

ETPL POLICY AND PROCEDURES

GENERAL INSTRUCTIONS

The attached Directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email or mail no later than **October 2, 2020**.

All comments received within the comment period will be considered before issuing the final Directive. Commenters will not be responded to individually. Rather, a summary of comments will be released with the final Directive.

Comments received after the specified due date will not be considered.

Email wsbetpl@edd.ca.gov
Include "Draft Directive Comments" in the email subject line.

Mail Employment Development Department
Program Reporting and Analysis Unit
P.O. Box 826880, MIC 50
Sacramento, CA 94280-0001

If you have any questions, contact Kirstin Cordova at kirstin.cordova@edd.ca.gov.

ETPL POLICY AND PROCEDURES

EXECUTIVE SUMMARY

This policy provides guidance and establishes the procedures applicable to the training providers and programs listed on the state and local Eligible Training Provider List (ETPL) under the *Workforce Innovation and Opportunity Act* (WIOA). This policy applies to Local Workforce Development Boards (Local Boards), and is effective on the date of issuance.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

This policy supersedes Workforce Services Draft Directive *CA ETPL Policy and Procedures* (WSDD-188) dated August 8, 2018, and Workforce Services Directive *WIOA Eligible Training Provider List - Policy and Procedures* (WSD15-07) dated November 10, 2015. Retain this Directive until further notice.

REFERENCES

-
-
- *Workforce Innovation and Opportunity Act* (Public Law 113-128) Sections 3, 116, 122, 123, 129, 134 and 404
 - [Title 20 Code of Federal Regulations](#) (CFR) Part 677: “Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act” (Uniform Guidance), Sections 677.150 and 677.230
 - Title 20 CFR Part 680: “Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act” (DOL Exceptions), Sections 680.200, 680.210, 680.230, 680.300, 680.310, 680.320, 680.330, 680.340, 680.350, 680.410, 680.420, 680.430, 680.450, 680.460, 680.470, 680.480, 680.490, 680.500, 680.520 and 680.530
 - Title 20 CFR Part 681: “Youth Activities Under Title I of the Workforce Innovation and Opportunity Act” (DOL Exceptions), Sections 681.480 and 681.540
 - Title 34 CFR Part 600: “Definitions” (Department of Education), Section 600.2

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Technical and Employment Guidance Letter (TEGL) [8-19](#), Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs (January 2, 2020)
- [TEGL 19-16](#), Subject: *Guidance on Services provided through the Adult and Dislocated Worker Programs under the WIOA and the Wagner-Peyser Act Employment Services, as amended by title III of WIOA, and for Implementation of the WIOA Final Rules* (March 1, 2017)
- [TEGL 13-16](#), Subject: *Guidance on Registered Apprenticeship Provisions and Opportunities in the WIOA* (January 12, 2017)
- [California Code of Regulations Division 7.5](#)
- [California Education Code Section 94801.5, 94850.5, and 94874](#)
- [California Unemployment Insurance Code \(CUIC\) Section 14005](#)
- [CUIC Section 14230](#)
- Workforce Services Directive [WSD19-10 \(PDF\)](#), Subject: *Recovery of WIOA Tuition and Training Refunds* (February 20, 2020)
- [WSD19-06 \(PDF\)](#), Subject: *CalJOBS Activity Codes* (December 27, 2019)
- [WSD19-03 \(PDF\)](#), Subject: *Performance Guidance* (August 28, 2019)
- [WSD17-01 \(PDF\)](#), Subject: *Nondiscrimination and Equal Opportunity Procedures* (August 1, 2017)
- Workforce Services Draft Directive [WSDD-178 \(PDF\)](#), Subject: *Quality Apprenticeship and Pre-Apprenticeship Opportunity*, (March 12, 2018)
- [California's Unified Strategic Workforce Development Plan](#)

BACKGROUND

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

The Employment Development Department (EDD) is the entity responsible for publishing, disseminating, and maintaining the comprehensive California (CA) ETPL with performance and cost information. In addition, the EDD is responsible for ensuring programs meet the eligibility criteria and performance levels established in this Directive; removing programs that do not meet the program criteria or performance levels established in this Directive; and taking enforcement actions against providers that intentionally provide inaccurate information, or that substantially violate the requirements of WIOA.

Likewise, the Local Board is responsible for carrying out the procedures outlined in this Directive; work with the state to ensure there are sufficient numbers and types of providers of training services with expertise in assisting individuals with disabilities, and adults in need of adult education and literacy activities; developing and maintaining a local ETPL; and ensuring

the dissemination of the CA and local ETPL through the AJCCs, including in formats accessible to individuals with disabilities.

In cooperation with stakeholders, the State has adopted the following principles when developing the CA ETPL policies and procedures:

- 1. Simplicity** – Avoid imposing burdens that inhibit the participation of quality training providers.
- 2. Customer Focus** – The policies and procedures support the collection and presentation of easily accessible and reliable training program information for both individuals seeking career and occupational training information, and career planners who assist participants eligible for training services.
- 3. Informed Consumer Choice** – The CA ETPL includes locally approved training programs that lead to self-sustainable careers in the local/regional economy, as supported by current labor market information identifying industry sectors and occupational clusters that are high-growth, high-demand, projecting skills shortages, and/or vital to the regional economy.
- 4. Training Delivery Flexibility** – Policies and procedures that foster and support the inclusion of various types of training delivery that expand opportunities for consumer choice.
- 5. Quality** – Ensure a comprehensive list of quality training programs that meet minimum performance standards, and provide industry-valued skills in priority industry sectors. Information must be accurate, transparent, accessible, and user-friendly.
- 6. Respect for Local Autonomy** – The policy remains supportive of the autonomy WIOA grants to the Local Boards.

In addition, this policy and Local Board policies should align with the three policy objectives outlined in the California Unified Strategic Workforce Development Plan:

- 1. Fostering demand-driven skills attainment:** Workforce and education programs need to align program content with the state's industry sector needs so as to provide California's employers and businesses with the skilled workforce necessary to compete in the global economy.
- 2. Enabling upward mobility for all Californians:** Workforce and education programs need to be accessible for all Californians, especially populations with barriers to employment, and ensure that everyone has access to a marketable set of skills, and is able to access the level of education necessary to get a good job that ensures both long-term economic self-sufficiency and economic security.
- 3. Aligning, coordinating, and integrating programs and services:** Workforce and

education programs must economize limited resources to achieve scale and impact, while also providing the right services to clients, based on each client’s particular and potentially unique needs, including any needs for skills-development.”

POLICY AND PROCEDURES

This policy establishes the types of allowable training services, consumer choice, the difference between the state and local ETPL, the requirement for Local Boards to establish a ETPL policy, eligibility criteria and procedures for initial and continued eligibility for CA ETPL training providers and programs, the federally mandated Eligible Training Provider Performance Report (ETP Report), and the roles and responsibilities of the Local Boards and the EDD in maintaining the integrity of the CA ETPL.

The following attachments to this Directive provide guidance and resources when implementing the CA ETPL:

- 1. *ETPL Policy and Procedures***
Contains detailed information on initial and continued eligibility requirements, and the roles and responsibilities of the Local Boards, and the EDD in maintaining the integrity of the CA ETPL and the quality of the training programs offered on it.
- 2. *ETPL Definitions***
Includes definitions relevant to the ETPL Policy and Procedures.
- 3. *ETPL Local Board Delegation and Cancellation Form***
This form is utilized to delegate or cancel the delegation of a Local Board’s ETPL responsibilities to another Local Board. The delegation includes both state and local ETPL functions. This form is required to be submitted annually.
- 4. *CA ETP Assurances Form***
This form must be completed by the provider to ensure they will provide the data necessary to complete the annual ETP Report. This form must be submitted annually.
- 5. *CalJOBS ETPL Module Guide Card***
Resource to assist Local ETPL Coordinators with the initial and continued eligibility process for training providers.
- 6. *CA ETPL Training Provider and Program Determination Flowchart***
Decision trees designed to assist Local ETPL Coordinators with determining initial and continued eligibility for the various provider types and programs.
- 7. *Local ETPL Coordinator Contact Form***

Provides a list of the Local ETPL Coordinators for each Local Board, and their contact information.

ACTION

The information contained in this Directive should be shared with Local ETPL Coordinators, and all other staff involved in the administration of the ETPL.

INQUIRIES

If you have any questions, contact the State ETPL Coordinator at wsbetpl@edd.ca.gov.

/s/ JAIME L. GUTIERREZ, Chief
Central Office Workforce Services Division

Attachments are available on the internet:

1. [ETPL Policy and Procedures \(PDF\)](#)
2. [ETPL Definitions \(PDF\)](#)
3. [ETPL Local Board Delegation and Cancellation Form \(DOCX\)](#)
4. [CA ETP Assurances Form \(DOCX\)](#)
5. [CalJOBS ETPL Module Guide Card \(PDF\)](#)
6. [CA ETPL Training Provider and Program Determination Flowchart \(PDF\)](#)
7. [Local ETPL Coordinator Contact Form \(DOCX\)](#)