



**COUNTY OF SAN BERNARDINO
Workforce Investment Board
POLICY MANUAL**

No. 2 (R.5)

ISSUE 1

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By

EFFECTIVE 01/11/10

SUBJECT

ETPL Policies / Procedures

APPROVED

John Gibson, Chairman

POLICY STATEMENT: The federal Workforce Investment Act (WIA) requires that vocational training be provided to qualified WIA clients. The vocational training must be offered through the use of eligible training providers such as educational institutions, community-based organizations, non-profit organizations, and for-profit businesses. WIA also specifies the process that the Local Workforce Investment Board, on the behalf of the County, must use to identify potential vocational training providers.

This policy addresses the activities of the County of San Bernardino Workforce Investment Board (LWIA), Department of Workforce Development (WDD) Administrative Staff and those training providers wishing to offer services to individuals whose training is funded under the WIA

References:

- WIA Section 122: Identification of Eligible Providers of Training Services
- Title 20 CFR Section 663.500: Eligible Training Providers
- Workforce Investment Act Directive: WIAD06-15: Eligible Training Provider List
- Workforce Services Information Notice: WSIN07-13

BACKGROUND

In consultation with local partners, the California Workforce Investment Board (State Board) and the State of California Employment Development Department (EDD) developed policy and procedures governing the operation of the statewide ETPL in California. The policy and procedure for initial eligibility were established on February 7, 2007, and published as the Workforce Investment Act Eligible Training Provider List Policy and Procedures (RWIAD06-15). On July 1, 2007 the Private Postsecondary and Vocational Education Reform Act (ACT) of 1989 officially sunset on July 1, 2007. The State of California Bureau for Private Postsecondary and Vocational Education (BPPVE/Bureau) closed as a result of this action. The EDD addressed this Workforce Services Information Notice (WSIN07-13) dated September 21, 2007.

Vocational Training Provider Application Process:

1. Potential and existing vocational training providers may submit initial applications or changes to existing certified training programs for certification/re-certification to EDD on an as needed basis. Eligibility is based on a provider/programs authority or authorization to operate. The following are types of training eligible for inclusion:
 - 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; and
 - Adult education and literacy activities provided in combination with any other training service outlined above.
2. Definition of a Program of Training Services: "A program of training services" is defined in the 20 CRF Section 663.508 as: "One or more courses or classes, that upon successful completion, leads to 1) a certificate, and associate degree, or baccalaureate degree or 2) the skills or competencies needed for a specific job or jobs, and occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training."

3. By February 1, 2010; access to application information and instructions will be made available on the WIB website at www.sbcounty.gov/wib any training provider wishing to have their courses listed will be directed to this site to information and application instructions.
4. Applications submitted for inclusion must be complete within 30 days of submission [20 CFR Section 663.515]. If not complete within 30 days, all materials will be discarded and a new application must be resubmitted.
5. WDD staff will review and verify each complete application according to the policy and procedure guidelines established in WIAD06-15 and WSIN07-13 for entry into the JTA system and submission to the EDD for certification and placement on the state Eligible Training Provider List (ETPL). WDD staff will also follow any subsequent guidance received from the EDD in determining eligibility for inclusion.
6. The listing of applications that are to be submitted to EDD will be presented to the LWIB Fiscal/Contracts Committee for review and acceptance.
7. Upon recommendation of the Fiscal/Contracts Committee, the listing is presented to the full WIB for recommendation to accept and submit to EDD for certification and placement on the State ETPL.
8. Reasons for denial:
 - a) Eligibility may be denied if the application from a provider is not complete or not submitted within required timeframes [WIA Section 122(b) & (e) (2)];
 - b) If an applicant fails to meet the minimum criteria for initial listing specified in WIAD06-15; or
 - c) If a provider has substantially violated any WIA requirements [WIA Section 122(f) (2)].
9. Denial of a Provider or Program Application: If the LWIB denies a provider's application for initial eligibility on the ETPL, will within 30 days, inform the provider in writing; including the reason(s); and provide complete information on the appeal process [20 CFR 667.640(b)]
10. Appeal Process [WIA Section 122(g)] [RWIAD06-16]
 - a) A provider wishing to appeal a decision by the LWIB must submit an appeal to the local board 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, and reason(s) for the appeal, and the signature of the appropriate provider official.
 - b) An informal meeting between WDD staff and the appealing provider will be made within 15 days to forestall the appeal process if there is an easy solution to the dispute.
 - c) If the informal meeting does not resolve the issue; a hearing will be held. 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 issue(s), and to be represented.
 - d) The LWIB must notify any provider 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.
11. In the event the State requires Local Workforce Investment Areas to submit performance information regarding ETP credential and job placement rates, WDD staff will report the results to the Fiscal/Contracts Committee prior to submission to the State.