



ELIGIBLE TRAINING PROVIDER LIST (ETPL) **PROCEDURE MANUAL**

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Overview

The Workforce Investment Act (WIA) requires states to establish a list of providers who are eligible to receive WIA funds for training services provided to adults and dislocated workers and establish procedures to apply to the Eligible Training Provider List (ETPL). With the exception of certain types of customized and on-the-job training, only training providers through their training programs listed on the ETPL are eligible to receive WIA funds to train adults and dislocated workers.

Initial Eligibility

Initial eligibility is determined based on criteria that relates to a provider/program's approval authority and/or authorization to operate. Performance is not considered in making initial eligibility determinations. The Workforce Investment Board of San Francisco (/WISF) is responsible for reviewing and verifying applications submitted by training providers, determining if the applicant meets the State of California Employment Development Department's (EDD) criteria for initial eligibility and forwarding the information to EDD for those training providers and programs that meet the criteria. In order for a provider to receive Title I-B WIA ITA funds, its program(s) must be listed on the ETPL, and these programs may provide training services, such as:

- Occupational skills training, including training for non-traditional employment
- Programs that combine workplace training with related instruction, which may include cooperative education programs
- Training programs operated by the private sector
- Skill upgrading and retraining
- Entrepreneurial training
- Job readiness skills
- Adult education and literacy activities provided in combination with any other training service outlined above.

There are some training programs that are exempt from direct application to the ETPL or are subject to special ETPL policy provisions. On-the-Job Training and Customized Training (as defined by the WIA) are exempt from the ETPL. Contract training providers that do not charge clients directly for their services must be listed on the ETPL, but are subject to different criteria specified in their contract with the local boards.

Determining Eligibility

Initial eligibility is based on the provider/program's ***authority or authorization to operate***. Performance is not considered in determining initial eligibility. Providers will, however, submit performance outcomes for the programs they want to list on the ETPL to facilitate customer choice but this will not be considered in making initial eligibility determinations.

Providers must meet one of the following criteria in order to have their program listed on the ETPL:

- 1) Postsecondary institutions eligible under Title IV of the HEA and offering programs leading toward an associate degree, baccalaureate degree or certificate
- 2) Programs that are registered under the NAA, or provide on-the-job training in the construction industry in accordance with WIA Section 122(h)1, and are approved by the Bureau of Apprenticeship and Training (BAT), for those programs that operate in California under the jurisdiction of BAT, and have a certificate of approval from the California Apprenticeship Council. **Note:** In accordance with WIA Section 122(h), providers that offer on-the-job training programs in the construction industry shall comply with standards established by the California Apprenticeship Council.
- 3) Accreditation by an institution recognized by the federal Department of Education
- 4) Approval by the California Department of Education
- 5) Approval by the Chancellor's Office of the California Community Colleges

In addition to the above criteria, a program that has been ***substantially modified in goals and/or curriculum*** shall be considered a new program subject to an initial eligibility determination only if the regulatory body over the program has required that it be submitted to that body for approval as a new program.

Application Process

In order to be listed on the ETPL, training providers must first submit an ***ETPL Application*** to the WISF to reflect information on the programs and services they wish to provide. Only one training provider application is required; however, a separate application is required for each program of training services offered by the training provider. Providers must also complete the ***ETPL Records Agreement*** which outlines the requirement to maintain sufficient records and to make those records available for monitoring or audit by either the WISF or the State.

Because there is a central database at the State level for the public California Community College system, special procedures have been developed to streamline the application process for community colleges (See *Special Application Procedures for the California Community College Programs*). All other providers interested in applying for the ETPL will complete the ETPL Application and the ETPL Records Agreement, provide the required support documents as specified in the ***ETPL Required Documents Checklist***, and submit information to:

Mayor's Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place

City Hall, Room 448
San Francisco, California 94102
Attention: Business Services

Applications will be reviewed by the Director of Business Services to ensure that applications are complete and that all required documents are included. Applications will then be presented at the next regularly scheduled WISF meeting (held monthly) for the board to review. Approved applications will then be forwarded to the State of California for approval and posting to the state's ETPL and the provider will be notified in writing of the approval. Approved providers will be added to the ETPL within 30 days of the date the State receives the approved application from the WISF. If either the WISF or the State denies the application, the provider will be advised in writing as to the reason for the denial and will provide information on the appeal process (See *Denial, De-Listing and Appeals*).

Special Application Procedures for the California Community College Programs

Because the California Community College system has a centralized data system managed by the Chancellor's Office at the State level, a special procedure is available for submission of program-specific initial eligibility data.

- 1) Between December 1 and December 10 of each program year the Chancellor's Office will provide the EDD with community college program-specific data necessary to populate the ETPL initial eligibility record. Specifications for this record have been provided to the Chancellor's Office by the EDD. WIA ETPL Policy and Procedures RWIAD06-15 Page 9 of 37 2/07.
- 2) The local board must submit a *Community College Training Provider Application* form through the JTA system for a Community College wishing to have programs listed on the ETPL. The combination of the Federal Employment Identification Number (FEIN), the Classification of Industrial Programs (CIP) and the COCCC college identifier will allow EDD to obtain many of the data elements required for initial eligibility directly from the State data base maintained by the Chancellor's Office.

Denial, De-Listing and Appeals

If the WISF board denies a provider's application for initial eligibility for the ETPL it will, within 30 days, inform the provider in writing; including the reason(s); and provide complete information on the appeal process.

Denial of Application for Initial Listing

Applications may be denied by the WISF or EDD for any of the following reasons:

- The WISF or EDD may deny eligibility if the application from a provider is not complete or not submitted within required timeframes.
- The WISF or EDD must deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in this procedure.
- The EDD must deny eligibility if it is determined that the applicant intentionally supplied inaccurate information.
- The WISF or EDD may deny eligibility to a provider who has been found to have substantially violated any WIA requirements.
- If the WISF denies a provider's application for listing on the ETPL, the WISF will, within 30 days of receipt of the application, inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process.
- If EDD denies a provider's program listing on the ETPL, EDD must within 30 days of receipt of the nomination from the WISF, inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process. In addition, EDD must inform the WISF that nominated the program of the denial and the reason(s) for the denial.

De-listing of a Program on the ETPL

A provider may be de-listed for any one of the following reasons:

- The WISF or EDD must de-list a program at any point at which it is determined that the program does not meet the minimum criteria for initial listing specified in this procedure. For example, a program can be de-listed if its eligibility depended on accreditation, and the accreditation was lost.
- The EDD must de-list a program if it is determined that the applicant intentionally supplied inaccurate information.
- The WISF or EDD may de-list a program if the provider is found to have substantially violated any WIA requirements.

If the WISF de-lists a program from the ETPL, the WISF must, within ten days of its decision, inform the provider in writing and include the reason(s) for the denial and complete information on the appeals process.

If EDD de-lists a program from the ETPL, EDD will, within ten-days of its decision, inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process.

Penalties

If EDD, in consultation with the WISF, determines that a provider intentionally supplied inaccurate information for ETPL purposes, EDD shall terminate the eligibility of the provider to receive any funds under WIA Section 133(b) for at least two years.

If EDD or the WISF determines that an eligible provider substantially violates any WIA requirement, EDD or the WISF may terminate the eligibility of the provider to receive any funds for a period of time under WIA Section 133(b) or take other such action as EDD or the WISF deems appropriate.

Appeals to the WISF

This procedure applies only to appeals by training providers to the WISF based on the denial of a provider's application for initial listing on the ETPL or the de-listing of a program already listed on the ETPL. In the event that a provider appeals a WISF denial, the following will occur:

- 1) A provider wishing to appeal a decision by the WISF must submit an appeal to the WISF within 30 days of the issuance of the denial notice. 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), and the signature of the appropriate provider official.
- 2) The WISF will schedule an informal meeting between the WISF staff and the appealing provider. The purpose of this meeting is to forestall the appeal process if there is an easy solution to the dispute.
- 3) If a solution to the dispute cannot be identified through the informal meeting, the WISF will schedule a formal 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 calendar days before the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.
- 4) The WISF will notify providers of its final decision on an appeal within 60 days of receipt of the appeal. This period includes a hearing if requested by the provider.

Appeals to EDD

This procedure applies only to an appeal by a training provider based on an EDD denial of the provider's application for initial listing on the ETPL or the de-listing of a program already listed on the ETPL. In addition, a provider may appeal to EDD if it has exhausted

the appeal process of the WISF and is dissatisfied with the local board's final decision. In the event that a provider appeals an EDD denial, the following will occur:

- 1) A provider wishing to appeal to EDD must submit an appeal request to the Workforce Investment Division in EDD's Central Office within 30 days from either the issuance of a denial notice or the provider's notification of the WISF's final decision on an appeal. The request for 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), and the signature of the appropriate provider official. A provider appeal should be addressed to:

Bob Hermsmeier, Chief
Workforce Services Division, MIC 69
P.O. Box 826880
Sacramento, CA 94280-0001

- 2) The EDD will promptly notify the WISF when EDD receives a request for appeal and when a final decision has been rendered.
- 3) 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, or EDD can refer the appeal to the California Unemployment Insurance Appeals Board (CUIAB). The EDD will also refer an appeal to the CUIAB if the provider requests a hearing in writing within 15 days of the issuance of EDD's preliminary decision. The CUIAB will schedule a hearing with an administrative law judge whose decision will be issued within 60 days of the appeal being referred to the CUIAB or within 30 days of the closing of the record.
- 4) The administrative law judge shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten calendar days before the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s) and to be represented. The decision of the CUIAB administrative law judge is the final administrative decision.

Subsequent Eligibility

Although there is currently a waiver of the Subsequent Eligibility requirement at the State level, the local Workforce Investment Board of San Francisco (WISF) has chosen to override the waiver and implement a subsequent eligibility requirement for training providers operating in the City and County of San Francisco. The development of a process proposal (specifying performance expectations, frequency of reporting, etc.) is currently underway. Upon approval of the proposed process and subsequent approval to implement the process by the WISF, this manual will be updated to include this information.

Submitting Approved Provider Applications to the State

The Job Training Automation (JTA) system includes data entry screens following the same format as the provider applications and is the mandatory method for transmitting this data to the State. The EDD will accept applications for the ETPL from local boards on any working day of the year. Approved applications will appear on the list within 30 days of their submission by the local board to the State. The State will accept the information forwarded by local boards on training providers, compile a single state list (the ETPL), and disseminate the ETPL with cost information to the One-Stop delivery system.

Updating Information for the ETPL

The Business Services Unit is responsible for submitting changes to EDD for programs or training providers already listed on the statewide ETPL to ensure that the information remains current. The EDD will update the list daily to incorporate changes that do not require verification and other changes will be included on the list within 30 days of their submission to EDD. WISF approval is not required for updates of provider contact information.

Publishing ETPL Information

The Director of Business Services is responsible for ensuring that all One-Stop centers in their areas have access to the most recent version of the ETPL and make it available to their customers. The Director of Business Services must ensure that One-Stop Centers in their areas display to their customers all of the “public” data elements on the ETPL system. The EDD is responsible for accepting information on training providers from the WISF, compiling a single statewide list of eligible training providers and disseminating the statewide ETPL to the WISF for distribution to their One-Stop Career Centers.