



ELIGIBLE TRAINING PROVIDER POLICY

I. PURPOSE:

Workforce Solutions for North Central PA administers the Eligible Training Provider List (ETPL) in the North Central Workforce Development Area. This policy outlines the appeal procedures for programs rejected from the ETPL and training provider eligibility requirements.

This policy applies to all training providers interested in providing training with WIOA Title I Adult, Dislocated Worker, and Youth program funds.

Workforce Solutions for North Central PA and training provider staff are responsible for implementing this policy.

II. REFERENCES:

- Workforce System Policy (WSP) - Eligible Training Providers & Pennsylvania's Eligible Training Provider List
- Workforce Solutions for North Central PA Individual Training Account Policy
- Workforce Solutions for North Central PA Eligibility Policy

III. DEFINITIONS:

Eligible Training Provider: is a provider of training services who has met the eligibility requirements to receive WIOA title I-B Adult, Dislocated Worker, and Youth funds to provide training services to eligible individuals.

Eligible Training Provider List: means the commonwealth's statewide list of approved providers of training services who are eligible to receive WIOA title I-B funds.

Program of Training Services: is defined as one (1) or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent; employment; or measurable skill gains toward such a credential or employment.

IV. TRAINING PROVIDER ELIGIBILITY:

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

1. An institution of higher education that provides a program leading to a recognized post-secondary credential;
2. An entity that carries out registered apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 60 Stat. 664, Chapter 663, 29 U.S.C. 50 et

seq.);

3. Another public or private provider of a program of training services, which may include community-based organizations or joint labor-management organizations;
4. Eligible providers of adult education and literacy activities under WIOA Title II, if such activities are provided in combination with occupational skills training; and
5. Local boards, if they meet the conditions of WIOA Section 107(g)(1).

Registered apprenticeship programs shall be included on the ETPL, but are not subject to the requirements outlined below. Once a training provider has been deemed eligible, the entity remains eligible until it is removed from the applicable ETPL.

Training providers wishing to train individuals with Individual Training Accounts (ITAs) must meet the ETPL eligibility requirements established in the Commonwealth of Pennsylvania's *Workforce System Policy - Eligible Training Providers & Pennsylvania's Eligible Training Provider List (May 11, 2022)*.

The policy below outlines the criteria for denial and removal from the ETPL, as well as the process for appeals.

Denials and Removal

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

Denials for eligibility may be based on:

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

Removals from a list may be based on:

- Failure to provide required data;
- Failure to notify of program changes including, but not limited to, costs, location of training, or a change in the program any time after its original approval;
- Failure to meet established criteria;
- Failure to meet minimum levels of performance;
- Intentionally supplying inaccurate information;
- Violations of any provisions of federal, state, or local statutes, regulations, policies, or procedures;
See the PA Department of Labor & Industry website, available [here](#).
- Conduct that is either unreasonable or unprofessional; and
- Deregistration (in the case of a registered apprenticeship).

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

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

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

1. *Performance.* A training provider or program removed or denied eligibility because of failure to meet minimum performance requirements, may reapply no sooner than the following quarter from the date of the denial or removal action. At this time, training providers must reapply and minimum performance must be met based on the new quarter performance submissions.
2. *Violations of WIOA.* Providers that were removed from an eligible training provider list may reapply two (2) years from the date of the final termination action taken either at the state or local level.
3. *Unreasonable or unprofessional conduct by a person(s) acting on behalf of the provider.* Providers that were removed from the eligible training provider list may reapply one (1) year from the date of the final removal action.
4. Licensure issues or Training Provider closures are investigated by and handled by the PA Department of Labor & Industry to ensure that participants are not added to the program if the provider is closing or if, per their licensure, are not qualified for the program.

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

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

V. REQUESTS FOR APPEAL:

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

If a course/program is rejected, the institution will receive a system-generated email, or sent a letter if no email address is available, indicating that a course/program rejection has occurred. The notice will indicate the level from which the rejection came, either the local or state, as well the reason for the rejection.

All initial appeals must be electronically filed through the www.cwds.pa.gov website within thirty (30) calendar days from the rejection.

1. Log in to the provider business folder at www.cwds.pa.gov.
2. Search for the program that will be appealed by using these steps:
 - a. Click on Services in the Quick Links box on the left side of the page or hover over the Services menu and click Services List.

- b. On the Provider Service List page, ensure the Provider Program Type displays ETPL Click the appropriate year from the ETPL Year drop-down menu. Click Search.
 - c. A list of all programs will display.
3. Click the radio button for Select next to the rejected course/program. Scroll to the bottom of the page and click Appeal from the drop-down menu for Quick Link. Click Go.
4. The Create Appeal screen will display. Enter the email address of the appropriate Local Point of Contact for To, to appeal a local rejection (lfranco@ncwdb.org). If appealing a state rejection, enter ra-li-bwpo-ccs@pa.gov for To, and enter your email address for From. The subject line is prepopulated. Enter detailed information in the Reason for Appeal. Click Submit.
5. The Provider Service List screen will display with a confirmation message that reads, Service successfully appealed.

By completing these steps, the appeal process commences.

If the course/program is rejected by Workforce Solutions for North Central PA, the following steps will occur:

1. Workforce Solutions for North Central PA will have thirty (30) calendar days to review the provider's appeal;
2. If Workforce Solutions for North Central PA upholds the rejection, the provider will receive an email notification of the decision. The provider then has thirty (30) calendar days from the date of the second rejection to file an appeal with the state;
3. Within thirty (30) calendar days, state staff will review the provider's appeal and local decision to reject. State staff may uphold the local decision to reject the course/program or may choose to approve it. If state staff upholds the Workforce Solutions for North Central PA rejection, the provider will receive an email notification of the decision. The provider then has thirty (30) calendar days to electronically file a request for review. The request for review shall set forth specifically and in detail the grounds and the reasons upon which it is claimed that the rejection, denial, suspension or termination was erroneous. The state will not consider any factual or legal grounds for relief that are not set forth in the appeal.

The state will determine whether a fact finding hearing is necessary. A decision will be rendered no later than sixty (60) calendar days from either the date an in-person hearing is held or the date the appeal request is received by the state.

All appeals must be submitted in writing within 30 calendar days from the date of the rejection notice or notice of suspension of eligibility. Such appeals may be addressed to Workforce Solutions for North Central PA:

Workforce Solutions for North Central PA
425 Old Kersey Road
Kersey PA 15846

VI. RECISIONS:

None.

VII. EXPIRATION:

Ongoing

VIII. INQUIRIES:

Questions shall be directed to:

Pamela Streich, Executive Director at pstreich@ncwdb.org; or
Donna Hottel, Strategic Planning and Project Manager at dhottel@ncwdb.org

Workforce Solutions for North Central PA
425 Old Kersey Road
Kersey, PA 15846 (814) 245-1835

IX. POLICY HISTORY:

Name	Date	Description of Change	Effective Date
Pam Streich	11/22/2023	Issue Date	07/01/2023

Auxiliary aids and services are available upon request to individuals with disabilities.

Equal Opportunity Employer / Program