



EASTERN WORKFORCE INVESTMENT BOARD, INC.

ELIGIBLE TRAINING PROVIDER POLICY AND PROCEDURES

EFFECTIVE: 7/1/2006
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EWIB is an Equal Opportunity Employer/Program
Auxiliary Aids and Services are Available upon Request to Individuals with Disabilities

GUIDANCE

Since primary funding source for customer services is the Workforce Investment Act (WIA) Adult, Dislocated Worker and Youth formula grants, **The Workforce Investment Act of 1998 (P.L. 105.220)** and **810 20 CFR 652 Workforce Investment Act; Final Rules** will be used as the legislative and regulatory guidance for this document.

BOARD ROLES AND RESPONSIBILITY:

According to **§ 661.305 20 CFR 652** and **The Workforce Investment Act of 1998 § 117(d)**, the Local Board is responsible conducting oversight of the One-Stop system, youth activities and employment and training activities under title I of WIA, in partnership with the chief elected official. **20 CFR 663.145(a)** clearly states that *"WIA title I formula funds allocated to local areas for adults and dislocated workers must be used to provide core, intensive and training services through the One-Stop delivery system. Local Boards determine the most appropriate mix of these services, but all three types must be available for both adults and dislocated workers."* These responsibilities include: selecting eligible youth service providers based on the recommendations of the youth council, identifying eligible providers of adult and dislocated worker intensive services and training services, and maintaining a list of eligible providers with performance and cost information, as required in **20 CFR part 663, subpart E**; and developing a budget for the purpose of carrying out the duties of the Local Board, subject to the approval of the chief elected official.

To assist the Board in their role, Board Staff was hired. The main role of EWIB's Board Staff is to coordinate all activities related to WIA and other funding sources with the service providers as well as act on behalf of the Board and Local Elected Officials by ensuring customers are being served according to federal, state, and board-issued guidance. This is done by monitoring the progress of the service providers in meeting the programmatic goals and objectives set by the Board. Board Staff has direct oversight of obligations and expenditures used to provide supportive services and training to WIA customers. The staff is also responsible for ensuring the service providers are in compliance with all board, state and federal guidance and the Act.

As part of the technical support to the service providers, the Board Staff is responsible for all procedural issuances based on EWIB policies and conducting training regarding the programmatic changes as prescribed by state and federal mandates and guidance.

POLICY:

The Governor designated the Oklahoma Service Link Eligible Training Provider System (OSL/ETPS) for management of WIA eligible training providers. Eastern Workforce Investment Board is responsible to provide materials and guidance to training providers in the local area regarding the use of the online system. Providers interested in having programs approved to receive funds made available under section 133(b) of the Workforce Investment Act, will enter complete and accurate information regarding their organization and training programs and submit to EWIB for approval. Eligible training provider applications must be evaluated by EWIB and either recommended for approval in the online system or disapproved when they fail to meet required eligibility criteria. OESC will

validate and approve or disapprove EWIB-recommended training providers and formally include approved providers on the State Eligible Training Provider List.

Purpose:

This document is developed to provide guidance for the administration of the required Eligible Training Provider List through the online Oklahoma Service Link System. The development of the ETPL is mandatory in order to provide occupational skills training to WIA customers. It is the intention of EWIB that nothing in this document requires the staff or contractors to violate any law, rules, regulations, or policy and this procedure may be periodically revised as needed.

Training Providers certified through the process may serve as the training service providers for the individual training accounts (ITAs) identified in the Act. This will ensure that WIA participants are trained by education and training entities that have demonstrated effectiveness in providing training that leads to program completion, employment in unsubsidized employment, and retention on the job.

Definitions:

The definitions in OETI #04-2005 pages two and three will be used to ensure standardized application of these procedures. (Attached)

Other definitions will be added as appropriate.

Procedure:

Applications for initial eligibility determination for training providers in the Eastern Area will be submitted to EWIB for review and approval. Applications will be accepted throughout the year. The OSL/ETP system will automatically generate a written determination of acceptance or rejection to an applying entity when EWIB enters the determination into the system. EWIB Staff representative will, as determined reasonable by the WIB, will make an on-site visit to training provider program sites for the purpose of confirming training provider initial eligibility application information.

Legislative Authority:

Eastern Workforce Investment Board Eligible Training Provider Certification System has been developed as required by Section 122 of the Workforce Investment Act (WIA) of 1998 (Public Law 105-220) signed into law on August 7, 1998. Federal Register / Vol. 65, No. 156 / Friday August 11, 2000 / Rules and Regulations /Sections 663.500 and 663.505(c). OETI # 2004-005

Background:

WIA focuses on meeting the needs of businesses for skilled workers and the training, education and employment needs of individuals. It requires a customer-focused system. One of the key elements of this customer focus is the inclusion of individual training accounts for participants and the certification of training providers who must meet certain requirements before they may serve WIA participants who are eligible for “training

services.” Certified providers must be used for all adult and dislocated worker training services except when:

- Training is On-the-Job
- Training is Customized
- There are insufficient numbers of providers available
- It is more appropriate to use Community-Based Organizations or other private organizations serving special participant groups that face multiple barriers to employment.

SECTION A: ELIGIBLE TRAINING PROVIDER LIST

The eligible training provider list (ETPL) includes:

1. Those training providers and community-based organizations with whom EWIB has written contracts for services as exceptions to ITA’s such as those for On-Job-Training or customized training as specified in 20 CFR 663.430 (a)(2) and (a)(3).
2. Those training providers who apply and are selected to be placed on the List so that WIA customers may use ITAs to choose appropriate training, specifically. Providers of training are identified within three categories:
 - i. Postsecondary institutions that are eligible to receive federal student aid funds (Title IV of the Higher Education Act of 1965) and provide programs that lead to an associate degree, Baccalaureate degree, or certification, must submit an application, listing all programs seeking initial eligibility. Non-credit courses may be included in these programs if they are critical in attaining a certificate or degree, or if they assist in gaining employment.

The application is completed in Oklahoma Job Link (OJL), the State Designated system for implementing the ETPL activity and saved in OJL. EWIB staff will then review the application in OJL and submit it The WIB for approval. The application will then be entered in OJL as WIA approved and submitted to the state for review and approval. After the state has approved the program it will then show in OJL as A state approved program of study.
 - ii, Training providers that provide apprenticeship programs registered under the National Apprenticeship Act must submit an application, listing all programs seeking initial eligibility to the WIB in cases where the provider wishes to deliver training services.
 - iii. Another public or private provider of a program of training services.

Initial Eligibility

To be initially eligible as a service provider, institutions categorized as either (i) or (ii) above must submit an application to EWIB via the Oklahoma Service Link Eligible Training Provider System. The application must include a description of each program of training service for which the provider is requesting designation as an approved program. The institution does not have to provide performance information on each program of training services if that information is not readily available.

To be initially eligible as a training services provider, institutions categorized as iii above must submit an application to the WIB via the Oklahoma Service Link Eligible Training Provider System www.OklahomaJobLink containing a description of each program of training for which the provider is seeking designation as an approved program. If the provider is currently providing the program of training on the date of application, the service provider must include performance information and program costs in the application. The program must meet appropriate levels of performance as approved by the State and the WIB.

The application will be reviewed by designated WIB staff and submitted to the WIB at a regular meeting for review and approval. The information will then be submitted to the State via Oklahoma Job Link for review and addition to the State Approved Training List.

If the institution categorized as (iii) does not currently provide the program of training on the date of application, the provider is not required to include performance information and is not required, for that program, to meet appropriate levels of performance for initial eligibility.

If an institution categorized as (i) requests approval of a program of training that does not lead to an associate degree, baccalaureate degree, or certificate; or if an institution requests approval of an apprenticeship program that is not registered under the National Apprenticeship Act, the institution must submit performance information and must meet appropriate performance levels. If the provider is currently providing the program of training on the date of application, the service provider must include performance information and program costs in the application. Approved appropriate performance levels must be met.

All approved programs of training must be on the demand occupations list for the area. Providers are not eligible to receive WIA training funds under title I of WIA until they have been added to the State eligible training provider list by the designated state agency.

A provider may be determined to be initially eligible for a period of time that exceeds one year. June 30th of each year is the date all eligible providers must submit performance information unless a deadline waiver is granted by the state upon written request by the WIB. In the determination of initial eligibility, a provider that is determined to be initially eligible between January 1 and June 30 will be granted an exemption from the June 30 reporting requirement for the initial year only.

Subsequent approval

All eligible training providers on the State Training Provider List will be required to be subsequently approved at the end of June 30 of each year. Eligible programs that have been on the State list will be automatically eligible for application for subsequent approval pending input of performance data for each program of study and data must be entered by July 15th of each year. Failure to submit performance data for subsequent approval will result in the program not being listed as a WIA and State approved training program and service providers will not be allowed to send WIA participants to these programs.

Any new programs the institution wants added to the list must go thru the process for initial eligibility. Retaining a training provider on the statewide list of eligible training providers is similar to continuing a contract with a successful vendor and subsequent eligibility is for one year.

In making determinations of subsequent eligibility, EWIB will take into account:

- The specific economic, geographic, and demographic factors in the local Eastern Workforce Area in which providers seeking eligibility are located
- The characteristics of the populations served by providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable
- Current and projected occupational demand within the local area
- The performance of a provider of a program (s) of training services, including to the extent which the annual standards of performance established by EWIB have been achieved
- The program cost of training services
- The involvement of employers in the establishment of skill requirements for training programs
- The impact provider performance will have on State-negotiated WIA Performance Measures for all program participants.

EWIB will ensure that training providers use the following guidelines, in descending order, in developing programs of training and establishing performance criteria :

- Skill standards recognized or conditionally recognized by the Oklahoma Skill Standards Board when available;
- Industry-defined or recognized skill standards; or
- Skill requirements determined by employers,

- The feedback of employers who employ individuals who recently completed WIA-supported training to verify that the training produced the expected skills.

Appropriate levels of performance for subsequent approval will be determined by EWIB based on the above criterion and standards will be appropriately higher for subsequent approval than for initial approval. Standards will be determined and published on the EWIB website annually.

Performance Requirements

For initial eligibility, programs of training service must meet the minimum performance levels established by the Governor’s Council for Workforce and Economic Development under OETI # 04-2005, page 5, performance requirements, unless EWIB establishes higher performance levels.

Initial Eligibility Performance	Minimum Performance Level
Program Completion Rate	20%
Entered Employment Rate	20%
Hourly Wage at Placement	\$5.15

Minimum performance levels apply to all providers after the period of **initial** eligibility. Performance levels for **subsequent** eligibility shall be established by EWIB and reported to OESC Employment and Training Division. Performance levels will be set by EWIB to ensure continuous improvement within the EWIB Labor market areas.

Subsequent Eligibility Performance	Minimum EWIB Performance Level
<i>For all Students in the Program</i>	
• Program Completion Rate	21%
• Entered Employment Rate	21%
• Hourly Wage at Placement	Currently \$5.40
<i>WIA Assisted Students in the Program</i>	
• Program Completion Rate	22%
• Completer Entered Employment Rate	22%
• Retention Rate in Unsubsidized Employment	50%
• Completer wages at 6-Month Follow-up	Currently: \$6.15
• Licensure or Certification Rates, Attainment of academic degrees or equivalents, or attainment of other measures of skills	22%

Ineligible Providers

Those training providers who apply but are not approved by EWIB to be placed on the statewide list of eligible training providers, may reapply or appeal the decision. Appeals may be made by a letter of request to appear before the board and present the case as to why the program/institution should be approved. EWIB will make its decision based on the case presented by the training institution representative.

Training providers who are removed from the list for whatever reason may reapply after a one-year terminations period.

The following provisions apply to ineligible providers:

1. If a training provider is not granted eligibility, the provider may reapply for initial eligibility at the next solicitation or board meeting or the provider may appeal the decision.
2. If a training provider, initially eligible, is not granted subsequent eligibility, the provider may apply for initial eligibility after one year has passed.
3. If, after consultation with EWIB and OESC, it is determined that a provider intentionally supplied inaccurate information for eligibility determination, the provider's eligibility will be terminated for two years. The terminated provider shall be liable for repayment of all WIA funds received during the period of noncompliance. After two years, the provider may reapply for initial eligibility.
4. If EWIB determines that a training provider substantially violates any WIA laws or regulations, it may terminate the provider's eligibility for at least one year. If eligibility is terminated for cause, the provider shall be held liable for repayment of all WIA funds received during the period of noncompliance. After the end of the termination period, the provider may apply for initial eligibility.

Ineligible training providers appeal process

Providers of training programs have certain rights to appeal decisions made by the WIB and/or State such as a decision not to approve a training program. Providers may appeal a decision on whether a training program provides training in a demand occupational area. Providers may not appeal the WIB or State minimum performance levels.

If EWIB determines that a provider is not eligible to receive WIA funding for training services, it will provide an appeal process. The appeal process will meet the same standards outlined above under the initial eligibility determination process. Reason for ineligibility can include failure to meet specified standards or minimum standards, violation of the Act, failure to submit performance information or intentional misrepresentation of information.

EWIB will determine the circumstances under which reconsideration of a denied application may be afforded to a provider that was denied initial eligibility determination.

An entity whose application for certification was denied may reapply no sooner than six (6) months after the written notice of denial. An applicant who intentionally provides inaccurate information in order to obtain certification will not be eligible to receive funding for a period of not less than 2 years.

An appeal made by a provider must be addressed in writing to EWIB. The appeal must state the specific item upon which the appeal is made and the appeal must contain the rationale for the appeal. EWIB will have a maximum of 30 days in which to respond to the appeal. EWIB may ask for additional information and may conduct an informal resolution process. A decision will be made by EWIB within 30 days after receipt of the appeal. If the final decision made by EWIB is unsatisfactory to the provider, the provider may appeal the decision to the State.

Removing Providers from the List

Training providers recommended for approval by EWIB will be placed in the OSL/ETP queue for consideration by OESC. If OESC in consultation with EWIB, determines the provider does not meet the required eligibility criteria or performance levels required in WIA section 122 (c)(6) OESC, in consultation with EWIB, may remove the training provider program from the ETP list. If it is determined that a training provider violated WIA section 122 (f)(1) and (2) OESC will terminate the eligibility of the training provider. OESC will notify the training provider of the removal from the list (OETI #04-2005 .page 8).

The training provider has twenty (20) days from the date the letter is mailed to appeal decision. If a timely appeal is not received, the decision will become final and no further appeal shall be allowed. If a timely appeal is received, OESC will schedule a hearing and notify the provider in writing of the date and place of the hearing at least ten (10) days prior to the date of the hearing. If the appeal is denied by OESC, the provider may appeal to the District Court. (OETI # 04-2005 page 8).

SECTION B: ANNUAL REVIEW OF TRAINING PROVIDER PERFORMANCE

Renewal of eligibility for a training program requires the program to meet required levels of performance [WIA Sec.122.(c)(6)(A)]. The data sources for identifying performance results may be: provider administrative records, Board of Regents performance reports, student records and reports, or additional supplemental data.

EWIB will compare a training program's performance results (completion rates, employment rates, and earnings) with State and EWIB performance criteria to determine if program performance meets required performance levels. If performance for a training program is not available for the performance review, the provider will be contacted and if allowed by the State, EWIB may grant an "interim eligibility" status and the program may remain on the state list until minimum data is available to conduct the performance review. "Interim Eligibility" status will only be granted for a period not to exceed 30 days.

If a training provider is unwilling to supply EWIB with required and available data or is unwilling to post program cost and performance data information on the Oklahoma Job

Link, Eligible Training Provider system, the programs will be removed from the state ETP list.

WIA Sec. 122 allows EWIB to set higher levels of performance the level required by the state and also allows WIBS the option of requiring the training provider to submit other verifiable program-specific performance information to obtain subsequent year eligibility. See Subsequent Approval section of this procedure guide for criteria that will be used for performance review.

(Participant performance procedures will be developed when the state issues guidance and direction.)

DEMAND OCCUPATIONS AND INDUSTRY CLUSTERS

OETI #09-2005 (To be identified by the Board, documented in official meeting minutes, and recertified as current during the first meeting of each program year)

EWIB Industry Clusters

EWIB Industry clusters as identified by the Oklahoma Department of Commerce

- 1. Trade**
- 2. Healthcare**
- 3. Education**
- 4. Manufacturing**
- 5. Government**
- 6. Construction**
- 7. Agriculture & Food Processing**
- 8. Administrative & Support Services**
- 9. Hospitality, Tourism & Recreation**
- 10. Finance & Insurance**

Focus to be on:

Health Care,

- 1) Information & Technology, and**
- 2) Manufacturing.**

EWIB will use EMSI career pathways data for a list of demand occupations relating to the Industry Clusters identified.

A list of Occupations in each cluster is being developed and will be attached to this policy when completed. Additionally, copies of the demand occupation list will be available in the Workforce Centers.

EWIB Demand Skills

The existing EWIB demand skills are:

1. Microsoft Office Products
 - Word
 - Excel
 - Power Point
 - Publisher
 - Outlook
 - Access
 - Front Page
2. Keyboarding (typing skills)
3. Computer Literacy
4. Basic Literacy
5. Math Skills
6. Accounting Software Applications
7. WorkKeys and Keytrain Remediation
8. English as a Second Language (ESL)