

**Fulton, Montgomery, and Schoharie Counties
Workforce Development Board, Inc.
2620 Riverfront Center
Amsterdam, NY 12010
Contact: Gail Breen
518-842-3676, ext. 3017**

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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.

Reference Documents: TA# 18-2

Policy:

This policy establishes the procedure and criteria for Eligible Training Provider Certification in the Fulton, Montgomery and Schoharie Counties Workforce Development Area pursuant to WIOA Section 122.

Procedure:

The Workforce Development Board Staff accepts applications from training providers for local listings, determines if the training offerings are for in-demand occupations, provides information on the application process and determines Initial and Continued Eligibility for training providers.

NYS DOL will maintain the State EPTL on the NYS DOL website, Review procedures for Initial and Continued Eligibility of training providers and their offerings. They will also be responsible for providing technical assistance to local areas and training providers as necessary.

Initial Eligibility:

1. Providers 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. Initial Eligibility is for 12 months.

2. 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.
3. Approved providers are not required to list their entire course catalog on the ETPL. Courses participants wish to enroll in are the only required courses listed. 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.
4. Inclusion of a provider on the EPTL does not entitle or assure that the provider will receive funding from the local Workforce Development Board. Course offerings being funded must provide training for an occupation identified by the LWDB as an in-demand occupation in the Local Workforce Development Area (LWDA).

During the Initial Eligibility Review Process LWDBs are responsible for the following:

- Notifying providers of the opportunity to apply to be on the ETPL.
- Acting on a training provider's offering application within 30 days of receipt.
- Setting levels of expected program-specific performance.
- Ensuring that training providers submit for consideration performance and cost.
- Information for each course offering.
- Requiring that training providers be in compliance with State laws by having a current license, certification, registration, approval or exemption from the appropriate State and/or federal oversight agency.
- Evaluating the experience and reputation of the training provider and the schedule of offerings.
- Considering other information that may be locally relevant in making a determination of funding eligibility.

Continued Eligibility:

After a training provider has reached the end of the 12-month period of Initial Eligibility, LWDBs must perform a Continued Eligibility review of the provider as outlined in TA-18-2. The review will cover performance, compliance and training needs of the local area. The eligibility review must be performed every 24 months thereafter.

Retention of Eligibility:

To retain Initial and Continued Eligibility, a training provider must deliver results and provide accurate information to NYSDOL. Eligibility may be denied/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 intentionally supplied inaccurate information.
- The training provider violated any requirement under WIOA.

Denial of a Provider or Program Application:

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

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

Apprenticeship Programs on the ETPL:

Registered Apprenticeship programs registered with the U.S. Department of Labor, Office of Apprenticeship, or a recognized State Apprenticeship Agency (NYSDOL) will be automatic eligible to the State ETPL. These programs are eligible for an abbreviated application process.