

Rivers East Workforce Development Board

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RIVERS EAST LA ISSUANCE 2021-33 CHANGE 2

SUBJECT: RIVERS EAST ELIGIBLE TRAINING PROVIDER and CUSTOMER CHOICE

PURPOSE: To update the Local Area process and procedures to maintain compliance with CPS 11-2021 "Eligible Training Provider Guidelines, Penalties, Appeal Process and Performance Reporting"

ACTION: Service Providers and Center Staff should review and ensure they are providing customers with the EPTL link within NCWorks Online.

EFFECTIVE DATE: June 17, 2019

REVISION DATE: June 13, 2023

A handwritten signature in black ink that reads "Jennie Bowen". The signature is written over a horizontal line.

Jennie Bowen
Workforce Development Director

Attachment

Serving: Beaufort County • Bertie County • Hertford County • Martin County • Pitt County

Mid-East Commission • Workforce Development Department
"Committed Equal Opportunity Employer/Programs"

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Rivers East WDB Eligible Training Provider (ETPL) Policy

General Eligible Training Provider (ETP) Guidelines:

The workforce development system, established under the Workforce Innovation and Opportunity Act (WIOA), emphasizes informed customer choice, job-driven training, provider performance, and continuous improvement. The selection of legitimate training providers and quality training programs is vital to achieving these core principles. North Carolina must ensure data elements related to the initial application, continued eligibility and performance information regarding approved training providers, and programs are entered into the supported State system, NCWorks Online (www.ncworks.gov).

Performance Reporting

North Carolina received a waiver from USDOL for program years 2018 through 2020, which required training providers to only report performance information on individuals enrolled in WIOA Title I programs. Beginning July 1, 2021, training providers will need to submit required performance information on all enrollees, regardless of WIOA status.

Initial Approval – State vs Local

Training providers and their associated training programs are initially approved to be on the State ETPL. Upon initial approval on the State's list, the ETPs may submit written request to each individual Local Area Workforce Development Board (WDB) requesting local approval consideration, as applicable. Local Area WDBs have local autonomy to select training providers and programs they wish to use within their region, as necessary. Approval on the State ETPL does not guarantee the Local Area WDB will choose to also opt in to use the training provider or its training programs for its specific region.

Summary – Interested Eligible Training Provider (ETP) Process:

The below is a simplified summary of the ETP application process. Please review the full State ETP policy for additional context and note that policies and practices are subject to change.

1. Be registered as a "Provider" in NCWorks Online
2. Fully complete NCWorks "Provider" account modules.
3. Submit supporting documentation via "Provider" profile in NCWorks.
4. Await "User Profile" activation.
5. Following "User Profile" activation, complete training program modules and confirm submission(s).
6. Await decision from State.
7. If approved at the State level, contact the Rivers East Workforce Development Board (WDB) to request additional approval for our local area (Beaufort, Bertie, Hertford, Martin and Pitt counties)

Detailed – Eligible Training Provider (ETP) Determination Process:

Licensing/Accreditation

Eligible Training Providers must be licensed by the appropriate North Carolina or federal licensing authority, as required by both North Carolina and federal law. Training providers must be in good standing and compliant with all other State and federal regulatory agencies including:

- In instances where specific occupations have governing boards that issue licenses, such as

the North Carolina Department of Health and Human Services – Division of Health Service Regulation, North Carolina Department of Motor Vehicles, Training providers must be licensed by the appropriate governing board to offer training for the occupation.

- Private post-secondary institutions must be approved by a federal or North Carolina authority such as the Southern Association of Colleges and Schools.

Licensed/Accredited Training Providers not eligible to be on the ETPL include, but are not limited to:

- Training providers that are debarred by State or federal government during the debarment period;
- Private post-secondary training providers who apply for a NC Proprietary license and are denied licensure due to the determination that the training program is not vocational in nature after vetting conducted by the NC Community Colleges.

Business Requirements

- Training providers must be a legal entity, registered to do business in the State of North Carolina.
- Training providers must have provided training services during all of the 12 months prior to applying for the ETPL and have a proven track record of students successfully completing its programs. Note: this provision does not apply to Registered Apprenticeship programs.
- Training providers are required to have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies that indicate that no refunds will be made are not acceptable. Refund policies must be written and published so that students are aware of how to request a refund.
- Training providers must have a grievance policy which provides for due process to allow students to file complaints with an organization against faculty, staff, or other employees. Grievance policies must be written and published so that students are aware of how to file a complaint.
- Training providers must have a form of general liability insurance. General Liability Insurance is defined as a standard insurance policy issued to business organizations to protect against liability claims for bodily injury (BI) and property damage (PD) arising out of premises, operations, products, and completed operations; and advertising and personal injury (PI) liability.
- All Public and Private providers of training services must maintain a current insurance policy for the duration of being listed as an eligible training provider per federal and state law. Upon expiration the certificate, the provider must submit a new certificate to the DWS–ETP Coordinator.
- Training providers must establish, publish, and disseminate materials to students including, but not limited to, official catalogs and other materials. Training providers must provide to students, and to prospective students, information that is complete and accurate. The information provided must be sufficient to enable prospective students to make rational decisions about enrolling in the school and to enable enrolled students to understand their rights and responsibilities as a student in the school.
- A training provider's financial capacity must be appropriate to its scale of operations. The school must demonstrate, principally from its annual comprehensive financial statements, and from other financial information, that it has adequate capability to satisfy its contractual obligation to students, including the capability to provide the programs and services described in its official publications and to meet its financial obligations.
- Training providers must comply with non-discrimination and equal opportunity provisions of all federal and state applicable laws including, but not limited to:
 - o Regulations under Section 188 of the Civil Rights Act of 1964;

- o 29 CFR 37, Title VI of the Civil Rights Act of 1964;
- o Age Discrimination Claims Assistance Act of 1988;
- o Sections 504 and 508 of the Rehabilitation Act of 1973;
- o Title IX of the Education Amendments of 1972;
- o Title II Subpart A of the Americans with Disabilities Act of 1990; and
- o The Genetic Information Nondiscrimination Act of 2008.

Necessary Documentation

The training provider must meet all State criteria listed in Licensing/Accreditation and Business Requirements sections of this policy to allow the State to make an eligibility determination along with the necessary documentation listed below.

The information requirements established mandate that a provider of training services submit appropriate, accurate, and timely information to the State, to enable the State to disseminate information that assists participants in choosing training providers.

Documents to be collected and reviewed are:

- College's or Company's Accreditation (state or national);
- Legitimacy of the College or Company (must include the provider's NCID # or FEIN #);
- Most recent financial audit or financial statements for the prior six months
- Agreement for a drug-free workplace and;
- General Liability Insurance
 - *Note – If this expires during the Program Year, it is the responsibility of the training provider to submit the current policy.*

Local Eligible Training Provider Approval Criteria:

Submitting Training Programs to Rivers East WDB

The State will review and approve programs for the Eligible Training Provider List (ETPL). This will then make the provider and programs available for the Rivers East WDB to review and certify the locally, at our discretion.

Training Provider and program requests for Rivers East WDB certification must be in writing. Rivers East WDB will review and issue local decisions on training provider submissions within thirty (30) days of receipt of Training Provider written submission / request.

Rivers East WDB may also opt-in on a State approved training program upon NCWorks alert from the State ETPL.

Remember: WIOA approval for the NCWorks State Eligible Training Provider List (ETPL) does not guarantee approval at the Local Area WDB level. There are twenty-two (2) Workforce Development Boards (WDB) in North Carolina (NC) and training program approval criteria may vary based on local area demand and funding availability. Approval in one Local Area does not guarantee approval in another Local Area.

Rivers East WDB Training Program Criteria

- Training program results in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and /or certification requirements.
- Training program is identified by the Local Area WDB to lead to occupations in in- demand industry sectors in the local area, region, and/or state. *Note – Local Area WDB may also take consideration of reasonable commuting area of participants.*
- Training program is within the local area training fund limits. *Note – Amount disclosed at*

Rivers East WDB's discretion.

- Meet state, regional, and/or local customer outcome performance/accountability measures.

Note: Additional criteria may be established as the needs of local employers, workers, and jobseekers change and grow.

Types of Training Services

For a training provider to be considered to receive Rivers East WDB WIOA funds, its program(s) must be listed on the ETPL and approved locally. These programs may provide training services, such as the following:

- Occupational skills training, including training for non-traditional employment and occupational skills training that integrates English-language and math instruction needed to succeed on the job.
- 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.
- Apprenticeship and Pre-Apprenticeship Skills Training.

Special Circumstances

There are some training programs that are subject to special Local Area training provider policy provisions. These exceptions include the following:

- On-the-Job Training.
- Customized Training (as defined by the WIOA).
- Incumbent worker training or transitional employment, if applicable.

There may be instances where the Rivers East WDB will determine Local Area approval status due to the following special circumstances:

- There is an insufficient number of eligible providers of training services in the area.
- An exception is necessary to meet the needs of individuals with barriers to employment.
- That it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations.

Program Eligibility Status:

Initial Eligibility

Initial Eligibility status is given to first-time approved training providers and programs upon initial review and approval.

- Initial eligibility lasts one (1) year from the original approval day.
- A re-application date is set for thirty (30) days prior to the expiration date to notify the provider that the program's approved status will be expiring on the one (1) year anniversary date of approval..
- The provider will have no more than thirty (30) days after the program reapplication date to update the program details to reflect any changes, provide performance data, and resubmit the program for continued eligibility.
- The program will become ineligible and be automatically removed from the approved list on the expiration date.

Continued Eligibility

Continued eligibility status is given to approved training providers and/or programs that reapply

for further approval following at least one (1) full year of initial eligibility.

- Provider/program must meet State set performance standards.
- Continued eligibility may last up to two (2) years from approval day. A re-application date is set for thirty (30) days prior to the expiration date to notify the provider that the program's approved status will be expiring on the set anniversary date of approval.
- The provider will have no more than thirty (30) days after the program reapplication date to update the program details to reflect any changes, provide performance data, and resubmit the program for continued eligibility.
- The program will become ineligible and be automatically removed from the approved list on the expiration date.

Expectations for Updating Programs

Active Training Providers should be reviewing and updating their program information at least once per year. If changes occur more frequently, it should be updated in NCWorks Online immediately. Anytime changes are made to programs after initial or continued eligibility approval status is given, the State will be notified and prompted to review changes. The changes will not be publicly reflected or honored until reviewed and approved by the State.

Note – Rivers East WDB may subsequently decide to approve or reject program updates locally.

Removal from Eligible Training Provider List (ETPL):

A **training program** may be removed from the ETPL for the following reasons:

- The State determines that the training provider supplied inaccurate information;
- The training program no longer meets the WIOA definition of occupational skills training;
- The program does not meet minimum performance standards once established. If there are not students enrolled in the training program during the past year, there will be no performance data to review for continued eligibility. The State must examine the demand for the related occupation to determine if there is still a demand for it and decide whether to keep the program on the ETPL for another year.

A **training provider** may be removed from the ETPL for the following reasons:

- Intentionally supplying inaccurate or false information;
- Substantially violating a provision of WIOA Title I or its implementing regulations;
- Failure to meet required performance outcomes;
- Failure to abide by the equal opportunity and nondiscrimination requirements under WIOA Section 188;
- Failure to comply with monitoring and audits;
- Failure to maintain required licenses and accreditation requirements;
- Failure to comply with all applicable provisions in the ETPL contract and/or policy; or
- Other just cause

Note: WIOA Title I customers currently/actively enrolled in such a program may be allowed to complete the program, if appropriate.

Reapplication Following Removal or Rejection

When a training provider or program is denied for any reason other than lack of documentation or information, the provider must wait six months to reapply.

Appeal Process:

Local – Rivers East WDB

A provider choosing to appeal a local decision must submit a formal written appeal to the Rivers East WDB within 30 calendar days of the issuance of the denial notice. The appeal must include:

- a statement of the desire to appeal;
- specification of the program in question; and
- specifically, and in detail the grounds and the reasons upon which it is claimed that the denial was erroneous.

Rivers East WDB will not consider any repeal/reversal of the decision that is not set forth in the formal, written appeal. Rivers East WDB will determine whether a meeting for fact-finding is necessary and will issue a decision no later than thirty (30) calendar days from the date the appeal request is received or either the date a face-to-face meeting (in-person or virtual) is held by the Rivers East WDB.

Training providers and/or programs denied for any reason other than lack of documentation or information, must wait at least six months to reapply.

State – Division of Workforce Solutions

Following issuance of a denial of eligibility, determination of suspension, or termination of eligibility, the training provider will have 30 days in which to submit an appeal to the DWS. Within 30 days of the receipt of the appeal, the training provider will be notified of the date, time, and place where a due process hearing will be conducted. After that hearing, a final decision will be issued within 30 days.

The Appeals Hearing Panel will consist of staff who serve a one-year rotating term and shall be represented in the following manner:

1. One DWS Management representative
2. One Local Area WDB Director
3. One Regional Director

All appeals must be forwarded, in writing, to the following address:

NC Division of Workforce Solutions
Attn: ETP Program Coordinator
4316 Mail Service Center
Raleigh, NC 27699-4316

Training Provider Monitoring:

Rivers East WDB may schedule onsite training facilities visits to observe the learning environment of WIOA Title I customers. Monitoring of the Training Provider's performance, programs, and training facilities ensures WIOA and Rivers East WDB compliance and facilitates the opportunity for Rivers East WDB to build valuable working relationships with the training providers as they work to meet the training demands of the Rivers East WDB local area.

Continuous Improvement:

Rivers East WDB Staff will monitor the labor, industry, and economic climate of the region which allows Rivers East WDB Staff to communicate the needs of both Employer and Jobseeker customers to training providers, so they are aware of what training is needed in the region.

Definitions

1. *Eligible Training Provider*: is a provider of training services who has met the eligibility requirements to receive WIOA Title I-B Adult, Dislocated Worker, and Youth funds to provide training services to eligible individuals.
2. *Eligible Training Provider List (ETPL)*: is North Carolina's statewide list of approved providers of training services who are eligible to receive WIOA Title I-B funds. Note: having a program on this list simply means basic WIOA criteria for eligibility was met. It does not mean that the program will be approved at the local level and made available to WIOA customers in the Rivers East WDB region.
3. *Local Area WDB List*: is a list of locally approved providers of training services that catalogs training providers from the statewide training provider list and their respective training services/programs that are made available to Rivers East WDB customers. *Note: Being approved for Rivers East WDB's local training provider list does not guarantee approval by other workforce development boards and vice versa.*
4. *Program of Training Services*: is defined as one or more courses or classes, or a structured regimen that leads to one of the following:
 - A recognized post-secondary credential, secondary school diploma or its equivalent.
 - Employment.
 - Measurable skill gains toward such a credential or employment.
5. *In-demand*: refers to occupations, industry sectors or clusters, or career pathways that have been identified in the state, regional, and/or local workforce development plan as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.
6. *Occupations in Demand List (OID)*: a regional list that outlines growth industries and occupations that lead to employment in the local area, region, and/or state of North Carolina. Training programs must be in alignment with the OID to be approved locally.
7. *Quality*: Establish and maintain a comprehensive list of quality training programs that meet the minimum performance standard and provide industry valued skills in priority industry sectors. Information must be accurate, transparent, accessible, and user-friendly.
8. *Customer Focus*: The policies and procedures must support eligible individuals who seek career and occupational training information and NCWorks Career Center Talent Development Consultants (TDCs) who assist customers eligible for training services.
9. *Informed Customer Choice*: To ensure that job seeking customers make an informed customer choice and are prepared with the skills needed to fill hiring opportunities in in-demand sectors and career pathways in high wage occupations, NCWorks Career Center staff will provide access to skills assessment tools, career planning resources, updated labor market information identifying industry sectors and occupational clusters that are high-growth, high-demand, projecting skills shortages, and/or vital to the regional economy, and access to the eligible list of training providers (ETPL) provided in electronic format through the NCWorks Online system (www.NCWorks.gov) which provides relevant information on available training programs, including performance and cost.
10. *Simplicity*: Avoid imposing burdens that would inhibit the participation of quality training providers.
11. *Respect for Local Autonomy*: The policy should remain supportive of the autonomy that the WIOA has otherwise granted to the local workforce development boards.

Additional Compliance

All other aspects of the Workforce Innovation and Opportunity Act (WIOA) Eligible Training Provider Guidelines issued by the N.C. Department of Commerce, Division of Workforce Solutions would remain in place as a compliment to the Rivers East WDB Local Eligible Training Provider policy.

