


<b>Workforce Connections General Policies Eligible Training Providers (ETP)</b>	<h1>Gen-050-06</h1>
	<b>Revision No. 6 Effective 3/11/2022</b>
<b>Policy Approved By: WC Executive Director Policy Adopted on: March 2015</b>	

**Purpose**

To establish Workforce Connections' guidelines for determining providers of training services eligibility to receive Workforce Innovation and Opportunity Act (WIOA) Title I Funds.

**Background**

Section 122 of WIOA, Public Law (P.L.) 113-128, and its associated regulations codified at 20 CFR Part 680, requires the establishment and dissemination of a single list of eligible training providers identified by the Local Workforce Development Board (LWDB). Also, WIOA requires the establishment of criteria, information requirements, and procedures for determining the eligibility of providers of training services to receive funds under Title I of WIOA. Established requirements ensure the accountability, quality, and labor-market relevance of approved programs of training services under WIOA.

The workforce development system established under WIOA promotes program coordination and alignment of key employment, education, and training services at the State, local and regional levels. Further, WIOA emphasizes on informed customer choice, job-driven training, provider performance, and system-wide continuous improvement. The quality of the selection of programs and providers of training services is vital to achieving these core principles. The Eligible Training Providers List (ETPL) process is part of the strategy for achieving these goals.

Consistent with 20 CFR Part 680.400, in order to maximize customer choice and guarantee that all significant population groups are properly served, the LWDB shall administer the ETPL process effectively by promoting and ensuring that a significant number of competent training providers, offering a wide variety of training programs and occupational choices, are available to customers of the One-Stop Delivery System (OSDS).

Inclusion of a training provider's offerings or programs on the ETPL is neither an entitlement to, nor an assurance of, receipt of WIOA Title I funds. It is merely the vehicle through which eligible Title I program participants access the training providers' programs or offerings that have met the established criteria by the State and the LWDB.

**Policy**

Consistent with Sec. 122 of WIOA and its associated regulations, Workforce Connections shall identify providers of training services and their offerings within the Local Workforce Development Area (LWDA). In identifying providers of training services Workforce Connections must comply with the established State requirements for this purpose. The ETPL will be made widely available to customers engaged in employment and training activities through the OSDS. This strategy includes, but is not limited to, one-stop career centers, affiliate sites, and the network of providers of workforce development activities and services in the LWDA. Program participants eligible to receive training services may, through guided customer choice, select a training provider that is included on the ETPL.

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**References**

29 U.S.C 3152; Public Law (P.L) 113-128 WIOA, Secs. 116, 122, 134, 184, 188, 503; 2 CFR Parts 200.403, 200.404 and 200.405; 20 CFR §677.230, 20 CFR §680.400 - §680.490; 20 CFR §680.500 - §680.530; 20 CFR Part 683; TEGL 3-18; TEGL 14-18; TEGL 8-19; State Compliance TEN 7-21; Policies (SCPs) 1.3, 1.9, 1.12, 1.13, 3.12, 4.1 – 4.7; WC Policies GEN-050-03 and GEN-050-08

**Note** - For additional factors affecting eligibility requirements, subsequent eligibility, and appeal process, please access SCPs 1.12 and 1.13 at [https://detr.nv.gov/Page/WIOA\\_State\\_Compliance\\_Policies](https://detr.nv.gov/Page/WIOA_State_Compliance_Policies)

**I. Identification of Eligible Providers of Training Services**

Consistent with Sec. 122 of WIOA, eligible providers of training services are those entities eligible to receive WIOA Title I funds to provide training services to eligible program participants under the adult, dislocated worker, and youth programs. Pursuant to SCP 1.12, only providers that the State determines to be eligible, as required in Sec. 122 of WIOA, may receive training funds under Title I of WIOA.

The LWDB, in partnership with the State, identifies providers of training services whose performance, among other eligibility criteria, qualifies them to receive WIOA Title I funds. The ETPL and related eligibility procedures ensure the accountability and quality of programs of training services that receive funds under Title I of WIOA. The ETPL is also a tool for ensuring informed customer choice through the gathering and displaying of useful information with respect to training providers, their services, and the quality of their programs.

**A. Initial Eligibility**

The initial eligibility of providers of training programs is determined based on meeting State and Workforce Connections established criteria. Workforce Connections is responsible for reviewing, assessing, and verifying applications submitted by providers of training services, and determining if in fact, the applicants meet the State and Workforce Connections criteria for initial eligibility.

1. Consistent with established requirements, in order to provide training services to eligible program participants under the adult, dislocated worker, and youth programs, a provider of training services must be approved to be included on the ETPL and fulfill the following criteria:
  - Must provide a program of training services; and
  - Must be one of the following types of entities:
    - a) Institutions of higher education that provide a program that leads to a recognized postsecondary credential;
    - b) Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.); or
    - c) Other public or private providers of training services, which may include:
      - 1) Community-based organizations;
      - 2) Joint labor-management organizations; and
      - 3) Eligible providers of adult education and literacy activities under Title II of WIOA if such activities are provided in combination with occupational skills training in the pursuit of State industry-recognized credentials consistent with TEGL 15-10.

2. **Registered Apprenticeship (RA) Programs** - Entities carrying out programs registered under the National Apprenticeship Act, of August 16, 1937, or under a recognized State apprenticeship agency, are granted initial eligibility upon receipt of a properly completed RA registration form through EmployNV. RA programs will remain on the list as long as the program is registered or until the RA program notifies Workforce Connections that it no longer wishes to be included on the ETPL.
  
  3. **Nondiscrimination Provisions Under Title I of WIOA** - Eligible providers of training services are subject to the equal opportunity and nondiscrimination requirements contained in Sec. 188 of WIOA and its associated regulations codified at 29 CFR Part 38, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity.
- B.** Consistent with established requirements, approved providers of training services must provide a program of training services through one or more courses or classes, or a structured regime, that upon successful completion leads to, the following:
1. An industry-recognized certificate or certification, a certificate of completion of a RA program, a license recognized by the State involved or the Federal government, and associate or baccalaureate degree; or a credential as identified through State's vetted list of industry-recognized credentials published by OWINN;
  2. Consistent with 20 CFR Part 680.350, a secondary school diploma or its equivalent;
  3. Employment; or
  4. Measurable skills gain toward a credential described in items (1) or (2) of this section.
- C.** Consistent with SCP 1.12, a private provider of training services providing services other than basic/life skills training must, as appropriate:
- Be licensed by the Nevada State Commission on Postsecondary Education as required in Nevada Revised Statutes 394.099 and 394.415 and carry a Nevada State and local business license as required and be accredited by appropriate body associated with training, or
  - Be licensed to provide training by an alternative licensing agency accepted by the Nevada State Commission on Postsecondary Education (currently only CDL training, cosmetology, barbering and pilot training), 20 CFR §680.450 (d), WIOA Sec. 122(b)(1)(E) and carry a Nevada State and local business license as required.
- D.** The ETPL is administered by the Department of Employment, Training, and Rehabilitation (DETR) at the State level. Approval for inclusion on the ETPL is processed by DETR in collaboration with Workforce Connections. SCP 1.12 describes the process for adding new providers to the ETPL. Providers of training services will be eligible to receive WIOA Title I funds once approval is granted from DETR and their programs or offerings have been included on the ETPL.

- E.** Consistent with established requirements under WIOA, Sec. 122(g), and its associated regulations codified at 20 CFR Part 680.520, a program participant may choose a provider of training services that is located outside the LWDA. Under WIOA, States may enter into reciprocity agreements with other States under which providers of training services may accept Individual Training Accounts (ITAs) provided by other States. Support documentation is required to validate that the training program is currently linked to in-demand industry sectors or occupations in such area and that the provider of training services is included on the approved training provider list of such States.
- F.** For entities other than those described on Sec. I(A)(b) of this policy, they must comply with the criteria, information requirements, and procedures described in SCP 1.12 and this policy in order to be considered for initial eligibility determination and inclusion on the ETPL.
- G.** Financial Stability and Capacity - Workforce Connections reserves the right to request financial documentation at any time which may include, but is not limited to, profit and loss statements, balance sheet, and statement of cash flows. Workforce Connections may also request a declaration of the percentage of total organizational income from WIOA funding to provide evidence of overall financial stability and capacity. Eligible training providers must have sustainable business practices without the need for WIOA funding.
- H.** Training assistance, through ITA funding, is one strategy that can be used to assist job seekers. The need for an ITA will be evaluated by WIOA Title I service providers. Actual funding for training assistance may be limited based upon:
  1. Eligibility,
  2. Assessment,
  3. Customer choice,
  4. Labor market demand, and
  5. Funding availability.

**II. Application to list a training program on the ETPL**

In order to be considered for inclusion on the ETPL, a provider of training services must complete an application, which can be found at the Workforce Connections website. In the event assistance becomes necessary while completing such application, applicants are encouraged to contact Workforce Connections for additional assistance.

- A.** Eligibility for a new provider of training services application, adding a new program of training services, annual subsequent eligibility application, and Registered Apprenticeship registration form can be accessed under the ETPL link at <https://nvworkforceconnections.org>.
- B.** Received applications will be processed by Workforce Connections to ensure that all elements of the eligibility requirements have been met in compliance with the State and local established provisions and to assess the accuracy of the information provided within and during the application process.

- C.** The review process will take six business days, approximately, upon receipt of the initial application. Once the initial review process is completed at the local level, the State will review and approve submitted applications based on State and local established requirements. Once approval is granted by the State a communication will be sent to the applicant.
- D. Established Criteria and Factors for Initial Eligibility**
1. In making the initial eligibility determination the LWDB shall take into consideration the following factors:
    - a) The description of each program of training services to be offered including internships, lab fees, and materials to include costs associated with each item and as indicated on the ETPL application;
    - b) A description of whether the training provider is in a partnership with a business including quality and quantity of employer partnerships and as indicated on the ETPL application;
    - c) Other factors that indicate the quality of the training services leading to a recognized postsecondary credential;
    - d) Information addressing the alignment of the training services with in-demand industry sectors and occupations, to the extent practicable;
    - e) State licensure requirements; and
    - f) The ability of the training provider to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.
  2. Workforce Connections has established additional criteria for the initial application review process. Such criteria may be revised or updated upon changes on local or regional needs. For approved training providers, the approved training programs shall, at a minimum:
    - a) Support employment in Nevada's targeted industry sectors; or
    - b) Lead to an industry-recognized credential/skill set; or
    - c) Align with local labor market information; or
    - d) Align with intelligence gathered from Governor's industry sector councils and/or the Southern Nevada Industry-Sector Partnerships; or
    - e) Be in accordance with training provider eligibility criteria within this policy; or
    - f) Result in measurable skills obtainment that makes the participant more employable (this will be supported by performance data supplied by the training provider on the ETPL application: percentage of trainees who obtain employment after training completion).
  3. In the event initial eligibility for the ETPL is declined during the initial process, a system-generated notification communicating the denial will be issued. Included in the written notification will be the reason(s), and information related to the appeal process.

### **III. Subsequent Eligibility for Provider of Training Services**

This process has been established to evaluate all courses/programs and ensure that they continue to meet the established requirements beyond the initial eligibility period. All courses/programs will be evaluated one year after the initial, system-generated, approval date. Thereafter they will be evaluated every two years. RA are exempt from this requirement.

**A.** The State has established that for the determination of subsequent eligibility, the LWDB must take into consideration the following factors:

1. The quality of the program of training service as outlined in the established policy;
2. The information conveyed through customer satisfaction survey, complaints from participants, Service Providers, licensing and accrediting entities;
3. The rate of achieved industry-recognized credentials earned by program participants;
4. Rate of employment outcomes; and
5. On-site monitoring report(s).

**B.** Established Criteria

1. Workforce Connections has established that, in order to remain on the ETPL, providers of training services must adhere to the following:
  - a) Performance indicators: Consistent with Sec 122 of WIOA, the provider of training services shall provide timely and verifiable program-specific performance information that must be considered by Workforce Connections in determining the subsequent eligibility of providers of training services and their programs to remain on the ETPL;
  - b) Performance accountability data as established by the State;
  - c) Access to training services throughout the State including rural areas and through the use of technology;
  - d) Information reported to State agencies on Federal and State training programs other than programs within WIOA Title I;
  - e) The degree to which training programs relate to in-demand industry sectors and occupations in the State;
  - f) State licensure requirements of training providers, and licensing status of providers of training services, whenever applicable;
  - g) The provider's ability to offer industry-recognized certificates and/or credentials;
  - h) The ability of providers to offer programs that lead to post-secondary credentials;
  - i) The quality of the program of training services including a program that leads to a recognized postsecondary credential; and
  - j) The ability of the training providers to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.
2. Additional criteria for the subsequent eligibility review process gathered through either the subsequent eligibility application or by other means may include, but is not limited to, the following factors:
  - a) Completion rates for all individuals participating in the training program conducted by the provider of training services;
  - b) Total number of students that completed the listed training program and obtained a credential/certificate, or other measurable skills;
  - c) Total number of students that completed the training program and obtained unsubsidized employment; and

- d) The total number of students who obtained unsubsidized employment related to the completed training program.
  - 3. Consistent with State requirements Workforce Connections will also take into consideration the following:
    - a) The specific economic, geographic, and demographic factors in the local areas in which providers seeking eligibility are located; and
    - b) The characteristics of the populations served by programs seeking eligibility, including the demonstrated difficulties in serving these populations, where applicable.
- C. Data Submission Requirements – July 1<sup>st</sup> to June 30<sup>th</sup> of each program year.**  
For a provider of training services to be determined to be subsequently eligible under Sec. 122 of WIOA, and receive funds as described in Sec. 133 (b) of WIOA, such provider of training services shall submit to Workforce Connections verifiable program-specific performance information, as it relates to **ALL** students enrolled in approved programs of study, regardless of WIOA participation (both WIOA and Non-WIOA), including but not limited to, the following:
- 1. The percentage of students who are in unsubsidized employment during the second quarter after exit from the program of study;
  - 2. The percentage of students who are in unsubsidized employment during the fourth quarter after exit from the program of study;
  - 3. The median earnings of students who are in unsubsidized employment during the second quarter after exit from the program; and
  - 4. The percentage of students who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within one year after exiting from the program. For those participants who obtained a secondary school diploma or its recognized equivalent, the participant must also have obtained or retained employment or be in an education or training program of study.
- D. Local Expectations**  
Workforce Connections expects students of training programs to complete training and attain credentials/certificates. Workforce Connections has established the following additional criteria for determining eligibility to remain on the ETPL.
- 1. Comply with subsequent eligibility requirements,
  - 2. Verifiable demand occupations in the field of the training program; and
  - 3. Compliance with Federal, State, and local regulations, e.g., Equal Opportunity provisions (EO), Americans with Disabilities Act (ADA), and health and safety standards.

**E. Performance Requirements**

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1. Each training provider is held accountable to the state-mandated performance requirements. Performance is reviewed each program year (July 1 – June 30) on a per-program basis. Workforce Connections will publish a quarterly report for use in tracking performance. Minimum performance goals for the program year are as follows:

Metrics	Minimum Performance	Frequency	Calculation Approach
Program Enrollment	Minimum of one (1) new enrollment per program year	Reported quarterly	Count of participant's enrolled in an ITA program as recorded in Workforce Connections' MIS between July 1 and June 30
Successful Completion	80% of WIOA participants who completed training within the program year	Reported quarterly, must meet 80% target by the end of the program year	Number of participants who have successful completion status for their ITA divided by the number of participants who completed training during the year, as recorded in Workforce Connections' MIS
Credential Attainment	75% of WIOA students who exited their WIOA program or received a credential within the program year	Reported quarterly; must meet 75% target by end of program year	The numerator is the number of participants who received a qualifying credential between the start of their ITA and their exit from WIOA, as recorded in WC's MIS. The denominator is all participants who exited WIOA during the year and completed training successfully as recorded in WC's MIS. The credential attainment rate is numerator divided by this denominator.
Entered Employment (Training-Related)	50% of WIOA students who exited their WIOA program and entered employment within the program year into training-related employment	Reported quarterly; must meet 50% target by the end of the program year	Number of participants who have training-related employment recorded at exit from WIOA during the year divided by number of participants who exited WIOA during the year and entered employment, as recorded in WC's MIS. The participant's employment must be training-related in order to be counted in the numerator for this measure.
Median Earnings	Tracking measure only	Tracking measure only	Measured as total individual income during quarter among participants who completed the training program, exited WIOA and are employed.

2. All WIOA participant data entries (e.g., enrollment, credential attainment, measurable skill gains) will be performed by WIOA Title I service providers procured by WC.



3. WC reserves the right to remove any Training Provider, including all programs with that Training Provider, when the provider, evaluated in aggregate over all ITA participants served by that provider, consistently underperforms. New programs will have a maximum of 24 months to demonstrate compliance with required metrics. New programs will be evaluated at 24 months to demonstrate program enrollment, successful completion, and credential attainment for continued eligibility. To determine subsequent eligibility after the initial 24-month period, the training provider must reapply every year and will be evaluated for employment metrics. A new program is defined as a course that has not previously been offered to the public through the training provider as part of the ETPL.

**F. Performance Scorecard**

Workforce Connections will publish the ETPL performance scorecard on a quarterly basis to notify training providers and service provider staff of current status of the ETPL performance metrics. Scorecards will be available on the Workforce Connections' website.

**IV. Additional Provisions**

- A.** Approved providers of training services must comply with State and local established requirements to retain status as eligible providers of training services. In the event, it is determined, after proper assessment, that the provider of training services is noncompliant eligibility will be rebuked.
- B.** Workforce Connections will conduct on-site reviews for the purpose of improving the management, effectiveness, and improvement of workforce development activities carried out under Title I of WIOA within the Southern Nevada Workforce Development Area (SNWDA).
- C.** An approved training program may be removed from the ETPL, at any given time, if it is determined that they are not in compliance with established requirements. If all of the provider's programs are determined to have failed to meet established performance levels or established requirements, the provider of training services will be removed from the ETPL.
- D.** During the subsequent eligibility determination process, Workforce Connections will assess whether a provider of training services will maintain its eligibility to remain on the ETPL. Established State and local requirements will be considered to make such determination. The provider of training services will be notified in writing of such determination consistent with item II(D)(3) of this policy.
- E. Third Party Agreements**
  1. Approved Training Provider may enter into agreements with training organizations to deliver content on their behalf. In doing so, the approved Training Provider accepts all liability and certifies that the program, as submitted in EmployNV, meets the approved Training Provider's requirements for content and instructors as well as other Workforce Connections policies. The approved Training Provider is the sole contact for Workforce Connections.

2. Approved Training Providers must notify Workforce Connections of any program that will be delivered by training organizations or other third parties. Workforce Connections reserves the right to audit or review any course or instructor qualifications at any time.

**F. Participant Progress Reports and Attendance Records**

The training provider shall assist service provider staff with providing progress and attendance reports on a monthly basis. The service provider may request more frequent progress and attendance reports to monitor the participant's status in the training program.

**G. Customer Satisfaction Surveys**

Surveys will be sent to each participant during the course of the training program and upon completion. Data from completed surveys will be reviewed for trends by program as well training providers.

**H. One-Stop Career Centers (OSCC)**

OSCC program managers, or other designated staff, will complete a survey on each training provider they have worked with during the year. This will focus on information such as accuracy of the information, responsiveness, refunds, processes, etc.

**I. Market Review**

Workforce Connections will review tuition and fees for each course and similar courses in the area to determine that fees are competitive and match ITA payments.

**V. General Provisions for the Delisting of a Provider of Training Services**

Workforce Connections may delist a previously approved training provider for any of the following reasons:

**A. Noncompliance**

If Workforce Connections, working together with the State, determines that an eligible provider of training services violates any requirement under Title I of WIOA, Workforce Connections working with the State may terminate the eligibility of such provider to receive funds or take such other actions as it is determined to be appropriate. (WIOA Sec. 122 (f)(1)(A)).

**B. Intentionally Providing Inaccurate Information**

Upon a determination by Workforce Connections that a provider of training services, or individual providing information on behalf of the provider of training services, violated Sec. 122 of WIOA by intentionally supplying inaccurate information under Sec. 122 of WIOA, the eligibility of such provider to receive funds shall be terminated for a period of time that is not less than two years.

**C. Substantial Violations**

Upon a determination by Workforce Connections that a provider of training services substantially violated any requirement under WIOA, the eligibility of such provider to receive funds for the program involved shall be terminated for a period of not less than two (2) years.

**D. Additional Criteria**

Workforce Connections has established the following criteria for determining the termination of a provider of training services which may include, but is not limited to:

1. Information gathered from reports of fraud, abuse, or any other criminal activity;
2. The information gathered from monitoring reports completed after on-site reviews;
3. Performance accountability information; and
4. Information conveyed through participant initiation such as complaints, grievances or customer satisfaction surveys.
5. The training provider did not maintain the minimum performance criteria for subsequent eligibility.
6. The training provider has been debarred from doing business with the Federal Government.
7. The training provider failed to meet reporting requirements.
8. At least one (1) WIOA Title I participant has not enrolled in the training program for the previous program year (July 1 through June 30).
9. The training provider is no longer accredited and/or licensed.
10. The training provider has experienced fraud, malfeasance, or other illegal activity involving WIOA Title I funds or participants.
11. The training provider has not complied with Equal Opportunity guidelines as outlined in WC Policy GEN-050-01 – Equal Opportunity Standards and Grievance Process.
12. Customer satisfaction surveys demonstrate a history of challenges with the program or provider.
13. The training provider refuses to participate in any investigation conducted by WC.
14. The training provider has a history of failure to provide refunds as required under the policy.
15. Local Workforce Development Area needs, funding, or for convenience.
16. The training program is available for free or lower cost from another source in the Local Workforce Development Area.

**E. Repayment**

A provider of training services whose eligibility is terminated due to noncompliance with established requirements shall be liable for the repayment of WIOA Title I funds received during the period of noncompliance. Per SCP 1.13 no repayment funds should be collected from the provider of training services until the opportunity to appeal is over, or 90 days from the date in the initial termination notice.

**F. Notice of Noncompliance**

Within five (5) business days after Workforce Connections determines that a training institution is in violation of any of the provisions indicated in this policy, a notice of noncompliance or violation will be issued by Workforce Connections requesting the development of a Corrective Action Plan (CAP).

Such notice shall indicate the violation or finding of noncompliance and the deadline for the submission of the CAP. Also, the notice will include the availability of technical assistance and access to guidance from Workforce Connections.

**G. Corrective Action Plan**

The training institution shall work together with Workforce Connections in the development of the CAP in order to resolve any violation or finding of noncompliance found or cited by Workforce Connections. Guidance will be provided as necessary or requested by the provider of training services. Workforce Connections will, after a comprehensive assessment of the violation or finding of noncompliance, determine what actions shall be taken for the prompt resolution of such violation or finding. Actions taken, by Workforce Connections, during the CAP development and implementation may include, but are not limited to the following:

1. Temporary stop enrollment of WIOA Title I eligible program participants, or
2. Temporary removal of program or class from the ETPL, or
3. Suspension of program or class from the ETPL.
4. If after an opportunity to correct found deficiencies, it is determined that the training institution remains unable to correct such deficiencies, Workforce Connections, working with the State, will terminate the eligibility of the training institution.

**H.** Workforce Connections shall submit a recommendation for action to the State once it is determined that a provider of training services is out of compliance or in violation of established requirements. The State shall determine what disciplinary action is most appropriate including, but not limited to, removal from the ETPL.

**VI. Appeals**

A provider of training services wishing to appeal a decision made by Workforce Connections must submit a written appeal within 30 business days upon receipt of Workforce Connections' notification.

**A.** The established procedure applies to appeals submitted by providers of training services for the following factors:

- Workforce Connections declines an initial application for listing on the ETPL; or
- Any eligible provider of training services found to be in violation of any requirement under WIOA, State regulations, and Workforce Connections policies/procedures, for which disciplinary action has been determined to be appropriate and imposed.

**B.** When a program of training services is removed from the ETPL, program participants currently enrolled in the program supported by an approved ITA may complete their training as described in the Individual Employment Plan (IEP) or Individual Service Strategy (ISS).

**C.** The written appeal, at a minimum, must:

1. State with accuracy the name, address, and contact information of the entity filing the appeal,
2. Be directed to Workforce Connections' Executive Director or designee and sent to [etpl-lwdb@snvwc.org](mailto:etpl-lwdb@snvwc.org),
3. Include detailed reason(s) or factor(s) the provider of training services deems necessary to be considered by Workforce Connections,
4. Include any support documentation needed to validate the basis of the appeal, and
5. Include the form of relief requested.

**Note** - Additional requirements for the State appeal process can be found at SCPs 1.12 and 1.13 - <http://owinn.nv.gov/GWDB/Policies/WIOA-StateCompliancePolices/>

**VII. Reactivation**

Consistent with State established requirements

- A.** The LWDB in collaboration with the State may reactivate a provider/program previously blocked from new participants from the ETPL if the training provider makes a written request to the LWDB to reactivate the program and demonstrates compliance with all eligibility, reporting, and operating requirements. Note that the reactivation of a provider/program is solely at the discretion of LWDB. Reference Corrective Action Plan (CAP) requirements.
- B.** Only the State can approve the reactivation of a provider/program as presented by the LWDB if it has previously been blocked off all student/participants and once it has been proven to be in compliance with all regulations, issued a CAP sufficient to the State/LWDB, and completed the required 2-year suspension time frame and repayment of funds for a period of noncompliance as applicable.

**VIII. Compensation**

- A.** The provider of training services will only be paid for the cost of training on the basis of the fees for tuition, books, supplies, and other costs as proposed in the vendor's application for the ETPL.
- B.** The course fee must be competitive with similar courses offered in the region. Workforce Connections reserves the right to request supporting documentation to demonstrate a cost comparison within the region. Workforce Connections gives priority to high-quality training which is available free of charge or at a low cost to participants.
  - 1. Tuition costs must be equal to or less than the published rate on the institution's website or catalog. The total course fees must include all costs associated with successful completion of the program course, including textbooks, fees, exam costs, and other materials. If textbooks, class fees, or other materials are not included in the published rate, the training provider must provide a breakdown of additional costs to Workforce Connections.
  - 2. The training provider must provide the actual cost of the program, which can be reflected in either an online or printed catalog for verification. The remaining balance of the total cost of the program can be covered by financial aid and must be documented in the Individual Training Authorization (ITA). Costs that are not properly published on the ETPL cannot be charged to WIOA Title I participants (e.g., books, testing fees, equipment/tools, uniforms, lab fees, etc.).
- C.** The provider of training services shall not be reimbursed with WIOA funds more than the established cap amount unless written approval is granted by Workforce Connections. The provider of training services shall neither, charge students, nor invoice Workforce Connections for costs other than those stated in EmployNV. For additional information refer to policy GEN-050-08.

**IX. Training Program Refunds**

- A.** Providers of training services will be required to provide their refunds policy during the initial eligibility process. Refunds for training program costs shall be calculated as stipulated on the provider of training services policy and Workforce Connections payment schedule.

- B.** Providers of WIOA Title I services will ensure that the refund policy from providers of training services is taken into consideration at the time of approving an ITA.
- C.** Provider of training services must notify Workforce Connections with respect to any financial aid received by program participants after WIOA funds are disbursed.
- D.** The provider of training services must reimburse Workforce Connections the amount of the WIOA funds used to pay for the training costs covered by any other funds (e.g., Pell Grants) in the event such funds are approved after WIOA-funded training has begun. Reimbursement for education-related expenses is not required.
- E.** When reimbursing training funds that come from multiple funding streams including WIOA Title I funds, WIOA funds require reimbursement at the actual rate paid, prorated in relation to the actual training duration, less the proportionate rate of the provider's cancellation fee. In other words, a refund needs to be done in an equitable and proportional way across the multiple funding streams.

**F. Refunds**

Training Providers are required to refund Workforce Connections all or a portion of the cost of the training if a participant does not complete the program. If a provider has a tiered (i.e., allows for full and/or partial refunds depending on the portion of the program completed) drop and refund policy which has been approved by the accrediting body and is publicly available to all prospective students, that policy may be used; however, a copy of this policy must be provided to Workforce Connections for review and approval.

1. If the Training Provider does not have a drop and refund policy in place and/or the drop and refund policy is not tiered (i.e., does not allow for full and/or partial refunds depending on the portion of program completed) the provider must adopt and publish the below refund policy:

<b>Status</b>	<b>Refund Level</b>
Registered but did not start the program	No payment will be made to the training provider
Attended 7 days or fewer of program (prior to drop date)	Full refund – due to Workforce Connections within 30 days of the course start date
Attended less than 60% of the program	Partial refund – due to Workforce Connections prior to course completion
Attended 61% - 100% of program	No refund required

2. Failure to appropriately refund WC, or significant delays in issuing refunds, may result in removal from the ETPL. Any refund due to WC must be received within thirty (30) days of the discontinuation. When issuing a refund, the Training Provider must notify WC staff at [traininginvoices@snvwc.org](mailto:traininginvoices@snvwc.org). The training provider will not attempt to collect payment from WIOA Title I participant for any amount associated with a refund to WC.

3. If an accredited, approved Training Provider chooses to work with a third party to deliver any services using WIOA funds, that third party is also subject to the above drop and refund guidance. All refunds will be coordinated through the approved Training Provider only. WC will not work directly with any third party. The Training Provider is responsible for any and all resolution required with its third parties.

**X. ETPL Dissemination**

The list and the accompanying information shall be made available to such participants and to members of the public through the OSDS in the State, in a manner that does not reveal personally identifiable information (PII) about an individual participant.

**XI. Personally, Identifiable Information (PII)**

In carrying out the requirements of Sec. 122 of WIOA, State and Workforce Connections policies, no personally identifiable information regarding a program participant, including a Social Security number, student identification number, or another identifier, may be disclosed without the prior written consent of the program participant in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232(g)).

**XII. Record Retention**

Record retention requirements applicable to states, and local governments are codified at Title 2 of the Code of Federal Regulations Part 200. These requirements apply equally to grantees and sub-grantees and include financial and program records, supporting documents, statistical records, and all other records that are either required to be held by regulation or grant agreement or could reasonably be considered as pertinent to regulations or the grant agreement.

Consistent with established requirements program participant records and supporting documentation must be retained for a period of at least five years subsequent to the training program completion date.

**XIII. Incident Reporting**

In carrying out training activities authorized under this policy, Workforce Connections encourages its sub-recipients to use their best efforts to stop any activity or transaction with a provider of training services when any alleged inappropriate practice or activity occurs. Workforce Connections must be informed immediately of any issue and will research/determine if any course of actions is needed by the sub-recipient or the provider of training services. Workforce Connections will provide technical assistance and guidance on this matter as it becomes necessary.