



Dutchess County Workforce Development Board

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"Building Partnerships for Workforce Solutions"

Initial and Continued Eligibility for Eligible Training Providers Policy- ETPL- 6-12-2025

PURPOSE

This policy is intended to govern the Dutchess County Workforce Investment Board (DCWIB) in making determinations for the New York State (NYS) Eligible Training Provider List (ETPL). The ETPL was established in compliance with Title I of the Workforce Investment Act (WIA) of 1998 and was updated in compliance with Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014. The purpose of the ETPL is to present a broad and diverse selection of training choices to support the employment goals of individuals.

POLICY

Training providers and offerings must be listed on the ETPL to be eligible for WIOA funding through an Individual Training Account (ITA).

All Registered Apprenticeship (RA) programs are automatically eligible for inclusion on the ETPL and are not required to go through the Initial and Continued Eligibility processes. The New York State Department of Labor's (NYSDOL) Registered Apprenticeship office will inform RA program sponsors of their right to be included on the ETPL via email.

PROCEDURE/ACTION

The DCWIB reviews submitted applications, determines if training offerings are for in-demand occupations, assists training providers that wish to be placed on the ETPL by providing information on the application process, and determines the Initial and Continued Eligibility of training providers and their offering(s). Course offerings being funded by ITAs must provide training for an occupation identified by the LWDB as a high or medium in-demand occupation or industry sector in the Local Workforce Development Area (LWDA). (Occupations in low-demand may be approved on a case-by-case basis, if supported by data and industry driven). Training providers not listed on the ETPL may receive WIOA training funds if the training is considered on-the-job training (OJT), customized training, incumbent worker training, or transitional employment (see relevant local policies).

1. INITIAL ELIGIBILITY

Initial Eligibility is based on the training provider's authority or authorization to operate as determined by the LWDB.

a. PERIOD OF INITIAL ELIGIBILITY:

12 months from the date the training provider/course offering is first approved for listing on the ETPL.

b. TRAINING PROVIDERS ELIGIBLE TO RECEIVE FUNDING:

An institution of higher education that provides a program that leads to a recognized postsecondary credential; an entity that carries out programs under the National

Apprenticeship Act; other public or private providers of a program of training services, including community-based organizations and joint labor-management organizations; and eligible providers of adult education and literacy activities under WIOA Title II if activities are provided concurrently or in combination with one or more of the following training services:

- Occupational skills training.
- OJT;
- Incumbent worker training;
- Programs that combine workplace training and related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading or retraining; or
- Entrepreneurial training.

c. **COURSES:**

Approved providers are not required to list their entire course catalog on the ETPL. **A single course offering should be submitted to gain entry to the ETPL with additional course offerings added when a WIOA participant wishes to enroll in a specific course or program of study.**

WIOA Funding: Inclusion of a provider on the ETPL does not entitle or assure that the provider will receive funding from DCWIB. Course offerings being funded must provide training for an occupation identified by the LWDB as an in-demand occupation or industry sector in our LWDA. Training providers not listed on the ETPL may receive WIOA training funds if the training is considered OJT, customized training, incumbent worker training, or transitional employment.

d. **OUT-OF-STATE PROVIDERS:**

Providers that do not have an in-state training facility may apply to the DCWIB. If approved, the provider will be added to the ETPL. Approval will be based on:

- Customer choice;
- Lack of representation or availability for this training locally;
- Increased interest in and/or need for asynchronous (flexible) training;
- Robust training program **with personal/individual check-ins for the customer by the training provider;**
- Training provider assurances that customer has equipment necessary to complete the training (for example laptop/Chromebook, internet etc.).

e. **DOCUMENTATION AND REPORTING REQUIREMENTS UPON ELIGIBILITY**

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; and
10. Other forms as requested.

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; and
3. Duration, tuition and materials/supplies fees for the offering per student.

Should training 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 process.

2. CONTINUED ELIGIBILITY

After a training provider has reached the end of the 12-month period of Initial Eligibility, the DCWIB will perform a Continued Eligibility Review of the provider. All training providers are required to submit performance information and meet the required performance levels for each eligible offering annually to remain on the ETPL.

NOTE – All proposals will be reviewed in the Fall of 2025 for Continued Eligibility and every two-years after during the September-December time period and/or on or about the two-year anniversary of their inclusion on the ETPL. **THE DCWIB RESERVES THE RIGHT TO REVIEW TRAINING PROVIDERS ON THE ETPL AT ANY TIME AND APPROVE OR REMOVE THEM FROM THE LIST BASED ON THE TWO-YEAR REVIEW POLICY. THIS INCLUDES CUSTOMER FEEDBACK.**

The review process will be initiated in writing by the DCWIB. Sixty (60) days after receipt of notification, the DCWIB will collect the requested data from the DCWIB's Center (DCWORKS) Operator and the training providers. DCWORKS 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 DCWIB as part of the Continued Eligibility review process for the training provider:

- a. A new Authorized Signature Form, if training provider staffing patterns

have changed; and

- b. Updated documentation (e.g., refund policy, pre-requisites, course description, etc.).

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

- All Students Completion Rates
 - Total enrolled
 - Total completed
 - Duration of training
 - Tuition
 - Material/Supplies required and fees for the offering per student
- WIOA Students
 - The rates, licensure or certification, attainment of academic degrees or equivalent or attainment of other measurable skills
 - The percentage of WIOA participants in each offering who obtain unsubsidized employment
 - The retention rates in unsubsidized employment of participants who have completed the offering per the current WIOA Performance Measures
 - The wages received by participants who have completed the offering per the current WIOA Performance Measures
 - Plus any other student information required by the DCWIB/WIOA

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 DCWORKS 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 a training provider is intentionally supplying inaccurate information, that training 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 DCWORKS 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.

a. TRAINING PROVIDER REQUIREMENTS:

Training Providers must complete accurate and timely performance and program cost information for offerings that have been on the ETPL for 12 months, which includes the following performance measures: Employment 2nd and 4th Quarter After Exit, Median Earnings, and Credential Attainment. Full details on the required performance indicators can be found in TA #18-06.4: Primary Indicators of Performance for Titles I and III under the Workforce Innovation and Opportunity Act (WIOA) (May 5, 2025).

b. REVIEW:

The DCWIB will review the information provided and make a determination to approve the training provider for a period of Continued Eligibility or remove it from the ETPL.

c. APPROVAL:

If approved, the period of Continued Eligibility is 24 months from the date the training provider/course offering is reviewed and granted Continued Eligibility and is based on continued successful performance and customer satisfaction.

d. FUTURE ELIGIBILITY:

A Continued Eligibility review must be performed **at least** once every 24 months thereafter. More frequent reviews may occur.

When recommending a training provider and its course offering(s) remain on the ETPL, the DCWIB will consider the following:

- Specific economic, geographic, and demographic factors in the local area and the characteristics of the population to be served, including offerings for rural areas, offerings provided through the use of technology, and offerings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
- Program-specific performance information and attainment submitted by the training provider;
- Program-specific cost information, including tuition and fees;
- Compliance with the license, certification, registration, approval, or exemption required by the appropriate State and/or federal oversight agency to provide the training;
- DCWIB experience with the training provider;
- Ways in which the criteria can encourage training providers to offer quality training courses leading to industry-recognized certificates and postsecondary credentials;
- Training needs of the local area with respect to in-demand industry sectors and occupations; and
- Any other information that may be relevant in determining Continued Eligibility status (i.e., information reported to State agencies on federal and State training programs other than WIOA Title I-B programs).

3. CORRECTIVE ACTION PLANS

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

- a. What does the plan intend to correct?;
- b. What actions are necessary to rectify the situation?;
- c. Who will be assigned to each task?;
- d. Who will be responsible for overseeing the action is underway/ completed?; and
- e. What is the timeline (DCWIB will follow up to ensure the plan is underway)? Note: this timeline should immediately address the issue.

The DCWIB reserves the right to adjust the dates or action steps in accordance with the severity of the issue. Throughout the corrective action process, DCWIB staff will make themselves available to provide technical assistance. If 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; or
- Suspend Eligible Training Provider (ETP) 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.

4. RA PROGRAMS ON THE ETPL

WIOA grants RA programs registered with the U.S. Department of Labor, Office of Apprenticeship or NYSDOL automatic eligibility to the State ETPL. Additionally, RA programs are subject to an abbreviated application to be placed on the ETPL. RA program sponsors must provide NYSDOL the following for inclusion on the ETPL:

- a. The occupation(s) included in the RA program;
- b. The name and address of the sponsor;
- c. The name and address of Related Instruction Provider (and the location of instruction if different from the program sponsor's address);
- d. Method/Training Approach (Time-based, Competency-Based or Hybrid);

- e. Length of instruction; and
- f. Number of apprentices.

RA programs are exempt from performance reporting requirements, although they may wish to voluntarily submit performance outcomes. RA programs will remain on the ETPL until:

- a. The RA program notifies the State agency it no longer wants to be included on the list;
- b. The program becomes deregistered under the National Apprenticeship Act;
- c. The program is determined to have intentionally supplied inaccurate information; or
- d. A determination is made that the RA program substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR Part 38.

There will be a biennial review (every two years) of an RA sponsor's eligibility by NYSDOL, using the removal criteria above.

5. RETENTION OF INITIAL AND CONTINUED ELIGIBILITY

To retain Initial and Continued Eligibility, a training provider must deliver results and provide accurate information to NYSDOL. Eligibility may be denied/terminated for the following reasons:

- a. The training provider does not have appropriate State and/or federal approval to operate;
- b. The application is not complete;
- c. The offering does not meet the definition of WIOA training services;
- d. Required performance data is not included with the application or the performance data does not meet established performance levels;
- e. The training provider is delinquent in delivery of reports, submission of course offering evaluation forms, payment of debt, or otherwise out of compliance with WIOA or any agreement executed under WIOA;
- f. The training provider is not current in the payment of unemployment insurance contributions or reimbursements, or is in violation of State Labor Law;
- g. The training provider intentionally supplied inaccurate information.
- h. The training provider violated any requirement under WIOA; or
- i. The training provider failed to demonstrate the business capacity or integrity to successfully deliver training.

6. DENIAL OF ELIGIBILITY

The recommendation to deny the eligibility of an offering may originate from either the LWDB or NYSDOL. Training providers will be notified of a decision to deny eligibility status for an offering. If an offering is denied eligibility, the training provider may take the following steps:

- a. Training providers have the right to appeal denial of eligibility status. A training provider has 15 (fifteen) business days from the date of a denial notice in which to file an appeal. The request for appeal must be in writing, signed by an authorized agent of the training provider, and be submitted to both the LWDB and NYSDOL. Submission must be by certified/registered email with a return receipt that may be presented upon request;
- b. The DCWIB and NYSDOL may reverse their original denial if an administrative error was made or if additional information submitted by the training provider changes the basis on which the original decision was issued; or
- c. If the DCWIB and NYSDOL do not reverse their original denial, the training provider will not be able to reapply to the ETPL until after a 12-month waiting period. Each case will be reviewed individually, and the waiting period will be calculated from the original date of the denial.

Inclusion on the NYS ETPL, in itself, does not guarantee that WIOA funds are available for enrollment in an eligible offering. Training providers are not guaranteed referrals. The availability of WIOA 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 WIOA training funding must contact a New York State Workforce One-Stop Center.

These requirements apply to the use of WIOA Title I Adult, Dislocated Worker and Youth funds to provide training to individuals (as well as other funding that may be available at the time of a participant's eligibility). Funding is tied to the individual through an ITA. Training may also be provided through the exceptions to ITAs described at 663.430

All offering data must be submitted in full and accurately online at the NYSDOL website. Documentation or written statements are required to be on file at the DCWIB. Documents must also be submitted as stated in the Initial and Continued Eligibility for Training Providers Procedures.

The DCWIB will notify providers of the opportunity to participate on the ETPL through our websites and networking. Applications for the ETPL list will be processed within 30 days of the receipt of a complete application. Training programs will be expected to meet performance goals and submit all information requested by the DCWIB and DCWORKS. This includes data related to WIOA performance goals (

Employment 2nd and 4th Quarter After Exit, Median Earnings 2nd Quarter After Exit, and Credential Attainment) as well as other data as requested.

Training providers **must** to be in compliance with State laws by having a current license, certification, registration, approval, or exemption from the appropriate State and/or federal oversight agency. The DCWIB will evaluate the experience and reputation of the training provider and the schedule of offerings; and will consider other information that may be locally relevant in making a determination of funding eligibility (i.e., whether the training provider is in partnership with a business).

REFERENCES

Technical Advisory #18-02.5

Workforce Innovation and Opportunity Act of 2014 §122 and §134(c)(3)(F) and (G).

Regulations: Workforce Innovation and Opportunity Act, Part 680 Subparts C and D.
Training and Employment Guidance Letter (TEGL) 08-19.