

**Nevada Department of Employment, Training and Rehabilitation(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 1.12

Originating Office: Workforce Innovation Support Services (WISS)

Subject: WIOA; Selection of Eligible Training Providers (ETPs)

Approved: Approved Governor’s Workforce Development Board (GWDB) Executive Committee, 12-14-2017; Ratified by GWDB 1-17-2018; Approved GWDB Executive Committee, November 9, 2022; Ratified GWDB December 7, 2022

Purpose: In accordance with WIOA Sec. 122, this policy explains the requirements and timelines for determining training provider eligibility to utilize WIOA Title I-B training funds and for publicly disseminating the Eligible Training Provider List (ETPL).

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References:

Workforce Innovation and Opportunity Act (P.L. 113-128 WIOA Sec. 122); 20 CFR § 680.400-530;TEGL 8-19 and 8-19, Change 1; TEGL 19-16; TEGL 13-16 and 13-16, Change 1 TAG 22-1

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDB policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of training service providers and programs is vital to achieving these core principles. As required by WIOA Sec. 122 and 20 CFR § 680.400, States, in partnership with LWDBs, must identify providers of training services that are qualified to receive WIOA funds to train adults, dislocated workers, and youth, as appropriate. Therefore, WIOA requires that each State must maintain a list of ETPs. The list must be accompanied by relevant performance and cost information and must be made widely available, including in electronic formats, and presented in a way that is easily understood, in order to maximize informed consumer choice and serve all

significant population groups.

The State Eligible Training Provider List (ETPL) and the related eligibility procedures ensure the accountability, quality and labor-market relevance of programs of training services that receive funds through WIOA Title I–B. The State list is also a means for ensuring informed customer choice for individuals eligible for training. In administering the eligible training provider process, States and local areas must work to ensure that qualified providers offering a wide variety of job-driven training programs are available. States and local areas must also ensure participants, through the training services, are equipped with the skills and relevant labor-market industry-recognized credentials to move along directed career pathways they need to compete in regional and global economies. Consistent with WIOA, the state recognizes that a more focused and aligned effort on credential attainment is necessary to enhance Nevada’s human capital pipeline to support new and emerging industries.

Policy and Procedure:

Only providers that the State determines to be eligible, as required in WIOA Sec. 122, may receive training funds under WIOA Title I-B to provide training for participants who enroll in a WIOA-funded program of training services. LWDBs are required to have written policy as they pertain to the administration of the ETPL process. Only those applications that the LWDB have reviewed and found to be accurate and within the purview of in-demand occupations of their local area, shall be forwarded, in a timely manner, to the State for consideration and approval.

Not all allowable types of training services are subject to the requirements of the eligible training provider provisions in WIOA Title I-B. Training services exempt from the WIOA Section 122 eligibility requirements include:

- On-the-job training; customized training; incumbent worker training; transitional employment; or
- The circumstances described at WIOA Sec. 134(c)(3)(G)(ii), where the LWDB determines that:
 - There are insufficient providers, or
 - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment, or
 - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice; or
 - When the LWDB provides training services through a pay-for-performance contract

State Responsibilities: *DETR is the designated state agency for WIOA administration and is responsible for:*

- *Ensuring that the information contained on the ETPL is accurate and current.*
- *Determining training providers' applications and programs approved by the LWDBs are reviewed and approved at the State level, and those approved are placed on the ETPL promptly.*
- *Establishing a process for adding programs to the ETPL and verifying their "registered" status.*
- *Maintaining the list of eligible training providers and programs approved by LWDBs.*
- *Providing an updated list to all LWDBs and the public through the State's Management Information System (MIS) - EmployNV.*
- *Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible.*
- *Submitting all reports to the appropriate Federal Agency as required.*

Allowing training providers to appeal a denial or termination of eligibility, including an opportunity for a hearing at the state level, after a training provider receives an unsatisfactory decision.

Program of Training Service: (20 CFR § 680.420)

A program of training services is one or more courses or classes, or a structured regimen, which provides the services in 20 CFR § 680.200 and leads to:

- a. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree; *or a credential as identified through the state's vetted list of industry-recognized credentials published by the Governor's Office of Workforce Innovation for a New Nevada (GOWINN).*
- b. Consistent with 20 CFR § 680.350, a secondary school diploma or its equivalent;
- c. Employment; or
- d. Measurable skill gains toward a credential described in paragraph (a) or (b) of this section.

Eligible Providers of Training Services: (WIOA Sec. 122(a), Sec 134(c); 20 CFR § 680.410, TEGL 8-19)

- a. Eligible providers of training services are entities that are eligible to receive WIOA Title I-B funds, according to criteria and procedures established by the Governor in accordance with WIOA Sec. 122 for participants who enroll in training services. Providers of Training Services shall be:
 1. Institutions of higher education that provide a program which leads to a recognized post-secondary credential.
 2. Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.);

3. Other public or private providers of a program of training services, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training; in the pursuit of State industry-recognized credentials;
 4. LWDB, if they meet the conditions of WIOA Sec. 107(g)(1);
 5. A training program that is directly associated with the Department of Employment, Training and Rehabilitation (DETR);
 6. A training provider that has demonstrated effectiveness in training populations with significant barriers to employment; and
 7. Other training providers as determined by the Governor.
- b. To provide training services, a provider must meet the requirements of this part and WIOA Sec. 122.
1. The requirements of this part apply to the use of WIOA Title I–B adult, dislocated worker, and youth funds to provide training:
 - a. To individuals using individual training accounts to access training through the eligible training provider list; and
 - b. To individuals for training provided through the exceptions to individual training accounts described at 20 CFR § 680.320 and § 680.530. Training services under WIOA Title I–B may be provided through a contract for services rather than Individual Training Accounts under conditions identified in WIOA Sec. 134(c)(3)(G). These exceptions include: on-the-job training, customized training, incumbent worker training or transitional employment; instances where the LWDB determines there is insufficient number of eligible providers of training services in the local area; where the LWDB determines an exception is necessary to meet the needs of individuals with barriers to employment (including assisting individuals with disabilities or adults in need of adult education and literacy services); where the LWDB determines that it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations (where the contract does not limit customer choice); and, for pay-for- performance contracts.
 2. The requirements of this part apply to all entities providing training to adult, dislocated workers and youth, with specific exceptions for entities that carry out registered apprenticeship programs, as described in 20 CFR § 680.470.

A private provider of training services providing services other than basic/life skills training must, as appropriate:

- 1. 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

2. *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), [20CFR § 680.450 (d); WIOA Sec. 122(b)(1)(E)] and carry a Nevada State and local business license as required.*

Note: A provider of training services, as described above, must comply with the criteria, information requirements, and procedures established under WIOA and TAG 22-1 to be included on the list of eligible providers of training services. Registered Apprenticeship (RA) programs will remain on the ETPL as long as they remain registered as described in WIOA Sec. 122(2)(B). WIOA Sec.122(a)(3).

RA programs are required to submit [form 5910](#) (State) as appropriate at time of application. LWDB staff will contact the local office of U.S. DOL, Office of Apprenticeship to confirm current Federal registered programs and the following guidance from the Office of the Labor Commissioner (OLC): [https://labor.nv.gov/Wages/Nevada State Apprenticeship Council/](https://labor.nv.gov/Wages/Nevada%20State%20Apprenticeship%20Council/).

WIOA ETPL Application/Initial Eligibility Process:

Initial ETPL requirements are found in WIOA Sec. 122(c) and 20 CFR § 680.450;

At a minimum, the following eligibility requirements must be met for the State to approve:

- a. The provider is an institution of higher education that provides a program leading to a recognized credential.
- b. The provider carries out programs registered under the National Apprenticeship Act; or, another public or private training provider, which may include joint labor-management organizations, adult education, and literacy providers in combination with occupational skills training.
- c. Comply with nondiscrimination and equal opportunity provisions of all Federal and State applicable laws.
- d. Provide trainings that are physically and programmatically accessible for all individuals; including those who are employed, have barriers to employment and individuals with disabilities.
- e. Comply with all requirements of the WIOA, regulations, federal guidance, and State policies.

The following criteria will be considered when evaluating applications for State approval:

- f. Describe whether the provider is in a partnership with a business;
- g. Provide other information the State may require in order to demonstrate high quality programs of training services, which may include information related to training services that lead to a recognized postsecondary credential;

- h. Provide information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible; and
- i. Cost information, including tuition and fees.

In establishing the State requirements, the Governor must, in consultation with the GWDB, develop a procedure for determining the eligibility of training providers and programs. This procedure, which must be described in the State Plan, must be developed after:

- a. Soliciting and taking into consideration recommendations from Local WDBs and providers of training services within the State;
- b. Providing an opportunity for interested members of the public, including representatives of business and labor organizations, to submit comments on the procedure; and

Designating a specific time period for soliciting and considering the recommendations of Local WDBs and providers, and for providing an opportunity for public comment.

Application Process for Continued Eligibility: (20 CFR § 680.460)

- a. The Governor must establish an application procedure for training providers to maintain their continued eligibility.
 - 1. Training providers and programs that were previously eligible under WIA will be subject to the application procedure for continued eligibility after the close of the Governor's transition period for implementation.
 - 2. Training providers and programs that were not previously eligible under WIA and have been determined to be initially eligible under WIOA, under the procedures described at § 680.450, will be subject to the application procedure for continued eligibility after their initial eligibility expires.
- b. The Governor must develop this procedure after:
 - 1. Soliciting and taking into consideration recommendations from LWDB and providers of training services within the State;
 - 2. Providing an opportunity for interested members of the public, including representatives of business and labor organizations, to submit comments on such procedure; and
 - 3. Designating a specific time period for soliciting and considering the recommendations of LWDB and providers, and for providing an opportunity for public comment.
- c. Apprenticeship programs registered under the National Apprenticeship Act (NAA) must be included and maintained on the list of eligible providers of training services for as long as the corresponding program remains registered. The Governor's procedure must include a mechanism for Registered Apprenticeship programs to indicate interest in being included on the list, as described in 20 CFR § 680.470.
- d. The application procedure must describe the roles of the State and local areas in receiving and reviewing provider applications and in making eligibility determinations.
- e. The application procedure must be described in the State Plan.
- f. In establishing eligibility criteria, the Governor must take into account:
 - 1. The performance of providers of training services on the performance accountability

- measures described in WIOA Secs. 116(b)(2)(A)(i)(I)–(IV) and required by WIOA Sec. 122(b)(2), which may include minimum performance standards, and other appropriate measures of performance outcomes for program participants receiving training under WIOA title I–B, as determined by the Governor. Until data from the conclusion of each performance indicator’s first data cycle is available; the Governor may take into account alternate factors related to such performance measure;
2. Ensuring access to training services throughout the State including rural areas and through the use of technology;
 3. Information reported to State agencies on Federal and State training programs other than programs within WIOA Title I–B;
 4. The degree to which training programs relate to in-demand industry;
 5. State licensure requirements of training providers;
 6. The degree to which training programs lead to industry recognized certificates and credentials;
 7. The ability of providers to offer programs that lead to post-secondary credentials;
 8. The quality of the program of training services including a program that leads to a recognized postsecondary credential;
 9. The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment;
 10. Whether the providers timely and accurately submitted eligible training provider performance reports as required under WIOA Sec. 116(d)(4); and
 11. Other factors that the Governor determines are appropriate in order to ensure: the accountability of providers; that one-stop centers in the State will meet the needs of local employers and participants; and, that participants will be given an informed choice among providers.
- g. The information requirements that the Governor establishes under paragraph (f)(1) of this section must require training providers to submit appropriate, accurate and timely information for participants receiving training under WIOA Title I–B. That information must include:
1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
 2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
 3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
 4. The percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;
 5. Information on recognized postsecondary *or industry-recognized credentials* received by program participants;

6. Information on cost of attendance, including costs of tuition and fees, for program participants;
 7. Information on the program completion rate for such participants.
- h. The eligibility criteria must require that:
1. Providers submit performance and cost information as described in paragraph (g) of this section and in the Governor's procedures for each program of training services for which the provider has been determined to be eligible, in a timeframe and manner determined by the State, *each year on their anniversary*, and
 2. That the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers (WIOA Sec. 122(b)(1)(J)(iv)).
- i. The procedure for continued eligibility must also provide for the State to review biennially-required provider eligibility information to assess the renewal of training provider eligibility. Such procedures may establish minimum levels of training provider performance as criteria for continued eligibility.
- j. The procedure for biennial review of the provider eligibility must include verification of the registration status of registered apprenticeship programs, and their removal as necessary, as described in 20 CFR § 680.470.
- k. LWDBs may require higher levels of performance for local programs than the levels specified in the procedures established by the Governor.
- l. The Governor may establish procedures and timeframes for providing technical assistance to eligible providers of training who are not intentionally supplying inaccurate information or who have not substantially violated any of the requirements under this section but are failing to meet the criteria and information requirements due to undue cost or burden per 20 CFR § 680.460(l)
1. A substantial violation is identified when one of the following types of violations has occurred:
 - Failing to meet the State's procedure for submitting required information for performance reporting timely and accurately.
 - Failing to provide all required information for initial or continual eligibility timely and accurately.
 - Violating any provision of WIOA Title I or its regulations; including the nondiscrimination and equal opportunity provisions.
 - The State or the LWDB determines the training provider intentionally provided inaccurate information through the State's MIS -EmployNV ETPL site.
 - Over a five (5) year period, a training provider is found to have three (3) separate grievances filed against it under WIOA's nondiscrimination and equal opportunity provisions that resulted in final determinations citing one or more violations. 29 CFR Part 38
 - The training provider has not complied with a corrective or remedial action(s)

identified to end and/or rectify the violation(s) deriving from a single complaint under 29 CFR part 38.

- An order has been issued against the training provider to suspend, terminate deny, or discontinue WIOA Title I financial assistance. 29 CFR § 38.113

The State will consider circumstances beyond a provider's control (e.g., natural disasters, unexpected personnel transitions, and unexpected technology-related issues) when determining if a provider committed a substantial violation for failing to timely and accurately submit required information. If it is determined that a provider committed a substantial violation, the provider is prohibited from having its program(s) on the ETPL for a minimum of two (2) years and is liable to repay any WIOA Adult, Dislocated Worker, or Youth program funds it received during the period of noncompliance.

When determining continued eligibility, LWDB/DETR will take into account the following OTHER additional factors:

- ***The quality of the program of training service as outlined in LWDB local board policy;***
- ***Information conveyed through customer satisfaction survey, complaints from participants, Service Providers, licensing and accrediting bodies;***
- ***The rate of achieved industry-recognized credentials earned by participants;***
- ***Rate of employment outcomes; and***
- ***On-site monitoring report(s).***

Once the Provider of Training Services is determined eligible, the training provider agrees that their school will:

- ***Provide LWDB Service Providers with progress reports as their participants attend;***
- ***Notify their LWDB of changes, including deletion of courses, programs or locations, changes in program cost, accreditation certification and /or licensing or change in ownership;***
- ***Provide services in a professional, safe and timely manner as outlined in LWDB localboard policy;***
- ***Have an adequate facility that abides with ADA requirements;***
- ***Abide by Equal Opportunity and non-discrimination (WIOA Sec. 188 and NRS);***
- ***Not advertise that they are an eligible training provider with EmployNV Career Hubs;***
- ***Not expect or require minimum numbers of referred customers;***
- ***Within 1 year, and every year thereafter, submit performance data on all students (WIOA and non-WIOA) and follow requirements of this policy for continued eligibility (WIOA Sec. 122 (b)(4)(C)); and***
- ***Resubmit an application as required but not less than every two years. (WIOA Sec. 122(c)(2));and***
- ***Enter performance data as required into the State Management Information System***

(MIS) - Employ NV.

Training Provider Registration Process:



Registered Apprenticeship Programs: (20 CFR § 680.470, TEGL 8-19, Change 1, TEGL 19-16)

- a. All registered apprenticeship programs that are registered with the U.S. Department of Labor, Office of Apprenticeship, or a recognized State apprenticeship agency are automatically eligible to be included in the State list of eligible training providers. Some program sponsors may not wish to be included on the State eligible training provider list. Therefore, the Governor must establish a mechanism for registered apprenticeship program sponsors in the State to indicate that the program sponsor wishes to be included on the State eligible training provider list. This mechanism should be developed with the assistance of the U.S. Department of Labor Office of Apprenticeship representative in the State or, if the State oversees the administration of the apprenticeship system, with the assistance of the recognized State apprenticeship agency.
- b. Once on the State eligible training provider list, Registered Apprenticeship programs will remain on the list until they are deregistered or until the registered apprenticeship program notifies the State that it no longer wants to be included on the list or has been determined to have intentionally supplied inaccurate information or to have substantially violated any provisions of Title I of WIOA or WIOA regulations including 29 CFR Part 38.
- c. Inclusion of a Registered Apprenticeship in the State eligible training provider list allows an individual who is eligible to use WIOA Title I–B funds to use those funds toward apprenticeship training, consistent with their availability and limitations as prescribed by 20 CFR §680.300. The use of individual training accounts and other WIOA Title I–B funds toward apprenticeship training is further described in 20 CFR §680.330.
- d. The Governor is encouraged to consult with the State and LWDBs, ETA’s Office of Apprenticeship, recognized State apprenticeship agencies (where they exist in the Governor’s State) or other State agencies, to establish voluntary reporting of performance information.

Apprenticeship programs are required to include the following information for the State:

- Occupations included within the Registered Apprenticeship program;
- The name and address of the Registered Apprenticeship program sponsor;

- The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;
- The method and length of instruction;
- The number of active apprentices; and
- ***Costs if applicable.***

Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program (as outlined above) may be required to provide additional information about their education provider, ***including the cost of the instruction.***

Technology based training (on-line programs) must complete the application process as described in the application/instructions and include the following additional information:

- How students login and submit their assignments;
- Testing requirements, if a proctor test;
- What location;
- Who grades the online submission; and
- How attendance is being tracked.

Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because they go through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsor with the United States Department of Labor or the State Apprenticeship Agency (SAA)

[https://labor.nv.gov/uploadedFiles/labornvgov/content/Apprenticeship_Council/Current%20Apprenticeship%20Programs%202022\(5\).pdf](https://labor.nv.gov/uploadedFiles/labornvgov/content/Apprenticeship_Council/Current%20Apprenticeship%20Programs%202022(5).pdf)

The State of Nevada Office of the Labor Commissioner (OLC) effective July 1, 2021 per [AB459 Sec. 10.5](#) is the designated State Apprenticeship Agency. OLC has apprenticeship forms and procedures to become a Registered Apprenticeship program online at: https://labor.nv.gov/Wages/Nevada_State_Apprenticeship_Council/.

Loss of Eligibility: (20 CFR § 680.480)

A training provider must deliver results and provide accurate information in order to retain its status as an eligible training provider. Further clarification outlining loss of eligibility can be found in [SCP 1.13](#).

Performance Requirements: (WIOA Sec. 116(d)(4); 20 CFR § 680.460-490; TEGL 8-19)

After the initial period of eligibility ends, one year, Training Providers will be required to meet the following reporting requirements in order to remain eligible to receive WIOA funding as indicated by the Primary Performance Indicators for the WIOA ETP Performance Report.

DETR must provide access to cost-effective methods for the collection of this information.

The (ETP) Performance Report, applicable only to the Title I Adult and Dislocated Worker programs, must report the below five indicators with respect to *all individuals* who exited a program of study and all individuals who completed a program of study including individuals in the program of study who are not WIOA participants.

1. The percentage of individuals who are in unsubsidized employment during the second quarter after exit from the program of study;
2. The percentage of individuals who are in unsubsidized employment during the fourth quarter after exit from the program of study;
3. The median earnings of individuals in the program of study who are in unsubsidized employment during the second quarter after exit;
4. The percentage of program participants who obtain a recognized postsecondary credential, or a Secondary school diploma or its recognized equivalent during participation in or within one year after exit 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; and
5. The total number of individuals who exit from the program of study.

The ETP Performance Report must report the below indicators with respect to *all WIOA Title I participants* in the program of study.

1. The number of participants exiting from the program of study (or the equivalent);
2. The total number of participants who received training services through each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years;
3. The total number of participants who exited from training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;
4. The average cost per participant for the participants who received training services, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years;
5. The number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by each subpopulation of such individuals, and by race and ethnicity, sex, and age; and
6. The type of credential the participant earned. This is currently collected by the State MIS system – EmployNV. No additional collection efforts required.

Performance Measures:

- Unsubsidized employment during the second quarter after exit 34%
- Unsubsidized employment during the fourth quarter after exit 33%
- Median Earnings \$3,480
- Credential attainment 20%

Note: Data collected will be analyzed as appropriate over the span of the next two program years, and considered in setting, re-setting and in determining additional WIOA Performance Measures, as determined by the Governor. Additional performance measures may be released in the future; along with final performance requirement should they change from the above proposed. The designated levels of performance will be published on the DETR [ETPL website](#) on a yearly basis.

Agreements with other States: (WIOA Sec. 122(g); 20 CFR § 680.520)

Participants may choose any of the eligible providers and programs on the State list. A State may also establish a reciprocal agreement with other States to permit providers of eligible training programs in each State to accept individual training accounts provided by the other State. See WIOA Sec. 122(g). Providers of training services that are located outside the local area may not be subject to State eligibility procedures if the provider has been determined eligible by another State with such an agreement. States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another state. Reciprocal agreements for Nevada are located on the DETR website on the [WIOA Eligible Training Provider List](#) page.

Note: The reciprocal agreements approved under WIA will remain in place until updates are available.

Dissemination of the State ETPL: (20 CFR § 680.500)

- a. In order to assist participants in choosing employment and training activities, the Governor or State agency must disseminate the State list of eligible training providers and accompanying performance and cost information to LWDBs in the State and to members of the public online including through Web sites and searchable databases and through whatever other means the State uses to disseminate information to consumers, including the one-stop delivery system and its program partners throughout the State.
- b. The State list and information must be updated regularly, and provider eligibility must be reviewed biennially according to the procedures established by the Governor in 20 CFR § 680.460(i).
- c. In order to ensure informed consumer choice, the State ETPL and accompanying information must be widely available to the public through electronic means, including Web sites and searchable databases, as well as through any other means the State uses to disseminate

information to consumers. The list and accompanying information must be available through the one-stop delivery system and its partners including the State's secondary and post-secondary education systems. The eligible training provider list should be accessible to individuals seeking information on training outcomes, as well as participants in employment and training activities funded under WIOA, including those under 20 CFR § 680.210, and other programs. In accordance with WIOA Sec. 188, the State list must also be accessible to individuals with disabilities.

- d. The State eligible training provider list must be accompanied by appropriate information to assist participants in choosing employment and training activities. Such information must include:
 1. Recognized post-secondary credential(s) or industry-recognized credentials offered;
 2. Provider information supplied to meet the Governor's eligibility procedure as described in 20 CFR § 680.450 and § 680.460;
 3. Performance and cost information as described in 20 CFR § 680.490; and
 4. Additional information as the Governor determines appropriate.
- e. The State list and accompanying information must be made available in a manner that does not reveal personally identifiable information about an individual participant. In addition, in developing the information to accompany the State list described in 20 CFR § 680.490(b), disclosure of personally identifiable information from an education record must be carried out in accordance with the Family Educational Rights and Privacy Act, including the circumstances relating to prior written consent.

Nevada's ETPL is located on the DETR website at [https://detr.nv.gov/Page/Training_Providers_List_\(Approved\)](https://detr.nv.gov/Page/Training_Providers_List_(Approved)), or through the state MIS system, EmployNV:

<https://www.employnv.gov/vosnet/guest.aspx?guesttype=IND&wheret=ETPLPROGRAMS>

Training Providers Serving Participants in the Trade Adjustment Assistance Program (TAA): (TEGL19-16, 8-19) 20 CFR § 618.325

The TAA program established under the Trade Act of 1974, Public Law 93-618, as amended, does not contain the WIOA Sec. 122 requirement that only providers that the State determines to be eligible, including apprenticeship programs, may receive training funds. TAA participants may select a training program offered by a provider on the State ETPL, and the cooperating state agency (DETR) administering TAA for the state may approve that training if it meets the criteria for TAA training approval for that participant.

If a participant is co-enrolled in a WIOA program and TAA, the TAA program also may fund training by a provider that is not on the State ETPL. However, if a co-enrolled participant receives training under WIOA, the requirements under WIOA Sec. 122 apply.

The Dislocated Worker program is a critical partner with TAA in identifying and serving trade-

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impacted workers. Co-enrollment, of workers covered under certified petitions (TAA-certified workers) in partnership with the WIOA Dislocated Worker or Adult program, allows for the timely provision of individualized career services and improves the overall effectiveness of the TAA Program. Additionally, TAA Sec. 221(a)(2)(A) requires that the Governor ensure that Rapid Response and appropriate career services are delivered to all workers who are covered by a certified TAA petition. In addition to the Rapid Response services, One-Stop Career Centers can also provide supportive services relating to childcare, transportation, dependent care, housing assistance, and needs-related payments, and may also provide career services.

TAA generally provides case management and employment services, training, income support, job search allowances, relocation allowances, wage supplements for older workers, and a health coverage tax credit for TAA-certified workers.

The Trade Act contains provisions allowing the costs of an approved training program to be paid by TAA funds or from other sources (e.g., WIOA), but does not allow duplication of training costs. 20 CFR § 617.25(b).

The State must co-enroll trade-affected workers who are eligible for WIOA's dislocated worker program. Workers may choose to decline co-enrollment in WIOA. The State cannot deny such a worker benefits or services under the TAA Program solely for declining co-enrollment in WIOA. The State must make co-enrollment available to trade-affected workers who are eligible for other one-stop partner programs to ensure that all necessary and appropriate services, including supportive services, are available to the worker.

- **Trade-affected worker dislocated worker eligibility.** Most trade-affected workers meet the eligibility criteria of a dislocated worker defined at WIOA section 3(15).
- **Partially separated worker and AAIW dislocated worker eligibility.** In certain circumstances, such as a general announcement of a closure, partially separated workers and AAIWs may meet the eligibility criteria as a dislocated worker under WIOA and must also be co-enrolled.
- **Trade-affected worker dislocated worker ineligibility.** Some trade-affected workers are ineligible for the WIOA dislocated worker program, including those that do not meet the Selective Service registration requirement, and will be exempt from the co-enrollment requirement in this section.

Eligible Training Provider Exceptions: (WIOA Sec. 122(h); 20 CFR § 680.530; TEGL 8-19)

Providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience, or transitional employment are not subject to the same requirements as entities listed on the eligible training provider list. For these training programs, one-stop operators in a local area must collect such performance information as the Governor may require and determine whether the providers meet the Governor's performance criteria. The Governor may require one-stop operators to disseminate a list of providers that have met the

performance criteria, along with the relevant performance information about them, through the one-stop delivery system. Providers that meet the criteria are considered eligible providers of training services. These providers are not subject to the other requirements of WIOA Sec. 122 or this part.

Local Board Responsibilities:

The LWDBs are responsible for carrying out the following procedures assigned by the State:

- Review new and subsequent training provider applications for programs of training services to ensure labor market relevance, WIOA training provider's eligibility criteria, performance information and State required items have been provided accurately prior to submission to the WISS for final approval;
- Consult with the State when establishing procedures affecting the ETPL;
- ***Quarterly determine new RA programs wishing to be on the list and provide required information to the State for submission to the ETPL;***
- ***Yearly determine those RA programs who no longer wish to be on the list and those who are de-registered with federal Office of Apprenticeship (OA) director or the applicable State agency (OWINN) and are communicated to the State for removal from the ETPL. (20 CFR § 680.460(h)(2)(j));***
- Ensure the LWDBs' current policy outlines the Appeals Process for ineligible provider/programs denied inclusion and or removed from the ETPL for cause, is provided to all interested parties;
- Recommend the termination of programs/providers from the ETPL per SCP 1.13;
- Promote work with the State to ensure that: there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities;
- Ensure the State's eligible training provider list is disseminated publicly through the local One Stop system, and its partner programs;
- LWDBs may require additional information and/or set higher levels of performance for providers to become or remain eligible to provide services in their particular area within the parameters set forth in WIOA and State requirements;
- Establish a procedure to provide interested members of the public an opportunity to make recommendations and submit comments regarding the eligibility process. Quarterly submit these comments to WISS;
- Determine programs meet the eligibility criteria and performance levels established by the State;
- Conduct on-site visits of training providers as necessary to ensure proper outcomes

- and local, state and federal regulation as they relate to safe practices and ADA requirements;
- Communication of Federal, State and local law, policy and procedures as they relate to eligibility, continued eligibility, performance and complaints; and
- Communication of State Compliance Policies as they relate to Equal Opportunity (SCP 4.1) Employment Opportunity (SCP 4.2), Discrimination, Grievance/ Complaints (SCP 4.3), Sexual Harassment Procedure (SCP 4.5), Nepotism (SCP 4.6), Termination of Training Service Providers (SCP 1.13).

NOTE: it is the responsibility of the recipient and each sub-recipient to conduct regular oversight and monitoring of its WIOA activities and those of its sub-recipients and contractors in order to determine expenditures have been made against the cost categories and within the cost limitations specified in WIOA and the corresponding regulations. (20 CFR § 683.410) Reference SCP 1.15 and 1.8;

- LWDBs will submit performance and cost information, as well as determinations of provider retention, to the lead state agency within forty-five (45) days from the date that the information is due from providers. If the lead state agency determines, within thirty (30) days from the receipt of information, that the provider does not meet the established state performance levels for the program of training services or is in non-compliance, the lead state agency will recommend removal of the provider from the list of training providers as appropriate 20 CFR §680.480.

WISS is responsible to ensure the quality and value of eligible training providers for WIOA participants by:

- Establishing ETPL eligibility procedures;
- Clarifying State and LWDB roles and responsibilities;
- Providing Statewide publication/dissemination of ETPL;
- Verifying programs meet the eligibility criteria and established performance levels;
- Verifying the accuracy of LWDB submitted information;
- Verifying the accuracy of LWDB procedure on adding and removing RA programs;
- Upon request from the LWDBs, removing programs that do not meet established program criteria or performance levels;
- Ensuring performance and cost information relating to each provider is available to the public;
- Adjudicating as required in Appeals Process;
- Providing final approval of providers and programs recommended by the LWDBs;
- Consulting with the State Board when establishing procedures affecting the ETPL; and
- Establish a procedure by which a provider can demonstrate that providing the required additional performance information would be unduly burdensome or costly. If DETR determines that the provider has demonstrated this, DETR will provide access to cost-effective methods for the collection of the required performance information.

Note: Providers who substantially violate the requirement in paragraph (g) of 20 CFR § 680.460-timely and accurate submission of all required information must be removed, taking into account exceptional circumstances beyond the providers control, from the State list of eligible training providers and programs, as provided in 20 CFR§ 680.480(b).

ETPL Reimbursement Policy:

DETR will recognize training agency existing reimbursement policies that are in place through its accrediting entity, standard catalog or well distributed agency documentation. In the absence of existing reimbursement policy, training providers will follow SCP 3.12.

ETPL Application Denials: (WIOA Sec. 122(c)(1))

LWDBs may deny eligibility of the application for a provider or program if:

- The provider and/or its program(s) fail to meet the minimum criteria for initial listing as specified in this policy;
- The application from the provider is incomplete;
- The provider intentionally supplied inaccurate information; or
- The provider substantially violated any WIOA requirement(s) or is debarred;
- The program needs, funding or convenience do not require the service;
- The training program(s) offered do not lead to gainful employment in in-demand occupations determined by labor market analysis.

Processes for notices related to denials:

- If a LWDB denies a provider’s application for listing on the ETPL, the LWDB shall, within 30 business days of receipt of the application, inform the provider in writing and include the reason(s) for the denial.
- If the State (WISS) denies a provider’s program list on the ETPL, the State must within 30 days of receipt of the recommendation, inform SDWP of the denial and reason(s) for the denial. SDWP shall in turn inform the provider in writing and include the reason(s) for the denial.
- If the State, in consultation with the LWDB, determines that a provider intentionally supplied inaccurate information, or substantially violated any WIOA requirement(s), the State shall terminate the eligibility of the provider, remove the provider from the ETPL and deny the provider’s eligibility to receive funds under WIOA section 133(b) for at least two (2) years, or take other action as deemed appropriate.

ETPL Removal: (WIOA Sec. 122(b)(2))

The State may remove an approved provider or program (“subsequent eligibility”) for any of the following reasons:

- The eligible training provider fails to submit all data for subsequent eligibility determination with the required time frame.
- The eligible training provider fails to notify the State/LWDB of any program changes including but not limited to costs, location, or change in authorization status (e.g., business license).
- The training provider did not maintain the minimum performance criteria for subsequent eligibility.
- The training provider is now debarred from doing business with the Federal Government.
- The training provider failed to meet reporting requirements.
- The State may remove a training program if the program no longer meets the minimum criteria for initial listing.
- The training provider has experienced fraud, malfeasance or other illegal activity involving WIOA funds or participants.
- The training provider has a history of failure to provide refunds as required under the policy.
- The State may remove a program or Eligible Training Provider, at the request of the One-Stop Operator or the LWDB for any of the following reasons¹:
 - (a) Unethical/illegal billing practices;
 - (b) Violations of Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; or the Age Discrimination Act of 1975; or,
 - (c) Lack of qualified training personnel or building infrastructure.

ETPL Reinsertion:

The LWDB may reinsert a program and/or provider previously removed from the ETPL if the training provider submits a written request to the LWDB to reinstate the program and demonstrates compliance with all eligibility requirements. Note that reinstatement of a program/provider is at the discretion of the LWDB with the approval of the State.

Appeal to the State: (WIOA Sec. 122 (c)(1))

This process applies after a training provider has exhausted the appeal process with the LWDB and disagree with the final decision issued. Training providers wishing to appeal LWDBs’ denial or removal from the ETPL, must submit the appeal to the State 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(s) in question, the reason(s) for the appeal (e.g., grounds), and the signature of the appropriate provider official or designated point of contact representing the provider. A provider appeal should be addressed to the following:

¹ The State must conduct an investigation prior to removing an ETP at the request of the One-Stop operator or the LWDB

Mail: ETPL Appeal
Department of Employment, Training and Rehabilitation
Attn: Workforce Investment Support Services (WISS)
500 E. Third St.
Carson City, NV 89713

The State will promptly notify the LWDB of the appeal and when the State makes a final decision. After reviewing the appeal, the State will make a preliminary decision and notify the provider.

The State appeal process includes the opportunity for the appealing training provider to have a hearing with an impartial hearing officer. The hearing officer must provide written notice to the involved parties of the date, time, and location of the hearing at least 10 calendar days before the scheduled hearing. Both parties must have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.

An impartial State appeal committee, chaired by the hearing officer, will review the appeal, make a preliminary decision, and notify the appealing training provider and the LWDB. The committee may either uphold or reverse the LWDB decision.

A final decision must be rendered within 60 days from receiving the training provider's initial state-appeal request.