Section 18

ETPL

Overview

Introduction

The Eligible Training Provider (ETP) policies and procedures govern the operation of the local Eligible Training Provider List (ETPL) for San Bernardino County. The policies and procedures address the activities of the Governor, our Local Workforce Development Board (LWDB), America's Job Center of California (AJCC) locations, and those training providers who wish to offer services to adults, dislocated workers and out of school youth whose training is funded by the Workforce Innovation and Opportunity Act (WIOA).

The policy incorporates the state requirements of the Bureau of Private Postsecondary Act of 2009, includes a transition process for existing providers, and establishes the eligibility criteria and procedures for initial and subsequent determination for training providers who list training programs on the ETPL. This Section addresses local policy and procedures for initial eligibility and modifying an existing program on the ETPL.

References

This handbook chapter contains information regarding WIOA (Public Law 113-128) Section 122, signed into law in 2014 and State directives received from the U.S. Department of Labor (DOL) and/or Employment Development Department (EDD).

- TEGL 8-19
- WSD 19-10
- WSIN 16-25
- WSIN 16-50
- TEGL 19-16
- WSD 21-03
- WSIN 16-46
- WSD 22-08

In this section

This section contains the following topics:

Initial Eligibility Overview

Introduction
The State is required to develop and operate the Eligible Training Provider List (ETPL) in partnership with the local boards. The design of the ETPL is to gather and display useful information on training providers, services, and the quality of their programs. The ETPL only lists providers and programs who meet specified quality criteria and eligible to receive Individual Training Account (ITA) funding through Workforce Innovation and Opportunity Act (WIOA).

State
The State requires the Local Workforce Development Board (LWDB) to establish procedures based on federal and state guidelines, for placing a training provider's program or modifying an existing program on the ETPL.

The State will accept and verify certain information forwarded by Local Boards on training providers, compile them into a comprehensive state list (the ETPL), and disseminate the ETPL with cost information to the Local Board who will distribute it through the local America's Job Center of California (AJCC). The official ETPL is available online at www.caljobs.ca.gov under Education Services.

State principles
The State has adopted the following six (6) principles when developing the ETPL policies and procedures:

1. **Simplicity** – Avoid imposing burdens that inhibit the participation of quality training providers.
2. **Customer Focus** – The policies and procedures support the collection and presentation of easily accessible and reliable training program information for both individuals seeking career and occupational training information, and career planners who assist participants eligible for training services.
3. **Informed Consumer Choice** – The ETPL includes locally approved training programs that lead to self-sustainable careers in the local/regional economy, as supported by current labor market information identifying industry sectors and occupational clusters that are high-growth, high-demand, projecting skills shortages, and/or vital to the regional economy.
4. **Training Delivery Flexibility** – Policies and procedures that foster and support the inclusion of various types of training delivery that expand opportunities for consumer choice.
5. **Quality** – Ensure a comprehensive list of quality training programs that meet minimum performance standards and provide industry-valued skills in priority industry sectors. Information must be accurate, transparent, accessible, and user-friendly.
6. **Respect for Local Autonomy** – The policy remains supportive of the autonomy WIOA grants to the Local Boards.

Objectives   The State and Local Board policies aligns with the three (3) policy objectives outlined in the California Unified Strategic Workforce Development Plan:

- **Fostering demand-driven skills attainment** – Workforce and education programs need to align program content with the state's industry sector needs so as to provide California's employers and businesses with the skilled workforce necessary to compete in the global economy.
- **Enabling upward mobility for all Californians** – Workforce and education programs need to be accessible for all Californians, especially populations with barriers to employment, and ensure that everyone has access to a marketable set of skills, and is able to access the level of education necessary to get a good job that ensures both long-term economic self-sufficiency and economic security.
- **Aligning, coordinating, and integrating programs and services** – Workforce and education programs must economize limited resources to achieve scale and impact, while also providing the right services to clients, based on each client's particular and potentially unique needs, including any needs for skills-development.

LWDB   The Local Board is responsible for:

- Carrying out the ETPL procedures,
- Working with the state to ensure there are sufficient numbers and types of providers of training services with expertise in assisting individuals with disabilities, and adults in need of adult education and literacy activities,
- Developing and maintaining a local ETPL,
- Maintaining a local list of training providers and programs, and
- Ensuring the dissemination of the California and local ETPL through the AJCCs, including in formats, are accessible to individuals with disabilities.

The Local Boards receive applications from training providers for listing on the ETPL; review provider and/or program applications for inclusion on the ETPL, conduct the state eligibility review first, and then determine eligibility for inclusion on their local ETPL. Local Boards must include all ETPL approved

 programs on their local ETPL.

The LWDB uses CalJOBS ETPL Module for accepting applications from providers to list on the ETPL. Local boards may reach agreement to authorize another local board to act on their behalf in making determinations for initial and/or subsequent eligibility of providers.

AJCC   An AJCC may issue an Individual Training Account (ITA) to a WIOA eligible individual (i.e. out of school youth age 18-24, an adult or dislocated worker) to fund training services. An individual selects the training provider from those listed on the ETPL (WIOA Section 122 [h] list the exceptions).

The eligible individual can then compare the offerings on the ETPL, and with the assistance of AJCC staff, select the most appropriate training program.

Initial Eligibility Overview, Continued

Cohort training

An AJCC may also contract with an ETPL provider for cohort training (20 *Code of Federal Regulations* (CFR) 680.320 (a)(4)) if the following occurs:

- The LWDB determines it would facilitate the training of multiple individuals in demand occupations, or
- The contracts do not limit customer choice.

Types of training

A provider of training services must be listed on the ETPL to receive WIOA funds for their program(s). These programs may provide training services, such as the following:

- Occupational skills training, including training for non-traditional employment and occupational skills training that integrates English-language and math instruction needed to succeed on the job.
- Apprenticeship and Pre-apprenticeship Skills Training.
- Programs combining workplace training with related instruction, which may include cooperative education programs,
- Training program operated by the private sector,
- Skill upgrading and retraining,
- Entrepreneurial training, and
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently.

Initial ETPL duration

Once each unique program has been determined eligible, the Training Provider can remain on the ETPL for a period one (1) year (365 days).

Exceptions

There are some training programs exempt from direct application to the ETPL or are subject to special ETPL policy provisions; these exceptions include the following:

- On-the-Job Training (OJT) programs,
- Customized Training programs,
- Incumbent worker training or transitional employment.
- Instances where the LWDB determines the following:
  - There is an insufficient number of eligible providers of training services in the local area.
  - An exception is necessary to meet the needs of individuals with barriers to employment.
  - It would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations.
- Pay for Performance Contracts

Institutions of higher education, such as community colleges, do not need to be on the state's ETPL to provide training through direct contract with a Local Board [20 CFR 680.320 (a)(4)].

Initial Eligibility Overview, Continued

Equal Employment and Non-discrimination requirements

All training providers are subject to the Equal Opportunity (EO) and Non-discrimination requirements found in Section 188 of WIOA and Title 29 CFR Part 38.

All AJCCs must ensure a training provider is in compliance prior to nominating the provider to be on the ETPL. Providers must comply with WIOA's EO and Non-discrimination provisions which prohibit discrimination on the basis of:

- Race,
- Color,
- Religion,
- Sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity),
- National origin (including limited English proficiency),
- Age,
- Disability, and
- Political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in a WIOA Title-I financially assisted program or activity.

Post the Equal Employment Opportunity and Non-discrimination procedures at the AJCCs and approved Training Providers' facilities, and provide to each customer upon enrollment.

Eligibility requirements

The State requires the following minimum eligibility requirements for ETPL providers to include in his/her application for consideration:

- Ensure participants are made aware of the:
  - Grievance and complaint procedures, and
  - Recovery of WIOA tuition and training funds
- Ensures provider performance, job-driven training, informed consumer choice, continuous improvement, and cost-effective investment of public funds support the program (except apprenticeship programs).
- Program location,
- Accreditation, and
- Cost.

Conflict of interest

The Local Board must ensure there are no conflicts of interest with the provider, such as but not limited to the following:

- A prohibition on the payment of referral fees by training providers to Local Board staff, including AJCC staff.
- ETPs and their programs is in compliance with WIOA Section 107(h).

Continued on next page

Initial Eligibility Overview, Continued

ETPL providers

All new and current ETPL providers will be required to:

- Be registered in CalJOBS, and
- Submit request to the Local Board:
  - Representing the area in which the training site is located, or
  - Appointed to coordinate the ETPL for the local, or
  - Only in the area where the providers headquarters are located for approval to list programs on the ETPL if they have multiple training sites,

Once approved by the LWDB, the provider shall enter all the program information, completing all the required fields, including the performance data. All providers are required to enter performance data for each program listed on the ETPL and provide evidence to the LWDB they have met the minimum performance criteria required. Programs who do not include performance data will not be approved for listing on the ETPL

Monitoring tool

It is critical for Local Boards to utilize Employment Development Department (EDD) provided monitoring tools to evaluate the providers, and to upload appropriate documents to the documents section of the Provider Profile in CalJOBS.

Important: All site locations for a provider must be in compliance with WIOA Section 188.

In-State providers

All training providers who have a training site(s) in CA and wish to be listed on the CA ETPL are required to be registered in CalJOBS. The training provider shall provide all the training provider information required in the CalJOBS ETPL module.

The training provider must upload a signed CA ETP Assurances Form to the documents section of the Provider Profile in CalJOBS. If the in-state training provider is a Department of Labor (DOL) Registered Apprenticeship or California Department of Industrial Relations (DIR), Division of Apprenticeship Standards (DAS) approved apprenticeship, refer to the Apprenticeship block in this section for additional information.

Distance education providers

All Distance Education training providers who wish to be listed on the CA ETPL are required to be registered in CalJOBS. The training provider shall provide all the training provider information required in the CalJOBS ETPL module. The training provider must upload a signed CA ETP Assurances Form to the documents section of the Provider Profile in CalJOBS.

The State ETPL Coordinator will determine if a Distance Education training provider is eligible to be on the CA ETPL using the eligibility criteria. If the Local ETPL Coordinator is contacted by a Distance Education training provider, the provider should be referred to wsbetpl@edd.ca.gov for assistance.

Initial Eligibility Overview, Continued

Out of State providers

No training providers, other than Distance Education training providers, that have training sites located only outside of CA can be listed on the CA ETPL. Local Boards cannot utilize an ITA or a direct contract with out-of-state training providers.

Community College programs

Programs operated by the California Community College system have a centralized data system managed by the Chancellor's Office at the State level.

The LWDB works with the Community College Districts in their planning region to identify and list Career Technical Education (CTE) programs resulting in industry-recognized certificates or degrees. Methods to identify "industry-recognized certificates or degrees" can include consultation with industry experts and employers, review of state or industry mandated licenses or certificates, or consultation with industry advisory groups.

The local board submits a Community College Training Provider Application form and a Community College Training Program Application form to the State through the VOS system for a community college wishing to have programs listed on the ETPL.

Consumer choice

Training services must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider and program. The LWDB must make the local ETPL available to customers, including making available information identifying ETPs for OJT, customized training, and Incumbent Worker Training.

An individual who has been determined eligible for training services may select an ETP from the LWDB's local ETPL; unless the program has exhausted training funds for the program year. The LWDB must refer the individual to the selected provider, and establish an ITA for the individual to pay for training. A referral may be given by providing a voucher or certificate to the individual to obtain training. The cost of the referral of an individual with an ITA to a training provider is paid by the applicable Adult, Dislocated Worker, or Youth program funds.

Each Local WDB, through the one stop center, may coordinate funding for ITAs with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

ETPL Coordinator

Introduction   The Eligible Training Provider List (ETPL) Coordinator is a designated Administrative staff member to handle administrative operations and functions associated with the ETPL. The ETPL Coordinator carries out the administrative duties on behalf of the Local Workforce Development Board (LWDB), This section outlines the ETPL Coordinator's responsibilities.

Responsibilities   The ETPL Coordinator's responsibilities includes the following, but is not limited to:

- Reviewing the training providers' initial eligibility prior to nominating for inclusion onto the CA ETPL.
- Denying or nominating the provider for review by the State ETPL Coordinator
- Review, nominate, or deny a training program within 30 days of the completed application date.
- Discussing ETPL Initial Eligibility requirements with interested training providers.
- Guiding interested ETPL applicants through the application process.
- Helping create user profiles and institutional profiles on CalJOBS for training provider.
- Connecting user profiles to institutional profiles to enable provider to enter and update ETPL institution and program information.
- Adding, removing, and approving training programs from the ETPL.
- Scanning ETPL application documents and preserving them in hard copy files.
- Referring ETPL applicants to ETPL contacts in other local areas as necessary.
- Receiving alerts from CalJOBS regarding ETPL activities and taking action as necessary.
- Collecting documentation required for Subsequent Eligibility and verifying approved providers have entered performance data in CalJOBS under each program.
- Providing technical assistance to all training providers with programs located within the Local Workforce Development Area seeking to be listed on the CA ETPL.
- Provide assistance and guidance to training providers who register in CalJOBS.
- Explaining the appeal process requirements.
- Ensuring a signed copy of the CA ETP Assurance Form is uploaded to the document section of the Provider Profile in CalJOBS.

Note: ETPL Coordinator follows the guidelines outlined in the WIOA ETPL Policy and Procedures released by Employment Development Department (EDD).

Communication   Local ETPL Coordinators can communicate with the State ETPL Coordinator by email: wsbetpl@edd.ca.gov.

CA ETPL Initial Eligibility

Introduction

Initial eligibility procedures for the Eligible Training Provider List (ETPL) apply to all training providers, except for registered apprenticeship programs. Pre-apprenticeship Training programs must complete initial eligibility procedures. This section provides information on the initial eligibility requirements for ETPL.

Initial eligibility requirements

Each individual training program must meet the following initial eligibility requirements to be listed on the CA ETPL:

- Meeting state minimum performance criteria,
- Training must be for occupations in in-demand industry sectors identified by the:
  - State,
  - Regional or
  - Local Workforce Development Board (LWDB),
- Training must result in the awarding of an industry-recognized:
  - Credential,
  - National or state certificate, or
  - Degree, including all industry appropriate competencies, licensing and /or certification requirements.
- Apprenticeship programs registered under the National Apprenticeship Act (NAA) or recognized by Department of Industrial Relations (DIR)/Division of Apprenticeship Standards (DAS) are exempt from initial eligibility procedures,
- Registered apprenticeship programs must be included and maintained on the list of eligible providers of training services as long as the corresponding program remains registered, as described at Workforce Innovation and Opportunity Act (WIOA) Section 122(a)(3),
- Providers seeking initial eligibility must provide verifiable program specific performance information to the LWDB who is approving programs, including the following:
  - Description of:
    - ✓ Each program of training services offered.
    - ✓ Partnership with business (incorporating input from local/regional business advisory groups, role of business in developing curriculum, providing work-based learning, and/or hiring graduates).
  - Information addressing performance (employment, earnings, credential attainment),
  - Demonstrate high quality training services, including a program of training services leading to a recognized postsecondary credential or entry into an approved apprenticeship program, and
  - Provide information addressing alignment of the training services with in-demand industry sectors and occupations.

CA ETPL Initial Eligibility, Continued

Additional requirements

In addition, each program's initial application for listing on the ETPL must meet one of the following criteria:

- Bureau of Private Postsecondary Education (BPPE) approval to operate or verification of exemption by BPPE.

  Note: Providers that receive a verification of exemption by BPPE that fall under exemptions (a), (d), (f) or (h) of CEC Section 94874 are NOT ELIGIBLE for the ETPL.

- Accreditation by the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges (WASC), or the Accrediting Commission for Community and Junior Colleges, California State University (SU), University of California (UC), and other WASC accredited institutions.
  - For WASC accredited training providers where the program's instruction and/or curriculum development is entirely sub-contracted to another entity or third party vendor, the training provider directly receiving tuition and related instructions fees must meet the requirements outlined by the State, and register in CalJOBS as a provider.
- Postsecondary institutions eligible under Title IV of the Higher Education Act (HEA) and offering programs leading toward an Associate of Arts (AA) degree, Bachelor of Arts (BA) degree, or certificate.
- Approval by the California Department of Education (CDE).
- Approval by the Chancellor's Office of the California Community Colleges (CCCCO).

Performance criteria for postsecondary education

Programs must meet the Entered Employment (placement) Rate performance standard established by the State Board. Verify priority industry sector information with the State Board and/or Local Board. Training Providers with programs who exempted from BPPE must post their performance on their website and submit a BPPE Exempt Provider Program Performance Report.

Private Postsecondary Institutions (profit or non-profit)

The initial eligibility process for the private postsecondary provider is based on the following:

- Training providers be must be accredited by the Accrediting Commission for Schools (ACS) Western Association of Schools and Colleges (WASC);
- The WASC Senior College and University Commission (SCUC);
- Have current BPPE Approval to Operate; current Verification of Exemption by BPPE; or are deemed exempt per California Education Code (CEC).

CA ETPL Initial Eligibility, Continued

Criteria for apprenticeship

All registered approved apprenticeship programs who are registered with the Department of Labor (DOL), or recognized by DIR/DAS are automatically eligible to be included on the ETPL.

The state will reach out to new apprenticeship programs to inform them of the opportunity to join the CA ETPL. If the provider opts into the ETPL, the apprenticeship program will be placed on the ETPL by the state.

WDD is responsible for referring registered apprenticeships to the State ETPL Coordination team for inclusion on the ETPL.

Criteria for Community College, CSU and UC

Programs must result in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements.

Criteria for Adult Education programs

All Adult Education Programs must meet the minimum performance criteria established by the State Board and result in the awarding of an industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements.

Additional eligibility criteria for the Adult Education Secondary School provider is based on the following:

- Training provider must be an eligible provider of adult education and literacy activities under Title II of WIOA.
- Adult education and/or literacy activities must be offered concurrently, or in combination with, occupational skills training.

Note: A list of Title II providers can be found on the California Department of Education (CDE) website.

Criteria for Pre-apprenticeship

The initial eligibility process for the Pre-apprenticeship provider is based on the following:

- Training providers must have a letter of commitment from a DOL registered or DIR, DAS approved apprenticeship program.
- To be listed on the CA ETPL, the pre-apprenticeship program must award an industry-recognized credential or certificate.
- Pre-apprenticeship programs are considered Individualized Career Services under WIOA, and thus are not required to be on the ETPL.

Pre-apprenticeship programs that do not result in an industry-recognized credential or certificate cannot be listed on the ETPL. However, those pre-apprenticeship programs that do provide an industry-recognized certificate or credential can be listed on the ETPL and used in conjunction with an ITA.

New programs

To be considered a "new" program the program cannot have been offered to the general public prior to application. New program does not mean new to WIOA or the ETPL. The programs must meet all other eligibility criteria. The initial period of performance shall be from 12 to 24 months.

Processing Initial Eligibility Applications

Introduction

The Workforce Development Department (WDD) Administrative staff is responsible for reviewing packets containing the information necessary for a training provider to submit an initial application for the Eligible Training Provider List (ETPL).

Initial eligibility packet

Initial Eligibility packet and instructions are posted on the Workforce Development Board (WDB) website for providers. Administrative Staff will direct interested ETPL applicants to the website for requirements and submission instructions. The instructions specify what documents must be submitted to receive ETPL consideration. The documents required to be sent to the ETPL Coordinator include, but are not limited to:

- Proof of insurance
- Proof of required accreditation
- School Catalog
- Business License & Federal Tax ID
- Program Performance
- ETPL Assurances form (this form is also required to be submitted for the Continued Eligibility process)

Program design

The program design may contain information on:

- Definitions and objectives,
- Training Services and Basic Requirements,
- PELL and other Grant Assistance,
- Training Site stipulations,
- Performance accountability,
- Core performance indicators,
- Subsequent Eligibility Determination (SED),
- Repayment, and
- Customer choice process.

Note: Most of the program design is included in the School catalog and may not be a separate document.

Appeals process

The appeals process provides the training provider with the procedures for requesting an appeal for a program denied initial eligibility by either the LWDB or the State.

Note: Refer to the Appeals section in this chapter for additional information.

Timeframe for completing a contract

Delivering quality customer service is mandated by WIOA and agreements should be executed as quickly as possible. Every effort is made within WDD to prioritize and execute these agreements within 30 days of receiving the application packet from the training provider.

No student can begin a training program unless the approved contract for the training program has been signed by all parties.

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Processing Initial Eligibility Applications, Continued

90 day application process

Once a training provider expresses an interest in placing a program on the ETPL, staff encourages the training provider to submit an initial application packet to determine his/her eligibility to the ETPL.

All training providers are informed the process may take up to 90 days before a program appears on the ETPL.

ETPL application and attachments

The ETPL application and attachment section may contain the following documentations necessary to determine a provider/program for initial eligibility, such as:

- General Information Sheet
- Cost of Training
- Current Certification(s):
  - Bureau of Private Postsecondary and Vocational Education (BPPVE),
  - California Department of Education (CDE), or
  - Chancellor's Office of the California Community Colleges (COCCC)
- Evidence of legal Entity
- Equal Employment Opportunity
- Certifications
- Competencies
- Prerequisites
- Proposed performance
- Funding sources
- Organization Charts and position descriptions
- Certification Regarding Lobbying, Debarment, Suspension, Drub Free Workplace, and other Responsibility matters

- Current Business License
- Staff Qualifications
- Director and Instructor BPPVE or State Certification and Resume
- Employment Development Department (EDD) Workforce Investment Act Training Provider and Program Applications
- Current catalog with a tuition price list
- Evidence of Title IV Funds eligibility
- Audited and/or Official Financial Statement for the last calendar or fiscal year
- Program Performance
- Affidavit of Non-Discrimination
- Refund policy
- Proof of insurance coverage
- Instructions for completing ETPL Applications
- Signed and dated W-9 Form
- Membership roster for all governing or advisory boards
- Complaint and Grievance Procedures

EDD

Employment Development Department (EDD) will accept and verify/validate nominations for the ETPL from the LWDB within 30 days of receipt. EDD will notify the local ETPL Coordinator of the approval.

EDD will aggregate the local approvals into a comprehensive list to produce the ETPL and will make the list accessible to Local Boards and the general public through the website at www.caljobs.ca.gov under "Education Services." EDD will accept changes to data displayed for providers and programs already listed on the ETPL.

Continued Eligibility Criteria

Introduction

All programs on the Eligible Training Provider List (ETPL), with the exception of Department of Industrial Relations (DIR)/Division of Apprenticeship Standards (DAS) apprenticeship programs, will be evaluated annually to ensure the providers continue to meet eligibility to be retained on the ETPL beyond the period of initial eligibility.

This determination is called "subsequent eligibility determination (SED)". Performance shall be verified utilizing:

- Bureau of Private Postsecondary Education (BPPE),
- CalJOBS,
- California Community College,
- Adult Education,
- Local Workforce Development Board, and/or
- Other appropriate data sources (including BPPE Exempt Provider Program Performance Report, and published annually in a Workforce Services Directive (WSD) Information Notice.

State annual evaluation

A training provider's initial and continued eligibility is valid for 365 days after the provider is approved for the ETPL. All active training providers on the ETPL will be evaluated annually by the Employment Development Department (EDD) no earlier than 60 days, and no later than 30 days prior to the provider's eligibility expiration date to ensure the provider continues to meet eligibility and to be retained on the ETPL.

Providers must ensure the contact information is updated, otherwise the provider will not receive a notification regarding the annual evaluation.

Local ETPL evaluation

Local Boards have discretion on when to conduct continued eligibility for inclusion on the local ETPL. The following are the options for local review:

- Review entire local ETPL every two years.
- Review each provider/program annually.
- Review on the anniversary of when the provider/program established continued eligibility on the local ETPL.

Performance metrics

Program must provide and meet the performance metrics based on aggregate data for all students in the program to ensure the program supports the ability for the individual to obtain an industry-recognized postsecondary credential, and/or employment upon completion of the program. The provider must provide performance data for the prior complete program year (July 1 – June 30).

For continued eligibility, ETPL training programs (with the exception of apprenticeship programs, Adult Education programs, Community Colleges, UCs and California State Universities) must meet or exceed the performance metrics required in initial eligibility, as well as the negotiated state-level Title I Adult performance goals.

Continued Eligibility Criteria, Continued

Performance metrics, continued

The continued eligibility performance calculations for each program is based on WIOA participant performance, and is verified using the federal ETP Report published annually by the state.

Training programs

The ETPL providers training programs must lead to at least one (1) of the following:

- Credentials and/or certificates valued by employers, or
- Training-related employment as a result of gaining measurable technical skills for a specific occupation. This requirement ensures the training programs lead to high-quality jobs, as described in the California Unified Strategic Workforce Development Plan.

Reinstatement criteria

Providers on the CA ETPL for two (2) full program years (July 1 – June 30) must have at least one Title I, subtitle B enrollment during the previous two (2) program years. If removed due to enrollment requirements, a provider must wait six (6) months from removal to submit their ETPL application for reinstatement and will not be held to the enrollment requirement when determining continued eligibility for placement back onto the list

SED criteria

The following are the SED criteria requirements:

- Private Postsecondary Education Providers
    - Employment (placement) rate equal to or above the performance standard established by the State Board.
- Division of Apprenticeship Standards Registered Apprenticeship Programs
    - Will review and maintain the list of approved apprenticeship programs.
- California Community College, California State University (CSU) and University of California (UC) Programs
    - Program completion rates obtained by the approving Local Workforce Development Board (LWDB) and posted in the performance area for each program in CalJOBS.
    - Employment rates for Workforce Innovation and Opportunity Act (WIOA) participants registered for a program and college reported using CalJOBS.
- Adult Education Programs
    - Employment rate equal to or above the performance standard established by the State Board for all WIOA participants reported using CalJOBS.
- Considerations for Subsequent Eligibility for Small Cohorts
    - When the number of WIOA participants is less than ten (10) WIOA participants during any program year, subsequent eligibility will be based on a two (2) year program cycle.

Continued Eligibility Criteria, Continued

Documentation   Any documentation requested by EDD or the Local Board, the training provider must comply and submit within five (5) business days. Failure to do so could result in a denial or suspension.

Waiver of Initial and SED   Waiver of Initial and Subsequent Eligibility for Private Postsecondary Training Providers' Programs. LWDB may request a waiver either:

- An initial (a two year initial period of eligibility), or
- A subsequent eligibility waiver (a single year of subsequent eligibility) of a training program that does not meet the minimum performance standards established by the State Board.
  - This option is necessary to align the current ETPL policy with the new provisions in the Section 122(b) of WIOA, which allows for consideration of the characteristics of the population served, availability of training providers in rural areas, and relevant economic conditions.

During the period of an approved waiver, the training program must continue to meet all other requirements, including the following:

- Maintain "Approval to Operate" from the BPPE.
- Submit annual performance reports to BPPE.
- Provide training for occupations in demand in the local/regional area.
- Award credentials valued by the local/regional employers.

If a program receives a waiver of initial eligibility, the training program must demonstrate substantial progress towards meeting performance goals in order to be approved for an additional year. By the end of the second year of performance waivers, the program must meet performance requirements or it will be removed from the ETPL. A training provider may only receive a waiver of subsequent eligibility for one year.

Waiver approval   To approve a waiver for a program, the LWDB shall ensure the program meets the above requirements in addition to meeting the minimum waiver performance levels, which will be equal to the Wagner-Peyser Act negotiated State Level Performance goals. This performance standard is published annually.

Continued Eligibility Criteria, Continued

Waiver request form

The LWDB shall complete the Private Postsecondary Program Waiver Request form and send request to the attention of the State Board. The request must be supported by a publicly noticed Action of the LWDB.

The waiver request form must explain why the provider is unable to achieve the state's minimum ETPL performance standard and what actions the LWDB will take to ensure the continuous improvement of this rate during the waiver period. If the waiver request is submitted through email, the completed request must be scanned and attached due to the signature requirement.

The State Board will review and recommend action on the request and forward the waiver request to EDD to carry out the administrative functions of the directive. If the waiver is approved, the Training Provider, with assistance from the ETPL Coordinator, must complete all data entry for the program into CalJOBS℠. The Central Office Workforce Services Division, Program Support Unit will approve the program to the ETPL upon receipt of the State Board's approval of the waiver request. If the waiver is denied, the program will be removed from the list.

Waiver submission

Private Postsecondary Program waiver requests shall be submitted using one of the following methods:

- Mail:
  ATTN: ETPL Waiver Coordinator
  California Workforce Development Board, MIC 45
  P.O. Box 826880
  Sacramento, CA 94280-0001

- E-mail: Waiver.Request@cwdb.ca.gov

Denial and Delisting Program/Providers

Introduction   This section outlines the process for denying and/or delisting of programs and providers from the Eligible Training Provider List (ETPL).

Denials   The following is a list of reasons for initial denial; if the:

- Application from a provider is incomplete or not submitted within required timeframes.
- Applicant fails to meet the minimum criteria for initial listing
- Applicant intentionally supplied inaccurate information.
- Provider has substantially violated any Workforce Innovation and Opportunity Act (WIOA) requirement(s).

Notice of action (NOA)   A Notice of Action (NOA) to provider regarding a denial or delisting from ETPL must be issued. If the ETPL Coordinator denies a provider's initial application for listing on the ETPL, the ETPL Coordinator must, within 30 days of receipt of the application:

- Inform the provider in writing,
- Include the reason for the denial, and
- Complete information on the local appeal process.

If EDD denies a provider's program listing on the ETPL, EDD must within 30 days of receipt of the nomination, inform the ETPL Coordinator of the denial and the reason(s) for the denial. The ETPL Coordinator must:

- Inform the provider in writing,
- Include the reason for the denial, and
- Complete information on the appeal process.

A copy of the written notification provided to the provider must be uploaded to the documents section of the Provider Profile in CalJOBS within 10 business days of issuance.

State ETPL Coordinator denies provider   In situations where the Local Board nominates a provider/program to the state for review, but upon review, the State ETPL Coordinator denies the training provider/program listing on the CA ETPL, EDD must inform the Local Board of the denial and the reason(s) for the denial within 30 days of receipt of the nomination.

The Local Board must inform the training provider in writing with the reason(s) for the denial, and information on the Local Board appeal process within 30 days of receipt of the EDD's decision. A copy of the written notification provided to the provider must be uploaded to the document section of the Provider Profile in CalJOBS within 10 business days of issuance.

Denial and Delisting Program/Providers, Continued

Remedies denial issue

Training provider who is able to rectify the issue that caused the denial, the Local Board can review the information and resubmit to the State ETPL Coordinator for review.

Example: A provider is denied solely because the *CA ETP Assurances Form* was not uploaded to CalJOBS, the State ETPL Coordinator would notify the Local Board, which would notify the provider. The Local Board can then nominate the provider again once the form is uploaded to CalJOBS.

State approved, LWDB denies

In situations where the CA ETPL approved training provider for inclusion, but the Local ETPL Coordinator determines the training provider/program does not meet the LWDB local ETPL requirements, the Local Board must:

- Inform the training provider in writing with the reason(s) for the denial, and
- Provide information on the Local Board appeal process within 30 days of receipt of the application.

A copy of the written notification provided to the provider must be uploaded to the documents section of the Provider Profile in CalJOBS within 10 business days of issuance.

Penalties

EDD, in consultation with the nominating LWDB, determines a provider intentionally supplied inaccurate information, EDD or the LWDB working with EDD shall:

- Terminate the eligibility of the provider;
- Remove them from the ETPL, and
- Deny eligibility to receive any funds under WIOA Section 133(b) for at least two (2) years.

If it is determined an eligible provider substantially violated any WIOA requirement(s), EDD or the ETPL Coordinator working with EDD shall terminate the eligibility of the provider for at least two (2) years, or take other such action as deemed appropriate.

Reactivating programs

A program which was removed from the list, the training provider can request the program be reactivated once the program has met the minimum performance standards approved by the State Board.

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Denial and Delisting Program/Providers, Continued

Delisting

A provider who has carried out unfair practices adversely affecting student's finances and progression through training course work may justify a delisting on the ETPL. The following is a list of additional reasons for delisting a program/provider from ETPL:

- The private postsecondary provider approved by Bureau of Private Postsecondary Education (BPPE) has not complied with the BPPE Annual Performance Reporting requirement. [Title 5 California Code of Regulations Division 7.5](#)
- The school has lost its accreditation from Western Association of Schools and Colleges (WASC).
- The provider has not achieved the minimum performance criteria for subsequent eligibility and has not been approved for a waiver of subsequent eligibility by the LWDB.
- The nonprofit Community Based Organization no longer qualifies under Section 501(c)(3) of the Federal Internal Revenue Code.
- The apprenticeship program is no longer registered with the DOL under the National Apprenticeship Act, or is no longer approved by DIR DAS. The State ETPL Coordinator is responsible for removing apprenticeship programs.
- The pre-apprenticeship program no longer has a Letter of Commitment from a DOL registered or DIR DAS approved apprenticeship program, or no longer leads to an industry-recognized postsecondary credential.
- The provider is not in compliance with WIOA Section 188.

Delisting – removal and repayment

A training provider will be immediately removed from the CA ETPL for a period of no less than two (2) years for any of the reasons listed above.

A provider who has been removed from the list for any of the following reasons is liable to repay all Adult and Dislocated Worker training funds received during the period of noncompliance:

- The state identifies the Local Board and training provider are participating in pay-to-play activities (commonly known as kickbacks) that include, but are not limited to:
  - The Local Board receiving monetary or gift exchanges for referrals to a specific training provider, and/or
  - Exchanges of money or gifts to have the training provider listed on ETPL.

Note: As part of the annual on-site monitoring of Local Boards, if it is determined the Local Board is engaging in pay-to-play activities, a corrective action is required, and failure to take timely action to be in compliance may result in decertification of the Local Board involved.

- It is determined the training provider falsely reported information.
- The training provider substantially violated a provision of Title I of WIOA, or its implementing regulations.
- The training provider's leadership (e.g. owner, CEO, Director, etc.) is convicted of violating any federal or state law associated to the operation of the institution.

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Denial and Delisting Program/Providers, Continued

Reactivation

Providers, who EDD in coordination with the Local Board removed a provider for any of the following reasons may be reactivated at the discretion of the State ETPL Coordinator and the Local Board:

- It is determined the provider is not serving or providing value to WIOA participants, and is listed on the CA ETPL solely for other purposes, such as the utilization of Workers' Compensation Supplemental Job Displacement Benefit vouchers.
- The provider has not served at least one Title I, subtitle B enrollment during the previous two program years. Refer to the "Training Provider Continued Eligibility Criteria" for requirements to be reinstated to the ETPL.
- The provider's CalJOBS profile and/or program information is inaccurate or incomplete.
- The training provider has not demonstrated a good faith effort in providing the ETP Report data to the EDD.
- The provider no longer wishes to be listed on the CA ETPL

Reactivation requests

Requests to be placed back on the CA ETPL must be submitted through the Local Board (unless the provider is a Distance Education or apprenticeship program). The training provider and program(s) must meet all criteria outlined *Continued Eligibility* section of this chapter before being placed back on the CA ETPL.

Suspension

In an effort to safeguard WIOA funds, the training provider will be suspended from the CA ETPL if the training provider is under any:

- Federal,
- State, or
- Local investigation.

During the period of suspension, no new enrollments may occur, but the training provider can continue to serve existing WIOA-funded enrollments. Once the investigation is complete, a review of the findings by the state will determine if the provider can be reinstated to the CA ETPL.

Appeals

Introduction　　The Workforce Development Department (WDD) written appeal process with required provisions is outlined in this section.

Required provisions　　The appeals process must include the following required provisions:

- Instructions for a provider wishing to appeal a decision must appeal to the LWDB within 30 days of the issuance of the denial notice.
- The appeal must be in writing and include:
  - A statement of the desire to appeal,
  - Specification of the program in question,
  - The reason(s) for the appeal (i.e. grounds),
  - Documentation supporting the grounds for the appeal, and
  - The signature of the appropriate provider official.
- Initial informal meeting between the Workforce Development Department (WDD) staff and the provider. The purpose of the meeting is to identify if there is a simple solution to resolve the dispute.
- Opportunity for providers to have a hearing.
  - The hearing officer shall:
    - ✓ Be an impartial person.
    - ✓ Provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days in advance of the scheduled hearing.
  - Both parties shall have the opportunity to present oral and written testimony under oath, to:
    - ✓ Call and question witnesses,
    - ✓ Request documents relevant to the proceedings, and
    - ✓ Have legal representation.
- Final decisions must be made within 60 days of receipt of the appeal and the provider and the LWDB notified in writing of the final decision.
- A copy of the final decision is emailed to the State ETPL Coordinator (wsbetpl@edd.ca.gov), and the Local ETPL Coordinator must upload the final decision to the Provider Profile section of CalJOBS.

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Appeals, Continued

Appeals to EDD A provider may appeal to the Employment Development Department (EDD) if it has exhausted the local appeal process and is dissatisfied with the LWDBs final decision. A provider must:

- Submit a written appeal within 30 days from the LWDBs final decision to EDD.
- Include a statement with the desire to appeal, specification of the training program in question,
- Provide the reason(s) for the appeal,
- Provide the Local Board's final decision document, and signature of the appropriate provider official.

The provider's appeal should be sent to wsbetpl@edd.ca.gov.

EDD will:

- Promptly notify the appropriate LWDB when a request for appeal is received and when a final decision has been rendered.
- Administratively review the appeal, make a decision, and notify the provider and the Local Board.

EDD can either uphold or reverse the appealed decision and will upload the state's final decision to the Provider's Profile in CalJOBS.

Note: Distance Education and Apprenticeship programs can appeal directly to the EDD.

ETPL Maintenance and ETP Report

Introduction

This section provides information regarding the maintenance of the Eligible Training Provider List (ETPL) and required ETP reports to be submitted to the state.

Maintenance of the CA ETPL

The Employment Development Department (EDD) is responsible for the maintenance and publishing of the CA ETPL.

The Local Boards are responsible for ensuring all of their America's Job Center of California (AJCC) locations have access to the most recent version of the CA and local ETPLs. Local Boards may include additional performance, occupational, and/or industry data to augment the CA ETPL listings on their local ETPL.

CalJOBS

AJCC staff, job seekers, and training providers have access to the CA ETPL on CalJOBS by clicking the:

- Access California's ETPL and Apprenticeship Providers link from the homepage, or
- More Career Services, and then Education Services section.

ETP reports

The Workforce Innovation and Opportunity Act (WIOA) requires the state to submit an ETP Report with the federal WIOA Annual Performance Report on October 1st utilizing a template developed jointly by the Department of Labor (DOL) and U.S. Department of Education.

This report includes all WIOA and non-WIOA participants served by each training program listed on the CA ETPL. The DOL has made the ETP Report data available to the public via trainingproviderresults.gov.

Performance data from the ETP Report will be used for continued eligibility review of all training programs, excluding DOL registered or Department of Industrial Relations (DIR)/Division of Apprenticeship Standards (DAS) approved apprenticeships.

ETP data

The ETP Report gathers critical data information, including the:

- Employment,
- Earnings, and
- Credentials obtained by participants in the training program.

This data information will be widely disseminated to assist participants and members of the general public in identifying effective training providers and programs. This will also benefit the training provider by providing awareness of their program, and serving as a tool to potentially enhance their programs.

Continued on next page

ETPL Maintenance and ETP Report, Continued

Training providers

All training providers are required to electronically submit the program participant data as outlined in the CA ETP Assurances Form.

The state recognizes the reporting burden this causes, and understands the data limitations, so the state will work with training providers based on the available data provided.

Training providers who demonstrate a good faith effort in providing the data will not be subject to removal from the ETPL. However, failure to provide any data may result in removal from the CA ETPL.

ETPL Resources and Technical Assistance

Introduction   Resources and technical assistance on application processes, compliance requirements, and reporting documents are provided to Eligible Training Provider List (ETPL) Coordinators and Training Provider by:

- Bureau of Private Postsecondary Education (BPPE),
- Department of Industrial Relations (DIR)/Division of Apprenticeship Standards (DAS), and
- Employment Development Department (EDD).   .

Resources and technical assistance   The following resources and technical assistance are available to the ETPL Coordinators:

- Communication with the EDD ETPL Coordinators:
  - ETPL e-mail address: wsbetpl@edd.ca.gov

- BPPE: provides technical assistance workshops to assist training providers in completing the Annual Reports and has on-line reporting tools.
  - www.bppe.ca.gov/schools/application_workshops.shtml
  - www.bppe.ca.gov/enforcement/compliance_workshops.shtml

- DIR/DAS: provides technical assistance to providers interested in applying to become an apprenticeship program and assistance to registered apprenticeship programs in listing their programs on the ETPL.

- The Provider Services Guide is available in CalJOBS under the Staff Online Resources section.

- Webinars: EDD will coordinate webinars and user group meetings and include breakout sessions for the ETPL coordinators when necessary.

ETPL Reciprocal Agreements

Introduction   Eligible Training Provider List (ETPL) Reciprocal Agreements are used when establishing an agreement with another state to allow the use of their ETPL. This section outlines the process for the ETPL Reciprocal Agreements.

Background   The Employment Development Department (EDD) is the entity responsible for publishing, disseminating, and maintaining the comprehensive California (CA) ETPL with performance and cost information. In addition, EDD is responsible for ensuring programs meet the eligibility criteria and performance levels established in ETPL Policy and Procedures.

To increase the training options available to program participants, states may enter into mutually beneficial agreements that permit eligible providers of training services in a state to accept Individualized Training Accounts (ITAs) provided by another state. This type of agreement is referred to as an ETPL reciprocal agreement.

Use of reciprocal agreements   Workforce Development Board (WDB) can utilize an approved reciprocal agreement to send eligible program participants who qualify for an ITA to an Out-of-State training provider's program approved to be on that state's ETPL.

The reciprocal agreement cannot be used to send program participants to Distance Education Training Providers, Apprenticeship programs, or providers with a training site(s) in CA.

Note: Refer to the Initial Eligibility Overview in this chapter for additional information on In-State and Distance Education Training Providers.

To support CA businesses, priority must be provided to CA ETPL training programs. A reciprocal agreement should only be leveraged if an equivalent program within a reasonable commute is not eligible, or is not willing, to be listed on the CA ETPL.

Approved states   Currently, EDD has a reciprocal agreement with Nevada. Local Boards may utilize programs offered by approved Out-of-State training providers on the Nevada Department of Employment, Training, and Rehabilitation's (DETR) ETPL.

Note: Refer to the DETR WIOA Eligible Training Provider List for a list of approved training providers.

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ETPL Reciprocal Agreements, Continued

Request for an agreement

States may submit a request for a reciprocal agreement with CA to the CA State ETPL Coordinator at wsbetpl@edd.ca.gov.

CalJOBS

Participants who go to a training program on another state's ETPL, the following must be completed in CalJOBS:

- The training provider and program needs to be created as a local provider. This ensures the training-related information is available for federal reporting purposes.
  Activity Code 346 – Out-of-State Training Provider other ETPL will be used and must be added to his/her program application and associated to the local training provider created.
  - This activity code is setup as a non-ITA activity code in CalJOBS; however, the training must be funded through an ITA.
  - The non-ITA designation in CalJOBS enables Local Areas to enter the provider and program as a local provider instead of submitting the provider and program to be listed on the CA ETPL.
- Requires Case Note to indicate other State's ETPL and a justification for the use of the reciprocal agreement.
- Collecting and tracking any credentials or measurable skill gains received as a result of the training.

ETPL Monitoring

Introduction	The Workforce Innovation and Opportunity Act (WIOA) of 2014 requires the monitoring and routine oversight of Eligible Training Provider List (ETPL) Providers for programs and activities funder under Title I. The monitoring is completed on an annual basis in conjunction with Riverside County who is part of the Inland Empire Regional Unit (IERPU).

San Bernardino Workforce Development Department (SBWDD) and Riverside County Workforce Development Division (RCWDD) has established protocols for conducting monitoring, to ensure program quality, and fiscal integrity, which results in comprehensive reports of findings and documented follow-up for required correctve actions.

Note: Refer to Regional Policy #2 – ETPL Monitoring Policy, which is located on the WDD Intranet. |
Reports	Each county will request the enrollment report from the Management Information Services (MIS) Administrator. The report will assist each County's designated Monitor to determine which provider will be monitored.

Monitoring tools	The ETPL monitoring tools consists of the following:
	
	• Desk Review
	• ETPL – WIOA Sec 188 Monitoring
	   – Discrimination Complaint Form
	   – Equal Opportunity (EO) Survey
	• ETPL Site Visit
	   – WIOA Instructor Interview Template
	   – WIOA Director Interview Template
	   – EO is the Law notice
	   – EO Monitoring Survey
	   – EO Non-discrimination Accommodation
	   – WIOA ETPL Monitoring Checklist
	   – WIOA ETPL Participant Interview Template

Regional coordination	The ETPL Monitors for San Bernardino and Riverside County will coordinate monitoring efforts including, but not limited to: • Identify the providers with the most enrollments for the monitoring period. • Assigning top providers to monitor based on enrollments and previously conducted monitoring between each ETPL Monitor. • Coordinating the ETPL monitoring schedule for shared providers • Sharing copies of completed monitoring reports. • Sharing detailed monitoring documentation, upon request.

ETPL Monitoring, Continued

Fiscal

In addition to the program monitoring and oversight, a fiscal monitoring is completed on the ETPL Providers on an annual basis. Fiscal completes a Fiscal Compliance Review Monitoring tool along with a report. Fiscal staff coordinates with the ETPL Monitoring staff to determine when monitoring will be completed. Fiscal staff completes:

- Desk Review:
    - Most recent fiscal year-end audit financial reports
    - Individualized Training Account (ITA) invoices
    - Current financial data
    - Fiscal policies and procedures.
- Fiscal report, which is included with the program monitoring report.

Monitoring selection

The monitoring team will discuss the CalJOBS report and based on diversity of the program (avoid monitoring similar programs/industries) and number of participants providers are selected for monitoring. If a provider receives multiple concerns or prior program year (PY) monitoring identified issues, provider will be reviewed.

Notification

Once it is determined which ETPL Providers will be monitored, a notification letter or email is sent within 30 days prior to the monitoring and review visit. The notification shall include the following information:

- Purpose of the visit
- Areas and materials to be reviewed
- The deadline for documents to be completed and returned to monitoring team prior to the onsite visit

Note: Copy of the notification letter or email is saved in the **public share drive> Contract Staff Forms Only>Monitoring>ETPL** folder under the appropriate PY folder.

Desk review

Prior to the on-site visit, the designated monitoring staff will conduct a desk review. The desk review will consist of a comprehensive assessment of documentation on file at the administration office of WDD and the documents the ETPL provider submitted. The data reviewed for can include:

- Case review of randomly selected customer files for compliance with WIOA – (total of five (5) student files). If a trend is identified, additional case files will be reviewed.
- Previous monitoring reports to determine if any non-compliance actions were taken.
- Fiscal policies and procedures.
- Non-discrimination and Equal Opportunity mandates.
- ETPL Checklist.
- Monitoring Guide.
- Any other materials, as necessary, on file at the Administration Office related to the operations of the ETPL Provider.

On-site monitoring

The purpose of the on-site monitoring visit is to verify or disprove information derived from the Desk Review that may lead to identification of areas not in conformance.

The on-site review will follow a standardized guide designed to assist the monitoring team in accomplishing a comprehensive evaluation. The process to be followed during the on-site review by the monitoring team is as follows:

Stage	Description
1	**Entrance Conference:** Meet with the Director and/or his/her designee to: • Explain the purpose and scope of the monitoring visit, and • Identify how the team will approach the monitoring tasks.
2	**Evaluation of Performance:** • Verify if ETPL Provider staff is aware of the goals. • Determine if actual performance is on track to meet performance standards and if not, what steps/plans are in place to direct the actions of staff to achieve the performance goals.
3	**Observation of facility:** • Complete a tour of the training and/or administrative site to assess the adequacy of the facility as it relates to the accessibility to the site • Attend a training class, if possible, and • Observe the center to determine if it is comfortable, safe and a healthy environment for customers and staff.

4	**Review of records:**
	• Validate information obtained from the desk review including, verification compliance with WIOA statutes and appropriate ETPL policies.
	• Review five (5) student records during on-site visit:
	  – Eligibility certification and verification documentation,
	  – Attendance,
	  – Assessment results,
	  – Documentation to support WIOA expenditures and follow-up services.
	• Customer file documentation should have evidence all participants have been provided a copy of the Grievance procedures.
	• Determine if the training provider is following compliance with policies and procedures for non-discrimination and equal opportunity in the development of job training plans.

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ETPL Monitoring, Continued

On-site monitoring, (continued)

Stage	Description
5	**Observance of Instructor (if attending a class):** • The training and quality of the training provided, • Training background, license and/or credentials of the instructor, and • Interaction with the students.
6	**Interviews of participants:** • Conduct Interviews with two (2) students to obtain information on the quality of services provided. • Validate program staff compliances with policies and procedures for non-discrimination and equal opportunity in the development of job training plans for participants.
7	**Exit Conference:** Conduct an exit conference with the Director and/or his/her designee to: • Discuss the results of the monitoring review, • Focus on strengths and weaknesses of the program, • Identify areas requiring corrective actions and • Offer technical assistance for continuous improvement.

Note: All documents are saved in the designated ETPL monitoring folder by PY in the public share drive.

Survey
Part of the monitoring involves a survey of ETPL providers regarding EO policies. It is mandatory a certain number of surveys are emailed to the providers and given two (2) opportunities to complete and return the survey to the monitoring team. Any ETPL provider who does not respond to the survey, the monitoring member will notify the ETPL Coordinator to take further action.

ETPL Coordinator will send a notification to the providers of his/her responsibility to respond to the survey and if response is not returned further action will be taken. ETPL Coordinator may submit request to WDB and/or EDD to have provider removed from the ETPL list.

All completed surveys are saved in the **public share drive> Contract staff forms only>Monitoring>ETPL Monitoring** folder in the appropriate PY folder.

ETPL Monitoring Reports

Introduction

This section includes information about the process the monitoring staff completes regarding the preliminary and final reports sent to the Eligible Training Provider List (ETPL) Providers for the program and fiscal monitoring program year (PY) reports.

Preliminary report

A preliminary report is completed and sent to any ETPL Provider when a possible Observation, Area of Concern or Finding was identified during the on-site monitoring visit. The preliminary report process applies to both the program and fiscal team. A preliminary report is submitted to the Workforce Development Department (WDD):

- Administrative Supervisor II within 30 days after the program monitoring review is completed to review and provide feedback and comments prior to sending report to the Director.
- Director determines if the corrective action recommended by the monitoring team is sufficient and signs off on the report.

The preliminary report is emailed or sent to the Director or his/her designee. The ETPL Director or his/her designee are given 30 days to respond to the preliminary report prior to the issuance of the final monitoring report. If there are no Observation, Area of Concern or Finding identified a preliminary report does not need to be sent to the provider.

Note: Copy of the preliminary report is saved in the **public share drive> Contract staff forms only>Monitoring>ETPL Monitoring** folder in the appropriate PY folder.

Final report

The final monitoring report is mailed within 90 days from the completion of the monitoring to the ETPL Provider Director or his/her designee. The monitoring report will identify areas of strength and non-compliance noted as findings with recommended corrective actions. The format of the report will include:

- Information specific to the program monitored,
- Date of visit,
- Identity of members of the monitoring team, and
- Fiscal report.

The report will include results regarding the following areas.

Item	Description
1	**Fiscal Management (fiscal records):** • Evaluation of fiscal sampling, • Actions taken, • Documentation, and • Administrative controls.

Continued on next page

Final report (continued)

Item	Description
2	**Program Management:** Assessment process and results of the overall management of the program(s) and systems. Included are: • Staffing levels, • Organizational structure, • Staff qualifications, • Adherence to the Workforce Innovation and Opportunity Act (WIOA), San Bernardino County and Workforce Development Board (WDB) policies, procedures, and State directives.

3	**Condition of Facilities:**
	• Observations of the environment:
	   – Accessibility,
	   – Comfort, health and safety
	• General appraisal to determine if the accommodations are conducive for WIOA activities to result in successes.

4	**Program Performance:** Assessment process and results of planned performance and actual performance/services provided to date, including forecasts for year-end performance levels.
5	**Previous Monitoring Findings:** Review and status of previous findings, recommendations, and corrective actions.
6	**Findings:** Any areas of non-compliance with policies, procedures, state or federal regulations for WIOA programs and activities.
7	**Corrective Actions Requirement:** Stipulates the corrective actions and findings of obvious or evident violations of law, regulations or policy with set deadlines for resolution.
8	**Recommendations/Technical Assistance:** Include recommendations for additional training workshops, resources, etc. that can assist the provider in resolution of findings, performance improvement or service enhancement for customers.

9	**Disclaimer:**
	• Conduct a monitoring on a sample basis, the report should not be considered a comprehensive assessment of the program factors monitored.
	• The administration responsibility of the subrecipient is to ensure systems, programs, and outcomes comply with:
	   – The WIOA law and regulations,
	   – The American with Disabilities Act, and
	   – All other applicable state and federal policies.
	• Deficiencies identified in the subsequent review, such as an audit, would remain the sole responsibility of the subrecipient.

ETPL Monitoring Reports, Continued

Responses

Upon receipt of the preliminary monitoring report, the ETPL Provider has approximately 15 – 30 working days, depending on the complexity of the finding(s) or area of concern(s), in which to respond with corrective actions taken including a timeline indicating when the corrective actions are to be completed. Should the report indicate the programs and activities are in general compliance, no response is necessary.

Sufficient response email

Once a response is submitted regarding the preliminary monitoring report, WDD will review the response for a satisfactory and acceptable corrective action. The ETPL Provider Director or his/her designee will receive the Sufficient Response email approximately 30 days after WDD receives the monitoring report response or will include the sufficient corrective action in the final monitoring report. If the response is determined to be insufficient, the ETPL Provider Director or his/her designee will receive an Insufficient Response email with further actions required and deadline for resolution.

This process is repeated until the deficiencies are resolved or WDD determines no other actions are necessary.

Follow-up

The monitoring team will follow-up upon receipt of the response by the ETPL Provider to ensure they have initiated appropriate corrective actions in the areas noted in the monitoring report. This may necessitate subsequent on-site visits for verification.

Should a provider fail to respond to the monitoring report or to resolve corrective actions, WDD will request direction from the WDB. The WDB may determine the provider may fall under sanctions including, but not limited to the following:

- Request by WDB to appear and respond to findings
- Modifications or changes to the scope of work
- Submission to the Employment Development Department (EDD) for Termination of the ETPL Provider from the CA ETPL list.

Retention

All the reports/records are retained until completion and resolution of all actions or until the end of the three (3) year period of the contract. These reports/records involve the following items, but not limited to:

- Litigations,
- Claims,
- Audits, or
- Other action started prior to the expiration of the three (3) year period.