RIVERSIDE COUNTY

WORKFORCE DEVELOPMENT BOARD

ELIGIBLE TRAINING PROVIDER LIST (ETPL) POLICIES AND PROCEDURES

POLICY

Date: June 27, 2024 **Number: 20-01**

PURPOSE: This policy provides guidance to all America's Job Center of California (AJCC) staff, partners, and administrative staff of the Housing and Workforce Solutions/Workforce Development Division (HWS/WDD) regarding Riverside County Workforce Development Board's Local ETPL requirements.

EFFECTIVE DATE: Upon release

REFERENCES: WSD21-03 Eligible Training Provider List Policy and Procedure

REQUIREMENTS: Locally imposed requirements are indicated in ***bold, italic type***

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) emphasizes informed customer choice, performance accountability, and continuous improvement. One of the primary means that WIOA employs to achieve these goals is the Eligible Training Provider List (ETPL).

WIOA Section 122 requires states to develop and operate the ETPL in partnership with Local Boards. The ETPL is designed to gather and display useful information on training providers, their services, and the quality of their programs. The ETPL only lists providers and programs who meet specified quality criteria and who are eligible to receive Individual Training Account (ITA) funding through WIOA.

Local Boards are responsible for carrying out the procedures outlined in the Workforce Services Directive ETPL Policy and Procedures (WSD21-03); working with the State to ensure there are sufficient numbers and types of providers of training services with expertise in assisting individuals with disabilities, and adults in need of adult education and literacy activities; developing and maintaining a local ETPL; and ensuring the dissemination of the State and local ETPL, including formats accessible to individuals with disabilities.

POLICY:

This policy establishes the types of allowable training services, consumer choice, the difference between the State and local ETPL, the eligibility criteria and procedures for initial and continued eligibility for State ETPL training providers and programs, and the roles and responsibilities of HWS/WDD.

A. Allowable Types of Training Services

The following are the allowable types of training for the Workforce Innovation and Opportunity Act (WIOA) Title I program:

1. Occupational skills training, including nontraditional employment.
2. On-the-Job Training (OJT).
3. Incumbent Worker Training (IWT).
4. Programs that combine workplace training with related instruction, which may include cooperative education programs.
5. Training programs operated by the private sector.
6. Skill upgrading and retraining.
7. Entrepreneurial training.
8. Job readiness training provided in combination with the training services described in (a) through (g) above.
9. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services provided with the training services described in (a) through (g) above.
10. Customized training conducted with a commitment by an employer, or group of employers, to employ an individual upon successful completion of the training.

While all of the above are allowable training services under WIOA, service types 2, 3, and 10 are not required to be on the ETPL.

B. Consumer Choice & Complaints

Training services must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider and program. HWS/WDD must make the local ETPL available to customers and information identifying training providers for OJT, customized training, and IWT available.

It is important to note that ETPL eligibility is based on the program's performance outcomes. All providers are required to submit information on performance outcomes to determine eligibility for listing and to facilitate informed customer choice.

After consultation with an HWS/WDD Career Coach, individuals deemed eligible and suitable for training services may select a training provider from the local ETPL. Unless the program has exhausted training funds for the program year, HWS/WDD must refer the individual to the selected provider and establish an ITA to fund training. A referral may be carried out by providing an ITA Voucher to the provider to obtain training. The cost of the ITA is paid out of the applicable WIOA program or special project. ***HWS/WDD's ITA expenditures are limited to $8,000 per customer.*** See ***HWS/WDD 's Individual Training Accounts Policy (#20-03)*** for more information.

ETPL Providers must maintain grievance/complaint procedures through which participants can address issues. If a grievance or complaint is filed with HWS/WDD against an ETPL Provider or their staff, WDD will follow Program Grievances and Complaint Resolution Policy (#14-02), and provide a copy of the complaint and resolution to ETPL Coordinator (ETPL-Inbox@rivco.org) and Program Compliance Officer for inclusion in Provider file. All participants will be provided with WDD notice

Equal Opportunity and Nondiscrimination Notification (SPDU 448-01) and *What to do if you believe you have experienced discrimination (SPDU 448-02)* at time of WIOA Title I enrollment. If AJCC staff become aware of any ETPL Provider issues of concern, the ETPL Coordinator and Program Compliance staff should be notified. Formal and informal complaints may be re-addressed during HWS/WDD's annual monitoring of the ETPL Provider's Program to ensure resolution of issues.

C. Recovery of WIOA & Non-WIOA Training Funds

***Training providers are responsible for notifying HWS/WDD of a participant's early termination of training and processing of any applicable refund. HWS/WDD shall reference Individual Training Accounts Policy (#20-03) for guidance on recovering tuition and training refunds*,** as well as unused supplies or testing fees.

D. State and Local ETPLs

The State ETPL creates a pool of Training Providers and programs that the Local Board can utilize to establish their local ETPL. Local Board may add additional local requirements for providers and/or programs to be eligible for inclusion on the local ETPL. As a result, there may be providers on the State ETPL that are not eligible for inclusion on the local ETPL. While additional requirements may be added for the local ETPL, Local Board may only include training providers on their list that are approved for the State ETPL. This does not apply to Local board Determination Trainings.

When reviewing provider and/or program applications for inclusion on the ETPL, Local Board must conduct the State eligibility review first and then determine eligibility for inclusion on their local ETPL. When conducting the State eligibility review, the Local Board must use only the States requirements, not the Local Board additional requirements.

E. State ETPL Eligibility Requirements

In order to be listed on the ETPL, all training providers and/or programs must meet *Section G. CA ETPL Initial Eligibility*, as described in WSD21-03 ETPL Policy and Procedures. Training providers will apply to offer training programs to the HWS/WDD through the CalJOBS^{SM} ETPL module. All new and existing training providers are required to register their institution and programs in CalJOBS^{SM}. Before applying on CalJOBS^{SM}, all providers are encouraged to contact ETPL Coordinators in those areas they wish to operate in order to review eligibility and specific processes. The processes may vary from one Local Board to another. Information can be obtained at https://rivcoworkforce.org/caljobs-etpl.

Once all necessary information is entered, the Local ETPL Coordinator must review and nominate the training provider and/or program to the State ETPL Coordinator for inclusion on the State ETPL ensuring all information provided is complete, accurate, and current, and is in alignment with State directive. The EDD will review applications for the State ETPL within 30 days of receipt from the local board. Once the provider and/or program is approved and included on the State ETPL, the local board must review, and approve or deny the training provider for inclusion on their local ETPL ensuring all information is in alignment with their local board policy.

F. Local ETPL Eligibility Requirements

To meet eligibility for the local ETPL, a training provider and/or program must:

1. Train for occupations that are considered in-demand in Riverside County as identified in *In Demand Industries and Occupations Policy (#19-27).*
2. Ensure training program results in at least one of the following:
    a. The awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and /or certification requirements.
    b. Training-related employment as a result of gaining measurable technical skills for a specific occupation. This means that programs must award measurable technical skills, rather than general skills that are broadly required for employment. These measurable technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations. ***Training programs that lead only to training-related employment as a result of gaining measurable technical skills for a specific occupation must be local board approved on a case-by-case basis due to negatively affecting the Credential Attainment performance measure.***

For training providers who are deemed exempt per California Education Code (CEC) Section 9487 and are not regionally accredited by an accrediting institution, HWS/WDD must:

1. Verify the instructor's credentials or experience.
2. Ensure the financial stability of the training provider.
3. Conduct an annual inspection of the schools or training programs.
4. Ensure actual instruction is taking place.
5. Ensure instructional equipment and instruction meet current industry standards.

HWS/WDD may also verify the items above for non-exempt training providers.

G. State ETPL and Local ETPL Eligibility Certification Process

WSD21-03 ETPL Policy and Procedures outlines the ETPL application process and requirements of providers. In order for training providers and programs to be listed:

1. Training Providers will need to provide a copy of each of the following, as applicable:
    a. Accreditation status and/or BPPE approval or exemption
    b. WIOA Section 188 Non-Discrimination & Equal Opportunity Compliance Questionnaire (PCU 448-04)
    c. Business License for each proposed training location
    d. W-9
    e. Proof of Insurance Coverage
    f. Grievance/complaint procedures
    g. Published tuition costs on the institution website or catalog
    h. School Organization Chart
    i. Curriculum (i.e. Syllabus) - original content
    j. BPPE School Performance Fact Sheets (SPFS) for latest data available. HWS/WDD will compare BPPE SPFS for performance consistency.

k. WIOA cohort aligned eligible performance data, per WSD21-03 ETPL Policy and Procedures, *Attachment 1, Sections G and H*

l. Provider Questionnaire which includes information regarding the following, but not limited to: credential attainment, provider's partnership with businesses, provider's job search process, pre-assessment tools, instructor credentials, and a section to discuss any updates to curriculum or mode of instruction.

2. Training Providers must review, sign, and return the Eligible Training Provider List Acknowledgement Form (PCU 448-46).

HWS/WDD will review the submitted documentation and ensure that the provider is not debarred from conducting business with the federal government. Once all necessary information is submitted, the training provider and/or program will be nominated to the State ETPL Coordinator for inclusion on the State ETPL. Once approved the program becomes visible to the AJCC and is accessible to the general public through www.caljobs.ca.gov under "Education Services."

Training Providers are to keep HWS/WDD informed of any significant changes to provider administration and accreditation, as well as any changes to the program curriculums, hours, costs, credentials and/or any other core information listed in CalJOBS℠ via the ETPL Inbox within 48 hours of the change. HWS/WDD reserves the right to place provider training enrollments on an up to a 90-day hold in our local ETPL if this or other requirements are not adhered to.

H. Pre-apprenticeship and Apprenticeship Eligibility Requirements

1. *Pre-apprenticeship Providers*
    a. Must submit a letter of commitment from a Department of Labor (DOL) registered or Department Industrial Relations (DIR), Division of Apprenticeship Standard (DAS) approved apprenticeship to HWS/WDD. To be listed on the State ETPL, the pre-apprenticeship program **must** award an industry-recognized credential or certificate.

2. *Apprenticeship Providers*
    a. DOL-registered apprenticeships and DIR DAS-approved apprenticeships are automatically eligible to be listed on the State ETPL and do not have any eligibility requirements. The State will reach out to new apprenticeship programs to inform them of the opportunity to join the State ETPL. If the provider opts into the State ETPL, the apprenticeship program will be placed on the ETPL by the State.

    b. ***A letter(s) of support from businesses in the related industry with whom they are collaborating.***

HWS/WDD will review pre-apprenticeship and apprenticeship providers' performance on an annual basis. In the event performance is not being met, HWS/WDD may place the provider on hold and take further action to ensure the effective use of WIOA funds.

I. Third-Party Subcontracting

Per WSD21-03 ETPL Policy and Procedures, *Attachment 1 and 2*, Third-Party subcontracting has the following definitions and regulations.

- Approved training providers may enter into third-party agreements with training organizations to deliver content on their behalf. In doing so, the approved provider accepts all liability and certifies that the program, as submitted to CalJOBS^{SM}, meets the accepted requirements for both content and instructors.
- Third-party subcontracting is a program where course instruction and curriculum is not developed by the approved ETPL provider, and instead is created and delivered by a third party.
- The provider accepting tuition and related instruction fees must be the provider listed on the ETPL.
- Third-party subcontractors cannot accept WIOA funding without meeting ETPL eligibility requirements and being placed on the ETPL.
- Per the California Education Code Section 94886, private postsecondary institutions that receive "institutional charges" such as tuition are required to be approved or deemed exempt by the BPPE. That is, training programs offered by providers who are not BPPE approved or exempt are not eligible for the State ETPL even if contracted through an approved ETPL provider. They may be considered for the WDD local ETPL, but must meet requirements as described in *Third Party Vendor Exception Policy* (#*20-06).*
- ***Approved providers must notify HWS/WDD of any program that will be delivered by training organizations or other third parties. HWS/WDD reserves the right to audit or review any course or instructor qualifications at any time.***

J. Continued Eligibility Criteria

Training programs must meet requirements under both initial and subsequent eligibility requirements annually to remain on the CalJOBS^{SM} ETPL. In addition to meeting eligibility requirements, programs will be subject to annual compliance monitoring. If training providers or programs do not meet eligibility requirements, they will be inactivated on the State ETPL. Provider can file an appeal, as outlined in WSD21-03 ETPL Policy and Procedures, *Section L. Appeals, Attachment 1*. Continued eligibility review for the local ETPL must be completed at least once every two years. ***HWS/WDD will evaluate all training providers headquartered in Riverside County, along with each program listed in CalJOBS^{SM}, annually to ensure that all eligibility criteria is being met.***

1. State ETPL Continued Eligibility

This section outlines State ETPL Continued Eligibility requirements, as directed in WDB21-03, *Section H. State ETPL Continued Eligibility Criteria*. Continued eligibility for the State ETPL applies to all training providers and programs, except for Registered Apprenticeship programs.

a. Proof of Compliance

Training providers must meet all criteria outlined in *Section G. CA ETPL Initial Eligibility, Training Provider Initial Eligibility Criteria* and provide proof of compliance of all criteria when reviewed annually. Training Providers may be asked to verify or resubmit specific or all eligibility documentation and update provider and/or program information in CalJOBS^{SM}.

b. Aggregate Performance

Training Providers must submit aggregate performance in line with WIOA performance cohorts for each program listed on the State ETPL. Aggregate performance is considered for both State ETPL initial and continued eligibility. Each training provider must meet or exceed the state-mandated performance requirements based on their institution type.

c. ETP Assurance Form

All training providers must submit the ETP Assurances Form annually to be considered for continued eligibility.

d. WIOA Enrollments

Training Providers on the State ETPL for two full program years (July 1 – June 30) must have at least one WIOA enrollment during the previous two program years. If removed from the State ETPL due to enrollment requirements, a provider must wait six (6) months from removal to submit their ETPL application for reinstatement and will not be held to the enrollment requirement when determining continued eligibility for placement back onto the list.

e. WIOA Performance

Training Providers must meet WIOA performance measures for their institution type for the reporting period. Providers will be held accountable for the performance measures in which two complete years of data is available for their program(s).

2. Local ETPL Continued Eligibility

At the time of the annual review or any time during the year, HWS/WDD will consider the following items as a part of a training provider's continued eligibility:

a. Participant Satisfaction Surveys

Surveys may be sent by WDD to each participant at the midway point and/or final completion of their program. Data will be reviewed and analyzed by HWS/WDD staff to assess program success and performance. Training providers may be asked to respond to concerns. Concerns may also result in follow-up or monitoring by HWS/WDD staff.

b. AJCC Feedback

HWS/WDD will review AJCC staff feedback regarding training providers they have worked with during the program year. This will focus on information such as accuracy of information, responsiveness, timeliness, refund process, etc.

c. Monitoring Site Visits

HWS/WDD will perform an onsite review of training facilities and interview staff and participants. This review will focus on program compliance and accessibility. Site visit reports will be issued documenting all findings and concerns. Providers will have 30 days to address any findings. Providers may be delisted if appropriate action is not taken.

d. Tuition & Fees Review

HWS/WDD will review tuition and fees for each course and similar courses in the area to determine that fees are competitive and match ITA payments. Providers must offer the lowest available price for program services to HWS/WDD.

K. Denials, Delisting, and Appeals

HWS/WDD will be responsible for carrying out policies outlined in WSD21-03 ETPL Policy and Procedures, *Section I: Approval and Denial of Training Provider/Program* for instances in which a Training Provider or Program is denied from the ETPL.

To ensure the integrity of the State ETPL, HWS/WDD or the EDD will remove a training provider or program from the State ETPL as detailed in WSD21-03 ETPL Policy and Procedures, *Section J: Delisting Training Providers/Programs*. ***HWS/WDD follows the written appeal process for the State and Local ETPL as stated in WSD21-03. If a training provider wishes to appeal a denial or delisting from the State or local ETPL, the following steps will need to be taken:***

- Training providers must submit the appeal in writing and via email addressed to the following:

HWS/WDD
ETPL-Inbox@rivco.org
Attn: Administration Unit
1325 Spruce St, Suite 400
Riverside, CA 92507

- The appeal must be sent within 30 days of notification of denial or delisting and include a statement of the desire to appeal, specification of the training program(s) in question, the reason(s) for the appeal (i.e. grounds), documentation supporting the grounds for the appeal, and the signature of the appropriate training provider official.
- HWS/WDD staff will then set up an initial informal meeting with the training provider within 14 days of the receipt of the written appeal to identify if there is a simple solution to resolve the dispute.
- The training provider may request a hearing if HWS/WDD and training provider cannot resolve the dispute. HWS/WDD shall select an impartial hearing officer. The hearing officer shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten 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, request documents relevant to the proceedings, and have legal representation. The hearing officer's final decisions must be made within 60 days of receipt of the appeal, and the training provider and HWS/WDD will be notified in writing of the final decision.
- A copy of the final decision must be emailed to the State ETPL Coordinator (wsbetpl@edd.ca.gov) and the Local ETPL Coordinator must upload the final decision to the Provider Profile section of CalJOBS^{SM}.
- Distance Education and Apprenticeship programs can appeal directly to the EDD. All other training providers may appeal to the EDD only if the local appeal process has been exhausted, and the provider is dissatisfied with HWS/WDD's final decision.

- A training provider wishing to appeal HWS/WDD's decision must submit a written appeal to the EDD within 30 days from the date of HWS/WDD's final decision. The request for appeal must include a statement of the desire to appeal, specification of the training program in question, the reason(s) for the appeal (i.e. grounds), local board's final decision document, and the signature of the appropriate training provider official. The appeal should be sent to: wsbetpl@edd.ca.gov.
- The EDD will promptly notify HWS/WDD when the EDD receives a request for appeal and when a final decision has been rendered.
- The EDD will review appeals received, make a decision, and notify the training provider and HWS/WDD.
- The EDD will upload the state's final decision to the Provider Profile in CalJOBS℠.

L. Reinstating Delisted Training Providers/Programs on the ETPL

Requests to be placed back on the State ETPL must be submitted to HWS/WDD via ETPL Inbox@rivco.org. Provider must demonstrate compliance with all State and/or local eligibility requirements. Reactivation will be subject to the WSD21-03 ETPL Policy and Procedures, Section K. Placing Delisted Training Providers/Programs Back on the ETPL.

M. Local ETPL Coordinator Responsibilities

HWS/WDD's ETPL Coordinator is, at minimum, responsible for the following:

1. Provide technical assistance on the application process, compliance requirements, and reporting documents to training providers with programs located within Riverside County seeking to be listed on the State and local ETPL;
2. Review and approve or deny providers and programs for initial and continued eligibility in a timely manner;
   a. The review must include eligibility for the State and local ETPL and comply with requirements outlined in this policy and WSD21-03 ETPL Policy and Procedures.
3. Notify training providers if their program(s) are removed from the State and/or local ETPL;
4. Maintain the local ETPL and communicate with the State ETPL Coordinator for guidance;
5. Ensure all HWS/WDD staff have access to the most recent version of the State and local ETPLs.

For additional guidance on the State ETPL application process, initial and continued eligibility criteria for training providers and programs, State ETPL performance reporting and documentation, ETPL definitions, and resources in implementing the State ETPL, refer to WSD21-03 ETPL Policy and Procedures. For questions, contact HWS/WDD's ETPL Coordinator at *ETPL-Inbox@rivco.org.*

REVISION HISTORY:

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Stephanie Adams, Deputy Director