

WORKFORCE INVESTMENT BOARD OF TULARE COUNTY WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) TITLE I ADULT AND DISLOCATED WORKER ACTIVITIES	DATE: January 27, 2016
	SUBJECT: WIB WIOA Eligible Training Provider List (ETPL) Policy and Procedures

WIB DIRECTIVE

TUL 15-05

APPROVED BY
WORKFORCE INVESTMENT BOARD
MINUTES OF 01-27-2016

TO: WIB Service Providers
 WIB Eligible Training Providers
 WIB Staff

SUBJECT: WORKFORCE INVESTMENT BOARD of TULARE COUNTY (WIB), WIOA ELIGIBLE TRAINING PROVIDER LIST (ETPL) POLICY AND PROCEDURES

EXECUTIVE SUMMARY

Purpose:

The Employment Development Department (EDD), the California Workforce Development Board (State Board) and WIB are publishing state requirements for training programs listed on the Eligible Training Provider List (ETPL) under the *Workforce Innovation and Opportunity Act* (WIOA). These criteria address both the initial and subsequent eligibility determinations.

Scope:

This directive provides information on the WIB ETPL policy and procedures. This directive can be found at <http://www.tularewib.org/LocalActiveDirectives.asp>

Effective Date:

This directive is effective immediately.

REFERENCES

- WIOA (Public Law 113-128) Section 122
- Title 20 *Code of Federal Regulations* (CFR) “WIOA, Notice of Proposed Rule Making” (NPRM), Sections 680.400 – 680.530
- Training and Employment Guidance Letter (TEGL) 41.-14, *Workforce Innovation and Opportunity Act Title I Training Provider Transition* (June 26, 2014)
- *California Unemployment Insurance Code* (CUIC) Sections 1266-1274.20 “California Training Benefits Program”
- *Senate Bill 118*, Chapter 562, Statutes of 2013
- *California Labor Code* Section 4658.7(e)
- *California Private Postsecondary Education Act of 2009*

LOCAL IMPOSED REQUIREMENTS

This directive contains local and State imposed requirements.

FILING INSTRUCTIONS

This Directive supersedes Directive TUL-14-04 and TUL 15-01. Retain this directive until further notice.

BACKGROUND

Section 122 of the WIOA requires states to establish a list of training providers who are eligible to receive WIOA funds for training services provided to adults and dislocated workers, and to establish two separate procedures for the ETPL: initial eligibility and subsequent eligibility. The State Board has revised the existing policy and procedures governing the operation of the ETPL, by incorporating performance criteria to more clearly identify quality training programs and the desired outcomes for WIOA clients enrolled in these programs. This criteria will be used to fully implement the initial and subsequent eligibility policies required in WIOA Section 122(b)(1), Title 20 of the CFR and the CUIIC. These policies and procedures contain state requirements that mandate all private postsecondary education providers receive an "Approval to Operate" from the Bureau of Private Postsecondary Education (BPPE) prior to being listed on the ETPL. This approval ensures the training provider satisfies the BPPE statutes and enables the provider to enroll WIOA eligible students. The spending of public resources, state or federal, is considered a form of student financial assistance.

The information contained in this directive establishes WIB procedures for soliciting and approving applications from interested training providers and forwarding information on locally-approved providers and their programs to the state for approval and inclusion on the ETPL.

POLICY AND PROCEDURES

With the exception of certain types of customized, cohort and on-the-job training, training providers/programs listed on the ETPL are eligible to receive WIOA funds to provide training services to adults and dislocated workers. In order to be listed on the ETPL, training providers must submit an application, through the [CalJOBS](#) website to the WIB offer training programs. All new and existing training providers are required to register their institution and programs in CalJOBS.

Prior to approving private postsecondary training providers registering programs on the ETPL, the WIB shall ensure the provider has received an "Approval to Operate" from the BPPE. This information can be obtained on the BPPE website under the [Directory of Approved Institutions](#).

The attached *WIOA ETPL Policy and Procedures* contain detailed information on initial and subsequent eligibility requirements, and the roles and responsibilities of the WIB and the EDD in maintaining the integrity of the ETPL and the quality of the training programs offered on it. It is important to note that initial and subsequent eligibility is based on the performance outcomes achieved by the entire cohort of students in that program, reported annually to BPPE. All providers are required to submit information on performance outcomes to determine eligibility for listing and to facilitate informed customer choice.

Below are the procedures for training providers to request a waiver of initial or subsequent eligibility for a specific program from the WIB. This process has been included to comply with the WIOA provision that requires consideration of the characteristics of the population served, availability of training providers in rural areas; and relevant economic conditions.

1. Appeals to WIB

- a. A provider wishing to appeal a decision must appeal to the WIB within 30 days of the issuance of the denial notice using the ETPL Private Postsecondary Program Waiver Request form (Attachment 1) The appeal must be in writing and include a 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.
- b. There will be an Initial informal meeting between the WIB staff and the provider. The purpose of this meeting is identify if there is a simple solution to resolve the dispute.
- c. If it cannot be resolved provider will have an opportunity to have a hearing. The hearing officer shall be an impartial person. The hearing officer shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar 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.
- d. Final decisions must be made within 60 days of receipt of the appeal and the provider and the WIB notified in writing of the final decision.

E. Appeals to EDD

1. A provider may appeal to the EDD if it has exhausted the local appeal process and is dissatisfied with the WIB's final decision.
2. A provider wishing to appeal the WIB's decision to EDD must submit a written appeal within 30 days from 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. A provider appeal should be addressed to the following:

Attn: ETPL APPEAL
Central Office Workforce Services Division, MIC 50
P.O. Box 826880
Sacramento, CA 94280-0001

3. The EDD will promptly notify the appropriate WIB when the EDD receives a request for appeal and when a final decision has been rendered.
4. The EDD will administratively review an appeal, make a preliminary decision, and notify the provider. The EDD can either uphold or reverse the appealed decision.

The *Provider Services Guide* located in the Staff Online Resources area of CalJOBSSM provides detailed instructions to assist WIB and training providers in entering programs into the CalJOBSSM ETPL module. The CalJOBSSM system includes data entry screens and reports, and is the mandatory method to be used by training providers and WIB for transmitting this data to the state. The EDD will

accept applications for the ETPL from WIB on any working day of the year. Approved applications will appear on the list within 30 days of their submission by the WIB to the state. Training providers will be able to make changes to their program information in the automated system and transmit the updates to the WIB for review. The ETPL will be updated daily to incorporate changes that do not require verification; all other changes will be included within 30 days of their submission to the EDD.

WIB have access to an updated statewide ETPL via the CalJOBS under "Education Services." website on each working day of the year (excluding minimal periods required for system maintenance). The ETPL is available at <http://www.caljobs.ca.gov> under "Education Services."

ACTION:

Bring this directive to the attention of all appropriate staff, One-Stop Operators, WIB Service Providers, and WIB ETPL Training Providers.

INQUIRIES

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



ADAM PECK
Executive Director
AP:DM:MR:CE

Attachments are available on the Internet:

1. Attachment 1 –Eligible Training Provider List
2. [WIOA ETPL Policy and Procedures](#)
3. [WSDD-120 Summary of Comments](#)

Eligible Training Provider List PRIVATE POSTSECONDARY PROGRAM WAIVER REQUEST		
WORKFORCE INVESTMENT BOARD OF TULARE COUNTY		
Contact Name: Carlene Estes		Title: Workforce Development Analyst
Contact Phone Number: 559-713-5211		
TRAINING PROVIDER/PROGRAM INFORMATION		
Name of Private Postsecondary Training Provider:		
Provider Address:		
City:	State:	ZIP Code:
Title of Training Program:		
Current Placement Rate:	First Year of Waiver: Y/N	Second Year of Waiver: Y/N
Justification for the Waiver Request (use additional sheet if necessary):		
<p>I hereby make the following assurances as part of this request:</p> <ul style="list-style-type: none"> • Our school and the above program is registered by the Bureau of Private Postsecondary Education and has received Approval to Operate. • Inclusion of the program on the ETPL will be for the purposes of providing training to individuals with a barrier(s) to employment as defined in the <i>Workforce Innovation and Opportunity Act</i>, Section 3 (24). • Completion of the training program results in the awarding of industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements. • The training program is identified as a demand occupation in our local area and has a history of serving clients with barriers to employment. • Our school is not listed as an Ineligible Cal Grant School by the California Student Aid Commission, https://webutil.csac.ca.gov/CalGrant_Inst/CalGrantInstSearch.aspxht, or has provided documentation of graduation rate exceeding 30 percent and student default rate below 15.5 percent in recent academic years. 		
I request the above training program to be included on the Eligible Training Provider List.		
Signature		Date
Submit Waiver Request to: WIB of Tulare County, 309 West Main, Suite 120, Visalia, CA 93291 or cestes@tularewib.org		
WIB USE		
Approving Signature		Date