

Training Provider Eligibility / Appeal Policy

The NWPA Workforce Development Board (LWDB) administers the Eligible Training Provider List (ETPL) and Local Training Provider List (LTPL) in Clarion, Crawford, Erie, Forest, Venango and Warren Counties. The LWDB has established an appeal process for training providers to challenge actions initiated by the local board.

DEFINITIONS

Eligible Training Provider is a provider of training services who has met the eligibility requirements to receive WIOA Title I Adult, Dislocated Worker, and Youth program 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 funds.

Local Training Provider List is a list of locally approved providers of training services that catalogs training providers and their respective training services/programs exempted from the statewide ETPL eligibility requirements outlined below.

Program of Training Services is defined as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, employment, or measurable skill gains toward such a credential or employment.

ELIGIBILITY REQUIREMENTS

Training Provider Eligibility

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

- 1) An accredited institution of higher education that provides a program leading to a recognized post-secondary credential;
- 2) An entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 60 Stat. 664, Chapter 663, 29 U.S.C. 50 et. Seq.);
- 3) Another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under WIOA Title II, if such activities are provided in combination with occupational skills training;
- 4) Provider of on-the-job training (OJT), customized job training (CJT), incumbent worker training (IWT), internships, and paid or unpaid work experience opportunities, or transitional employment; or

- 5) An entity that is contracted to provide training services.

Registered apprenticeship programs shall be included on the ETPL, but are not subject to the requirements outlined below. Training providers who wish to train individuals with Individual Training Accounts (ITAs) must meet the requirements of the ETPL, as outlined below. Training providers providing work-based training and those providing cohort training must meet the requirements of the LTPL, outlined below.

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;
- Substantial violations of any provisions of federal, state, or local statutes, regulations, policies, or procedures;
- Conduct that is either unreasonable or unprofessional; and
- Deregistration (in the case of a Registered Apprenticeship).

It is important to note that 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 training provider whose eligibility is terminated shall be liable for the repayment of funds received under Title I WIOA Adult, Dislocated Worker, and Youth Programs during the period of noncompliance.

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

- 1) Performance. A training provider or program removed or denied eligibility because of failure to meet minimum performance requirements, may reapply no sooner than the following quarter from the date of the denial or removal action.
- 2) Violations of WIOA. Providers that were removed from an eligible training provider list may reapply two (2) years from the date of the final termination action taken either at the state or local level.
- 3) Unreasonable or unprofessional conduct by a person(s) acting on behalf of the provider. Providers that were removed from the eligible training provider list may reapply one (1) year from the date of the final removal action.

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

REQUESTS FOR APPEAL

A training provider wishing to appeal a decision by the LWDB must submit an appeal electronically through the CWDS website (www.cwds.state.pa.us) not later than 30 calendar days from the date of the rejection notice or notice of suspension of eligibility. The appeal must clearly identify the program that was denied approval and the reason for the appeal. Any documentation supporting the training provider’s case must be available upon request by the LWDB. The LWDB will have 30 calendar days to review the provider’s appeal.

If the training provider is not satisfied with LWDB’s decision, they may appeal to the PA Department of Labor and Industry within 20 working days from the date of the decision. The PA Department of Labor and Industry’s complaint review process would then be put into place. The state will determine if a fact finding hearing is necessary. A decision will be rendered no later than 60 calendar days from either the date an in-person hearing is held or the date the appeal request is received by the state.

REFERENCE

WIOA Section 122
 20 CFR 680.400 – 680.530
 Workforce System Policy (WSP) 04-2015 Eligible Training Providers, 12/23/2015

HISTORY

Name	Date	Rev. Level	Description of change	Effective Date
Deb O’Neil	08/07/2014	A	Policy approved under new LWIB	
Deb O’Neil	10/20/2014	B	Revised per state recommendation	12/17/2014
Deb O’Neil	03/29/2017	C	Update language per WIOA	08/11/2017