

**GLOW WORKFORCE DEVELOPMENT BOARD POLICY
UNDER THE WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA)**

NAME OF POLICY: GLOW Eligible Training Providers List (ETPL) Policy
GLOW WDB APPROVAL DATE: 1/15/19
EFFECTIVE DATE: 1/15/19

About The NYS Eligible Training Providers List

The New York State Eligible Training Provider List (NYS ETPL) was established in compliance with the Workforce Investment Act of 1998 and continues under the Workforce Innovation and Opportunity Act (WIOA). The purpose of the ETPL is to present a broad and diverse selection of training choices to support employment goals of individuals.

Inclusion on the NYS ETPL, in itself, does not guarantee that WIOA funds are available for enrollment in an eligible offering. The availability of WIOA funding for enrollment is based on many factors including assessment of an individual's employment needs. Individuals who are interested in determining if they qualify for WIOA training funding must contact a New York State Career Center.

GLOW Priority Occupations

For GLOW Individual Training Account (ITA) Trainings, occupations/skills need to be in occupations that are on the Regional Priority Occupations List for the Finger Lakes Regional Area for GLOW LWDA listed as high, medium, or low priority, which may be found at: <http://labor.ny.gov/workforcenypartners/lwda/lwda-occs.shtm>. Any other occupation/skill that is not listed as a GLOW LWDA priority will need to follow the GLOW WDB ITA Exception process and will be at the discretion of the GLOW WDB Executive Director by completing the GLOW ITA Exception Form. In-demand occupations will be identified by NYS Department of Labor, local employers, and service providers. The Regional Priority Occupation List for GLOW LWDA will be reviewed and approved by the GLOW WDB annually.

NYS Eligibility Training Provider List (ETPL) Process

The ITA must also be with a Training Provider that is on the NYS Eligibility Training Provider List (ETPL). This is auto loaded into OSOS in order for a Training Service to count positively. If a Training Provider or course is not listed on the ETPL, please contact Michele Nichols, email: Mnichols@co.genesee.ny.us, to request the training provider or course offering be added on the ETPL. The GLOW WDB will contact the Training Provider requesting that they submit their training offerings by providing them with the ETPL List Provider User Guide.

Initial Eligibility

Initial eligibility is based on the training provider/offering's authority or authorization to operate as determined by the LWDB.

- 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 providers are not required to list their entire course catalog on the ETPL. A single course offering (can be generic) 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.
- d. WIOA Funding: Inclusion of a provider on the ETPL does not entitle or assure that the provider will receive funding from a LWDB. 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). 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: Providers that do not have an in-state training facility may apply to any LWDB that is willing to approve out-of-state providers. If approved, the provider will be added to the ETPL.

During the initial Eligibility Review Process, LWDBs are responsible for the following:

- a. Notifying providers of the opportunity to apply to be on the ETPL.
- b. Acting on a training provider's offering application within 30 days of receipt
- c. Setting levels of expected program-specific performance
- d. Ensuring that training providers submit for consideration performance and cost information for each course offering.
- e. 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.

More information regarding the eligibility process can be found in the ETPL Provider User Guide location on the NYSDOL website: www.labor.dol.gov/workforcenypartners/tools.shtm

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:

- a. Training Provider Requirements: Training providers must complete performance and program cost information for offerings that have been on the ETPL for 12 months.
- b. LWDB Review: LWDBs must 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 must be performed at least once every 24 months thereafter.

When recommending a training provider and its offering(s) remain on the ETPL, the LWDB must consider the following:

- a. Specific economic, geographic and demographic factors in the local area and the characteristics of the population to be served.
- b. Program-specific performance information and attainment submitted by the training provider.
- c. Program-specific cost information, including tuition and fees.
- d. Compliance with the license, certification, registration, approval or exemption required by the appropriate State and/or federal oversight agency to provide the training.
- e. LWDB experience with the training provider.
- f. Ways in which the criteria can encourage training providers to use industry-recognized certificates and postsecondary credentials.
- g. Training needs of the local area.
- h. Any other information that may be relevant in determining Continued Eligibility status.

Additional information on LWDB considerations can be found in the LWDB Guide, located on the NYSDOL website.

Apprenticeship Programs on the ETPL

WIOA grants Registered Apprenticeship programs registered with the U.S. Department of Labor, Office of Apprenticeship, or NYSDOL, automatic eligibility to the State ETPL. Additionally, Registered Apprenticeship programs are subject to an abbreviated application to be placed on the ETPL. Registered Apprenticeship Program Sponsors must provide the following for inclusion on the ETPL:

- a. The occupation(s);
- b. The name and address of the sponsor;
- c. The name and address of Related Instruction Provider;
- d. Method/Training Approach (Time-based, Competency-based or Hybrid)
- e. Length of instruction; and
- f. Number of apprentices.

Retention of Initial and Continued 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:

- a. The training provider does not have appropriate State and/or federal approval to operate.
- b. The application is not complete.
- c. The offering does not meet the definition of WIOA training services.
- d. Required performance data is not included with the application or the performance data does not meet established performance levels.
- e. 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.
- f. 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.
- g. The training provider intentionally supplied inaccurate information.
- h. The training provider violated any requirement under WIOA.

- i The training provider failed to demonstrate the business capacity or integrity to successfully deliver training.

Denial of Eligibility

The recommendation to deny the eligibility of an offering may originate from either the LWDB or NYSDOL. Training providers will be notified of a decision to deny eligibility status for an offering. If an offering is denied eligibility, the training provider may take the following steps:

- a. Training providers have the right to appeal denial of eligibility status. A training provider has 15 business days from the date of a denial 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 LWDB and NYSDOL.
- b. The LWDB and NYSDOL may reverse their original denial 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. If the LWDB and NYSDOL do not reverse their original denial, 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 LWDB and NYSDOL based on the reason for the denial, 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.

REFERENCES

Workforce Innovation and Opportunity Act of 2014 §122 and §134(c)(3)(F) and (G).
Regulations: Workforce Innovation and Opportunity Act, Part 680 Subparts C and D.

INQUIRIES

Questions regarding this TA may be directed to ETP@labor.ny.gov.