

Monroe County/Rochester Workforce Development Board

WIOA Policy 106

DATE: 9/18/2018
REVISED: 3/8/2021
SUBJECT: Eligible Training Provider Initial and Continued Eligibility Policy

I. Purpose

The Workforce Innovation and Opportunity Act (WIOA) offers a comprehensive range of services designed to increase the employment, job retention, earnings and occupational skills of adults, dislocated workers, and youth. Training services are available to individuals who meet eligibility requirements and after an interview, evaluation, or assessment, and career planning, have been determined to be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services; are in need of training services to obtain or retain such employment; and have the skills and qualifications to successfully participate in the selected program of training services. Individual Training Accounts (ITAs) are established to finance training for eligible individuals who select training in a demand occupation and for which they have the qualifications to succeed. After assessment and consultation with a RochesterWorks! Career Center advisor or counselor, customers who are determined to need training may receive ITA training funds to assist with the cost of training by selecting providers and programs listed on the New York State Eligible Training Provider List.

Approval for ITA funds will be based on training that aligns with the needs of the local labor market regarding demand and targeted occupations. WIOA requires that customers make informed and guided choices regarding a program of training. The Eligible Training Provider List (ETPL) was established as a resource to assist customers in identifying training providers and programs available in the local area. Inclusion of a provider's offerings on the ETPL does not guarantee that WIOA funds are available for enrollment in an eligible offering.

The ETPL may also be used as a procurement mechanism for training through other, non-WIOA funded grant programs.

II. Definitions

A. ETPL: The New York State Eligible Training Provider List, accessible at <https://applications.labor.ny.gov/ETPL/>.

B. The Board: The Monroe County/Rochester Workforce Development Board

III. Initial Eligibility

A. Period of Initial Eligibility: 12 months from the date the training provider/course offering is first approved for listing on the ETPL.

B. Training Providers Eligible to Receive Funding: An institution of higher education that provides a program that leads to a recognized postsecondary credential; an entity that carries out programs under the National Apprenticeship Act; or another public or private provider of a program of training services, including community-based organizations, joint labor-management organizations, and eligible providers of adult education and literacy activities under Title II if activities are provided in combination with one or more of the following training services:

- Occupational skills training;
- On-the-job training (OJT);
- Incumbent worker training;
- Programs that combine workplace training and related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading or retraining; or
- Entrepreneurial training.

C. Courses: Approved training providers are not required to list their entire course catalog on the ETPL. A single course offering should be submitted to gain entry to the ETPL with additional course offerings added when a WIOA participant wishes to enroll in a specific course. Coursework submitted for approval should lead to a postsecondary credential that is recognized by WIOA.

D. WIOA Funding: Inclusion of a provider on the ETPL does not entitle or assure that the provider will receive funding from the Board. Course offerings being funded must provide training for an occupation identified by the Board as an in-demand occupation in Monroe County. The list of in-demand occupations may be found at <http://rochesterworks.org> or <https://labor.ny.gov/workforcenypartners/lwda/lwda-occs.shtm>. Training providers not listed on the ETPL may receive WIOA training funds if the training is considered on-the-job training, customized training, incumbent worker training, or transitional employment.

E. Out-of-State Providers: Training providers that do not have an in-state training facility may apply to the Board for initial eligibility for any distance learning coursework that leads to a postsecondary credential that is recognized by WIOA. If approved, the provider will be added to the ETPL.

F. Technical Assistance: Training providers in need of technical assistance in connection with a submission to the ETPL may contact Lee Koslow, Technical Assistance and Training Manager, RochesterWorks, Inc., (585) 258-3500, x-3516, Lkoslow@rochesterworks.org.

G. Eligibility Determinations: The Technical Assistance and Training Manager will act on a training provider's submission to the ETPL within 30 days of receipt. When making a determination whether to approve a submission, the following factors will be taken into account:

- Compliance with State laws by having a current license, certification, registration, approval or exemption from the appropriate State and/or federal oversight agency;

- History of compliance with Workforce Investment Act (WIA) and/or WIOA law, regulations, and policy guidance;
- Compliance with State Unemployment Insurance and Labor Laws;
- The experience and reputation of the training provider, as well as the schedule of offerings;
- Provision of any verifiable, program-specific performance information required by New York State Department of Labor;
- Completeness of the application submitted to the ETPL;
- The training provider's business capacity and integrity to successfully deliver training;
- Whether submitted coursework meets the definition of WIOA training services; and
- Whether submitted coursework leads to a postsecondary credential that is recognized by WIOA.

ETPL submissions will be denied for any training provider that intentionally supplies inaccurate information.

IV. Continued Eligibility

After a training provider has reached the end of the 12-month period of Initial Eligibility, the Board will perform a Continued Eligibility review of the training provider.

A. Training Provider Requirements: Training providers must complete performance and program cost information for offerings that have been on the ETPL for 12 months. Performance must include the following performance measures: Employment, 2nd and 4th quarter after exit, median earnings, 2nd quarter after exit, and credential attainment within one year of exit.

B. Board Review: The Board will review the information provided and make a determination to approve the training provider for a period of Continued Eligibility, or remove it from the ETPL.

C. Approval: If approved, the period of Continued Eligibility is 24 months from the date the training provider/offering is reviewed and granted Continued Eligibility.

D. Future Eligibility: A Continued Eligibility review will be performed at least once every 24 months thereafter.

E. Eligibility Determinations: When recommending a training provider and its offering(s) remain on the ETPL, the Technical Assistance and Training Manager will consider the following:

- Specific economic, geographic and demographic factors in the local area and the characteristics of the population to be served, including offerings provided through the use of technology, and offerings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
- Program-specific performance information and attainment submitted by the training provider;

- Program-specific cost information, including tuition and fees;
- Compliance with the license, certification, registration, approval or exemption required by the appropriate State and/or federal oversight agency to provide the training;
- The Board's experience with the training provider;
- Whether the coursework leads to a postsecondary credential that is recognized by WIOA;
- Training needs of the local area; and
- Any other information, including the factors listed in Section III.G. of this policy, that may be relevant in determining Continued Eligibility status.

V. Termination of Eligibility

To retain Initial and Continued Eligibility, a training provider must deliver results and provide accurate information to the Board and New York State Department of Labor (NYSDOL). Eligibility may be terminated for the following reasons:

- The training provider does not have appropriate State and/or federal approval to operate.
- The application is not complete.
- The offering does not meet the definition of WIOA training services.
- Required performance data is not included with the application or the performance data does not meet established performance levels.
- The training provider is delinquent in delivery of reports, payment of debt, or otherwise out of compliance with WIOA or any agreement executed under WIOA.
- The training provider is not current in the payment of unemployment insurance contributions or reimbursements, or is in violation of State Labor Law, or any other requirement for the training program under WIOA is not met.
- The training provider intentionally supplied inaccurate information.
- The training provider violated any requirement under WIOA.
- The training provider failed to demonstrate the business capacity or integrity to successfully deliver training.

VI. Right to Appeal

The recommendation to deny or terminate the eligibility of an offering may originate from either the Board or New York State Department of Labor (NYSDOL). Training providers will be notified of a decision to deny or terminate eligibility status for an offering. If an offering's eligibility is either denied or terminated, the training provider may take the following steps:

A. Filing an Appeal. Training providers have the right to appeal denial or termination of eligibility status. A training provider has 15 business days from the date of a denial or termination notice in which to file an appeal. The request for appeal must be in writing, signed by an authorized agent of the training provider, and be submitted to both the Board and NYSDOL.

B. Ruling in Favor of the Training Provider. The Board and NYSDOL may reverse their original denial or termination if an administrative error was made or if additional information submitted by the training provider changes the basis on which the original decision was issued.

C. Ruling Against the Training Provider. If the Board and NYSDOL do not reverse their original denial or termination, the training provider will not be able to reapply to the ETPL until after a specified waiting period. The length of the waiting period will be determined by the Board and NYSDOL based on the reason for the denial or termination, up to a maximum of 24 months. Each case will be reviewed individually and the waiting period will be calculated from the original date of the denial or termination.

VII. Registered Apprenticeship Programs

All Registered Apprenticeship programs are automatically eligible for inclusion on the ETPL. NYSDOL's Registered Apprenticeship training office will inform Registered Apprenticeship sponsors of their right to be included on the ETPL through mail and e-mail. NYSDOL will notify Registered Apprenticeship Program sponsors of their initial and continued eligibility on the ETPL.

VIII. Limitations

The Board's responsibility to carry out this policy may be limited by the functionality of the ETPL application. The development and maintenance of the ETPL is a State responsibility. In the event that the functionality of the ETPL application does not allow the Board to carry out provisions of this policy, those provisions will not be enforced until the full functionality of the ETPL application is implemented or restored.

IX. Effective Date

This policy is effective immediately upon approval by the Workforce Development Board.

X. Revision

RochesterWorks, Inc. has the authority to make technical revisions to this policy. Technical revisions may be made to better align this policy with federal or state laws, statutes, regulations, or policy guidance; to better align this policy with other local policies; to respond to changes in the WIOA budget that impact this policy; or to revise references to source documents cited in this policy. Any revision to this policy that could have a substantial impact on participants must be approved by the Workforce Development Board. The Executive Director has the authority to temporarily approve policy changes until the next Workforce Development Board meeting.

XI. Questions

Questions on this policy may be directed to Lee Koslow, Technical Assistance and Training Manager, RochesterWorks Inc., (585) 258-3500, x-3516 or Lkoslow@rochesterworks.org.

Date Approved by Workforce Development Board: September 18, 2018