



APPROVAL DATE: 3/23/10
APPROVED BY: Betty Baker, WIB Chair

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF SOCIAL SERVICES**

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**POLICY NO:** 30-08  
**TO:** Service and Training Providers  
**FROM:** Department of Social Services  
**EFFECTIVE:** March 23, 2010 (revised October 26, 2014)  
**SUBJECT:** California Eligible Training Provider List Procedure

**REFERENCES:**

- Workforce Investment Act (WIA) of 1998, Section 122
- Code of Federal Regulations (CFR), Title 20, Section 663.500
- EDD Workforce Services Directive (WSD) 13-10
- EDD Workforce Services Information Notice (WSIN) 12-64

**PURPOSE:**

The Workforce Investment Act (WIA) requires states to establish a list of providers who are eligible to receive WIA funds for training services provided to adults and dislocated workers and establish procedures to apply to the Eligible Training Provider List (ETPL). With the exception of certain types of customized and on-the-job training, only training providers through their training programs listed on the ETPL are eligible to receive WIA funds to train adults and dislocated workers.

The State of California accepts applications from qualified schools and institutions for inclusion on the Statewide Eligible Training Provider List (ETPL) on an on-going basis. With the exception of public schools or institutions (e.g. community college, apprenticeships, or school district), all schools or institutions requesting consideration for inclusion on the statewide Eligible Training Provider List, the school or organization must either possess current and verifiable Bureau for Private Postsecondary Education (BPPE) Approval or Exemption status allowing the school or institution to operate in the State of California.

## **POLICY AND PROCEDURES:**

### **Initial Eligibility/Determining Eligibility**

In order to be listed on the ETPL, training providers must submit an application through the [CalJOBS](#) website. All new and existing training providers are required to register their institution and programs in [CalJOBS](#).

Interested training providers can refer to the ETPL page on the SLO WIB website [sloworkforce.com](#) for technical support and resources regarding the application process in CalJOBS.

Private postsecondary education providers must have received an “Approval to Operate” from the Bureau of Private Postsecondary Education (BPPE) prior to being listed on the ETPL. Additionally, each program to be approved must meet the minimum performance standard.

Initial eligibility procedures for the ETPL apply to all training providers. Initial eligibility is based on the following:

1. Meeting State minimum performance criteria, as described in this document; and
2. Training must be for occupations in priority industry sectors based on the State plan or local area plans. Training must result in completion of an industry-recognized credential, national or state certificate, or degree, including all industry-recognized credential, national or state certificate, or degree, including all industry appropriate competencies, licensing and/or certification requirements. Training programs and/or providers must have industry appropriate accreditation status.

Additionally, providers must also meet one of the following criteria in order to have their programs listed on the ETPL:

1. Bureau of Private Postsecondary Education Approval to Operate, or Verification of Exemption by BPPE;
2. Accreditation by the Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges, or the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges;

3. Postsecondary institutions eligible under Title IV of the Higher Education Act (HEA) and offering programs leading toward an associate degree, baccalaureate degree, or certificate.
4. Programs that are jointly registered under the National Apprenticeship Act (NAA) with the Department of Labor (DOL) and the California Division of Apprenticeship Standards (CDAS).
5. Approval by the California Department of Education.
6. Approval by the Chancellor of the California Community College Office (CCCCO).

Minimum Performance Criteria:

A. Private Postsecondary Education Provider:

1. Priority industry sector information must be verified with the State Board and/or local board.
2. Programs must meet an Entered Employment (placement) Rate of 70%.
3. 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. Training programs must have industry appropriate accreditation status.

B. Registered Apprenticeship Program Initial Eligibility:

1. Priority industry sector information must be verified with the State Board and/or local board.
2. Programs must meet an Entered Employment (placement) Rate of 70%.

C. Community College, CSU and UC Program:

1. Priority industry sector information must be verified with the State Board and/or local board
2. 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.

D. Adult Education Programs:

1. Priority industry sector information must be verified with the State Board and/or local board
2. 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. Training programs must have industry appropriate accreditation status.

E. New Programs:

1. A new provider and/or program may be approved for initial eligibility for listing on the ETPL by a local board. To be considered a new program, is to have never been offered to the general public prior to this application. New program does not mean new to WIA or the ETPL. The programs must meet all other eligibility criteria, and shall be subject to performance criteria as outlined in the subsequent eligibility section of this document. The initial period of performance shall be from 12 to 24 months.

Approved training providers must complete Attachment A, ETPL Provider Recordkeeping Agreement, which requires training providers maintain sufficient records and make these records available for monitoring or audit by either the local board or the State.

**Subsequent Eligibility**

All programs on the ETPL will be evaluated annually to determine eligibility to be retained on the ETPL beyond the period of initial eligibility. This determination is called "subsequent eligibility". Providers must meet the minimum performance criteria established herein. Performance shall be verified annually by December 1 utilizing BPPE, CalJOBS, Division of Apprenticeship Standards, California Community College, Adult Education, local board, and/or other appropriate data sources. Priority industry sector information must be verified with the local board and/or State Board priority sectors.

Performance Criteria for Subsequent Eligibility:

A. Private Postsecondary Education Providers

- Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL:
  1. Entered employment (placement) rate of 70% in a training-related occupation.

B. Division of Apprenticeship Standards Registered Apprenticeship Programs

- Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL:

1. Programs must meet an Apprenticeship Completion Rate of 70%.

#### C. California Community College, CSU and UC Programs

- Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL:

1. Certificate or credential attainment of 70% for all program participants; and
  - Entered employment in training-related occupation of 70% for WIA participants only.

#### D. Adult Education Programs

- Programs must meet the following performance standard during the period of initial eligibility to be retained on the ETPL.

1. Completion, certificate, or credential attainment of 70% for all program participants; and
2. Entered employment in training-related occupation of 70% for WIA participants only

#### E. Considerations for Subsequent Eligibility of Public Funded Education Providers (Adult Education, Community Colleges, CSU and UC Campuses).

- When the number of WIA participants is less than ten WIA participants during any program year, subsequent eligibility will be based on a two year program cycle.

**Note:** The Department of Labor granted California an extension of the waiver that suspends the subsequent eligibility certification requirements of WIA Section 122(c). This waiver is granted through June 30, 2017. Under this waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers.

[EDD WSD13-8](#), WIA Statewide Waivers and State Plan PY 2013-2017, addresses this and other statewide waiver extensions granted to California under the WIA. The federal waiver will not apply to private postsecondary training providers, as they are required to meet performance criteria and report the outcomes on the entire student populations in the ETPL approved programs. The federal waiver, as it relates to subsequent eligibility criteria, may be applied to programs offered through the community college system.

### **Denial, Delisting and Appeals**

- A. Programs/providers can be denied. Reasons can be, but are not limited to:
- Incomplete application
  - The applicant fails to meet the minimum criteria for initial listing
  - The applicant intentionally supplies inaccurate information
  - The provider has violated any WIA requirements
- If a program/provider is denied the WIB must, within 30 days of receipt of the application, inform the provider in writing and include the reason for the denial and complete information on the appeal process.
- B. Programs/providers can be delisted. Reasons can be, but are not limited to:
- The private postsecondary provider has not complied with the BPPE Annual Performance Reporting requirement. [Title 5 California Code of Regulations Division 7.5](#)
  - A WIA participant has not enrolled in the training program during the previous 3 years (July 1 through June 30).
  - The school has lost its accreditation from WASC.
  - The provider has not achieved the minimum performance criteria for subsequent eligibility for the program listed on the ETPL.
- If a program/provider is delisted by EDD, EDD must within 30 days of receipt of the nomination from the LWIA, inform the LWIA that nominated the program of the delisting and the reason for the delisting. The LWIA must inform the provider in writing and include the reason for the delisting and complete information on the appeal process.

### **Appeals to the WIB**

In the event that a provider appeals a WIB denial, the following will occur:

1. A provider wishing to appeal a decision by the WIB must submit an appeal to the WIB 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), and the signature of the appropriate provider official. A provider appeal should be addressed to:

Department of Social Services  
Administration – WIA  
P.O. Box 8119  
San Luis Obispo, CA 93403

2. The WIB will schedule an informal meeting between the WIB staff and the appealing provider. The purpose of this meeting is to forestall the appeal process if there is an easy solution to the dispute.
3. If a solution to the dispute cannot be identified through the informal meeting, the WIB will schedule a formal hearing. The hearing officer shall be an impartial person. The hearing officer shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten calendar days before the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.
4. The WIB will notify providers of its final decision on an appeal within 60 days of receipt of the appeal. This period includes a hearing if requested by the provider.

### **Appeals to EDD**

This procedure applies only to an appeal by a training provider based on an EDD denial of the provider's application for initial listing on the ETPL or the de-listing of a program already listed on the ETPL. In addition, a provider may appeal to EDD if it has exhausted the appeal process of the WIB and is dissatisfied with the local board's final decision. In the event that a provider appeals an EDD denial, the following will occur:

1. A provider wishing to appeal to EDD must submit an appeal request to the Workforce Investment Division in EDD's Central Office within 30 days from either the issuance of a denial notice or the provider's notification of the WIB's final decision on an appeal. The request for 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), and the signature of the appropriate provider official. A provider appeal should be addressed to:

ETPL APPEAL  
Workforce Services Division, MIC 50  
P.O. Box 826880  
Sacramento, CA 94280-0001

2. The EDD will promptly notify the Administrative Entity for the WIB when EDD receives a request for appeal and when a final decision has been rendered.
3. The EDD will administratively review an appeal, make a preliminary decision, and notify the provider. The EDD can either uphold or reverse the appealed decision, or EDD can refer the appeal to the California Unemployment Insurance Appeals Board (CUIAB). The EDD will also refer an appeal to the CUIAB if the provider requests a hearing in writing within 15 days of the issuance of EDD's preliminary decision. The CUIAB will schedule a hearing with an administrative law judge

whose decision will be issued within 60 days of the appeal being referred to the CUIAB or within 30 days of the closing of the record.

4. The administrative law judge shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten calendar days before the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s) and to be represented. The decision of the CUIAB administrative law judge is the final administrative decision.

### **Updating Information for the ETPL**

Each training provider is responsible for providing updated information, through the CalJOBS ETPL Module, on its programs listed through the LWIA.

### **Publishing ETPL Information**

The DSS is responsible for ensuring that all America's Job Center of California (AJCC) sites in their areas have access to the most recent version of the ETPL and make it available to their customers. The DSS must ensure that AJCC service providers display to their customers all of the "public" data elements on the ETPL system. The EDD is responsible for accepting information on training providers from the WIB, compiling a single statewide list of eligible training providers and disseminating the statewide ETPL to the WIB for distribution to their AJCC providers.

### **ACTION:**

The Administrative Entity for the WIB and its service providers shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

### **INQUIRIES:**

Inquiries should be addressed to WIB Admin at [wibadmin@co.slo.ca.us](mailto:wibadmin@co.slo.ca.us).

### **REVISION HISTORY:**

<b>DATE</b>	<b>DETAILS – Updated per EDD Directive WSD13-10</b>
<b>09/26/2014</b>	





# SAN LUIS OBISPO COUNTY

## ETPL PROVIDER RECORDKEEPING AGREEMENT

Once approved as a training provider on the Eligible Training Provider List (ETPL), \_\_\_\_\_ agrees to make all participant and program records associated with trainings funded in part or in whole with Workforce Investment Act (WIA) funds available to both the San Luis Obispo County Workforce Investment Board and to the State of California’s Employment Development Department, Workforce Investment Division for the purposes of monitoring or auditing (WIA – ETPL Policy and Procedures RWIA D06-15, IV .3.B.s).

Providers will maintain WIA records for no less than five years.

\_\_\_\_\_  
Authorized Provider Signature      Printed Name      Date

Return completed signed form to:  
**San Luis Obispo County**  
**Department of Social Services**  
**PO Box 8119**  
**San Luis Obispo, CA 93403-8119**  
**Attention: WIA Administration**

Or  
Scan and email completed, signed form to:  
[wibadmin@co.slo.ca.us](mailto:wibadmin@co.slo.ca.us)  
subject line: ETPL