

# Dutchess County Workforce Investment Board

## Policies and Procedures

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### Eligibility and Subsequent Eligibility for Training Providers

#### General

This policy is intended to govern the Dutchess County Workforce Investment Board (DCWIB) in making determinations for the Eligible Training Provider List. The New York State Eligible Training Provider List (ETPL) was established in compliance with Title 1 of the Workforce Investment Act (WIA) of 1998. The purpose of the ETPL is to present a broad and diverse selection of training choices to support employment goals of individuals.

Inclusion on the NYS-ETPL, in itself, does not guarantee that WIA funds are available for enrollment in an eligible offering. Training Providers are not guaranteed referrals. The availability of WIA funding for enrollment is based on many factors including assessment of an individual's employment needs. Individuals who are interested in determining if they qualify for WIA training funding must contact a [New York State Workforce One-Stop Center](#).

Eligible providers of training services are described in WIA section 122. They are those entities eligible to receive WIA Title I-B funds to provide training services to eligible adult and dislocated worker customers.

In order to provide training services under WIA Title I-B, a provider must meet the requirements of WIA section 122. These requirements apply to the use of WIA Title I adult and dislocated worker funds to provide training to individuals:

- Using ITA's to access training through the eligible provider list
- For training provided through the exceptions to ITA's described at 663.430

All offering data must be submitted in full and accurately online at <http://www.workforcenewyork.org/etp/>. Where documentation or written statements are required to be on file at the DCWIB hard copies must be submitted.

#### Applying for Initial Eligibility

1. Training Providers make application for local approval to the ETPL by the DCWIB through the New York State Department of Labor's online system at <http://www.workforcenewyork.org/etp/>.
2. The Executive Director of the DCWIB may approve Training Providers and offerings with initial eligibility status and will inform the Operations Committee of such activity on a monthly basis.
3. Any Training Provider located outside Dutchess County must be approved by its local WIB prior to consideration by the DCWIB.

Training Providers agree to accept Individual Training Accounts (ITA) and provide training services for eligible WIA participants enrolling in approved offerings where admission and offering placement requirements of the Training Provider have been met.

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#### Documentation and Reporting

The following documents shall be submitted to the DCWIB directly upon requesting Training Provider status:

1. An Authorized Signature Form
2. A W-9
3. A description of the type(s) of training for which the agency is applying
4. Provider credentials (accreditation or licensure)
5. Method the agency will use for documenting student attendance and grades in a written format
6. Method the agency will use to measure performance standards in a written format
7. Offering abstracts or course catalog
8. Institution's refund policy in writing
9. Signed Training Provider agreement

The following information shall be submitted in a written format or online at the time of application for **each** offering:

1. The offering completion rates for all participating individuals
2. As applicable, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills of the graduates of the offering
3. Duration, tuition and materials / supplies fees for the offering per student.

Should providers create a new offering or want to add an existing offering to Dutchess County's ETPL after they have been determined initially eligible that offering will go through initial eligibility.

Inclusion on the ETPL, in itself, does not guarantee that WIA funds are available for enrollment in an eligible offering. The availability of WIA funding for enrollment is based on many factors including assessment of an individual's employment needs.

#### Subsequent Eligibility

Initial eligibility will last for a minimum of 12 months and a maximum of 18 months from the date of offering registration at which time the DCWIB will review the performance records of each offering. If an offering does not meet the performance levels as required for subsequent eligibility that offering will be determined ineligible. The offering will remain ineligible until performance levels are met or it is determined through the appeal process (Attachment A) to retain the offering on the state list.

Training Providers\* are required to submit performance information and meet performance levels (Attachment B) of each eligible offering annually in order to keep it on the ETPL.

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The review process will be initiated in writing by the DCWIB. Sixty days after receipt of notification, the DCWIB will collect the requested data from the DCWIB's One Stop Operator and the Training Providers. One Stop data and Training Provider data will be compared to ensure accuracy and clear understandable data that support the customer choice system.

The following documents shall be submitted to the DCWIB as part of the subsequent eligibility review process for the Training Provider:

1. A new Authorized Signature Form will be submitted if Training Provider staffing patterns have changed
2. Updated documentation (refund policy, pre-requisites, course description etc.)

The following information shall be submitted in a written format at the time of review for subsequent eligibility for **each** offering:

#### All students

Completion Rates:
Total enrolled
Total completed
Duration, tuition and materials/supplies fees for the offering per student.

#### WIA students

The rates, licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills
The percentage of WIA participants in each offering who obtain unsubsidized employment
The retention rates in unsubsidized employment of participants who have completed the offering six months after the first day of employment
The wages received by participants who have completed the offering six months after the first day of employment

*\*Secondary or Post Secondary Educational institutions accredited by a regional accreditation body or the state of New York will be required to report on:*

1. *Numbers the program completion rates*
2. *As applicable the rates, licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, and*
3. *The duration, tuition and materials/supplies fees for each offering per student.*

In the situation where the Training Provider fails to submit the appropriate records by the deadline, it agrees to abide by the results of the data provided by the One Stop Operator as determined by the DCWIB. Circumstances that leave the DCWIB without any data may lead to a probationary period or complete removal from the ETPL for a minimum of a twelve-month period. If it is determined that an eligible provider is intentionally

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supplying inaccurate information the provider's eligibility for the offering shall be terminated at the sole discretion of the DCWIB.

Additionally, written student complaints or disconfirming annual data between the One Stop Operator and the Training Provider will initiate a probationary period and no new students will be enrolled until the discrepancy is resolved. During this time the DCWIB will examine the findings and determine whether or not a corrective plan of action or suspension from the ETPL is necessary.

#### Corrective Action Plans

When a corrective action plan is necessary the DCWIB will send written notification. The Training Provider is then required to submit a plan within 10 business days after receipt of notification. The plan must include all of the following components:

1. What does the plan intend to correct
2. What actions are necessary to rectify the situation
3. Who will be assigned to each task
4. Who will be responsible for overseeing the action is underway / gets completed
5. What is the timeline (DCWIB will follow up to ensure sure the plan is underway)

The plan will then be submitted to the DCWIB. The DCWIB reserves the right to adjust the dates or action steps in accordance with the severity of the issue. Throughout the corrective process, DCWIB staff will make themselves available to provide technical assistance.

In the event that a Training Provider is not performing in accordance with the expectations outlined in this policy or does not identify and implement a corrective action plan the DCWIB reserves the right to take action which may include but is not limited to:

- Delay payment until corrective action is taken
- File a complaint to the Training Provider's Board or to its highest authority
- Suspend Eligible Training Provider Status

If a Training Provider loses its eligibility for an offering the provider will ordinarily be reimbursed for all students enrolled prior to the loss of eligibility and all conditions of the application will continue to be applied until those enrollments have completed training.

At the conclusion of the review process, written notification will be sent to the Training Provider regarding the action taken by the DCWIB.

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#### Additional Roles and Responsibilities

The DCWIB staff will inform the provider about the WIA and customer choice system, the ETPL policy agreement, expected performance results, the data collection process for consumer report cards and payment process within 30 business days of being granted initial eligibility.

The One Stop Operator will report written student complaints to the DCWIB as they occur. Verbal complaints should be documented in a customer complaint log to be reviewed by the DCWIB on a monthly basis.

In addition to the data collection requirements the Training Provider will communicate with the One Stop agency immediately to report if students withdraw or have poor attendance in an offering. The Training Provider will also permit on-site visits by the Local Workforce Investment Board or any state, federal or local agency as legally authorized to monitor activities for which funds have been provided.

#### Payment Policy

Where WIA funded students are awarded financial aid, the training agency must apply the aid toward the tuition before applying WIA funds. When financial aid is received after an ITA has been executed the Training Provider is obligated according to section 663.320 (c) of the Federal Register to reimburse the WIA program.

ITA's are payable only after:

1. The student completes the offering or offerings as defined by the ITA and the Training Provider submits invoices to the appropriate agency for the payment of tuition, fees and or books with all receipts and attendance records
2. The student withdraws or drops out before completing the offering offerings as defined by the ITA in it's entirety and the Training Provider submits invoices to the appropriate agency for the payment of tuition, fees and or books with all receipts and attendance records up to the last day of student enrollment

In the case where a student withdraws or drops out before completing the offering or offerings as defined by the ITA the DCWIB will reimburse the Training Provider in accordance with the reimbursement policy on file.

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#### Attachment A

#### DCWIB Training Provider Appeal Process

*The Workforce Investment Act requires the Governor to establish procedures for providers of training services to appeal a denial of eligibility or termination of eligibility (Section 122 (g)).*

In the case a Training Provider is refused initial or subsequent eligibility or put on probation it may file an appeal following this procedure.

The appeal must be submitted in writing and signed by an authorized individual from the training provider. It should include:

1. The name of the Training Provider,
2. Address and telephone number
3. An explanation of why an appeal is being filed.
4. Any relevant data that support the appeal

Appeals must be submitted within forty-five days of being notified of a denial or termination to the Dutchess County Workforce Investment Board (DCWIB), 3 Neptune Road, Suite A18B, Poughkeepsie, New York 12601, Attn: Operations Committee.

#### **Level 1 Appeal**

The Training Provider will submit written appeal to the DCWIB Operations Committee. They will review the request at its next regularly scheduled meeting and provide a written decision to the Training Provider within sixty days after receipt of the appeal.

#### **Level 2 Appeal**

If the decision of the Operations Committee fails to resolve the appeal, the Training Provider has fifteen days from the receipt of the decision to submit a written request for a hearing. A hearing will be conducted at either the next full DCWIB meeting or by the Executive Committee in lieu of the full Board within thirty days from the receipt of the hearing request. A representative from the appealing Training Provider and Operations Committee is invited to attend the hearing to discuss the appeal. The Training Provider may offer a brief presentation, not to exceed five (5) minutes, and respond to questions. A written decision shall be issued within thirty days following the hearing. The decision of the hearing body (the full Board or the Executive Committee) shall be final.

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#### Attachment B Performance Standards

The DCWIB has set the following performance standards that each program must achieve:

	<b>Minimum Achievement Level</b>	<b>Record of Proof</b>
Completion Rates	80%	Signed attendance sheets (by both the instructor and student)
Individuals who entered unsubsidized employment related to the training	80%	Copy of a pay stub or a letter on the business letter head 1. Stating the customer an employee, 2. Date of hire, 3. Job title and 4. Hourly wage
Retention rate for the second and third quarter after offering exit	80%	Copy of a pay stub or a letter on the business letter head 1. Stating the customer is still an employee and 2. Hourly wage
Attainment of license or certification	55%	Copy of Certificate / license

All offerings will be reviewed and held to performance standards, however, where enrollments do not provide a statistically valid population, DCWIB may, in its discretion, defer a decision until appropriate numbers of participants have finished the offering.

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I have read and understand all of the requirements of the Training Provider Policy. By signing this document I agree to comply with the rules and expectations set forth by the Dutchess County Workforce Investment Board. By signing this agreement, I also hereby confirm that the agency is in compliance with all Federal, State and Local operating regulations.

#### Training Provider

#### Dutchess County Workforce Investment Board

\_\_\_\_\_  
Agency Name

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date