with a career coach, individuals who have been determined eligible for training services may select a provider and program from the local ETPL and establish an ITA to pay for training. The WIB's local ETPL includes training providers who have a fully executed contract with the WIB and whose training programs meet the state and local initial and continued eligibility requirements.

WIB ETPL Coordinator Role

The WIB ETPL Coordinator is the main point of contact for training providers headquartered in Tulare County. The role of the WIB ETPL Coordinator is as follows:

- *Provide technical assistance for new training providers seeking to be added to the local ETPL.*
- *Provide technical assistance to all training providers headquartered in Tulare County.*
- *Review and approve or deny new providers and programs for initial and continued eligibility.*
- *Develop, renew, and amend training providers' Eligible Training Provider contracts.*

Appeals

If a training provider/program does not meet the initial or continued eligibility requirements to be listed on the CA ETPL or the local ETPL, the WIB ETPL Coordinator will notify the training provider in writing with the reason(s) for the denial, and information on the WIB's appeal process. Distance Education and Apprenticeship programs can appeal directly to EDD.

WIB Appeals Process

A provider can request an appeal for a specific program denied by the WIB as follows:

1. *Complete the Eligible Training Provider (ETP) Appeal Form, this form is available on the WIB's website <https://www.tularewib.org/> under the Eligible Training Provider section. This section also includes the ETP Appeal Instructions.*
2. *The ETP Appeal form must be submitted within 30 days of the issuance of the denial notice.*
3. *The ETP Appeal Form must include an appeal statement of the desire to appeal; specification of the program in question; the reason(s) for the appeal (i.e., grounds); documentation supporting the grounds for the appeal, and the signature of the appropriate provider official.*
4. *Submit the completed ETP Appeal Form to the WIB ETPL Coordinator using the following email: TulareWIBETPL@tularewib.org, or mail the completed form to:*

*Workforce Investment Board of Tulare County
Attn: WIB ETPL Coordinator
309 W. Main Street, Ste. 120
Visalia, CA 93291*

5. ***After the ETP Appeal Form is submitted, the WIB ETPL Coordinator will contact the training provider within ten (10) business days to schedule an initial informal meeting to identify if there is a simple solution to resolve the dispute.***
6. ***If it cannot be resolved, the provider will have an opportunity to have a formal hearing with a designated hearing officer who shall be an impartial person. The designated hearing officer shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) business days in advance of the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to request documents relevant to the proceedings; and to have legal representation.***
7. ***Final decisions must be made within 60 days of receipt of the appeal. The provider and the WIB will be notified in writing of the final decision.***

Appeals to EDD

A provider may appeal to the EDD if it has exhausted the WIB's local appeal process and is dissatisfied with the final decision by following these instructions:

- Submit a written appeal to EDD within 30 days of WIB's final decision on an appeal. The request for appeal must include a statement of the desire to appeal, specification of the program in question, the reason(s) for the appeal (i.e., grounds); and the signature of the appropriate provider official. The appeal should be sent to: wsbetpl@edd.ca.gov.
- EDD will promptly notify the WIB when the EDD receives a request for appeal and when a final decision has been rendered.
- EDD will review the appeal, make a decision, and notify the provider and the WIB.
- EDD will upload the state's final decision to the Provider Profile in [CalJOBSSM](#).

ACTION

Bring this Directive to the attention of all WIB Subrecipients, Eligible Training Providers, and WIB staff.

INQUIRIES

Questions regarding this Directive should be directed to the Workforce Investment Board of Tulare County at (559) 713-5200.



Adam Peck
Executive Director

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