pennsylvania
DEPARTMENT OF LABOR & INDUSTRY

WORKFORCE SYSTEM POLICY (WSP) No. 04 –2015, *December 23, 2015*

TO: PENNSYLVANIA WORKFORCE DEVELOPMENT BOARD
BUREAU OF WORKFORCE DEVELOPMENT ADMINISTRATION
BUREAU OF WORKFORCE PARTNERSHIP AND OPERATIONS
CENTER FOR WORKFORCE INFORMATION AND ANALYSIS
BUREAU OF LABOR LAW COMPLIANCE
LOCAL ELECTED OFFICIALS
LOCAL WORKFORCE DEVELOPMENT BOARD CHAIRS AND EXECUTIVE DIRECTORS
REGISTERED APPRENTICESHIP PROGRAM SPONSORS

FROM: Diane Bosak
Deputy Secretary for Workforce Development

SUBJECT: Eligible Training Providers – Initial Implementation of the Workforce Innovation and Opportunity Act

I. Purpose. The purpose of this workforce system policy is to provide technical assistance to ensure consumer access to a variety of quality training programs and compliance with federal and state mandates. This policy clarifies changes and highlights applicable benchmarks for the eligible training provider system and is provided to assist local boards and relevant partners with transitional Workforce Innovation and Opportunity Act (WIOA) and commonwealth training provider requisites.

II. References.

- Workforce Innovation and Opportunity Act of 2014 (WIOA or Opportunity Act), Public Law (Pub. L.) 113-128, enacted July 22, 2014
- Workforce Innovation and Opportunity Act-Notice of Proposed Rulemaking, 80 FR 20689
- Workforce Investment Act of 1998 (WIA), Pub. L. 105-220, *et seq.*
- Training and Employment Notice (TEN) No. 1-15, *Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide*, July 7, 2015
- Training and Employment Guidance Letter (TEGL) No. 3-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*, July 1, 2015
- Training and Employment Guidance Letter (TEGL) No. 41-14, *Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition,* June 26, 2015
- Training and Employment Guidance Letter (TEGL) No. 41-14, Change 1, November 24, 2015
- Training and Employment Guidance Letter (TEGL) No. 15-10, *Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System*, December 15, 2010
- Workforce Investment Information Notice (WIIN) No. 1-07, Change 1, *WIA Certification Process for Eligible Training Programs/Providers (ETPP),* June 24, 2011

III. Background. The Workforce Investment Act of 1998 (WIA) required the establishment of the eligible training provider list to ensure informed customer choice, performance accountability, and continuous improvement. WIOA builds upon and modifies the system in place under WIA title I by retaining much of the structure of WIA with critical changes to promote greater systems alignment and accessibility, a more robust selection of available providers and programs, and more relevant provider/program information – performance outcomes, training costs, service, etc. to enhance consumer-choice. WIOA title I-B assigns responsibilities to the state and its local workforce development boards to support participants in need of training services. For the purpose of enhancing job readiness and access to career pathways, the commonwealth and the local boards ensure access to career training through a statewide and local list of approved training providers and their respective approved programs. This guidance provides instruction to support and govern training provider eligibility, criteria and procedural requirements; lists; exemptions and transitional guidance, as well as roles and responsibilities of the Department and local boards and enforcement guidelines established herein.

IV. Definitions.

- ***Commonwealth Workforce Development System (CWDS)*** is the management information system of record used for all workforce data collection and reporting in Pennsylvania.
- ***Department*** is the Pennsylvania Department of Labor & Industry, which has been designated by the governor to serve as the state administrative entity/state workforce agency.
- ***Eligible Training Provider List (ETPL)*** is the commonwealth's statewide list of approved providers of training services who are eligible to receive WIOA title I-B funds. This list was previously known as Pennsylvania's statewide eligible training program/providers (ETPP) list.
- ***ETP Score Card*** is the commonwealth's new public-facing snapshot of provider and program performance displayed on JobGateway® to enhance informed consumer-choice in the selection of available training opportunities.
- ***JobGateway®*** is the registered trademark for Pennsylvania's online job matching system for jobseekers and employers.
- ***Local Training Provider List (LTPL)*** is a list of approved providers of training services (similar to the statewide ETPL) that catalogs training providers and their respective training services/programs exempted from the statewide ETPL eligibility requirements. This list is developed and maintained on CWDS/JobGateway® and is comprised primarily of training services contracted at the local workforce level. (See Appendix B: Local Training Provider List). The LTPL is a newly required list, with associated performance reporting and eligibility requirements.
- ***PA CareerLink®*** is the registered trademark for Pennsylvania's one-stop centers.

V. Eligibility.

A. Eligible Training Provider. An 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. Individual training accounts (ITA) are permitted for older out-of-school (OSY) youth, ages 18-24, when appropriate.

To be an eligible training provider, an entity must qualify as one (1) of the following:

1. An accredited institution of higher education that provides a program leading to a recognized post-secondary credential;

2. An entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 60 Stat. 664, Chapter 663, 29 U.S.C. 50 et seq.);
3. Another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under WIOA title II, if such activities are provided in combination with occupational skills training;
4. Provider of on-the-job training (OJT), customized training (CT), incumbent worker training (IWT), internships, and paid or unpaid work experience opportunities, or transitional employment; or
5. An entity that, in limited circumstances, is contracted by the local board to provide training services.

All training providers above shall comply with the respective criteria, information requirements and procedures established within this policy (detailed at Appendix A through C).

Once a training provider has been deemed initially eligible, the entity remains eligible until such time as it is removed from the applicable eligible training provider list. However, such training providers will be required to maintain such eligibility by providing assurances during the initial or continued eligibility application process for each of their associated programs.

B. Program of Training Services. Program of training services is defined as one (1) 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 programs may be delivered as stackable services and could be provided in-person, online, or in a blended approach. The categories that follow describe the types of training services:

1. ***Customer-centric.*** Training programs and services that are driven by consumer choice require the use of individual training accounts (ITAs) and are subject to the requirements of the statewide ETPL. *(See Appendix A)*

   Registered apprenticeship programs shall be included on the statewide ETPL; however, they are not subject to the requirements of the ETPL. *(See Appendix C)*

2. ***Employer-centric.*** A local board may contract for work-based training programs and services (i.e., on-the-job training, customized training, incumbent worker training, internships, paid and unpaid work experience, incumbent worker training, and transitional employment). These programs and services are employer-driven and are not subject to the requirements of the statewide ETPL. Employer-centric opportunities are subject to the requirements of an LTPL. *(See Appendix B)*

3. ***System-centric.*** System-centric programs and services are tools that allow local boards to strategically move the local workforce system forward in meeting its goals and vision. Additionally, such resources create flexibility and innovation in responding to the needs of both consumers and employers. Under limited conditions, a local board may contract for these services rather than using a system of ITAs when:

   - 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 accredited 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; or
- When the local board provides training services through a pay-for-performance contract.

Although not subject to the requirements of the statewide EPTL, these programs and services must meet the criteria and performance requirements of the LTPL. *(See Appendix B)*

For programs exempted from the requirements of the statewide ETPL, the Department requires local boards through its one-stop system to ensure the quality and value of eligible training programs on the LTPL by meeting the required criteria. Additionally, local boards are required to collect performance information and determine whether the providers meet the performance criteria. Such providers that meet the criteria are considered eligible providers of training services.

VI. Roles.

A. Department. The Department is responsible to:

- Establish the criteria and procedures for initial determination and continued eligibility for training providers and training programs to receive funds under WIOA title I-B;
- Vet and provide final approval of providers and programs seeking inclusion on the statewide ETPL;
- Receive requests from program sponsors requesting inclusion of their registered apprenticeship programs on the statewide ETPL, verify the registration status of such programs, and add the registered apprenticeship to the statewide ETPL;
- Develop, maintain and disseminate the statewide ETPL. *Note*: Only providers that the Department determines to be eligible will be included on the statewide list. The statewide ETPL will be disseminated through CWDS and JobGateway®. The criteria and information requirements as well as the application procedures can be found in **Appendix A**; and
- Ensure compliance with **Section VIII**, ***Enforcement*,** of this policy.

B. Local Workforce Development Boards. Local boards have statutorily required responsibilities; roles the Department may assign the local boards; and local flexibility opportunities available for their local area. Local workforce development boards are responsible to:

- Solicit training providers, including but not limited to, work-based and cohort training providers and registered apprenticeship program sponsors, within and outside of their respective local areas as deemed appropriate to ensure a competitive market designed to promote consumer choice and achieve successful implementation of data-driven career pathways and sector strategies;
- Ensure adequate access to services for individuals with disabilities;
- Verify eligibility of entities providing a program of training services, including but not limited to, the provisions, assurances, and procedures listed in **Appendix A and B**;
- Determine the process and criteria the local board will use to include a wide range of providers and opportunities through the LTPL. Eligibility of a provider and/or program must be based solely on measurable factors as determined by the local board and identified in the local plan.

- Conduct a debarment check on all subgrantees and/or contractors prior to the execution of a contract to ensure such entities are not under suspension or debarment by the commonwealth or any governmental entity, instrumentality, or authority;
- Collaborate with the Department to ensure sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E);
- Develop and maintain the LTPL. Only providers that the local board determines to be eligible will be included on the local list. LTPL criteria and performance requirements can be found in **Appendix B**;
- Disseminate and utilize the ETPL and LTPL throughout the local one-stop system;
- Recommend the termination of a provider due to the submission of inaccurate, incomplete or untimely eligibility and performance information; or the provider's substantial violation of any provisions of federal, state, or local statutes, regulations, policies or procedures; and
- Ensure compliance with **Section VIII**, ***Enforcement*****,** of this policy.

In addition to the aforementioned responsibilities, local workforce development boards may:

- Establish additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the Department. *Note*: Any additional requirements imposed by a local board will only affect a program's eligibility and performance requirements within the local area;
- Request that the provider of training services explain how the training program specifically links to occupations that are in demand within the local area;
- Request specific program performance and cost information particular to a local area where programs are offered at multiple sites; and/or
- Request information from training providers that indicates how programs are responsive to these local requirements.

Note: Any additional criteria, information requirements or minimum performance levels a local workforce board establishes for eligible training provider determination must be addressed in their regional/local plan.

VII. Lists and Information to Assist the Implementation of the Eligible Training Provider System.

A. Statewide Eligible Training Provider List (ETPL). The Department is responsible for developing, maintaining and disseminating the statewide ETPL. Only providers that the Department determines to be eligible will be included on the list. The list is disseminated through CWDS and JobGateway®. In addition to the Department's role in the statewide ETPL, each of Pennsylvania's 22 local workforce development boards plays an integral role in the development, dissemination and appropriate use of the list. *(See Appendix A: Statewide Eligible Training Provider List)*

B. Local Training Provider List (LTPL). The LTPL is a list of approved providers of training services (similar to the statewide ETPL) that catalogs training providers and their respective training services/programs exempted from the statewide ETPL eligibility requirements. Each local board is responsible for developing, maintaining and disseminating this list consistent with the requirements of this policy and through the PA CareerLink® system. Only providers that the local board determines to be eligible will be included on this list. This list is developed and maintained on CWDS/Job Gateway® and is

comprised primarily of training services contracted at the local workforce level. *(See Appendix B: Local Training Provider List).* The public-facing LTPL will include available training opportunities with their respective performance outcomes and cost details.

VIII. Enforcement.

A. Compliance. Eligible training providers must comply with all federal, state, or local statutes, regulations, policies and procedures. Any providers that fail to comply may be denied eligibility or removed from a list.

B. Denial. Denials for eligibility may be based on:

- Incomplete or untimely application submission;
- Failure to meet established criteria;
- Intentionally supplying inaccurate information; and
- Substantial violations of any provisions of federal, state, or local statutes, regulations, policies or procedures.

C. Removal. Removals from a list may be based on:

- Failure to provide required data;
- Failure to notify of program changes including, but not limited to, costs, location of training, or a change in the program any time after its original approval;
- Failure to meet established criteria;
- Failure to meet minimum levels of performance;
- Intentionally supplying inaccurate information;
- Substantial violations of any provisions of federal, state, or local statutes, regulations, policies or procedures;
- Conduct that is either unreasonable or unprofessional; and
- Deregistration (in the case of a Registered Apprenticeship).

Note: If a provider or program is removed from a list for cause, the provider must continue to provide the course of study to any participants already enrolled through the end of the course.

D. Repayment. A provider of training services whose eligibility is terminated shall be liable for the repayment of funds received under title I-B of WIOA during the period of noncompliance.

E. Reapplication. With the exception of registered apprenticeships, a training provider or program that has been denied initial or continued eligibility or terminated, may apply for eligibility as follows:

1. *Performance.* A training provider or program removed or denied eligibility because of failure to meet minimum performance requirements, may reapply no sooner than the following quarter from the date of the denial or removal action.

2. *Violations of WIOA*. Providers that were removed from an eligible training provider list may reapply two (2) years from the date of the final termination action taken either at the state or local level.

3. Unreasonable or unprofessional conduct by a person(s) acting on behalf of the provider. Providers that were removed from the eligible training provider list may reapply one (1) year from the date of the final removal action.

A registered apprenticeship that has been removed or denied may be added to the statewide ETPL once the program meets the requirements for registration with the U.S. Department of Labor, Office of Apprenticeship, or Pennsylvania's apprenticeship agency.

F. Construction. The contents of this section shall be construed to provide remedies and penalties that supplement, but do not supplant, applicable civil and criminal actions specified in other provisions of law.

G. Requests for Appeal. Training providers may file appeals with regard to the denial of a provider's application for initial or continued eligibility listing on the ETPL or the removal of a program(s) already listed on the ETPL.

Such requests must include the following:

- A statement of the desire to appeal;
- Specification of the program in question; and
- Detailed explanation of the reasons claimed that the denial or removal was erroneous.

All appeals must be submitted in writing within 30 calendar days from the date of the rejection notice or notice of suspension of eligibility. Such appeals may be addressed to the Pennsylvania Department of Labor & Industry via the following:

PA Department of Labor & Industry
Bureau of Workforce Partnership and Operations
651 Boas Street, 12th Floor
Harrisburg, PA 17121

IX. Training Providers Located outside of Pennsylvania. Training providers not physically located in Pennsylvania may be approved as an eligible provider of training services for an eligible participant(s) living in the commonwealth. Such training providers must complete the appropriate application in Pennsylvania's Commonwealth Workforce Development System (CWDS) for inclusion on:

- Pennsylvania's statewide ETPL (*See Appendix A*) and agree to provide all information as required for inclusion on Pennsylvania's list, as well as the necessary performance data; and/or

- A local workforce development area's LTPL *(See Appendix B)* and agree to provide all information as required for inclusion on such list, as well as the necessary performance data.

X. Transition Procedures. On July 22, 2015, the Department issued Workforce System Guidance (WSG) No. 02-2015, *Eligible Training Providers – Initial Implementation of the Workforce Innovation and Opportunity Act.* A primary purpose of that guidance was to facilitate the transition of eligible training providers and

program services from WIA to WIOA. Providers and programs made eligible under WIA during Program Year (PY) 2014 were authorized to continue to be eligible to provide training services through December 31, 2015.

The Department has extended the eligible training provider transition period beyond December 31, 2015 in response to the federal guidance allowing said extension (TEGL 41-14, Change 1). Under this extension, training providers and programs that were eligible under WIA title I, remain eligible under WIOA title I-B until the end of the transition period. This extension will reduce potential disruption to participants and providers resulting from changes in the statewide ETPL in the midst of an academic year.

Transitionally eligible providers and programs are subject to the criteria, information and procedures for *continued eligibility* for the following ETPL eligibility year*. (See Appendix A)*

XI. **Contact Entity**. Technical assistance and/or inquiries regarding this guidance should be directed to the Pennsylvania Department of Labor & Industry, Director of the Bureau of Workforce Development Administration, 651 Boas Street, 12th Floor, Harrisburg, PA 17121.

XII. **Rescissions**.

- Workforce System Guidance 02-2015, *Eligible Training Providers—Initial Implementation of the Workforce Innovation and Opportunity Act*, July 22, 2015
- Workforce Investment Information Notice (WIIN) No. 1-07 Change 1, *WIA Certification Process for Eligible Training Programs/Providers (ETPP),* June 24, 2011

APPENDICES.

Appendix A: Statewide Eligible Training Provider List

Appendix B: Local Training Provider List

Appendix C: Registered Apprenticeship Programs

Appendix A: Statewide Eligible Training Provider List

Under WIOA, states are responsible for ensuring the quality and value of eligible training programs on the statewide Eligible Training Provider List (ETPL), as well as measuring the performance of each program. Pennsylvania's ETPL was established to provide consumer-driven employment and training resources for adults and dislocated workers and offer a wide range of education and training programs. These customer-centric opportunities require the use of individual training accounts (ITA).

I. Application Timeline.

A. Standard ETPL Program Year for Initial and Continued Eligibility. The Department has determined that the standard program year for inclusion on the statewide ETPL will be from September 1st through August 31st for both *initial eligibility* and *continued eligibility.* This policy outlines the different requirements for both *initial* and *continued* eligibility.

To ensure that programs receive a full year of eligibility, training providers are encouraged to apply during the application period of July 1st – August 31st to have their programs included for the next ETPL program year (beginning September 1st and expiring on August 31st of the following year). *Note:* Regardless of the application period (above), applications for inclusion on the ETPL will be accepted throughout the program year; however, such programs' eligibility will still expire at the end of the program year (August 31st).

B. Transitional ETPL Year for Initial and Continued Eligibility.

1. ***Previously approved providers and programs.*** In consideration of the transition from WIA to WIOA, the Department has extended the standard program year that would have ended on August 31, 2015 for those providers and programs that were made eligible for inclusion on the ETPL under the Workforce Investment Act of 1998 (WIA). These training providers and programs are considered transitionally eligible, or "grandfathered" into WIOA, until the end of this transition period. If a training provider has not been approved for continued eligibility by the end of the transitional ETPL year for the next eligibility year, the provider and their associated programs will be removed from the statewide ETPL until such time as the provider and program is determined eligible.

   Transitionally eligible providers and programs are subject to the criteria, information and procedures for *continued eligibility* as outlined in this appendix. Providers will be notified when the application period is open for training providers and their programs to be approved for the next eligibility period (beginning September 1, 2016 and ending on August 31, 2017).

2. ***New providers and programs.*** Providers of training programs and services that have not previously been approved for inclusion on the statewide ETPL are subject to the criteria, information and procedures for *initial eligibility* as outlined in this appendix. Once approved, programs will remain initially eligible for inclusion on the statewide ETPL through August 31, 2016. Providers who wish to have their programs included on the list after August 31, 2016, must apply for *continued eligibility* in accordance with the requirements shown above. *(See A. Standard ETPL Program Year for Initial and Continued Eligibility)*.

   If a program is removed from the statewide ETPL for any reason, such program is subject to the criteria, information and procedures for *initial eligibility.*

II. **Initial Eligibility Application.** Training providers seeking inclusion on the statewide ETPL must complete an application through CWDS. *Note*: Refer to the Department's annually updated desk-aid for step-by-step ETPL application details not specified herein.

A. Step One. Training providers must verify that the provider is licensed, certified or authorized by the Pennsylvania Department of Education, or the relevant state agency with oversight, to operate training programs in Pennsylvania. If a provider is in compliance with the oversight agency, the provider can proceed to the next step in the application process. If a program is not in compliance with the oversight agency as required by state law, the provider will not be able to apply for inclusion on the statewide ETPL until the provider meets the necessary requirements. This applies to both in-state and out-of-state providers with training programs.

B. Step Two. Training providers seeking inclusion of a program on the statewide ETPL must complete an initial eligibility application. The requirements for initial provider and initial program eligibility are as follows:

Provider. Using the online application, training providers applying to be considered *initial eligible* must:

- Provide a policy that requires compliance with the Americans with Disabilities Act of 1990;
- Provide a policy that requires compliance with nondiscrimination and equal opportunity laws; WIOA Sec. 188, and the regulations implementing this statutory provision;
- Provide one (1) of the following in order to demonstrate financial capacity:
    - Most recently submitted IRS form 9-90, *Return of Organization Exempt From Income Tax;* or
    - Most recent independent audit; or
    - A letter from a Certified Public Accountant attesting to the fact that the entity has a financial system in place for tracking participants in training and is using accepted accounting practices;
- Assure physical and programmatic accommodations as required by Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended and the regulations implementing these statutory provisions;
- Assure financial capacity — an approved entity must adhere to all federal, state and local statutes, regulations, policies and procedures regarding the administration of funds; such entity will follow accepted accounting practices, has no tax liabilities or other commonwealth obligations, and is not suspended or debarred by the commonwealth;
- Assure the disclosure of any and all conflicts of interest with state or local workforce development board members and/or staff including, but not limited to, family ties, fiduciary roles, employment or ownership interests in common;
- Assure the program submitted for consideration is available to the general public;
- Agree to provide performance data for each program as required for reporting purposes;
- Agree to submit student data for each program of study as required for reporting purposes;
- Accept Individual Training Accounts (ITA) or contracts for services so long as admission and program performance requirements have been met;
- Assure the timely and accurate reporting of required information; and

- Agree to permit on-site visits by any federal, state or local agency as legally authorized to monitor activities for which funds have been provided.

Provider Program. Using the online application, training providers applying to have their training programs be considered *initial eligible* must:

- Provide the following information for each training program:
  - A description of the training program, including all costs associated (tuition, books, fees, etc.);
  - Evidence of state licensure requirements of training providers, and licensing status of providers of training services, as applicable;
  - Evidence supporting the provider's and/or program's relationship to business or industry;
  - A description of credential earned to include, at minimum, information supporting applicable training program leads to a post-secondary credential, an industry-recognized credential; and a detailed description of the credential;
  - A description of the accessibility of training services (i.e., is this program of study facility-based training, or is it accessible throughout the commonwealth, to individuals in rural areas, through the use of technology);
  - A description of the program's demonstrated effectiveness in serving employed individuals and individuals with barriers to employment (which may be verified through the review of performance data for these populations);
  - Data regarding program alignment with in-demand sectors and/or high-priority occupations;
  - Performance data for each program as required.

For eligibility determination and reporting purposes, eligible providers must elect to either provide social security numbers (SSN) on all students within each training program for each program year, or provide aggregate data on these students as required by federal statute. Such information is necessary to complete the provider performance report described in more detail herein as well as in the Department's applicable desk-aid.

C. Step Three. Once the application has been submitted in CWDS by the training provider, the appropriate local workforce development area(s) will review the application and determine if the required information has been provided. Within 30 days of receipt of an application, local board staff will either recommend approval or denial to the Department through CWDS, or request further information from the provider. If additional information is required, the local board will have an additional 15 days to either recommend approval or denial to the Department (for a total of 45 days). The Department will make a final determination and add the program to the statewide ETPL within 30 days of receipt from a local workforce development area if the determination is favorable.

If a local workforce development board does not render a determination within the timeframe allotted, the Department will make its final determination without the local board's recommendation.

Local workforce development boards that wish to establish additional criteria for program eligibility within a local area must do so through a local policy. This may include setting minimum required levels of performance as criteria for training providers to become or remain eligible to provide services in that particular local area.

D. Step Four. Once approved for inclusion on the statewide ETPL, local board staff must ensure the provider completes a memorandum of understanding known as the "computer match agreement" allowing the use of Personally Identifiable Information (PII) in student data to match against Pennsylvania wage records and WRIS[1], unless the provider elects to submit aggregate data as described in ***VII. Undue Burden or Extraordinary Cost***.

III. <u>Continued Eligibility Application.</u> Two (2) groups of providers are subject to the requirements for continued eligibility — "transitional" training providers that were previously eligible under WIA (following the Department's transition period) and new training providers whose initial eligibility expired. After the initial (or transitional) eligibility period as described above, training providers that seek to have their program(s) remain on the statewide ETPL must submit an online application through CWDS. Applications for continued eligibility may be accepted after June 30th of the year in which eligibility expires. Such application is required for any program that has been previously on the statewide ETPL. Dropping off the list returns a program to an initial eligibility status.

A. Step One. Training providers must verify that the information provided in the previous year's eligibility application is still accurate and complete, or update such information as the application requires. This includes verifying that the provider is still licensed, certified or authorized by the Pennsylvania Department of Education, or the relevant state agency with oversight, to operate training programs in Pennsylvania. If a provider is still in compliance with the oversight agency, the provider can proceed to the next step in the application process. If a program is not in compliance with the oversight agency as required by state law, the provider will not be able to apply for continued eligibility until the provider meets the necessary requirements. This applies to both in-state and out-of-state providers.

B. Step Two. In addition to step one of this application, training providers applying for *continued eligibility* must:

- Provide any information that is reported to state agencies on federal and state training programs other than WIOA title I-B programs, including PA CareerLink® partner programs; and
- Provide information for the determination of performance levels for the commonwealth's performance measure indicators (to follow) for both the "All Students" and the "WIOA Participants" populations (equaling 10 Pennsylvania indicators in total):
  - Program completion rate;
  - Entry into unsubsidized employment at second quarter after exit;
  - Entry into unsubsidized employment at fourth quarter after exit;
  - Median earnings during second quarter after exit; and
  - Attainment of post-secondary credentials.

[1] WRIS stands for "the Wage Record Interchange System (WRIS)". WRIS facilitates the exchange of wage data among participating states for the purpose of assessing and reporting on state and local employment and training program performance, evaluating training provider performance, and for other purposes allowed under the WRIS Data Sharing Agreement. The exchange permits state workforce program performance agencies to secure wage data of individuals who have participated in workforce investment programs in one state, then subsequently secured employment in another. By participating in WRIS, states have a more robust picture of the effectiveness of their workforce investment programs, and are able to report more comprehensive outcomes against their performance measures. More information about WRIS can be found at: http://www.doleta.gov/performance/WRIS.cfm

Training providers seeking to remain on the statewide ETPL must meet at least seven (7) of the ten (10) minimum performance criteria as established by the Department. Such criteria can be found in the Department's desk-aid associated with this policy. *Note*: Aggregate collection and methodologies are being developed to assess the extent to which providers are serving individuals with barriers. As such data becomes available it may be incorporated into the governor's eligibility criteria and performance thresholds.

Training providers are required to submit information regarding each of the required indicators listed above for the most recent year of application as a component of the 'continued eligibility' determination, as well as for the federal 'provider performance report.' *Note*: Previous years of WIOA-specific performance data submitted in CWDS will not require re-submission, as such information is retained.

C. Step Three. Once the application has been submitted in CWDS by the training provider, the appropriate local workforce development area(s) will review the application and determine if the required information has been provided. Within 30 days of receipt of an application, local board staff will either recommend approval or denial to the Department through CWDS, or request further information from the provider. If additional information is required, the local board will have an additional 15 days to either recommend approval or denial to the Department (for a total of 45 days). The Department will make a final determination and add the program to the statewide ETPL within 30 days of receipt from a local workforce development area if the determination is favorable.

If a local workforce development board does not render a determination within the timeframe allotted, the Department will make its final determination without the local board's recommendation.

D. Step Four. Once approved for inclusion on the statewide ETPL, local board staff must ensure the provider completes a memorandum of understanding known as the "computer match agreement" covering the use of Personally Identifiable Information (PII) in student data, Pennsylvania wage records and WRIS. *Note*: Refer to the Department's annually updated desk-aid for the applicable *Computer Match Agreement*.

IV. **Registered Apprenticeships**. Providers of National Apprenticeship Act programs (registered apprenticeships) are exempted from meeting any additional information; submitting performance data; or undergoing a state review during the initial or continuing eligibility determination process. Although registered apprenticeship programs are not subject to the same review procedures as other providers, the Department must verify the status of the registered apprenticeship programs in order to add or remove from the list any apprenticeship programs that are no longer registered. *See* ***Appendix C, Registered Apprenticeships.***

V. **Youth Workforce Investment Activities**. Providers of youth activities are not subject to the requirements of the statewide ETPL. However, when an ITA is used for out-of-school youth, the program of training services must be included on the statewide ETPL.

VI. **Provider Performance Report**. WIOA requires that training providers who seek to become or remain eligible providers of training services must submit information with regard to their student populations and each program's performance. This information must be provided to USDOL as a 'provider performance report.' Data collected through CWDS is used to compile these reports on behalf of all eligible training providers included on the statewide ETPL.

VII. **Undue Burden or Extraordinary Cost**. The provider performance report requires that providers submit student and program data for the current year of eligibility on the statewide ETPL and three (3) preceding years.

The Department recognizes that providing the information required for such a report may create an undue burden or extraordinary costs on the provider. To reduce such burdens or extraordinary costs, the Department has made available the option for a provider to upload a 'comma separated value (CSV) file' or manually enter only a portion of the information required for the provider performance report in CWDS. Once the student data has been uploaded or entered, the Department will conduct the more labor and cost-intensive processes of the report by matching student information against the wage records, which results in aggregate student outcome data for employment and wages, and will produce the remaining data necessary to complete the report.

Note: To protect the integrity and confidentiality of the information being submitted, CWDS suppresses the entered student information and only displays the aggregate course/program performance information.

A provider may also choose against the Department's assistance in the development of the provider performance report and elect to provide 'aggregate student data' to the Department instead. However, if this method is elected acceptable aggregate student data must be independently validated by a third party such as a public accounting firm; or the necessary data verified against a copy of the provider's accrediting agency's annual report for the course/program.

Note: As reporting requirements have changed from WIA to WIOA, training providers will not have available the federally required three (3) years of WIOA-specific performance data necessary to meet this requirement for PY 2016 through PY 2018 provider performance reports. As such, training providers are required to submit the applicable performance data each year of application until such time as the program has accrued the three (3) years of data required by USDOL.

More information regarding data submission may be found in the Department's desk aid associated with this policy.

VIII. **Score Card**. The new workforce act and USDOL require information captured in the provider performance report be made available to the public for informing consumer-choice in selecting training providers and programs. Pennsylvania satisfies the mandate of a public-facing provider performance report through an "ETP Score Card."

The new ETP Score Card will:

- Be accessible through the commonwealth's JobGateway® website;
- Display WIOA-specific data; and
- Continue to be enhanced and modernized to better assist workforce staff and consumers in understanding the available training opportunities available throughout the commonwealth.

IX. **Advertising Restriction**. Eligible training providers are strictly prohibited from advertising their respective entity as an approved statewide workforce development training provider.

Appendix B: Local Training Provider List

The local training provider list (LTPL) is a new requirement in Pennsylvania. Its development in CWDS as well as its implementation is ongoing. The following is the Department's policy on the LTPL and will be effective July 1, 2016. The information reflected in this appendix is subject to change based on the issuance of US Department of Labor (USDOL) regulations, guidance and at the discretion of the Department.

The goals of the LTPL are to support work-based learning opportunities with employers as training paths to employment and other available training programs that may serve to assist local boards in the development of a robust and relevant system of eligible training programs and services. Programs included on the local training provider list (LTPL) are funded primarily through contracts for training services and are resources available for local boards to use in meeting the needs of customers, employers and the local workforce system.

The LTPL has been developed as a resource to help the local board in ensuring the following work-based training activities are implemented.

- Work up-front with employers to determine local or regional hiring needs and design training programs that are responsive to those needs;
- Offer work-based learning opportunities with employers—including on-the-job training, internships, and pre-apprenticeships and registered apprenticeships—as training paths to employment;
- Make better use of data to drive accountability, inform the public about what programs are offered and what is taught, and offer user-friendly information for jobseekers to choose what programs and pathways work for them and are likely to result in a job;
- Measure and evaluate employment and earnings outcomes;
- Promote a seamless progression from one educational stepping stone to another, and across work-based training and education, so individuals' efforts result in progress; and
- Break down barriers to accessing job-driven training and hiring for any Pennsylvanian who is willing to work, including access to supportive services and relevant guidance.

I. **<u>Local Training Provider List</u>.** The local training provider list (LTPL) is a list of locally approved training providers that catalogs their respective training services/programs exempted from the statewide ETPL eligibility requirements. Like the statewide list, these providers and their programs must meet eligibility criteria, follow procedures and provide performance outcomes in order to receive WIOA title I-B funds. Additionally this local list must be disseminated through the workforce system and captured in CWDS/Job Gateway®. This ensures accountability of training providers at the local level; the quality in the training programs offered throughout Pennsylvania; assessment of the return on investment of WIOA title I-B training funds; and the facilitation of customer choice.

The LTPL will generate a score card, including provider information, for all training programs with which the local board may contract (e.g., cohort training, pay-for-performance contracts, etc.). However, the LTPL will only display eligible training opportunities and relevant information (such as descriptions, costs and performance information) for work-based training programs. Specific provider information will be excluded when displayed to the general public.

Local workforce development boards are responsible to develop, maintain and disseminate the LTPL. Only providers and programs that the local boards determine to be eligible will be included on the local list.

Note: The Department may review local processes and determinations as deemed appropriate.

The Department has developed the minimum criteria a local board must consider and implement in the determination of eligibility for employer-centric (also known as 'work-based') and system-centric training programs. *(See **V.B Program of Training Services** for descriptions)*.

II. **Eligibility**. Employer-centric and system-centric trainings are secured through a contract for training services. This contract is between the local workforce development board and the provider (in some cases the "provider" may also be an employer). Each provider must complete the following in CWDS for inclusion on the LTPL and eligibility to receive title I-B funds.

A. ***Criteria*.**

1. Employer-Centric (Work-Based) Training.

a. Providers. Work-based training providers must:

- Describe the plan for the participant's training;
- Demonstrate the ability to provide the selected participant with continued long-term employment as a regular employee, with wages and employment benefits and similar working conditions;
- Provide the required performance information to be entered into CWDS;
- Complete, with the assistance of the local board as applicable, the procedures provided below *(See **II.B.1.**)*.

b. Programs. Work-based training programs must be:

- Secured through a contract, also known as a master agreement, with an employer in the public, private non-profit or private sector;
- Provided to the participant in exchange for reimbursement of the employer's portion of a participant's wages;
- Added and removed from the LTPL according to availability.

2. System-Centric Training.

a. Providers. System-centric training providers must:

- Agree to payment through a contract for training services and/or individual training account when applicable.
- Consent to the inclusion of relevant information on the publicized LTPL;
- Provide performance information to be entered into CWDS;
- Complete, with the assistance of the local board as applicable, the procedures provided below *(See **II.B.2.**)*.

b. Programs. System-centric training programs must:

- Lead to a credential, employment, or a measurable skill gain that leads to a credential or employment;
- Be added and removed from the LTPL according to availability.

B. ***Procedures*****.** The following information must be provided in CWDS and must be complete for eligibility determination. Eligibility requirements must be met through this process prior to the release of title I-B funds for employer-centric and system-centric types of training programs.

1. Employer-Centric (Work-Based) Training.

a. Step One. Select the type of work-based training:

- On-the-job training;
- Customized training;
- Incumbent worker training;
- Internship;
- Paid or unpaid work experiences;
- Transitional employment; or
- Apprenticeship.

b. Step Two. Provide the vocational goal/outcome associated with this work-based training opportunity

- Credential;
- Employment; or
- Measurable skill gain.

c. Step Three. Select the high-priority or in-demand occupation associated with the training program being provided:

d. Step Four. Provide the following information:

- Title and description of the training program;
- Training location;
- How the training will be provided (e.g., classroom, online, etc.);
- Prerequisites;
- Knowledge, skills and abilities (competencies) to-be provided/taught;
- Full-time or part-time;
- Number of total hours for training program;
- Start date;
- Cost details;
- Description of the accessibility of training services (i.e., is this program of study facility-based training, or is it accessible throughout the commonwealth, to individuals in rural areas, through the use of technology); and
- Demonstrated effectiveness (e.g., through the provision of performance data) in serving employed individuals and individuals with barriers to employment.

e. Step Five. Attest that the following assurances have been verified:

- Physical and programmatic accommodations as required by Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended and the regulations implementing these statutory provisions;
- Compliance with nondiscrimination and equal opportunity laws;

- Disclosure of any and all conflicts of interest with state or local workforce development members and/or staff including, but not limited to, family ties, fiduciary roles, employment or ownership interests in common;
- Exclusion from the commonwealth's debarment list;
- Provision of performance information for each program as required;
- Provision of student data for each program as required;
- Timeliness and accuracy of required information; and
- Permission for onsite visits by any federal, state or local agency as legally authorized to monitor activities for which funds have been provided.

2. **System-Centric Training.** The following information must be completed and entered into CWDS in order to determine the minimum eligibility requirements of a provider/program have been met.

   a. **Step One.** Select the reason the program of training of services was contracted:

      - Training service is not on the ETPL;
      - The training will serve individuals with barriers to employment;
      - Training services will be provided by the local board through a pay-for-performance contract; or
      - It is more appropriate to offer this type of training to facilitate the training of multiple individuals in in-demand industry sectors or occupations. *Note*: This training option, also known as 'cohort training' must be provided by an accredited institution of higher education or an eligible training provider included on the statewide ETPL.

   b. **Step Two.** Provide the purpose for utilizing a contract for training services. This statement may include a rationale for why this training cannot be accomplished through programs on the statewide ETPL.

   c. **Step Three.** Select the type of entity that is providing the training:

      - Post-secondary education;
      - Apprenticeship;
      - Other public or private provider of training, which may include a joint labor-management organization and an eligible training provider of adult education and literacy activities under WIOA title II if such activities are provided in combination with occupational skills training (i.e., integrated education and training); or
      - Community-based organization or private organization of demonstrated effectiveness.

   d. **Step Four.** Provide the following information:

      - A description of the training program;
      - Cost details, to include but not limited to tuition, books, other fees;
      - Evidence of state licensure requirements and licensing status as applicable;
      - A description of credential earned to include, at minimum, information supporting applicable training program leads to a post-secondary credential or an industry-recognized credential; and a description of the credential;
      - A description of the accessibility of training services (i.e., is this program of study facility-based training, or is it accessible throughout the commonwealth, to individuals in rural areas, through the use of technology);

- A description of the demonstrated effectiveness (e.g., through the provision of performance data) in serving employed individuals and individuals with barriers to employment; and
- Data regarding program alignment with in-demand sectors or high-priority occupations.

e. Step Five. Attest that the following assurances have been verified:

- Physical and programmatic accommodations as required by Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended and the regulations implementing these statutory provisions;
- Compliance with nondiscrimination and equal opportunity laws;
- Disclosure of any and all conflicts of interest with state or local workforce development members and/or staff including, but not limited to, family ties, fiduciary roles, employment or ownership interests in common;
- Exclusion from the commonwealth's debarment list;
- Provision of performance information for each program as required;
- Provision of student data for each program as required;
- Timeliness and accuracy of required information; and
- Permission for onsite visits by any federal, state or local agency as legally authorized to monitor activities for which funds have been provided.

C. *Performance*.

1. **Required Measures.** Performance of programs on the LTPL will be displayed on Job Gateway®. The Department will calculate results, by training program, using participant information entered into CWDS.

   In order to ensure the relevance and usefulness of performance results, the following information captured in CWDS for both employer-centric work-based training and system-centric training programs must be complete and accurate:

   - Program completion data; and
   - Date of exit from services.

   The information provided above will be used to generate the following performance measures, to be displayed on the LTPL Score Card:

   - Program completion rate;
   - Entry into unsubsidized employment at second quarter after exit;
   - Entry into unsubsidized employment at fourth quarter after exit; and
   - Median earnings during second quarter after exit.

2. **Assessment.** All "barriers to employment" and "participant costs and counts" information as identified by USDOL and the commonwealth must be entered into CWDS for Department, local workforce development board and consumer assessment purposes. *Note*: The Department continues to develop CWDS in such a way as to capture this information for WIOA participants. Ongoing development and further LTPL assessment requirement details are forthcoming.

V. **<u>Enforcement</u>**. Local workforce development boards are responsible for the development, maintenance and dissemination of the LTPL, in collaboration with the Department, to include any enforcement as required herein.

Appendix C: Registered Apprenticeships

The Workforce Innovation and Opportunity Act (WIOA) provides an opportunity for registered apprenticeship programs to be active partners in the public workforce system as a training path to employment. These programs are a proven job-driven training mechanism that provides workers with career pathways and opportunities to earn while they learn. This effectively meets the needs of both jobseekers and employers.

Under WIOA Title I-B, registered apprenticeship programs are not subject to the same application procedures and information requirements as other training providers in light of the detailed application and vetting procedures that apprenticeship programs already undergo in order to become registered. In Pennsylvania, this means that apprenticeship programs, registered with the U.S. Department of Labor's (USDOL) Office of Apprenticeship (OA), can be integrated onto the commonwealth's statewide Eligible Training Provider List (ETPL). Registered Apprenticeship program sponsors that request to be eligible training providers are automatically eligible to be included on the list and will remain as long as the program is registered or until the program sponsor submits notification that it no longer wishes to be on the list. While automatically eligible, not all registered apprenticeship sponsors may desire to be included on the statewide ETPL.

However, inclusion allows eligible participants to use available WIOA Title I-B funds for training in registered apprenticeship programs, in accordance with the Act; and more directly connects apprenticeship programs to jobseekers through the commonwealth's PA CareerLink® locations.

Registered apprenticeship programs differ from other training providers in some other respects. Most notably, a participant's enrollment occurs only through an agreement among the participant, the registered apprenticeship program sponsor, and an employer. Specifically, some apprenticeship programs work with a single employer, whereas others may operate through a joint labor-management organization where participants are selected for the apprenticeship but not immediately hired by a specific employer.

Registered Apprenticeship program sponsors may request, at any time, to be added to the statewide ETPL as eligible training providers. Additionally, program sponsors may request, at any time, to be removed from the statewide ETPL. Any such requests must be communicated to the Department through the following resource account: RA-LI-BWPO-CCS@pa.gov. The statewide ETPL, which can be electronically accessed at www.jobgateway.pa.gov, will be reviewed weekly and modified no less than quarterly by the Department.

The following outlines the process for registered apprenticeship program sponsors seeking inclusion on (opt in) or exclusion from (opt out) the statewide ETPL:

A. Step One. Program sponsors will be required to notify and submit the following information to the Department, in addition to providing a copy of the apprenticeship program's U.S. Department of Labor Certificate of Registration of Apprenticeship Program or the Pennsylvania Certificate of Registration:

- Occupations included within the registered apprenticeship program;
- The name and address of the registered apprenticeship program sponsor;
- The name and address of the related technical instruction provider, and the location of instruction if different from the program sponsor's address;
- The method and length of instruction; and
- The number of active apprentices.

All notifications must be submitted to the following resource account: RA-LI-BWPO-CCS@pa.gov

B. Step Two. Although registered apprenticeship programs are not subject to the same review procedures as other providers of training services, the Department will verify the registration status of apprenticeship programs that request inclusion on the statewide ETPL.

Once a registered apprenticeship is included on the statewide ETPL, the Department will verify the registration status annually.

Registered apprenticeship programs are not subject to the same information reporting requirements as other training programs. However, if such programs volunteer to report performance information, the Department will accommodate such submissions.

C. Step Three. Once the registration status has been verified, the Department will add the registered apprenticeship to the statewide ETPL and notify the appropriate local workforce development area that the program has been added to the list.

Such apprenticeships will remain on the list as long at the entity's registration status remains valid or until a program sponsor requests to have a program removed.