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## EMPLOYERS' TRAINING RESOURCE

1600 E. Belle Terrace  
Bakersfield, CA 93307

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| <b>POLICY BULLETIN: #ETR 21f-24</b> |
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TO: All ETR Staff and ITA Providers

FROM: Brandon J. Evans, Chief Workforce Development Officer *BJE 1/28/25*

DATE: December 23, 2024

SUBJECT: Individual Training Account (ITA) Policy and Procedures

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The Employment Development Department (EDD) has revised the policy and procedures for training providers and programs to be listed on the state and local Eligible Training Provider List (ETPL) under the Workforce Innovation and Opportunity Act (WIOA). The Local Board has established the requirements for training providers and training programs to be listed on the local ETPL. This policy applies to current and new training providers who want to be listed on the California (CA) and local ETPL.

This local policy and procedures are effective immediately for the Kern, Inyo, and Mono (KIM) Counties Workforce Development Area. It supersedes 21e-20 local policy regarding Individual Training Accounts.

Questions may be directed to Melanie Miller at (661) 336-6953 or millerme@kerncounty.com.

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WIOA Section 122 requires states to establish and maintain a list of training providers who are eligible to receive WIOA Title I, subtitle B funds for training services. An America's Job Center of California<sup>SM</sup> (AJCC) may issue an Individual Training Account (ITA) to a WIOA Title I, subtitle B eligible individual (out-of-school youth aged 16-24, adult or dislocated worker) to fund training services.

EDD is responsible for publishing, disseminating, and maintaining the comprehensive California (CA) ETPL. EDD is also responsible for ensuring programs meet the eligibility criteria and performance levels established in the state ETPL Policy and Procedures Directive WSD21-03. EDD is authorized to remove programs that do not meet the program criteria or performance levels and take enforcement actions against providers that intentionally provide inaccurate information or that substantially violate the requirements of WIOA.

The Local Board is responsible for carrying out the procedures specified in the state's revised ETPL Policy and Procedures Directive. Additionally, the Local Board works with the state to ensure an adequate number and variety of providers of training services with expertise in assisting

individuals with disabilities and adults in need of adult education and literacy activities. Furthermore, the Local Board oversees developing and maintaining a local ETPL and ensuring the dissemination of the CA and local ETPL through the AJCCs, including in formats accessible to individuals with disabilities.

## **REFERENCES:**

- Workforce Innovation and Opportunity Act (Public Law 113-128)
- Title 20 Code of Federal Regulations (CFR) Part 677: "Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act" (Uniform Guidance)
- Title 20 CFR Part 680: Adult and Dislocated Worker Activities Under Title I of the WIOA
- Title 20 CFR Part 681: Youth Activities Under Title I of the WIOA
- EDD WSD21-03, ETPL Policy and Procedures, November 10, 2021
- EDD WSD24-07, Performance Guidance, November 26, 2024
- EDD WSD19-10, Recovery of WIOA Tuition and Training Funds, February 20, 2020
- EDD WSD 18-05, WIOA Grievance and Complaint Resolution Procedures, September 4, 2018
- EDD WSD24-05, CalJOBS Activity Codes, October 10, 2024
- California Private Postsecondary Education Act of 2009
- TEGL 10-09, Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL), November 10, 2009

## **INDIVIDUAL TRAINING ACCOUNT (ITA) POLICY AND PROCEDURES**

### **I. POLICY**

The Local Workforce Development Board (LWDB) shall make training available in occupations that are in demand. Providers approved by the administrative entity for the LWDB - Employers' Training Resource (ETR) - will be placed on the State's ETPL unless exempted by a specific grant, waivers granted to the State by the DOL, or other special funding circumstances. Whether listed on the ETPL or not, training providers must enter into contractual agreements to train ETR clients.

Training services should lead to diplomas, training-related employment, industry-recognized certificates or credentials indicating competencies and skills recognized by employers. However, a program on the ETPL that only leads to employment will negatively affect a Local Board's Credential Attainment rate. Please refer to WSD24-05 Attachment 3.

### **II. PROCEDURES FOR KERN COUNTY**

#### **A. ITA – GENERAL CONDITIONS**

Training services will be provided using ITAs to clients who have met the eligibility requirements, who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner to:

1. Be unlikely or unable to obtain or retain employment through career services that lead to economic self-sufficiency comparable to wages from previous employment.

2. Require training services to obtain or retain employment; and
3. Have the skills and qualifications to participate in the selected program of training services successfully.

ITAs shall be established for all eligible clients as defined in section 134 (c)(3)(B) of the WIOA. Funds expended on a training program for any individual, up to the maximum amount allowed, may be determined to fulfill the WIOA client's training agreement. Exceptions may be granted by the ETR Management Team for additional ITA training, particularly in targeted industry clusters contained in the Local Four-Year Plan: (1) to provide career ladder component skills (e.g., Class A Truck Driver instruction required before entering Crane Operator training); (2) under special grants; (3) "certificate stacking" which is additional training, at the same or another training provider, resulting in additional certifications, to provide marketable skills (e.g. Medical Office workers that get short-term Phlebotomy training not offered by the first provider); (4) to provide the participant with self-sufficient wages (e.g. upgrade entry-level CNAs to LVNs).

All training activities will be provided at accessible sites to individuals with disabilities, and all reasonable accommodations will be made to provide services to this population. Clients will be provided with sufficient information regarding non-traditional training activities for male and female individuals.

**ETR is not obligated to fund all ETPL providers.** ETPL providers must follow the state regulations and those of the LWDB. It is a state requirement that the cost for clients may not be more than the price charged to the general public, and ETR will only pay the same or less than that charged to the general public.

#### **B. TRAINING ACTIVITIES**

The types of training services made available to eligible job seekers under WIOA may include:

1. Occupational skills training in local or regional targeted demand occupations and training for non-traditional employment are offered in a classroom, hands-on, hybrid, or virtual environments.
2. Short-term training courses that build upon eligible job seekers' existing skills to produce marketable skills.

#### **C. ITA - TRAINING DURATION**

Duration of training varies according to the skills of the job seekers, the training component, and the employment sought. It is generally four weeks to eighteen months long.

#### **D. CLIENT ELIGIBILITY FOR TRAINING**

WIOA funds shall be made available for the provision of occupational classroom training to eligible populations per Section 134 (c)(3)(B) of the Act. Eligible populations shall include veterans and their spouses, economically disadvantaged individuals, dislocated workers, and special grant\* recipients under the following conditions:

Training services may be made available to eligible adults, youth, and dislocated workers:

1. Who, after an interview, evaluation or assessment, and career planning, have been determined to:
  - a. Be unlikely or unable to obtain or retain employment and require training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than those from previous employment; and
  - b. Need training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
  - c. Possessing the skills and qualifications to participate successfully in the selected training services program.
2. Select a program of training service(s) that are directly linked to the employment opportunities in the local area or the planning region or in another location to which the adults, youth, or dislocated workers are willing to commute or relocate and
3. Be unable to obtain other grant assistance and/or require assistance beyond the assistance made available under other grant-assisted programs and
4. Be eligible based on the established priority system.

\*Special or non-formula grants may be subject to special targeted populations or have other eligibility criteria that may override the above eligibility priority.

#### E. ITA - TRAINING PRIORITY SYSTEM

According to the local technical assistance guide, services shall be provided to specific target groups through a priority system under WIOA.

The 2002 Jobs for Veterans Act (JVA) Section 2(a) amended 38 U.S.C. 4215(a) by mandating priority of service for veterans and eligible spouses "who otherwise meet the eligibility requirements for participation" in DOL programs, including but not limited to WIOA formula-funded programs for Adults, Dislocated Workers, and OSY Youth, as well as the National Farmworker Job Training Program (TEGL 10-09).

***Per WSD 21-03, Attachment 1: An AJCC may issue an Individual Training Account (ITA) to a WIOA-eligible individual (out-of-school youth age 18-24 or an adult or dislocated worker) to fund training services. The training provider must be selected from those listed on the ETPL. The eligible individual can then compare the offerings on the ETPL and, with the assistance of AJCC staff, choose the most appropriate training program.***

The primary **local** target groups for occupational training shall include:

- Individuals who are low income, recipients of public assistance, or basic skills deficient (including OSY 18\* -24 years old and dislocated workers); and
- Veterans and eligible spouses who are low-income, public assistance recipients, or basic skills deficient (including OSY 18\* -24 years old).

***\* The Local Area targets include disconnected OSY aged 18 to 24. Although OSY ages 16 to 17 may be eligible for ITAs, other considerations exist. Early High School graduates 16 to 17 meeting eligibility requirements may be served, if needed, but are more likely to have already moved on to post-secondary education. Disconnected youth ages 16 to 17 without a High School diploma or GED (required by almost all training providers) are unlikely to be assessed as having the skills and qualifications to participate in training services successfully. Those clients would be referred back to the appropriate school system or GED providers.***

#### **F. MINIMUM CLIENT REQUIREMENTS FOR TRAINING**

Clients must meet WorkKeys score requirements as identified by ACT WorkKeys occupational profiles. At the start of Program Year 2013-2014 (i.e., July 1, 2013), the LWDB implemented a minimum entry into training programs for job seekers to possess a high school diploma or equivalent. However, there may be instances when the required WorkKeys scores, assessment, or diploma may be waived at the discretion of the Workforce Development Program Manager or designee. For example: (a) when required to serve a special target population; (b) under the requirements of special grant funds; (c) for students that have completed the pre-requisite courses and have been accepted to a college or university nursing program. Job seekers needing high school completion will be referred to a partner agency or other program for remediation. If training candidates are denied training, they may appeal the decision in person to the ETR Grievance Officer under ETR grievance procedures established under the Code of Federal Regulations (§667.600), Subpart F. (Please see <https://www.employertrainingresource.com/home/showpublisheddocument/12583/638410146189800000>)

#### **G. ETPL INITIAL AND CONTINUED ELIGIBILITY CRITERIA**

Except for specific exemptions listed in Policy, Section I, all training services programs must be listed on the ETPL to receive WIOA \* funds for training ETR clients. Interested parties may apply for inclusion on the list; however, inclusion on the ETPL does not guarantee agreements, funding, or referrals.

***When youth funds are used for ITAs, the Eligible Training Provider List (ETPL) must be used. Accessing the ETPL allows the program to avoid further procurement processes. The Department did not expand ITAs to in-school youth (ISY). However, ISY ages 18 or older may access ITAs through the adult program (Final Rule, Section 681.550 department response).***

\* WIOA In-school Youth and Displaced Oil and Gas Worker Funds do not require providers to be listed on the ETPL.

Beginning on November 10, 2021, per WIOA ETPL Policy and Procedures WSD21-03 each LWDB shall use the CalJOBS ETPL Module for accepting applications from providers to be listed on the ETPL. Providers must be Adult Education Secondary Schools, Pre-apprenticeship and/or Apprenticeship, Private Postsecondary Institutions, or a Public Postsecondary Institution. Training providers must have an accreditation, i.e., ACS, WASC, WSCUC, "Approval to Operate" or "Verification of Exemption" from the Bureau for Private Postsecondary Education (BPPE). ***Providers that fall under exemptions (a), (d), (f), or (h) of CEC Section 94874 are not eligible for the ETPL.***

In addition to the above requirements, all training providers (with the exception of apprenticeship programs) must meet the following:

- All training providers are subject to the Equal Opportunity and Nondiscrimination requirements found in Section 188 of WIOA.
- Provide information supporting the provider's partnership with businesses.
- Enter only the program(s) desired to be on the ETPL.
- A signed copy of the CA ETP Assurances Form.
- The training program must be for occupations with high in-demand industries identified by the state, region, or Local Board.
- The training program provides services leading to an industry-recognized credential, national or state certificate, degree, or employment.
- Cost and the mode of instruction in CalJOBS must match what is seen online or in the catalog.
- The program(s) must provide and meet performance metrics based on aggregate data for all students.

Training providers will establish an account by registering as new providers in CalJOBS. LWDBs will review these submissions and verify the information by following the ETPL statewide policy and local procedures to approve or deny these requests. A LWDB's approval means the provider can submit its training program(s) for inclusion in the new statewide ETPL.

Once a provider's account has been approved, the provider will be allowed to enter programs for approval by completing all the required fields. LWDB will review training programs submitted by the providers and recommend them according to the statewide ETPL policies and their local policy. If the State approves the provider, they will accept and verify certain information forwarded by LWDBs on training providers, compile them into a comprehensive state list (the ETPL), and disseminate the ETPL with cost information to the America's Job Centers of California. Registering for the ETPL is online at [www.caljobs.ca.gov](http://www.caljobs.ca.gov).

Interested providers of training services in Kern, Inyo, and Mono Counties must apply through the CalJOBS website to the LWDB to offer training programs. All new and existing training providers are required to register their institutions and programs in CalJOBS. Training providers must initially submit a Provider Application using the CalJOBS system.

After the State verifies approval and accreditation with ETR, the training provider may enter an application for each of its individual training programs in the CalJOBS system and program performance. When all those steps are complete, the provider will need to complete the rest of the application for contractual agreement (Section I) with ETR (e.g., insurance certifications, Nondebarment Certification, etc.) at:

<https://www.employerstrainingresource.com/training-providers/eligible-training-provider-list-etpl>

ETR reserves the right to request additional information or documentation to verify information in the application and to reject any application when the applicant is not responsive to the application's specifications.

1. Applications will be reviewed as submitted.
2. Submission of an application does not commit ETR to nominate the agency to the State ETPL or to issue any funds.
3. ETR reserves the right to change information in its application packet based on clarifications in the regulations, state policy and legislation, local policy, or other guidance the state provides.

Continued eligibility applies to all training providers listed on the CA ETPL at any time under the WIOA or WIA whose initial eligibility has expired. A training provider's initial and continued eligibility is valid for 365 days after the provider is approved for the ETPL. All training providers (with the exception of apprenticeship programs) must meet the following:

- Training program(s) information is reviewed and updated in CalJOBS.
- Training program(s) meets all initial requirements.
- Training program(s) meet performance metrics.

#### H. SUBMISSION INFORMATION

ETR will review applications to determine if proposed providers and programs meet the eligibility requirements of WIOA, the state's requirements about the ETPL, and the requirements of the County of Kern concerning local procurement policies and insurance requirements. If the ETPL Coordinator considers an application acceptable, the ETPL Coordinator submits the new application via the chain of command to the Management Team for approval. Approval may be for only inclusion on the statewide ETPL (in which case other LWDBs may refer clients to that program at their expense) or for authorization of an agreement and obligation of funds.

ETR will submit nominations for listing on the ETPL to the State's Employment Development Department (EDD). Upon acceptance by the State, the provider, and the provider's programs will appear on the following State website: <https://www.caljobs.ca.gov>

#### I. AGREEMENT

For Kern County, the Personal/Professional and Contractual Services Agreement (PPCSA) is used for ITAs. Final approval of this agreement is by the Chief Workforce Development Officer on behalf of the Kern County Board of Supervisors.

Training providers offering training to WIOA clients under reimbursement subcontracts with ETR must also complete the ETPL application and qualify to be put on the ETPL, except for specific exemptions listed in Policy, Section I. When training providers are contracted through subgrants, ITA agreements are not required; payments under subcontracts will be paid upon receipt of valid claims for payment.

#### J. PROVIDER AND PROGRAM INFORMATION CHANGES TO EXISTING PROGRAMS

EDD will accept any changes to data displayed for providers and programs already listed on the ETPL and update the ETPL as necessary on any working day of the year.

Each training provider is responsible for providing updated information through the CalJOBS ETPL Module on its programs listed through the LWDB. The LWDB shall review those changes and forward to the EDD any changes to the administrative, provider, or program data elements. Upon ETR verification of submitted information, the data will be forwarded to the state.

A program substantially modified in goals and/or curriculum shall be considered a new program subject to approval by the ETPL Coordinator. A provider that changes ownership or undergoes major changes that result in new approval by the Bureau for Private Postsecondary Education (BPPE) will be considered a new provider subject to approval procedures for new providers (described in Section II.G).

#### K. PRICING CHANGES

The pricing of a program on the ETPL may be changed at any time upon approval by both ETR and the provider. To complete a change in pricing, the training provider must go to CalJOBS and update the cost. ETR will then need to obtain a signed memo from the Chief Workforce Development Officer (CWDO) approving the change to be valid in the Agreement.

In addition, before the beginning of a new fiscal year, the Provider will inform ETR of any changes for the upcoming year.

If an existing provider receives approval for a new program, it may be funded from the existing purchase order for that provider. A signed memo by the CWDO is required to add the new program to the Agreement. Any program added during a program year will be listed in the agreement for the next program year. Additional funding will not be allocated to the provider unless it is necessary.

#### L. MAXIMUM PROGRAM CONTRIBUTION

ETR will provide funding up to \$10,000 for an ITA program. Students can use other options for the balance of tuition over \$10,000, including but not limited to grants, student loans, paying cash, or tuition discounting by a school. This maximum contribution will be used with the ETPL performance review (see Section II.N). In exceptional circumstances, this cap may be increased upon approval by the CWDO.

#### M. PAYMENTS AND REFUNDS FOR INDIVIDUAL TRAINING ACCOUNTS

Provider shall invoice the County for tuition, expenses, and fees ("Cost") that Provider charges to provide Services. The County will reimburse the Provider for Costs; however, the total cost paid by the County shall not exceed \$10,000 per client. Client shall be responsible for Costs that exceed \$10,000. Upon written notice from the County, an exception to the tuition limit of \$10,000 and payment schedule may be made in writing. This can include special grants targeted to specific populations or occupations.

The invoice from the Provider will be for one-half of the total program cost once the client completes one-half of the training. The provider shall then submit an invoice for the remaining one-half of the program cost once the client completes the training. Along with the invoice, the Provider will include attendance records, evaluations, Measurable Skills Gains (MSG, which includes transcripts, tests, and exams showing skill progression), Credential Attainments, and /or Certificates of Completion, and any other supporting documents. All documentation must be provided to ETR within 30 days of completion when the final invoice is submitted.

| Status                                                                 | Invoicing                                                                                                                                                                                                     |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Attended 50% of program                                                | 50% of cost can be invoiced                                                                                                                                                                                   |
| Completed program                                                      | Invoice for remaining 50%, plus provider will include attendance records, evaluations, Measurable Skills Gains*, Credential Attainments and/or Certificates of Completion and any other supporting documents. |
| (*MSG include transcripts, tests, and exams showing skill progression) |                                                                                                                                                                                                               |

For public High Schools and California Colleges and Universities, reimbursement invoices shall be based on accrued costs incurred and may be submitted for payment based on a semester or quarterly school year.

ITAs may only pay for training expenses that exceed funds from other state or federal sources (for example, Pell Grants). Participants may be enrolled after applying for other available funds. Still, before they are awarded, provided that when those monies are received, any WIOA funds that have been paid will be returned, except if the other grant is less than ETPL-approved tuition and costs, then WIOA funds may be used (up to the \$10,000 maximum) to pay the remainder.

If an ITA is in one of our industry sectors, the maximum may be increased to an appropriate amount with the approval of the Management Team.

*Targeted industry sectors in the Biennial Local Plan update for Program Years 2019-2020 and 2020-2021 are: (1) Energy and Natural Resources, including Renewables; (2) Construction non-residential and infrastructure; (3) Health Care; (4) Aerospace and Defense; and (5) Manufacturing (including Value-Added Agriculture), Warehousing and Logistics (e.g. distribution centers), and Transportation (excluding passenger transit).*

Payment for the Cost of training shall not exceed the published rate, as shown on the ETPL for training, including tuition, expenses, and fees. Please see the tiered refund system below:

| Status                                                     | Refund Level                                       |
|------------------------------------------------------------|----------------------------------------------------|
| Registered but did not start program                       | No payment will be made to provider                |
| Attended <b>less than</b> 15 days of program               | No payment will be made to provider                |
| Attended 15 days or more, but less than 50% of the program | Partial payment, pro-rated based on hours attended |
| Attended 50% of program                                    | 50% payment                                        |
| Attended 51%-74% of program                                | Partial payment, pro-rated based on hours attended |
| Attended 75%-100% of program                               | Full payment                                       |

The provider will not charge the County if a client has to repeat classes due to the Provider's error(s), negligent acts(s), or omissions(s). The responsible County Department will only reimburse the Provider for approved coursework required for programs as listed in the provider's catalog. ETR may withhold payment or partial payment until a provider provides documentation that all courses are required to complete the program or if a certificate has been attained.

For ITAs, ETR reimburses the provider, but if a refund is due, the Finance Department is responsible for determining the amount for early termination of a participant's training. They will also ensure the prompt return of any unused training monies and the collection process of any outstanding training and/or tuition refund. The case manager will track the participant monthly and ensure the participant is still in training. The case manager will also communicate with the provider monthly. The provider is responsible for letting the case manager know if the participant has no more than three (3) absences.

#### N. PERFORMANCE REVIEW

To maximize the effectiveness of ITA funds, the ETPL performance review was implemented as a guide to meeting the minimum performance requirements of training providers for referrals. If the minimum performance requirements are not met, the training provider's programs will be

subject to review by their Case Manager and the ETPL Coordinator. This may result in the provider not receiving further referrals until requirements have been met, regardless of the availability of funds in their agreement. The provider expects to take a proactive interest in improving their outcomes for ETR clients to justify continued ETR enrollments.

Providers with six or more total participants within a two-year period shall be held accountable for a Training Related Entered Employment Rate of > 78% in the second quarter after exit. Any program that does not meet the required benchmarks will be brought to the attention of the appropriate case manager to consider whether any extenuating circumstances warrant the program's continuation. If none exist, referrals will be frozen until a subsequent monthly review indicates sufficient improvement to resume referrals. In this event, the ETPL Coordinator will notify the training provider in writing that referrals to their program have been frozen or when they are resumed.

#### O. MID-YEAR ADDITION OF FUNDING TO EXISTING PROGRAMS

For an existing program with a current agreement but that has used the funds that were obligated to it or not, the ETPL Coordinator will confer with case managers to determine if additional funds or a decrease in funds should be recommended. If so, the ETPL Coordinator will meet with the Management Team to request increased or decreased encumbrance. After a Management Team approves, the ETPL Coordinator will amend the provider's agreement (consistent with County policy), and ETR's finance unit will increase or decrease the encumbrance.

#### P. NEW FISCAL YEAR FUNDING OF CONTINUING PROGRAMS

Before beginning a new fiscal year, the ETPL Coordinator recommends funding levels of existing programs based on prior year demand, with input from case managers, and subject to ongoing performance review criteria. If a program has not had any new enrollments for the previous year, it may not be allocated new funding but will remain on the ETPL if it continues to meet the State's performance criteria. Funding recommendations for a new fiscal year are subject to approval by the Management Team.

#### Q. FUNDING OF NEW PROGRAMS

After a new program is added to the state ETPL, approval for funding may also be recommended. The ETPL Coordinator recommends it to the Management Team, and upon agreement, it is forwarded to EDD for approval. The applicant will be notified of the outcome in either case. If approval is granted, the ETPL Coordinator will work with the provider to process the necessary state and local forms.

#### R. DISCONTINUING REFERRALS TO EXISTING PROVIDERS

Referrals are at the sole discretion of the County and will be based on the participant's success (i.e., performance outcomes and participant surveys). Therefore, ETR may discontinue referrals to a provider even if funds remain under a current agreement or purchase order. Furthermore, ETR reserves the right not to write a new deal or fund a provider at the beginning of a new fiscal year if ETR did not refer any new clients there during the preceding program year. In that event, the ETPL Coordinator will notify the training provider in writing that their program is discontinued. The training provider may submit a letter requesting reconsideration and the basis for such reconsideration. The Management Team will consider this request, and a new agreement will be initiated if approved.

As long as the provider continues to meet the State's subsequent eligibility requirements (refer to section S below), that provider may remain on the ETPL and receive referrals from other LWDBs (subject to their local policies and at their expense).

#### **S. TERM OF ELIGIBILITY**

Per WSD 21-03 Attachment 1: All programs on the ETPL, except for DIR/DAS apprenticeship programs, will be evaluated annually to ensure they continue to meet the eligibility to be retained on the ETPL beyond the initial eligibility period. This determination is referred to as continued eligibility. Performance shall be verified utilizing BPPE, CalJOBS, California Community College, Adult Education, Local Board, and/or other appropriate data sources (including BPPE Exempt Provider Program Performance Report, page 22), and be published annually in a WSD Information Notice. See WSD21-03 Attachment 1.

#### **T. LOCAL TECHNICAL ASSISTANCE**

Requests for local support or technical assistance can be made by contacting the ETPL Coordinator at ETR at (661) 336-6953.

Local certification and general guidelines are available on the Internet at <https://www.employertrainingresource.com/training-providers>.

Providers can also start on the State's ETPL page at [www.caljobs.ca.gov](http://www.caljobs.ca.gov).

### **III. CONFLICT OF INTEREST**

Employers' Training Resource will ensure there are no conflicts of interest between the Local Board and the providers, which includes but is not limited to the following:

- A prohibition on paying referral fees by training providers to Local Board staff, including America's Job Center of California<sup>sm</sup> (AJCC) operator staff.
- Decisions made by the Local Board regarding ETPs and their programs comply with WIOA Section 107(h).

### **IV. PROVIDERS OUTSIDE OF KERN COUNTY FOR KERN COUNTY REFERRALS**

If an ETR client requests training through a provider outside of Kern County, Kern County may pay tuition in an amount consistent with Kern County's tuition policies, on condition that the provider is approved on the State ETPL, and Kern County further approves the provider according to local procedures for new programs (see Section II.G.)

### **V. DISTANCE EDUCATION AND OUT-OF-STATE TRAINING PROVIDERS**

All Distance Education training providers that wish to be listed on the CA ETPL must be registered in CalJOBS. The State ETPL Coordinator will determine if a Distance Education training provider can be on the CA ETPL using the eligibility criteria in the WSD21-03 Directive. All Training providers that have training sites located outside of California cannot be listed on the CA ETPL.

### **VI. PROCEDURES FOR INYO AND MONO COUNTIES**

- A. If training providers in Inyo or Mono Counties want to be nominated for the ETPL, they must register on CalJOBS at <https://www.caljobs.ca.gov>.

- B. After Inyo or Mono has a program or provider approved on the ETPL, each county will be responsible for determining funding levels and procedures, implementing agreements (according to county policy), processing tuition reimbursement, providing updated information to the ETPL Coordinator, tracking expenditures and recovering unused tuition. Funding for ITAs will be the responsibility of each county from its allocation.
- C. Mono or Inyo may implement tuition caps and performance reviews, but these are optional. Client suitability will also be assessed according to local policy.
- D. Providers from other states may be used, subject to compliance with State regulations regarding their approval for the ETPL and local policy regarding obligation of funds.

## **VII. LOCAL-LEVEL GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES**

Sub-recipients must establish procedures for resolving programmatic grievances and complaints alleging violations of WIOA Title I. These local grievance and complaint procedures are intended to resolve issues related to WIOA Title I grant programs operated by the sub-recipients. The local grievance and complaint procedures can be found at

<https://www.employerstrainingresource.com/home/showpublisheddocument/12583/638410146189800000>.

## **VIII. APPEALS REGARDING LISTING ON THE ETPL**

Inclusion on the State ETPL does not guarantee LWDB agreements, funding, or referrals

See WSD21-03, Attachment "WIOA ETPL Policy and Procedures," Denial, Delisting, and Appeals Policy and Procedures regarding reasons an application may be denied (e.g., criteria not met), a provider may be delisted (e.g., minimum performance not met), penalties, and how a provider may appeal to the state.

### **A. NOTICE**

1. If the LWDB denies a provider's application for listing on the ETPL, the LWDB must inform the provider in writing within 30 days of receipt of the application and include the reason(s) for the denial and complete information on the appeal process.
2. If EDD denies a provider's program listing on the ETPL, EDD must, within 30 days of receipt of the nomination from a LWDB, inform the LWDB that nominated the program of the denial and the reason(s) for the denial. The LWDB must notify the provider in writing, include the reason(s) for the denial, and complete information on the appeal process.

### **B. APPEALS TO LOCAL BOARDS**

1. Each Local Board must have a written appeal process that includes the following required provisions:
  - a. Instructions for a provider wishing to appeal a decision must appeal to the Local Board 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), documentation supporting the grounds for the appeal, and the signature of the appropriate provider official.

- b. Initial informal meeting between the Local Board staff and the provider. This meeting aims to identify if there is a simple solution to resolve the dispute.
- c. Opportunity for providers to have a 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 (10) 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 request documents relevant to the proceedings, and to have legal representation.
- d. Final decisions must be made within 60 days of receipt of the appeal, and the provider and the Local Board must be notified in writing of the final decision.

#### C. APPEALS TO EDD

- 1. A provider may appeal to the EDD if it has exhausted the local appeal process and is dissatisfied with the Local Board's final decision.
- 2. A provider wishing to appeal a local decision to the EDD must submit a written appeal within 30 days of a Local Board's final decision on an appeal. The request for appeal must 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 the following:

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

- 3. The EDD will promptly notify the appropriate Local Board when the EDD receives a request for appeal and when a final decision has been rendered.
- 4. 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.