

# **Guilford Workforce Development Board**

## **Eligible Training Provider List Policy**

**Effective: November 1, 2016**

## **GENERAL INFORMATION**

### **WORKFORCE INNOVATION & OPPORTUNITY ACT**

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014 and became effective July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. WIOA is designed to help both job seekers and businesses. WIOA addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training and support services to succeed in the labor market. WIOA addresses employer needs by matching them to the skilled workers they need to compete in the global economy.

### **ELIGIBLE TRAINING PROVIDER LIST**

The workforce development system established under WIOA emphasizes informed customer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of training providers and programs of training services is vital to achieving these core principles.

Policy Statement 21-2015 from the NC Dept of Commerce, Division of Workforce Solutions (DWS) states: *Local Workforce Development Boards (WDBs) are to conduct a review of current eligible providers on a biennial (every two years) basis in their respective areas to assure that significant numbers of competent providers, offering a wide variety of training programs and occupational choices, are available to customers. Local WDBs must also take into account performance accountability measures as identified in WIOA Section 122(b)(1)(A-J). At their discretion, Local WDBs may impose more strict performance outcome measures on providers. WDBs should also ensure that service delivery staff understand the WIOA principles regarding customer choice and assist customers in making informed career decisions.*

This local policy will be revised as needed if DWS issues any further policy statements that supersede this document. This policy assumes that the local area has the delegated responsibility for approving training providers at both a state and local level, and that the local area also has the local responsibility for approving training programs.

This policy addresses the process for establishing initial eligibility of Eligible Training Providers (ETPs). Providers previously eligible under WIA remain eligible through 9/30/2016. While existing providers are not subject to the WIOA initial eligibility process through 9/30/2016, they are subject to the continued eligibility procedures under WIOA, as of that date in order to continue as an ETP.

## ELIGIBLE TRAINING PROVIDERS (ETPs)

Training providers must be on the Guilford WDB ETPL to receive WIOA Title 1-B funds.

A program of training services is defined, under WIOA, as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward such a credential or employment. These training services could be delivered in person, on-line, or in a blended approach.

Eligible training providers (ETPs) include:

- Post-secondary education institutions;
- Registered Apprenticeship programs<sup>1</sup>;
- Other public or private providers of training, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training;
- Local Boards that meet the condition set forth in WIOA Sec. 107(g)(1); and
- Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with a Local Workforce Development Board (LWDB).

All eligible training providers are subject to the equal opportunity and nondiscrimination requirements set forth in WIOA Section 188.

## TRAINING PROVIDER EXCEPTIONS

Certain training providers are not subject to the requirements of the ETP provisions, as set forth in WIOA Title I-B Section 122.

Training services exempt from eligibility requirements include:

- *On-The-Job Training (OJT)* - Training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge and skills essential to the full and adequate performance of the job and is made available through an OJT program;
- *Customized Training* –Training:
  - That is designed to meet the specific requirements of an employer (including a group of employers);
  - That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and,
  - For which the employer:
    - Pays a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the

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<sup>1</sup> Only Registered Apprenticeship programs registered under the National Apprenticeship Act (29 U.S.C. § 50, *et. seq.*) are included as eligible training providers. For additional information, please refer to page 10 of this policy.

competitiveness of a participant, and other employer-provided training and advancement opportunities; and,

- In the case of customized training involving an employer located in multiple local areas in the State, a significant portion of the training cost, as determined by the Governor, takes into account the size of the employer and other factors as the Governor determines to be appropriate.
- *Incumbent Worker Training*- The purpose of the training is to assist workers in obtaining the skills necessary to retain employment or avert layoff;
- *Transitional Employment* - Time-limited work experiences which are to be combined with comprehensive employment and supportive services and are to be designed to help individuals establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention of unsubsidized employment;
- *Internships and Work Experience* - Planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector.
- When the Guilford WDB provides training services through a pay-for-performance contract; or,
- Circumstances described at WIOA Section 134(c)(3)(G)(ii), where the Local Board determines that:
  - There are insufficient providers; or,
  - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment; or
  - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice.

## INITIAL ELIGIBILITY FOR IN-STATE PROVIDERS

Effective 9/30/2016, under WIOA, training providers seeking initial ETP designation must submit certain information to be considered for initial eligibility. When granted, initial ETP designation shall remain in effect on a provisional basis for two years. To remain on the ETPL after the second year, providers must apply for continued eligibility.

Once continued eligibility is granted, reapplication will be required every three years in order to remain on the ETPL.

The NC Department of Commerce's Division of Workforce Solutions, in partnership with the Local Boards, must identify programs for inclusion on the ETPL to ensure there are sufficient numbers and types of providers serving each Local Workforce Development Area (LWDA) in a manner that maximizes customer choice.

To apply for inclusion on the Guilford WDB ETPL, training providers must follow the process outlined below.

### STEP 1: INITIAL APPLICATION PROCESS

Training providers must first complete the Training Provider Questionnaire, provided in **Attachment A** and at [www.guilfordworks.org](http://www.guilfordworks.org), and submit it to the Guilford WDB for review and determination of status. The Guilford WDB must notify the provider of its status in writing within 30 calendar days of receipt and must provide appropriate direction. They must also complete registration in NCWorks as a training provider.

The Guilford WDB will consider the following factors when making a determination of status.

The Training provider must:

- Have existed for 2 years or more, and provided continuous training during that time period;
- Meet the minimum performance standards, described on pages 9-10;
- Describe using **Attachment B** each program of training services that it is seeking approval for. All training programs seeking approval must be on the occupational clusters list as approved by the Guilford WDB;
- Provide documentation relating to your accreditation and accrediting body, including evidence of accreditation, timeframe, whether it is a national or state accreditation, and information on any performance measures mandated by your school and accrediting body. Please give examples of these performance measures, if applicable;
- Provide information concerning whether the provider is in a partnership with business, including information about the quality and quantity of employer partnerships;
- Provide other information to demonstrate high quality training services, including a program of training services that leads to a recognized post-secondary credential.
- Provide access to a WDB representative for a site visit prior to approval for review of the training facility and instruction methods

Providers that do not meet the above conditions are ineligible for inclusion on the Guilford WDB ETPL.

### STEP 2: PROGRAM DESCRIPTION & NOMINATION FORM

Once approved as a training provider, the provider must log back in to NCWorks, and complete program descriptions for each program that they are seeking approval for. The Guilford WDB will review and approve or deny each program based on the local board criteria.

The training provider must submit all completed forms to the Guilford WDB for application. If all application steps are completed correctly, and the Guilford WDB approves, then the approved program shall be included on the Guilford WDB ETPL within thirty days of application approval.

Please send the signed completed documents to:

Guilford County Workforce Development Board  
2301 W Meadowview Rd  
Greensboro, NC, 27401  
Attn: Eligible Training Provider Review

## **CONTINUED ELIGIBILITY FOR IN-STATE PROVIDERS**

Effective 9/30/2016, under WIOA, training providers that were already approved under WIA rules must reapply in order to stay on the ETPL. They will have until 1/31/17 to complete a new application following the above process. Providers must log back into their NCWorks accounts as well, and update all cost and performance information for each program that they are seeking approval for. Performance information must be submitted by 3/31/17. When granted, continued ETP designation shall remain in effect for two years. To remain on the ETPL after the second year, providers must re-apply for continued eligibility.

## INITIAL ELIGIBILITY FOR OUT-OF-STATE PROVIDERS

Out-of-State training providers are only approved at a jobseeker's request, and must be tied to a specific documented job offer that the customer has received that is contingent on completing the out-of-state training. If this situation does not apply, approval will not be granted.

Out-of-State training providers seeking initial ETP designation must submit certain information to be considered for initial eligibility. When granted, initial ETP designation shall remain in effect for one year. To remain on the ETPL after the first year, providers must apply for continued eligibility.

In addition to the required forms **Attachments A and B**, Out-of-state training providers must complete the Out-of-State Training Provider Certification form, provided in **Attachment C** and at [www.guilfordworks.org](http://www.guilfordworks.org). Training providers must return the completed form, with a signature from the appropriate home state<sup>official</sup>, to the Guilford WDB.

If training is conducted in multiple states, then the certification form must be completed and signed by the appropriate official in each state where training is conducted. The certification form attests that the training provider:

- Is approved by the higher education authority in the home state;
- Is on the home state's WIOA training provider list;
- Provides WIOA performance data to the home state; and,
- Publishes verifiable consumer data, available to the general public, which includes performance data for all students in the program.

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<sup>2</sup>—Home State<sup>l</sup> refers to the location of the school where the WIOA training is currently conducted.

## **REGISTERED APPRENTICESHIP PROGRAMS**

Registered Apprenticeship (RA) programs are not subject to the same eligibility procedures as other ETPL training providers, because they go through a detailed application and vetting procedure with the NC Department of Commerce's Division of Workforce Solutions.

Please consult <http://nccommerce.com/workforce/businesses/apprenticeship> for more information on the RA process.

## PERFORMANCE DATA COLLECTION

All training providers on the Guilford WDB ETPL are responsible for tracking performance and must annually report all performance measures to the Guilford WDB. Results of the performance data evaluation shall be provided on the ETPL for each program in an aggregate fashion. Program eligibility begins on the start date of the first student funded by the Guilford WDB.

The Guilford WDB's review process will be in two phases:

**PHASE 1:** Prior to the end of the first year of eligibility, the WDB will conduct a monitoring review that will include interviews with trainees and a review of completion rates and credential attainment for trainees. In the case of multi-year programs that may not have graduates at the one-year mark, this analysis will focus on their progress to date and retention of students.

**PHASE 2:** Prior to the end of the second year of eligibility, the WDB will review based on the minimum performance standards, described below.

Annually, the Guilford WDB shall collect program data from each provider on the Guilford ETPL, to ensure performance standards are maintained. The Guilford WDB shall collect performance data for the period of the second and fourth quarters after exit from the training program. In a timely manner, the Guilford WDB shall notify all training providers when data is due.

The Guilford WDB requires training providers to track and report on the performance of both full-time students and part-time students enrolled in programs and courses on the Guilford ETPL. A program must meet the minimum performance standards identified below to remain on the Guilford ETPL. This performance information is based on **ALL** students – the Guilford WDB will track WIOA-subsidized students using internal measures.

The following information is required for all applications for initial and continued eligibility.

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program (Second Quarter Employment Rate)
2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program (Fourth Quarter Employment Rate)
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program (Median Earnings Rate)
4. The percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program (Credential Attainment Rate)

## MINIMUM PROGRAM PERFORMANCE STANDARDS

To be added to the ETPL, the program must meet at least 50% of all minimum achievement levels in the first year. In the second year of the eligibility period, the program must meet at 75% of all minimum achievement levels. In subsequent years of participation, performance measures may include specific outcomes for WIOA-sponsored students in addition to any changes in our minimum performance measures. Levels are based on PY 2016-17 WIOA Adult performance measures and are subject to change in future years.

Performance Measure	Minimum Achievement Level
Second Quarter Employment Rate	66 %
Fourth Quarter Employment Rate	68 %
Median Earnings Rate in 2 <sup>nd</sup> Quarter	\$4,600
Credential Attainment Rate	45 %

## **REMOVAL/SUSPENSION FROM THE ETPL**

A training provider and/or its program may be denied inclusion in or removed from the Guilford ETPL for the following reasons (documented proof that these conditions exist must be provided):

1. The training provider failed to achieve at least minimum performance measures of any of the four performance measures for the designated time period (This exclusion or removal will remain in effect for two years);
2. The initial and/or renewal application was not completed, was not completed by established due date, or was missing required information (This exclusion or removal will remain in effect for six months);
3. Performance data was not submitted or was not submitted by established due date (This exclusion or removal will remain in effect for six months);
4. Performance data does not meet Guilford WDB standards, as described in Phase 1 and 2 above (This exclusion or removal will remain in effect for two years);
5. The training provider intentionally supplied inaccurate information (This exclusion or removal will remain in effect for a minimum of two years and the provider is liable to pay back all training funds paid during the period of noncompliance; further approval will be subject to consideration by the Guilford WDB);
6. The training provider substantially violated a requirement under WIOA, state law, local law, or policy (This exclusion or removal will remain in effect for a minimum of two years and the provider is liable to pay back all training funds paid during the period of noncompliance; further approval will be subject to consideration by the Guilford WDB);
7. The training provider loses its regulatory approval from the Guilford WDB, or its accreditation from its accrediting body. (This exclusion or removal will remain in effect until such time as the training provider regains its approval or accreditation).

## **APPEAL PROCESS**

If a training provider is not approved by the Guilford WDB for ETPL application, or a training provider has been removed from the ETPL by Guilford WDB action, then the training provider may appeal to the Executive Director of the Guilford WDB within 30 calendar days after receipt of the decision. Appeals must state, in writing, the basis of the appeal, including the facts or issues that support the appeal. When appealing a performance data decision, the appeal must also include verifiable data that substantiate a higher level of program performance to maintain ETPL designation.

Training providers shall direct appeals to:

Guilford County Workforce Development Board  
2301 West Meadowview Road  
Greensboro, NC 27401  
Attn: Lillian Plummer, Director

The Guilford WDB shall notify all parties of the date, time, and location of the appeal conference.

A program failing to appeal pursuant to the Guilford WDB process, or failing to appeal within the specified 30- day period, is ineligible for WIOA funding and shall be excluded or removed from the Guilford ETPL. A program that wins an appeal, based on the submission of additional verifiable data, is eligible to remain on the Guilford ETPL. A program whose appeal is denied will be ineligible for WIOA funding and will be removed from the Guilford ETPL. The Executive Director's decision may be appealed to the Guilford WDB. If such an appeal is denied, the decision of the Guilford WDB will be final.

## REFERENCES

### LAW

- WIOA (Public Law 113-128) Title I

### REGULATION

- Notice of Proposed Rule Making. #2015-0002-02

### USDOL GUIDANCE

- Training and Employment Guidance Letter (TEGL) 1-15, *Operations Guidance Regarding the Impact of Workforce Innovation and Opportunity Act Implementation on Waivers Approved Under the Workforce Investment Act*, dated July 1, 2015;
- TEGL 41-14, *Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition*, dated June 26, 2015;
- TEGL 27-14, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*, dated April 15, 2015;
- TEGL 27-14—Change 1, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*, dated May 12, 2015;
- TEGL 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act*, dated February 19, 2015;

## **ATTACHMENTS**

Attachment A – Training Provider Questionnaire

Attachment B – Training Program Information Sheet

Attachment C– Out-of-State Training Provider Certification



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## II. HOW IS YOUR TRAINING DELIVERED?

Please check all boxes below that are applicable. If "Other", please fully describe your training. Your training is delivered:

- A. BY AN INSTRUCTOR IN A ROOM OR CLASSROOM.
  - B. ONLINE.
  - C. THROUGH A COMBINATION OF CLASSROOM AND ONLINE COURSES.
  - D. BY OTHER TRAINING DELIVERY METHOD(S). *Please describe in detail.*
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## III. TO WHOM ARE YOU OFFERING AND DELIVERING YOUR TRAINING?

Please check all boxes below that are applicable. Be sure to identify or describe all requested details. Your training is:

- A. OPEN TO AND OFFERED TO THE PUBLIC.
- B. DELIVERED TO ONE STUDENT AT A TIME ON AN INDIVIDUAL BASIS.
- C. DELIVERED TO GROUPS OF STUDENTS AT ONE TIME.
- D. OFFERED EXCLUSIVELY FOR YOUR OWN EMPLOYEES.
- E. OFFERED ONLY TO THOSE ENROLLED IN A REGISTERED APPRENTICESHIP TRAINING PROGRAM OR OTHER TRAINING OFFERED BY A UNION OR ORGANIZATION EXCLUSIVELY FOR THEIR MEMBERS. *Name and provide contact information for this entity.*
- F. OTHER. *Please describe in detail.*

## IV. ATTESTATIONS

Please attest to the following statements by checking the boxes, completing them where applicable:

- A. I HAVE COMPLETED THE TRAINING PROVIDER APPLICATION IN NCWORKS.
- B. THE PERFORMANCE INFORMATION INCLUDED IN ENCLOSURE 3 IS A TRUE AND ACCURATE STATEMENT OF MY SCHOOL'S PERFORMANCE.
- C. WIOA FUNDS ARE ANTICIPATED TO MAKE UP \_\_\_\_\_% OF MY INSTITUTION'S SCHOLARSHIP FUNDING FOR THIS YEAR. I ATTEST THAT THIS INFORMATION IS TRUE.
- D. MY SCHOOL HAS EXISTED FOR TWO YEARS OR MORE, AND HAS PROVIDED CONTINUOUS TRAINING DURING THAT TIME PERIOD.

## V. BUSINESS PARTNERSHIPS

Please provide information concerning whether the provider is in a partnership with business, including information about the quality and quantity of employer partnerships; for example, if businesses or trade groups are involved in your curriculum development, if you have outplacement relationships with particular employers, etc.

**VI. ENCLOSURES**

*Please enclose the following items along with your completed questionnaire.*

Enclosure 1: If any currently exist, copies of advertisements or promotional materials used to market your training or recruit students.

Enclosure 2: If any currently exist, copies of bulletins, school catalogs, student handbooks, enrollment agreements, or other materials provided to prospective and enrolled students.

Enclosure 3: Documentation relating to your accreditation and accrediting body, including evidence of accreditation, timeframe, whether it is a national or state accreditation, and information on any performance measures mandated by your school and accrediting body. Please give examples of these performance measures, if applicable.

**AFFIDAVIT:** This is to affirm that the information provided above and in the enclosed documents are true and correct.

\_\_\_\_\_  
*Typed Name of Chief Executive Officer*

\_\_\_\_\_  
*Signature of Chief Executive Office*

\_\_\_\_\_  
*Date*

RETAIN A COPY FOR YOUR RECORDS, AND THEN MAIL ALL MATERIALS TO:

Guilford County Workforce Development Board  
2301 W Meadowview Rd  
Greensboro, NC, 27401  
Attn: Eligible Training Provider Review

TRAINING PROGRAM INFORMATION SHEET

- Please complete the following information for each program you are seeking approval for. This is just for the WDB's information; a completed program description in NCWorks will be necessary for full program review.
1. **Training Provider:**
  2. **Program Name:**
  4. **Program Description:** Briefly summarize the objectives of the program (e.g., Provides skills and knowledge necessary to repair computers and pass a specific industry certification exam OR provides requisite training to become a registered geriatric nurse aide).
  5. **Degree/Award Level:**
  6. **Licensure obtained by completion (if applicable):**
  7. **Costs – Please specify time period (year/semester/etc) that cost refers to:**

**WIOA CERTIFICATION FORM FOR  
OUT-OF-STATE TRAINING PROVIDERS**

One of the requirements for inclusion on the Guilford WDB Eligible Training Provider List of Occupational Training for out-of-state providers is verification of qualifications from authorized officials of the provider’s home state. This form must be signed by one of the authorized representatives in the provider’s home state who is responsible for coordinating and managing that state’s eligible WIOA training provider list. The signed form must be submitted to the Guilford WDB) from which the provider is seeking nomination to the Guilford WDB ETPL.

Out-of-State training providers are only approved at a jobseeker’s request, and must be tied to a specific documented job offer that the customer has received that is contingent on completing the out-of-state training. If this situation does not apply, approval will not be granted.

\_\_\_\_\_ (name of training provider) located in  
the State of \_\_\_\_\_ does meet **all** of the following qualifications.

Please initial or write “yes” in the blank space next to each statement.

- \_\_\_\_\_ Is approved by the higher education authority in the home state
- \_\_\_\_\_ Is on the home state’s WIOA training provider list
- \_\_\_\_\_ Provides verifiable WIOA performance data to the home state
- \_\_\_\_\_ Publishes verifiable consumer data available to the general public, which includes performance data for all students in the program

Please submit verification of home state approval and standing on the home state’s WIOA ETPL.

\_\_\_\_\_  
(Authorized official printed name and title of home state official)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Authorizing home state agency and address)

\_\_\_\_\_  
(Telephone number home state agency)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_