CERTIFICATION PROCESS FOR

ELIGIBLE TRAINING PROGRAMS/PROVIDERS

AND

INDIVIDUAL TRAINING ACCOUNT POLICY

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Executive Summary

Eligible Training Programs/Providers

The PA Department of Labor & Industry (the Department), Bureau of Workforce Development Partnership is issuing WIIN 1-07. Through this policy issuance, BWDP is providing LWIBs, interested training providers, and other PA CareerLink partners with guidance and needed information to comply with PA's certification procedures for courses/programs.

The Workforce Investment Act of 1998 (WIA) emphasizes informed customer choice, system performance, and continuous improvement. WIA mandates LWIBs, in partnership with the Department, to identify training providers at the local level, whose certification criteria qualifies them to receive WIA/Trade funds to train job seekers, based on minimum criteria established by the Governor. This basis builds on the following three guiding principles:

- Empower individuals by allowing them to choose the program of training or education they need and giving them the information to make good choices;
- Increase accountability and quality among providers; and
- Establish strong state and local partnerships to ensure quality training options and accuracy of information for the client.

Consequently, these principles set the framework for a competitive market designed to give customers the best choices for training, and receive premium services and information that will lead to a strong provider marketplace.

It is worth noting that neither the Act nor its supporting federal regulations mandate a "work first" system that forces individuals into first-available employment. Rather, WIA reforms federal job training programs into a new system that is customer-focused, enabling customers to access the tools they need to manage their careers through information and high qualify services. WIA promotes individual responsibility and customer choice through the use of Individual Training Accounts (ITAs), or vouchers, that allow adult and older youth to purchase training they determine is best for them.

While WIA opens the whole training marketplace to its customers, it also puts consumer protections in place. The legislation mandates that providers of education and training meet certain specified performance levels. This performance information is required so that customers can effectively evaluate the quality of each program by empowering customers with greater levels of information and guidance through a system of consumer reports providing key information on the performance outcomes of training and education providers.

A fundamental component of this WIIN is the required program performance mandated by WIA for continued eligibility on PA's Statewide Eligible Training Program/Provider (ETPP) List. The performance and cost information that training providers must submit to be

identified as an eligible provider of training services under Section 122 of WIA, combined with the negotiated local area common performance measures, are essential for ensuring high quality individual and program-wide outcomes.

Adults and dislocated workers eligible to receive training services under Title I of WIA and/or Trade Act will have the opportunity to select any of the eligible providers/programs that are included on the State's ETPP List. WIA intends for job seekers to make informed decisions based on consumer information, including performance information.

The statewide list and the associated consumer and cost information shall be disseminated through the Pennsylvania CareerLink Delivery System within the State and shall be made available to customers whose training is supported by all PA CareerLink partners as the directory for their eligible training service providers.

In short, training providers and their programs must meet the following criteria for inclusion on the ETPP list:

- Facility must meet one of fourteen (14) Certification Categories;
- Facility must comply with the Americans With Disabilities Act (ADA) of 1990;
- Courses/programs must be available to the general public;
- Courses/programs must train for High Priority Occupations; and
- Course/programs must meet established performance levels.

More detailed information will be provided throughout this document.

I. Application Process [Ref. – Final Rule. Sec. 663.515(a)(b)(c)]

Each LWIB shall solicit training providers to submit applications to have their courses/programs considered for inclusion on PA's Statewide ETPP. This solicitation may be done through a combination of direct mailings, newspaper notices, and other appropriate means. At the discretion of the LWIB, it may also solicit training providers from outside of the Local Area, including other states. Training providers will electronically submit training program applications to LWIBs for review and approval at the following web address: www.pacareerlink.state.pa.us.

Prospective training providers must submit complete applications covering each individual training course/program of study to be offered at each specific site/campus. **NOTE: COURSES/PROGRAMS,** not providers, are certified through this process.

Since courses/programs are certified through this process, training providers are not permitted to advertise their school as an **"approved Pennsylvania statewide workforce development training provider."** However, training providers are allowed to provide a list of their courses/programs that are state approved for the specified program year. Providers may also provide additional information to local PA CareerLink offices, such as pamphlets, school catalogs, etc.

Applications may be submitted to **any** LWIB. However, applications **should not be submitted to more than one LWIB.**

A. Program Services [Ref. - Final Rule. Sec. 663.508]

Potential training providers must submit a complete application to the LWIB for each training course/program of study being proposed, which includes performance and cost information. For more information on performance, please see Section III. B. in this document.

A course/program of study includes:

1. One or more courses or classes that, upon successful completion, leads to a certificate, diploma, associate degree, or bachelor's degree; or
2. A competency or skill recognized by employers; or
3. A training regimen that provides individuals with additional skills or competencies generally recognized by employers; or
4. Resident, correspondence, or telecommunication instruction; i.e., distance learning or online, to prepare individuals to pursue a field of study based on customer choice.

B. High Priority Occupations

To compete in today's global economy, businesses need a skilled workforce, and Pennsylvania's citizens need increasingly higher levels of skills and knowledge. In the past, most workforce education and training programs in Pennsylvania were not aligned with skill needs and job openings in the economy. Pennsylvania's new workforce development strategy seeks to change that by targeting education and training funds to High Priority Occupations. To ensure that WIA, Trade, and other training funds are targeted to training and education that will enable customers to compete for higher skill, higher wage jobs in demand by employers, Pennsylvania's workforce system has defined Regional High Priority Occupation (HPO) Lists, which will guide all public workforce investments. This list will be evaluated on an annual basis to ensure that public investments keep pace with rapidly changing technology and labor market demand. For more information on the policy governing HPOs, please refer to WIIN 1-05, Change 2, dated April 26, 2007. This WIIN can be accessed at http://www.paworkforce.state.pa.us/professionals/lib/professionals/wiin/wiin_1-05_ch.2.pdf.

The Regional HPO lists for each LWIA can be viewed at http://www.paworkforce.state.pa.us/jobseekers/cwp/view.asp?a=464&q=153436

LWIBs will be responsible for ensuring that training courses/programs of study accurately correspond to the occupation(s) selected.

C. Types of Training Requiring Applications [Act – Sec. 134(d)(4)(D); Final Rule. 663.300]

All proposed training services must be certified in order for WIA or Trade-eligible clients to enroll. The following list of training services is not all inclusive and additional training services may be provided:

1. Occupational skills training, including training for non-traditional employment;
2. Programs that combine workplace training with related instruction, which may include cooperative education programs;
3. Training programs operated by the private sector;
4. Skill upgrading and retraining;
5. Entrepreneurial training;
6. Job readiness skills;
7. Adult education and literacy activities provided in combination with any other training services outlined above; and
8. Post-secondary education for careers.

D. School Categories and Approvals

All training providers must meet all applicable state and federal requirements for operating certain schools. It is the responsibility of the individual training provider to contact the appropriate state agencies to be licensed or approved under the proper state law.

Depending on what type of school is being operated, a training provider might have to register, be licensed, or receive a permit or approval from one or more various state/federal agencies.

Training providers submitting training course/program applications must meet one of the following categories:

1. Apprenticeships – Apprenticeship programs approved by the PA State Bureau of Apprenticeship and Training (BAT) and/or programs registered with the U. S. Department of Labor, BAT
2. Auctioneers – State Board of Auctioneer Examiners, 63 P.S. §734(e)(2) and 49 PA Code §1.11;
3. Aviation – Schools that provide training or instruction in flying and are regulated by the Federal Aviation Administration; however, as an example, if the school chooses to offer training in the field of Aircraft Mechanics, **then this program must be licensed by the PA Department of Education (PDE);**
4. Barber schools – State Board of Barber Examiners, 63 P.S. §562(a)(1);
5. Cosmetology Schools – State Board of Cosmetology, 63 P.S. §512; however, as an example, if the school chooses to offer Massage Therapy, **then this program must be licensed by PDE**;
6. Community-Based Organizations (CBOs) providing occupational skill training;
7. Out-of-state schools – Schools providing educational instruction at institutions within the confines of their particular state and that do not have a physical presence within Pennsylvania;
8. Private tutorial schools – Schools providing individual instruction by a private tutor;
9. Real Estate – Schools providing training in the field of real estate - State Real Estate Commission, 63 P.S. §455.402 and/or schools providing training real estate appraisal - State Real Estate Commission, 63 P.S. §§ 457.5(2) (training providers will be required to supply their license number);
10. Hospital Schools – Operated by a hospital licensed under the Health Care Facilities Act, 35 P.S. §§448.101 – 448.904 and accredited by a regional or national accreditation agency; educational programs for

LPNs, RNs and CRNPs are approved by the State Board of Nursing, 49 PA Code §§21.31-21.33 and 49 PA Code §21.161;

11. Colleges and Universities – Schools authorized to award degrees under 24 PA C.S. §6505 (relating to power to confer degrees) other than those schools approved to award specialized associate degrees under §§42.11-42.14 (relating to specialized associate degree programs approval procedure); i.e., includes four-year colleges;
12. PA Schools – Schools operated by the Commonwealth of PA or a political subdivision thereof, such as the Department of Education's Stevens College of Technology, community colleges or vocational technical schools;
13. Service Occupations – Schools/classes providing training in public service or other service occupations. Persons engaged in public service occupations are limited to ambulance personnel, emergency medical technicians, firefighters, police, school bus drivers, and school crossing guards. Persons engaged in other service occupations are limited to maid, butlers, and chauffeurs; and
14. Private Licensed Schools – The Private Licensed Schools Act of 1974 (PLSA), requires certain private proprietary career training institutions in Pennsylvania to be licensed by the Pennsylvania Department of Education. Schools which meet all five (5) of the following requirements **must be licensed before operating**: (1) offers classes or maintains a school, (2) charges tuition or makes a profit from its fees, (3) contracts with members of the public directly rather than through a third party, (4) prepares those members of the public to pursue employment as defined in the Dictionary of Occupational Titles as supplemented or amended, and (5) is not specifically exempt under the statute. For further information, training providers should contact the Department of Education, Division of Private Licensed Schools, at telephone (717) 783-8228.

E. Exemptions to the Application Process [Ref. – Act Sec. 122(h); Final Rule. Sec. 663.430; 663.595]

Providers of OJT, customized training and/or community-based programs of demonstrated effectiveness **ARE NOT SUBJECT** to the requirements outlined in Sections II. and III. which requires the submission and certification of an application.

Each LWIA will collect performance information about the providers as outlined in Section II and determine whether the providers meet the required certification performance criteria. Each LWIA shall disseminate information identifying these entities as eligible training providers.

1. **On-the-Job Training (OJT)** [Ref. – Act Sec. 101(31); Final Rule Sec. 663.430; 663.700; 663.705; 663.710; 663.730]

a. OJT is provided by an employer in the public, private non-profit, or private sector. A contract may be developed between the employer and the local program that provides occupational training for WIA participants for reimbursement up to a maximum of 50% of participants' wages or more based on a federal waiver. PA has requested a waiver from the U. S. Department of Labor (USDOL) to allow employers to be reimbursed on a graduated scale based on the size of the business. The scale will be based as follows:

(1) Up to 90% reimbursement for employers with 50 or less employees;
(2) Up to 75% reimbursement for employers with more than 50 employees, but less than 100; and
(3) Up to 50% reimbursement for employers with 100 or more employees,

b. The local program shall not contract with employers who have previously demonstrated a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions equivalent to those provided to regular employees who have worked the same length of time and performed the same type of work.

c. OJT contracts shall be limited to the period of time required for the participants to become proficient in the occupations for which training is being provided. In determining the length of the contract, consideration should be given to the skill requirements of the occupation, academic and occupational skill level of the participants, prior work experience, and the participant's individual employment plan.

d. Funds provided to employers for OJT may not be used to directly or indirectly assist, promote, or deter union organizing.

2. **Customized Training** [Ref. – Act Sec. 101(8); Final Rule Sec. 663.430; 663.715; 663.720; 663.730]

a. Customized training (CT) is designed to meet special requirements of the employer, conducted with a commitment by the employer to employ or continue to employ individuals upon successful completion of training. The employer pays not less than 50% of the cost of training. However, PA has requested a

waiver from USDOL to replace the 50% employer match with a sliding scale from 10% to 50%. The sliding scale will be based on characteristics such as the type of training, size of business, number of trainees, hiring needs of the employer, and industry/skill need. The minimum 50% requirement has been a deterrent for employers who have considered CT has a means to access or develop workforce skills necessary for growth in their respective areas.

b. CT may be provided under the following conditions:

(1) Employees are not earning self-sufficient wages as defined by the LWIB;
(2) All the requirements for CT are met; and
(3) The training relates to the introduction of new technologies, new production and/or service procedures, upgrading that requires additional skills or other appropriate purposes identified by the LWIB.

c. Funds provided to employers for Customized Training may not be used to directly or indirectly assist, promote, or deter union organizing.

3. Programs of Demonstrated Effectiveness [Ref. – Act Sec. 134(d)(4)(G)(ii)(III); Final Rule. Sec. 663.430; 663.595]

The LWIB may determine that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment.

Special participant populations who face multiple barriers to employment are populations of low-income individuals that are included in one or more of the following categories:

a. Individuals with substantial language or cultural barriers;
b. Offenders;
c. Homeless individuals; and
d. Other hard-to-serve populations as defined by the Governor

Each LWIB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the special participant population to be served. This criteria may include, but is not limited to the following:

a. Financial stability of the organization;

b. Demonstrated performance in the delivery of services to hard-to-serve client populations such as:
   (1) Program completion rates;
   (2) Attainment of skills;
   (3) Certificates or degrees; and
   (4) Placement in unsubsidized employment;
c. How the specific program relates to the workforce investment needs identified in the local plan.

Training providers should ensure that comprehensive training programs include, but are not limited to, the following components:

a. Evaluates the individual's specific barriers to employment and establishes corrective measures;
b. Assesses client skill levels and develops appropriate individual employment plan;
c. Designs career planning guides that are suitable to the individual's needs;
d. Results in employment;
e. Provides job placement assistance upon completion of the training; and
f. Receives a certificate upon successful completion of the program.

Training providers shall be required to report program performance outcome data as described in Section III.C .for each specific program to the LWIA.

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F. Other Training Provider Requirements

1. Non-discrimination Policy

Section 667.275 of the Final Rule specifies that all training providers must comply with the nondiscrimination and equal opportunity regulations at 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the WIA.

2. Accessibility

Training providers must provide physical and programmatic accessibility and reasonable accommodations/modifications, as required by Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; Section 188 of WIA; and the regulations implementing these statutory provisions.

II. Program Eligibility Determination [Ref. – Act Sec. 122(c); Final Rule. Sec. 663.535]

A program of training services is subject to eligibility procedures that include, but are not limited to, meeting minimum levels of performance for **each** program at **each** specific site for which certification is being sought.

These procedures are as follows:

A. Eligibility

In order to be eligible to provide training services, training providers' programs must meet certification criteria on an annual basis.

Training providers shall electronically submit applications for training courses/programs of study for LWIB approval and State certification for program eligibility. Training courses/programs of study submitted throughout the program year that are state certified will remain on the single statewide ETPP list for no more than a one-year period, which runs from July 1st through June 30th.

At a specified date after January 1st of each year, training providers may begin to submit applications for the next program year commencing on July 1st.

Training program/provider information must be submitted electronically to the Department of Labor & Industry no later than **30 working days from receipt of the information by the LWIBs**.

LWIBs should also consult with training providers to obtain the best possible mix of programs that may help meet the needs of the labor market in their respective areas.

B. Performance Measures and Levels

In order to ensure that workforce development investments yield the best possible results, PA has developed a Performance Management Plan for evaluating the performance of workforce programs. The plan is not designed to simply measure program performance; rather it is about improving the outcomes from these investments. This plan sets forth the framework to monitor trends in key economic, workforce and education indicators, and gathers quantitative data using common measures. Based on this plan, courses/programs shall be evaluated using a total of 10 measures.

Five (5) performance measures have been established for **two (2) distinct populations;** 1) **WIA,** and 2) **ALL** (WIA and Non-WIA), as follows:

1. **Program Completion - 70%**

   This measure is calculated by dividing the number of program completers by the number of participants scheduled to complete during the reporting period.

2. **Entered Unsubsidized Employment - 80%**

   This measure is calculated by dividing the number of program completers who entered unsubsidized employment (excluding individuals who were employed when they entered the program or plan to continue their education after this training) by the number of individuals who completed the program during the reporting period.

3. **Employment Retention - 82%**

   This measure is calculated by dividing the number of individuals who entered unsubsidized employment by the number of individuals who entered unsubsidized employment in the first quarter after completing the program and retained employment through the 3rd quarter.

4. **Average Quarterly Wage - $3780**

   This measure is calculated by using PA Wage Record information and WRIS data (if necessary). WRIS, which stands for the Wage Record Interchange System, is a data sharing agreement with other states to access wage record information. The calculation is the amount of quarterly wages divided by the number of individuals who are employed in the second and third quarters after exit or completion. This is based on the combined wages reported for both the second and third quarters after exit or completion.

5. **Program Graduate/Certificate - 60%**

   This measure is calculated by dividing the number of individuals who competed and attained a certificate by the number of program completers.

All training courses/programs must meet at least eight (8) of the ten (10) measures. However, if a course/program serves no WIA clients, it must meet at least three (3) of the five (5) measures for the ALL population.

C. Submission of Student Data to Calculate Performance

A significant change to the performance requirements is how the data is entered into the PA CareerLink operating system for courses/programs. Obtaining employment and wage information from individuals continues to be a burden for training providers. The process prior to July 1, 2006 required training providers to conduct follow-up on former students and data enter the performance information manually through the PA CareerLink website. Under the new process, training providers simply provide raw data on individuals participating in each course/program for a specified time period by uploading a worksheet containing the required data elements.

Training providers can use one of the following methods to provide student data to apply to have courses/programs considered for inclusion on PA's ETPP.

1. Users can download a **"Comma Separated Value" (CSV)** file. This method requires close attention to detail.

   The CSV file can be completed as an Excel spreadsheet that contains a list of all the students who attended the course/program during a specified two-year reporting period. The two-year reporting period is defined on the training course/program application in the PA CareerLink system. The PA CareerLink operating system will automatically advance the reporting period one quarter at the end of each quarter. For example, for applications submitted during the period April 2007 through June 2007, the reporting period will be 7/1/2004 to 6/30/2006. The reporting period will display, in **red**, on the Training and Performance Section of the application. Providers may use **any 12-month cycle** within the two-year reporting period. Attached is the CSV format and instructions for completion.

CSV Format.doc

   The required information will include the following data elements:

   a. SSN;
   b. Certificate Attainment (y/n);
   c. WIA Student (y/n);
   d. Course Completion (y/n);
   e. Scheduled to Complete (y/n);
   f. Individuals employed when they entered the program or furthering their education (y/n); and
   g. Course End Date;

The disclosure of SSNs is critical to the performance calculations. SSNs will be used to match wage record information for entered employment, employment retention, and wages. Without SSNs, the system will not be able to calculate these measures, and courses/programs may be excluded from the statewide list for failure to meet performance requirements.

Course/program applications will be processed on a daily basis comparing SSNs against PA Wage Record Information. If the course/program does not meet the performance criteria for the employment-related measures, a secondary comparison will be conducted using the Wage Record Interchange System (WRIS). WRIS is a wage-record exchange system whereby states enter into a formal written agreement to access other states' wage record information. WRIS enables out-of-state providers to attempt to meet the employment-related measures for courses/programs by searching other states' wage record databases to look for matches. After the student information has been processed, the system will automatically populate the training and performance section of the application with the results.

The raw data supplied by training providers will be stored in a secure table within the PA CareerLink operating system database. Once the program year has been completed, the information will be backed-up and removed from the active database. However, for federal record retention purposes, the information will need to be retained for three program years. After the three-year period, the information will be destroyed.

If providers would like to use this method, but are reluctant to provide SSNs without individual student authorization, the Department has established an option for training providers to enter into a Computer Match Agreement (CMA) with the department in accordance with the U.S. Department of Education's Key Policy Letter of January 2003.

USDOE policy letter from Janua...

Training providers who enter into a CMA will essentially "hire" the Department, **at no cost**, to act on their behalf to conduct a computer match for each course/program to determine if it meets the employment-related performance levels necessary to be included on PA's Statewide ETPP List. This document fulfills the U. S. Department of Education's requirements and eliminates the burden on training providers to obtain release authorization from former or current students.

A copy of the CMA is attached for information and use. Providers wishing to enter into this agreement with the Department should complete and return two (2) copies with original signatures to the mailing address contained in the agreement.

Performance
Measures Computer I

To further protect the integrity and confidentiality of the information being submitted, only the last four (4) digits of the SSN will display to Area LWIA staff approving applications for inclusion on the ETPP. The system will suppress the first five (5) digits after the information has been entered into the PA CareerLink system. Training providers and authorized state-level officials will be the only individuals who have access to the performance data until the application has been approved. After the application has been approved, the participant data will no longer be accessible.

2. Users can use a “Manual Data Entry” method using the following steps:

   a. The user clicks on the **“Manual Data Entry”** button.

   b. The user clicks on the **“Add New Entry”** button.

   c. User answers the following questions for each student in the particular course of study:

SSN
Number format - **123456789, no dashes or spaces**

Certificate Identification
(Upon completion of the course/program did participant receive a certificate) ☐ Yes ☐ No

WIA Identification
(Was participant receiving Workforce Investment Act funding (WIA)) ☐ Yes ☐ No

Completer Identification
(Participant completed the course or program during the specified reporting period) ☐ Yes ☐ No

Scheduled Completion Identification
(Participant was scheduled to complete course or program during the specified reporting period) ☐ Yes ☐ No

Employed or Continuing Education
(Participant was employed when they started the course or program, or continued their education beyond completion of the course program; e.g. first year of a two or more year program) ☐ Yes ☐ No

Participation End Date
(Date the participant actually exited the course or program during the specified reporting period)
Date format – mm/dd/yyyy

Save **Cancel**

1. After each student entry, click on the save button.

2. Click on the **"Add New Entry Button"** and continue entering student information for all students in the specified course/program.

NOTE: The SSN field is a required data element.

3. Enter aggregate student data for each performance question on the application for each course/program, which must be independently validated.

   This method is similar to the manner in which performance data was entered in the past. Training providers who use this method will be required to have the data independently validated by a third party, such as a public accounting firm, and provide a copy of the report to the LWIA, OR provide a copy of the annual report for courses/programs performance that is sent to training providers' accrediting

agencies. Course/program applications cannot be approved until the report is received by the LWIA. This report must be forwarded to the LWIA within 20 working days of the date the application is submitted into the PA CareerLink operating system.

Occasionally, circumstances arise that are beyond the control of both the participant and the provider **and** are expected to last for an undetermined period **beyond 90 days**.

A student in any one of the following categories should be excluded from performance if they did not complete the course/program:

- **Institutionalized** – The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain in that institution for at least 90 days. This reason does not apply to individuals with disabilities (as defined in 29 CFR 37.4) residing in institutions, nursing homes, or other residential environments; individuals participating in the Responsible Reintegration of Youthful Offenders program; and individuals participating in the Prisoner Reentry initiative.

- **Health/Medical or Family Care** – The participant is receiving medical treatment or providing care for a family member with a health/medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions or situations expected to last for less than 90 days.

- **Deceased** – The participant is no longer living.

- **Reserve Forces Called to Active Duty** – The participant is a member of the National Guard or a Military Reserve unit and is called to active duty for at least 90 days.

On a nightly basis, the system will download the student information entered for each course/program application completed on that given day and match the SSNs against PA employer wage records to determine if former students are working and receiving wages.

If the course/program fails to meet any of the employment-related measures, LWIAs have the ability to further process applications utilizing the WRIS data to determine if former students are working in other states.

DRAFT

NOTE: Based on the WRIS Data Sharing Agreement with other states, the wage information will be suppressed if the course/program **serves less than 3 individuals**.

D. Calculation of Performance

The PA CareerLink operating system automatically calculates the percentages for each performance measure based on the information submitted for each data element. The system contains edit checks to ensure that percentages are equal to or less than 100%. Therefore, no measure can have performance above 100%. Attached for informational purposes is chart outlining how the system calculates each measure.

Calculations for PY 06 Measures.doc

Threshold Exception Criterion

In an effort to not arbitrarily exclude programs from the statewide list that serve a small universe of students or have no WIA clients, performance levels will be considered met under the following circumstances:

WIA Zero Participant Threshold Exception

If a program serves no WIA clients during the reporting period, the program is considered to have met performance for the WIA measures; or

Small Universe Threshold Exception

If a program serves less than ten (10) during the reporting period, it will not be held to performance requirements.

Zero Enrollments

If a course/program did not have any enrollments during the reporting period, it will not be held to performance. Training providers will indicate this by selecting the statement, **"This course/program did not have any enrollments during the reporting period."**

New Programs

Courses/programs of study that have recently been developed and never offered to the general public will be recognized as new programs since there will be no history or performance to report.

A **"new"** program is defined as a career education-training program that has been offered for **less than 12 months**. However, a two or more year program will also be considered new until it has its first graduating class. The program must be new to the training provider, not only new to the statewide list. The requirement for providing performance data shall be waived. The LWIB must document reasons for waiving performance in the history for the course/program.

For purposes of certification performance criteria, an **"existing program"** is defined as a career education-training program that has been offered for **longer than 12 months**.

If an application for a training course/program of study is submitted as "new," training providers must be able to provide documentation if requested, to attest to the authenticity of the "new" training course/program of study. **If a program has been revised but 75% of the course content is the same, then it cannot be considered new. Course/program name changes do not constitute "new" program status.**

Training providers are cautioned and should refrain from circumventing certification criteria requirements for continued program eligibility by renaming existing programs and submitting them as "new."

E. Program Costs [Ref. – Final Rule. Sec. 663.540]

The application must include all the costs required to complete the training course/program of study. Such costs include tuition, fees and other related expenses, which include, but are not limited to, books, tools, clothing, and equipment.

These costs may be broken out in the course description field on the training course/program of study application.

Tuition for the training course/program of study is based on the advertised tuition amount contained in the school catalog. The amounts contained in the application as tuition and other costs shall not exceed the amount charged by the school to the general public as established by law, regulation, school catalog or published price lists.

III. Identification and Availability of Statewide List

Training programs/providers will systematically be added to the statewide list after the Department of Labor & Industry certifies the program's eligibility. As new programs are submitted and certified throughout the year, the statewide list will be updated electronically on an ongoing basis.

NOTE: Please be advised that inclusion on the statewide list alone does not automatically authorize enrollment and payment of training dollars for Trade Adjustment Assistance (TAA) eligible students. A fully executed TAA Master Agreement is also required.

For more information on obtaining a TAA Master Agreement for Trade-eligible students, please call (717) 787-3093 or (717) 705-2108.

IV. Maintenance of Eligible Training Program/Provider System [Ref. – Act Sec. 122 (e)(1)(2); Final Rule. Sec. 663.510; 663.550; 663.555]

A. Statewide List of Eligible Training Programs/Providers

The Department of Labor & Industry, BWDP, is responsible for the development, operation, and maintenance of the statewide Internet-based Eligible Training Program/Provider ETPP system. LWIBs are responsible for ensuring that action is taken on all training courses/programs of study within the 30-day time frame for local review. This includes new, pending, and revised training courses/programs of study. This will ensure that individuals in need of training have the most up-to-date information to make good quality training choices. The list will contain specific consumer information for each training course/program of study.

Within 30 working days of receipt of LWIB approved training programs, BWDP Certification/Performance Coordination Services (CPCS) staff will review and determine whether those programs have met minimum certification criteria. The time frame for the certification process at both the local and state levels totals 60 working days. If the certification criteria have not been met, CPCS staff, in consultation with the LWIB, shall reject the program(s) based on the criteria found in Section III.C.1.

B. Monitoring

All recipients, defined as any entity to which federal financial assistance under WIA Title I is extended, whether it is a grant, or sub-grant, are subject to the accessibility and equal opportunity provisions outlined above. The Governor must ensure that training providers are ADA and Equal Opportunity (EO) compliant. Consequently, the Governor is responsible for ensuring that a system is in place for periodically monitoring the compliance of recipients. Therefore, LWIBs must ensure that a system is in place at the local level to monitor training providers for ADA and EO compliance. The following link to the Civil Rights Center of the U.S. Department of Labor can provide assistance to Local Areas as they conduct EO or ADA monitoring activities: http://www.dol.gov/oasam/programs/crc/crcwelcome.htm.

Monitoring requirements for training providers may be limited to “new” training providers applying for inclusion on the statewide ETPP list. If a brand new provider applies for consideration to be included on the statewide list and the LWIB has no knowledge about it, LWIBs should visit the facility to ensure accessibility. LWIBs are not expected to monitor all training providers on an annual basis. As an example, colleges, universities, vo-techs, and community colleges receive federal funds from other sources and, therefore, must comply with ADA and EO requirements.

C. Record Retention Requirements

1. Applications

Federal Law requires training providers and Local Areas to retain all supporting documentation for applications electronically entered into the PA CareerLink ETPP system for a period of three years.

2. Performance Information

Federal Law requires training providers and Local Areas to retain all performance information for a period of three (3) years for each Program Year from the date the job seeker completes or terminates from the program.

3. Retention Coverage

The three-year record retention requirements shall apply to all certification periods.

Records shall be retained and stored in a manner that will preserve their integrity as evidence in any appeal or other proceeding. The burden of production and authentication of the records shall be on the custodian of the records. LWIBs and training providers must have a satisfactory plan of record recovery if critical records are lost. The use of electronic media, such as computerizing or microfilming for the storage of records, is an acceptable method.

D. Maintenance of Training Providers' Business Folders

Training providers registering with the PA CareerLink website must establish business folders, which contain pertinent consumer information about the institution, as well as available training courses/programs of study.

In order to maintain the most up-to-date information relative to business folders, each training provider is responsible for updating all pertinent information. It is the responsibility of training providers to keep business folders and training offerings as up-to-date as possible. **E-mail is the vehicle used to notify training providers about policy updates, conferences, training sessions, etc. Therefore, training providers must keep their e-mail address current. Training providers are reminded of the critical need to keep this information accurate.**

If training courses/programs of study are no longer available to the general public, they should be withdrawn. Procedures for withdrawing training courses/programs of study are outlined in the "View Help" option within the business folder.

It is expected that LWIAs make every effort to communicate with training providers in an effort to remind them of their responsibilities with respect to institution and course information.

V. **Consumer Report System** [Ref. – Final Rule. Sec. 663.570]

The Consumer Report Information System is a guide to approved training courses/programs of study.

The consumer report contained within each training course/program of study, includes information necessary for adult and dislocated workers to effectively choose a program of training services. Such factors include, but are not limited to the following:

- Overall performance;
- Performance of specific provider sites;
- Duration of training programs.

In an effort to supplement the consumer information available to job seekers, the following information provides a provider "snap shot" for job seekers in making informed choices:

- Child care offered on-site;
- Assistance in obtaining child care;
- Accessible for the disabled;
- Career counseling available;
- Spanish spoken by staff;
- Evening classes;
- Financial aid assistance available; and
- On-site job placement assistance.

VI. Rejection/Removal of Programs/Providers from the Statewide List [Ref. – Act Sec. 122(f)(1); Final Rule. Sec. 663.535]

Training programs/providers may be rejected and/or removed from the statewide list under the conditions outlined below. Training programs may be **rejected** during the application process or training programs may be **removed** from the statewide ETPP list after the certification process has been completed.

A. Training Programs

Training programs must perform satisfactorily to be recertified for inclusion on the statewide list for each new program year. A provider's program(s) may be rejected or removed from the statewide list of eligible training programs for one or more of the following reasons:

1. Training does not lead to employment in a high priority occupation;
2. Program fails to meet minimum levels of performance; or
3. Failure to reapply for program eligibility certification.

B. Training Providers

Additionally, training providers, as well as their programs, may be rejected or removed under the following conditions:

1. Inaccurate information regarding a program is intentionally supplied to the Department of Labor & Industry. A termination of eligibility will occur and remain in effect for a minimum of two (2) years;
2. The Department of Labor & Industry determines that an eligible provider has substantially violated any requirements under the Act. The provider's eligibility to receive funds will be terminated until the Department of Labor & Industry approves a corrective action plan;
3. All of the provider's programs fail to meet or exceed established performance levels. The provider's eligibility to receive funds shall be suspended by the Department of Labor & Industry, after consultation with the LWIB, for a period of not less than one (1) year;
4. Training provider does not meet the minimum application criteria; i.e., approved certification category, ADA, etc.
5. Training provider violates state and/or local laws; or
6. The training provider's financial stability has been compromised and fiscal mismanagement has been documented.

C. Training Institution Closures/Changes to Programs

Training providers whose programs have been certified for inclusion on the statewide list must notify the LWIB of institution closings and/or changes to training courses/programs of study.

Privately licensed schools should contact the Department of Education at (717) 783-8228 for further information on school closings and/or changes to courses/programs of study.

VII. Repayment of Program Funds [Ref. – Act Sec. 122(f)(3); Final Rule. Sec. 663.565(a)(3)]

Providers determined to have intentionally supplied inaccurate information or who have violated any provision of Title I of WIA or the supporting federal regulations shall be removed from the statewide eligible provider list. A provider whose eligibility is terminated under these conditions shall be liable to repay all adult and dislocated worker training funds received during the period of non-compliance from non-Federal funds.

VIII. Appeal Process [Ref. – Act Sec. 122(g); Final Rule. Sec. 663.565(b)(4) and Sec.667.640 (b)(1)(2)(3)]

The purpose of the appeal process is to provide a mechanism for a training provider to challenge one of the following actions initiated by a LWIB or the Department of Labor & Industry:

- The rejection of training program(s) for inclusion on the Statewide List of Eligible Training Programs/Providers;
- A denial of continuing eligibility;
- Suspension; or
- Termination of eligibility.

A. LWIB Level Appeals [Ref.- Final Rule. 667.640 (b)(1(2)(3)]

An appeal at this level includes:

- The rejection of training program(s) by a LWIB;
- Denial of continued eligibility due to unsatisfactory performance; and
- Suspension of eligibility due to non-compliance or violation of WIA.

The appeal shall be electronically filed through the Pennsylvania CareerLink website (www.pacareerlink.state.pa.us) and submitted to the LWIB not later than **20 working days** from the date of the rejection notice. Any documentation supporting the training provider's case must be available upon request by the LWIB and/or Department of Labor & Industry, BWDP.

For those providers who do not have Internet access, the appeal must be submitted, in writing, to the LWIB within the **20 working day** time frame.

The LWB will issue a decision not later than **20 working days** from the date of the appeal request.

B. State Level Review – First Appeal

An appeal at this level includes:

- The rejection of training program(s) by a LWIB;
- Denial of continued eligibility due to unsatisfactory performance for a period of one year;
- Suspension of eligibility due to non-compliance or violation of WIA for a period of two years; and
- Termination of eligibility.

If the training provider is dissatisfied with LWIB's decision, the training provider will have **20 working days** from the date of the LWIB's decision to electronically file a request for a review by the Department of Labor & Industry, BWDP, through the Pennsylvania CareerLink website (www.pacareerlink.state.pa.us). Within **20 working days**, BWDP will issue a decision on the appeal.

C. State Level Hearing – Final Appeal

If the training provider is dissatisfied with the Department's Initial Determination, the training provider may electronically file a request for a hearing before an impartial Commonwealth hearing officer through the Pennsylvania CareerLink website (www.pacareerlink.state.pa.us) within **20 working days** from the date of the State's decision.

Within **60 working days** of receipt of the request for a hearing, the training provider will be notified of the date, time and place where the hearing will be conducted. The Determination issued by the impartial hearing officer in the matter will be **FINAL and cannot be further appealed.**

D. Reapplication Process for Training Courses/Programs of Study

Training providers who have had training courses/programs of study removed from the statewide list may reapply for recertification as follows:

1. Performance

   Providers may reapply to have training courses/programs of study recertified **one (1) year** from the date of the final action taken either at the local or state level.

2. Violations of WIA

   Providers may reapply to have training courses/programs of study recertified **two (2) years** from the date of the final action taken either at the local or state level.

IX. Selection of Eligible Youth Training Programs/Providers [Ref. – Act, Sec. 117(h), 123; 129(b); Final Rule. Preamble, Sec. 664.510, 665.200]

In accordance with the WIA and the Final Rule, the Department of Labor & Industry will compile and disseminate a listing of eligible providers of youth activities through the PA CareerLink Operating System.

The list contains basic contact information on each local youth provider and includes a description of the program activities furnished by the provider. This information encourages youth, parents, counselors and referral agencies to pursue additional information on possible enrollment into local programs.

LWIAs can also use the list to expand their options in soliciting potential bidders for youth program services.

Planned activities, program objectives and outcomes of various youth programs across the state can facilitate the development of activities in other local areas, as well as expand the focus of individual youth activities.

Youth programs should tie activities and services closely to labor market needs, strengthen the connection between academic and occupational learning, and provide activities geared specifically toward youth development. Emphasis is on the coordination of youth activities and the creation of a comprehensive network of youth programs administered by a variety of agencies.

Providers of youth activities are not subject to the Training Program/Provider Certification process and are not eligible to provide training through the receipt of Individual Training Accounts (ITAs).

However, on April 22, 2005, the U. S. Department of Labor granted the Commonwealth a waiver on the prohibition on the use of ITAs for youth. Specifically, effective January 1, 2005, LWIAs have the option to use the ETPP to secure training programs/providers and ITAs can be used to serve out-of-school youth defined at Section 664.510 through June 30, 2009.

LWIBs must identify eligible providers of youth activities based on recommendations of the local Youth Council and award grants or contracts in accordance with the Section 664.405(a)(4) of Federal Regulations, the Commonwealth of Pennsylvania, Management Directive 215.1, Contracting for Services, which requires a competitive bid process and other applicable State and local laws.

LWIBs must ensure that all providers of youth activities comply with Section 1-111 of the Pennsylvania School Code, Act 134 of 1985, which requires all applicants for school employment, including those of independent contractors but excluding employees who do not have direct contact with students, to obtain a

criminal background check. In addition, all LWIBs must also ensure that all providers of youth activities comply with Sections 6354-6358 of the Public Welfare Code, Act 151 of 1994, which requires all applicants for school employment, both Pennsylvania residents and non-residents, to obtain a Child Abuse History Clearance.

Each LWIB shall electronically data enter its approved listing of eligible youth providers, along with planned activities, program objectives and outcomes into the ETPP system. This list will be included on the Pennsylvania CareerLink website along with the approved training program/provider list for adults and dislocated workers.

X. INDIVIDUAL TRAINING ACCOUNTS (ITAs) [Ref. – Act, Sec. 134(d)(4)(G); Final Rule Sec. 663.400 – 440]

The ITA is established on behalf of a participant to finance training services. WIA Title I adults and dislocated workers purchase training services from eligible training providers in consultation with a Case Manger.

The Department of Labor & Industry has been granted a waiver of the prohibition on the use of ITAs for out-of-school youth at 20 CFR 664.510 for the period January 1, 2005 through June 30, 2009.

This waiver will afford LWIAs increased flexibility in using youth funds to provide training services to youth while retaining limited adult funds to be used on adult training services. The waiver further allows LWIAs to enhance delivery of occupational skills training and promote better customer choices for youth.

A. Eligibility

Individuals are determined eligible for training services through the Pennsylvania CareerLink based on the criteria established by the Act. ITAs shall be limited to individuals who are (1) unable to obtain other grant assistance for such services; and (2) require assistance beyond the compensation available under other grant assistance programs, which includes but is not limited to, Pell grants, Trade Adjustment Assistance (TAA), other Federal grants, or as defined in the LWIB ITA policy.

Training programs may only be selected from the approved single statewide list of eligible training programs/providers, must lead to an occupation in demand, and must be completed within the time limits established by the LWIB.

B. Payment Procedures

Each LWIB, or its designee, will establish a mechanism that will allow for the payment of training dollars to an approved training provider. The LWIB, or designee, shall establish a legal document that would allow for the transfer of funds from the Fiscal Agent to the training provider. As individuals are approved for training services and an eligible program/provider is selected, an application for an ITA must be completed by the individual. The mechanism will allow for the purchase of training in an amount not to exceed locally set limits.

E. Training Services

Individuals use the ITA to access training services from the approved statewide list of eligible training programs/providers.

F. Accessing ITAs

Each LWIB will define a process by which individuals can access their ITA. Individuals must apply for Pell/PHEAA funding and provide a copy of the

Student Aid Report, if applicable. Participants may enroll in WIA-funded training while their application for a Pell/PHEAA grant is pending. Individuals must reapply yearly for Pell/PHEAA, if they are enrolled in a multi-year program or in single year programs that overlap a fiscal year.

Attachment 1

Comma Separated Value (CSV) Format

For "Excel" and related spreadsheet applications

SSN	Certificate ID	\WIA ID	Completer Identification	Scheduled Completion ID	Employed or Continuing Educ.	Participation End Date
123456789	Y	Y	Y	Y	Y	01/01/2004
223456780	N	N	Y	Y	Y	01/01/2004

You must follow the format as shown above. Please do not return the header row containing the data element titles; e.g. SSN, WIA Identification, etc.

You can save a file as a **"Comma Separated Values"** (CSV) by: Click on "File," then click on "Save As." In the "Save as Type" drop down, make sure the suffix "csv" is selected. Provide a name for the file, then click on "Save." Please note the location where the file is saved in order to easily locate the file to upload for the course/program.

For "Text" editors (Notepad, MS Word, and related software applications:
Create the text file. The first line contains the field names or column headings noted above. Subsequent lines contain records. Use commas to separate data and a carriage return to indicate the end of he row. Remember to include a comma for fields that are missing data.

Enter the participant data in the order indicated in the Table above, separated with a comma, followed by a space. Example: 123456789,Y,Y,Y,Y,Y,1/1/2004 with a return at the end of each row.

SSN Social Security Number – This field identifies the individual student's Social Security Number. This number must be entered as a nine-digit number with no dashes or spaces.

Certificate Identification Certificate Identification – This field indicates whether the individual, upon completion of the course or program, received a certificate from the training provider. If the student received a certificate, a Y should be entered into this field. If the student earned no certificate, then an N should be entered into this field. A certificate, for this purpose, is defined as a degree, diploma or other certification.

WIA ID WIA Identification– This field identifies whether a student was receiving Workforce Investment Act (WIA) funds. If a student was receiving WIA funds, regardless of state of residence, a Y should be entered into this field. If the student was not receiving WIA funds, an N should be entered into this field.

Completer Identification Completer Identification – This field indicates whether the individual completed the course or program. If the student completed the course or program, a Y should be entered into this field. If the student did not complete this program, (withdrew or dropped out) an N should be entered into this field.

Scheduled Completion ID Scheduled Completion Identification – This field identifies if the student was scheduled to complete the course or program within the identified "reporting" time constraints. (Used to validate the participant's raw data, and if it belongs in the reporting period or not.)

Employed or Continuing Education Employed or Continuing Education – This field identifies the students that were employed when they began the course or program for which you are submitting information or are continuing their education beyond completion of this course/program. If the student was employed when training began or will continue their education after completion of the course/program, a Y should be entered into this field. If the student was not employed when they began training or is not going to continue additional educational activities, an N should be entered into this field.

Participation End Date Participation End Date – This field indicates the date that the student exited the course or program. The exit may be due to graduation, withdrawal or dropping out. Regardless of the cause, enter the exit date in this field in the numerical format of Year, Month, and Day as follows MMDDYYYY.

Performance Calculations

	Display Results	Participants	Percentage	Calculation	Edit Checks for the Participant Column
1	**(WIA)** How many WIA participants were served during the reporting period? * This establishes the threshold.	10		No Calculation	Must be less than or equal to question #8
2	**(WIA)** Number of participants scheduled to complete the applicable program.	8		No Calculation	Must be less than or equal to question #1
3	**(WIA)** Number of participants who completed the applicable program.	6	Percentage of WIA Completers 75%	3 ÷ 2	Must be less than or equal to question #1
4	**(WIA)** Number of participants **(excluding participants already employed when they entered the program or continuing their education)** who completed the applicable program and were placed in unsubsidized employment.	4	Percentage of Employed WIA Completers 67%	4 ÷ 3	Must be less than or equal to question #3
5	**(WIA)** Number of WIA participants completing the program who obtained unsubsidized employment and were still employed 9 months after program completion.	3	Percentage of Employed WIA Completers Still Employed 9 Months after Program Completion 50%	5 ÷ 4	Must be less than or equal to question #3
6	**(WIA)** Average quarterly wages received by individuals who have completed the applicable program and obtained and retained employment.	N/A Insufficient Data		No Calculation	Wage Information
7	**(WIA)** Number of participants who completed this program and attained a certificate.	5	Percentage of WIA Completers Who Attained a Certificate 83%	7 ÷ 3	Must be less than or equal to question #3
8	**(All)** How many WIA and Non-WIA individuals were served during the reporting period? *This establishes the threshold.	15		No Calculation	Must be greater than or equal to question #1
9	**(All)** Number of individuals participating in the applicable program scheduled to complete the program.	13		No Calculation	Must be less than or equal to question #8 Must be greater than or equal to 2
10	**(All)** Number of individuals who completed the program.	12	Percentage of ALL Completers: 92%	10 ÷ 9	Must be less than or equal to question #9 Must be greater than or equal to question #3

11	**(All)** Number of individuals **(excluding participants already employed when they entered the program or continuing their education)** participating in the applicable program who obtained unsubsidized employment.	9	Percentage of Employed ALL Completers 75%	**11 ÷ 10**	Must be less than or equal to question #10 Must be greater than or equal to question #4
12	**(All)** Number of program completers who obtained unsubsidized employment and were still employed 9 months after program completion.	11	Percentage of Employed ALL Completers Still Employed 9 Months After Program Completion **92%**	**12 ÷ 11**	Must be less than or equal to question #10 Must be greater than or equal to question #5
13	**(All)** Average quarterly wages received by individuals who have completed the applicable program and obtained and retained employment	N/A Insufficient Data		**No Calculation**	Wage Information
14	**(All)** Number of participants who completed this program and attained a certificate.	8	Percentage of ALL Completers Who Attained a Certificate **67%**	**14 ÷ 10**	Must be less than or equal to question #10 Must be greater than or equal to question #7