

INSTRUCTION LETTER

INSTRUCTION NUMBER: WIOA #17-09, Amendment 2

TO: SC Works Operator Staff and any entity requesting to become an Eligible Training Provider

SUBJECT: Application Procedures for the Eligible Training Provider's List

DATE
ISSUED: August 1, 2022

DATE
EFFECTIVE: Immediately

DATE
EXPIRES: Indefinitely

PURPOSE: To transmit the Upstate Workforce Board area's policies and procedures governing applications for the Eligible Training Provider List under the provisions of the Workforce Innovation and Opportunity Act (WIOA). It repeals Upstate Instruction Letter 14-01 regarding this matter.

BACKGROUND: Section 122 of the Workforce Innovation and Opportunity Act (WIOA) establishes the eligibility criteria for training providers seeking to be placed on the list of providers eligible to receive funding for training WIOA-eligible participants. Subject to the provisions of WIOA, the provider shall be:

1. An institution of higher education that provides a program that leads to a recognized post-secondary credential;
2. An entity that carries out programs registered under the "National Apprenticeship Act" (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq); or
3. Public or private training provider, including community-based organizations, joint labor management organizations, pre-apprentice programs, and joint labor-management organizations
4. Providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training.
5. LWDB if it meets the conditions of WIOA § 107(g)(1)

Providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional employment shall not be subject to the provisions of this instruction.

Out-of-State Provider

A WIOA participant in South Carolina may choose a training provider located outside of the local workforce development area (LWDA) and/or outside of the state, including an online

training program, in accordance with the local policies and procedures. An out-of-state training provider must be included on that state's ETPL and South Carolina's ETPL. Out-of-state providers are subject to the same eligibility and reporting requirements.

POLICY: The Statewide List of Eligible Training Providers includes all training programs that are currently certified by one or more Boards. General inquiries regarding certified programs should be directed to the Upstate Workforce Board (UWB), PO Box 5666, Spartanburg, SC 29304 or via email to wood@upstateworkforceboard.org or by phone at 864-596-2028 and ask for Dana Wood.

The Upstate Workforce board will consider all programs approved for the Statewide Eligible Training Providers List, but establishes the following additional requirements of entities seeking eligibility to provide training services in the Upstate Workforce Board area:

1. Be in business under their current ownership for a minimum of two (2) years and provide performance data for programs.
2. Be licensed by the South Carolina Commission on Higher Education (CHE) or submit a letter from CHE indicating licensure is not required.
3. Be nationally or regionally accredited by a regulating body recognized by the US Department of Education (such as SACS, NEASC, NCA, MSA, WASC, NWCCU) <https://ope.ed.gov/accreditation/agencies.aspx>
4. Where programmatic accreditation is not available for a course of study, the provider must be able to issue an industry recognized and portable credential to participants completing the course.
5. Offer training in a facility that is in compliance with ADA requirements and be able to pass a site visit.
6. Report their performance to the South Carolina Department of Employment & Workforce's SC Works Online Services system (SCWOS) following the designated timeline, instructions and templates provided at <https://www.scworks.org/etp.asp>. Failure to report ALL required data could result in removal from the ETPL and generate a waiting period for re-application.
7. Meet provider performance standards measures set by the state and or local area. These measures are still to be determined.
8. Be subject to a review/analysis by the Upstate Workforce Board (UWB) and respond to all questions or concerns of the UWB.

*Providers who operate solely as online institutions are not eligible for local approval.

The OneStop Committee reserves the right to make special considerations to the above local requirements if sufficient justification is provided.

Initial Eligibility and Application for New Training Providers

Training providers seeking approval for initial eligibility on South Carolina's ETPL must apply online by submitting an application through PATH website at www.scpaath.org. New training providers and programs will be continually added to the ETPL as they become eligible and approved. Once approved, initial eligibility status remains in effect for one year from the eligibility date. After the initial eligibility period expires, training providers and each program of training subject to procedures for continued eligibility status.

CONTINUING ELIGIBILITY WILL BE EVALUATED BY THE UWB.

1. ETP must continue to have valid accreditation:
 - a. Maintain accreditation; and
 - b. Continue to supply student-based information to SCWOS.
2. For courses to remain on the local ETP list, the training course must:
 - a. Must have the ability to evaluate and report successful completions.
 - b. Maintain training related placement rates within guidelines of UWB policy (still to be determined);
 - c. Must be a in demand occupation in the UWB area.

Continued eligibility Application Process

After the initial eligibility period of the year, the training provider, with the exception of Registered Apprenticeship sponsors, must submit an application for continued eligibility for each program of training, and resubmit an application every year thereafter (through PATH). The continued eligibility application requirement ensures that training provider and program information is accurate and that performance reporting standards are met. The continued eligibility application is required for any program of training that has been previously approved for the ETPL. A system generated email notification will be sent to the provider's listed point of contact 60 days prior to the expiration of the program's approval status. ETPs must update point of contact information if there is a change.

A training provider seeking continued eligibility approval must provide all of the following in PATH:

- Any changes to provider or program information previously approved must be submitted, including a current program description, breakdown of tuition costs and fee, credentials to be attained, and contact information
- A signed MOA in which the provider agrees to share data with the State pertaining to training outcomes, including individual student coursework and other PII to match training and employment data and outcomes for all students, including WIOA- funded students and non-WIOA-funded students

Training Program Requirements

A training providers must provide a program of training services (one or more course or classes, or structured regiment) that leads one to the following:

- An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State or the Federal government, or a postsecondary credential
- A secondary school diploma or its equivalent if such activities are provided in combination with other training services
- Employment
- Measurable skill gains toward a recognized credential or employment

Training programs may be delivered as stackable services and can be provided in-person, online, or in a blended approach. Certifications must recognize technical or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene., even if such general skills certificates are broadly required to quality for entry-level employment or advancement in employment. Certificates awarded by the LWDB, and work readiness certificate programs are not included. These types of certificates are not recognized industry-wide and do not document the measurable technical or industry/occupational skills necessary to gain employment or advancement withing a specific industry/occupation.

Some training services are exempt from WIOA § 122 eligibility requirements and are not included on the ETPL, including: On-the-Job Training (OJT), customized training, Incumbent Worker Training (IWT), internships, paid or unpaid work experiences, and transitional employment. Additionally, training services are exempt from the eligibility requirements when the local workforce board provides training services through a pay-for performance contract or determines and documents all of the following:

- There are insufficient providers.
- There is a training services program that has demonstrated effectiveness offered in the local area by a community-based organization, or other private organization, to serve individuals with barriers to employment.
- It would be most appropriate to award a contract to an institution of higher education or other eligible provider in order to train multiple individuals in in-demand industry sectors or occupations, and such contact does not limit customer choice.

For questions and additional information regarding program requirements, see TEGL 10-16

Change 1, and TEN 25-19.

ELIGIBLE TRAINING COURSES:

1. Must be offered to the general public.
2. Must be for an in-demand occupation in the UWB area.
3. Must have supporting documentation of \$14.00 per hour entry wages (Upstate Workforce Board's self-sufficiency wage)
4. Training must lead to a specific job or group of jobs
5. Curriculum must be structured

Reporting Requirements

ETP Performance reports intended to provide critical information regarding participants' employment, earnings, and credential outcomes for programs of training on the ETPL. The purpose of these reports is to maximize informed customer choice by assisting WIOA participants, and members of the general public, in identifying effective training programs and providers. In order to generate an aggregate report via PATH, ETPs should submit the following information for all students engaged in approved programs of training listed on the ETPL, regardless of funding resource, no later than August 15th of each Program Year (July 1st to June 30th):

- First and Last Name*
- Social Security Number
- Driver's License Number and State of Issue
- Date of Birth
- Gender*
- Hispanic Identification*
- Veteran Status*
- Disability Status*
- Prior Education Identification*
- Program Credential Preparation Identification*
- Post Program Certification Preparation Identification*
- Program Entry Date*
- Program Start Date*
- Program Expected Exit Date or Program Completion Date
- Enrollment Status*
- Credential Earned*
- Program Cost
- WIOA Participant Status*
- Race Identification*
- Student's School Identification Number*
- Student's Address*

*Only data elements marked with asterisks indicate data that are required; however, failure to provide all data listed above could negatively impact performance results.

PATH student and program upload templates, instructions, and video tutorials can be found by visiting <https://scworks.org/employer/education-and-training/eligible-training-provider-list-e-etpl>

Denial or Removal of a Training Provider or Program

A training provider must deliver results and provide accurate information in order to retain its status as an approved ETP under WIOA. The State or a local workforce board can deny inclusion of, or remove, a training provider and/or its program(s) from the ETPL for reasons including the following:

- The initial or continued application is not completed by an established due date or is missing required information.
- The training does not lead to a recognized post-secondary credential or an industry-recognized certificate or certification, a secondary school diploma or its equivalent, employment, or measurable skills gains toward such a credential or employment.
- The required student data is not submitted by the established due date.
- The training provider intentionally supplies inaccurate or falsified information.
- The training provider substantially violates any requirement under WIOA, ties implementing regulations, or applicable State or local policies.
- The training provider loses its license or accreditation from its accrediting body.
- The provider or program fails to meet locally established minimum levels of performance.
- The entity does not meet the WIOA definition of a provider of training.

In addition to the above, a local workforce area may require additional criteria and information from local training providers to become or remain eligible in that area.

Programs of training that have been removed from or denied listing on the ETPL may be reinstated after one year by applying through the initial application process, unless due to willful submission of inaccurate information, repeated failures to submit required information, or a failure to cooperate with local boards. If removal was due to willful submission of inaccurate information, the program of training may be reinstated on the ETPL after two years of applying through the initial application process. Repeated failures to submit required information and a failure to cooperate with local boards will be considered a substantial violation of WIOA requirements. A "substantial violation" includes one or more violations in a short period of time or numerous minor violations over a longer period of time. A provider whose eligibility is terminated under these conditions must be terminated for not less than two years and is liable to repay training funds received during the period of noncompliance.

In the event that a training program is removed from the ETPL, the State and the local

boards will work together to ensure that any participants currently enrolled in that training program experience minimal disruption.

USE OF THE TERM INDIVIDUAL TRAINING ACCOUNT (ITA)

The term voucher system is synonymous with the term Individual Training Account (ITA) as used in section 134 of the WIOA.

USE OF ITA'S

In general, training services shall be provided to eligible adults and dislocated workers through the use of an ITA issued by the local workforce area or by the local SC Works Center, in accordance with procedures established herein. Please refer to the latest version of local instruction letter R17-01 for the current policy on ITA limitations. Funds must be used to train individuals for high wage/high demand occupations.

Payment for training services will be made through the use of a voucher, issued in an amount agreed upon prior to the start of training by the use of a scholarship budget. The voucher should be consistent with the scholarship budget and sufficient to cover the approved training service costs for eligible adults, dislocated workers and older out of school youth who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or eligible adults, dislocated workers and older out of school youth who require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

In addition to the invoice, the training provider will be responsible for providing the service provider's case management personnel with WIOA participant attendance records, periodic and final reports on the participant's progress, grade or competency achievement, performance appraisals (when applicable), and such other information necessary to assess the participant's progress in the training program.

Tuition reimbursements will be made upon submission of the invoice. Occasional delays of state funding may affect the timing of ETP tuition reimbursements. The service provider reserves the right to reject vouchers not submitted for redemption in a timely fashion in accordance with established policy.

Private providers must agree to the following payment schedule before anyone may be sent for training:

- 50% of required funds for the total training will be paid to the provider at the start of training,
- 25% will be paid at the time the participant successfully completes 50% of the training,
- The last 25% will be paid when the training is successfully completed.

Appropriate facilities and systems of providers of training services must be accessible to

monitoring and/or auditing by all appropriate representatives and/or agents, of the Federal, State and local workforce area. All Eligible Training Providers must have a Provider Consumer Report on training performance and costs available to WIOA participants.

Inclusion on the Statewide List of Certified Training Providers, in itself, does not guarantee that WIOA funds are available for enrollment in an eligible offering. The availability of WIOA funding for enrollment is based on many factors, including an assessment of each individual's employment needs.

CREDENTIAL INFORMATION:

WIOA sec. 3(52), defines a recognized postsecondary credential as a “credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal government, or an associate or baccalaureate degree.” Per Training and Employment Guidance letter (TEGL) 10-16, Change 1, “a recognized postsecondary credential is awarded in recognition of an individual’s attainment of measurable technical or industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations. Certificates awarded by workforce development boards (WDBs) and work readiness certificates are not included in this definition because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Likewise, such certificates must recognize technical or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.”

Further, the U.S. Department of Labor (DOL) has previously clarified that CPR certificates and OSHA certificates do not meet its credential definition. DOL specifically stated, “While a CPR or an OSHA training may provide benefit to participants as they begin to gain general knowledge about occupations and occupational standards, participants are unlikely to gain employment or advance within an occupation based solely upon receiving a CPR or an OSHA certificate.” The State views ServSafe, and customer service programs in general, as being in the same category as CPR and OSHA. Therefore, they do not meet the definition of a recognized postsecondary credential for WIOA and are not considered as training programs for the ETPL.

APPEAL PROCEDURES:

The UWB also reserves the right not to approve training programs that are part of the Statewide list in accordance with established policies.

The UWB will notify the training provider in writing when a determination is made re: the placement of a course on the local training provider list. In the event that the UWB declines to place a provider from the Statewide list on the local area’s list of approved training programs, the training provider will have the right to appeal that decision. In

addition, the UWB reserves the right to terminate a provider's eligibility for placement on the local training provider list if it determines it is in its best interest to do so. Reasons for the termination of a training provider's eligibility for the local list include, but are not limited to, intentional supplying of inaccurate or false information, substantial violations of the Workforce Investment Act (WIA) or Workforce Innovation and Opportunity Act (WIOA), change in the industry's demand for a specific training program, unsatisfactory performance, change in the quality of the program or its ability to produce a post-secondary or industry-recognized credential, etc.

In the event that a training provider is not approved for, or is approved but subsequently removed from the UWB's local list, the following appeal procedures will apply.

APPEAL PROCEDURE

- a. The applicant submits a Notice of Appeal to the Executive Director of the local Board at the local Workforce Area office. The appeal must be received within 10 days after the date of the letter of denial or removal.
- b. Should an appeal not be filed and received within 10 days after the letter of denial, the denial will stand. There will be no recourse for appeal after the 10 day time limit has expired.
- c. The appeal will be submitted to the local Board's Executive Committee, reviewed and scheduled for an appeal hearing by the Executive Committee. The applicant will be notified of the location, date, and time of the scheduled hearing to present to the Executive Committee.
- d. The Executive Director or Board Chair will notify the applicant of the Executive Committee's final decision within five days of the appeal hearing.
- e. The Executive Committee's decision may be appealed to the State per the State Appeal Procedures. These procedures will be provided at time of denial from the local Executive Committee.

All appeals to the local Upstate WB should be submitted to:

Ms. Ann Angermeier, Executive Director
Upstate Workforce Board
PO Box 5666
Spartanburg, SC 29304

Nothing in this instruction prevents a complainant from pursuing a remedy authorized under another Federal, State or local law.

ACTION: Training providers seeking initial eligibility for the Statewide Eligible Training Provider's list are required to submit requested information to the SC Department of Employment and Workforce using the Palmetto Academic Training Hub (PATH) portal <https://www.scworks.org/etp.asp> . Detailed instructions and tutorials are available to assist interested training providers in uploading their information to the State ETPL. Once the initial vetting of the program application is concluded by the State and the Upstate Workforce Board is notified, the UWB staff will make a determination, based on established policies, regarding whether or not the course(s) will be placed on the local area's list, for those providers who request placement on the UWB's local list. This process will apply to both initial and subsequent eligibility applications.

INQUIRIES: Questions may be directed to Dana Wood wood@upstateworkforceboard.org or 864-596-2028 TTY:711.


Ann Angermeier, Director

-Replaces local instruction letter 17-09, Amendment 1