



**NORTEC  
POLICY STATEMENT  
ELIGIBLE TRAINING PROVIDER LIST (ETPL)**

**PURPOSE**

The purpose of this policy is to provide guidance and establish procedures applicable to the eligible training providers (ETPs) and programs listed on the State and local Eligible Training Provider List (ETPL) under the Workforce Innovation and Opportunity Act (WIOA).

**GENERAL INFORMATION**

NoRTEC and the Employment Development Department (EDD) are responsible for working together to identify eligible training providers (ETPs) whose headquarters are located in NoRTEC's eleven county geographic service area that are eligible for inclusion on the State's Eligible Training Provider List (CA ETPL).

NoRTEC shall not create a local list, as allowed by State policy, but shall instead utilize the State of California's list, exclusively, and shall utilize the rules and procedures for qualifying a training provider and its programs as outlined in the ETPL Directive ([WSD21-03](#)).

Training services must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider and program. An individual who has been enrolled into the WIOA program and completed an objective assessment and individual employment plan (IEP) development process with a case manager, may be referred to a training program on the ETPL and provided with assistance through an ITA (Individual Training Account). Additional requirements and limitations with respect to the utilization of an ITA through NoRTEC's WIOA Service Providers is outlined in NoRTEC's [ITA Policy](#). This ITA Policy also includes requirements/instructions on the recovery of WIOA tuition and training refunds as outlined in EDD's Directive [WSD19-10](#).

Participants who, after completing an objective assessment and IEP process, are denied training through an ITA, have the right to appeal the denial of training by filing a grievance/complaint. A written copy of process to file a grievance/complaint is provided to every enrolled WIOA participant at intake. A copy of the process may be accessed here: [Grievance/Complaint Summary](#)

Definitions of some of the terms in this policy are included in **Attachment A** to this policy.

**ETPL INITIAL ELIGIBILITY PROCESS**

Initial eligibility applies to training providers previously not listed on the ETL under the WIOA. The initial eligibility period is one year (365 days). NoRTEC's ETPL Coordinator is responsible for reviewing the training provider's initial eligibility prior to nominating them for inclusion on the CA ETPL.



The following institution types are eligible for inclusion on the CA ETPL:

1. Adult education secondary schools (as long as the activities are provided in combination with occupational skills training)
2. Pre-apprenticeship and apprenticeship providers
3. Private postsecondary institutions
4. Public postsecondary institutions

The initial eligibility process for each of the training provider types listed above is based upon the following:

1. Adult Education Secondary Schools – Training providers must be an eligible provider of adult education and literacy activities under Title II of WIOA. Adult education and/or literacy activities must be offered concurrently, or in combination with, occupational skills training. A list of Title II providers can be found on the [California Department of Education \(CDE\) website](#). To find the most current list of providers, enter *WIOA Title II AEFLA* in the search box on the CDE homepage.
2. Pre-Apprenticeship and Apprenticeship Providers
3. Private Postsecondary Institutions (for-profit or non-profit)
4. Public Postsecondary Institutions

### **ETPL COORDINATOR'S RESPONSIBILITIES**

NoRTEC's local ETPL Coordinator is responsible for:

1. Providing technical assistance to all training providers with programs located within NoRTEC's eleven county geographic service area seeking to be listed on the CA ETPL.
2. Reviewing and approving or denying providers and programs for initial eligibility in a timely manner.
3. Reviewing and approving or denying providers and programs for continued eligibility in a timely manner.
4. Providing a method and timeline for notifying providers if they or their program(s) are removed from the CA ETPL.
5. Provide a description of the appeals process if a training provider (or one of its programs) is denied inclusion on the CA ETPL.

### **APPEAL PROCESS**

The training provider must appeal to NoRTEC's ETPL Coordinator in writing within 30 days of the issuance of the denial or delisting notice. The appeal must include a statement of the desire to appeal, specification of the training program(s) in question, the reason(s) for the appeal (i.e., grounds for appeal), documentation supporting the grounds for appeal, and the signature of the appropriate training official.



**Attachment B** to this policy is a summary of the information for an appeal that can be provided to an entity appealing a denial or delisting of a program, including instructions on the format of the appeal itself and where/how to submit it to NoRTEC.

Upon receipt of the appeal documentation, the ETPL Coordinator will, within 14 calendar days, schedule an informal meeting between NoRTEC and the training provider to informally discuss the issue(s) and determine if there is a simple solution to resolve the dispute.

If NoRTEC and the training provider are unable to resolve the dispute informally, the training provider may request a hearing. An impartial hearing officer will be assigned and such officer shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days in advance of the scheduled hearing. Both NoRTEC and the training provider shall have the opportunity to present oral and written testimony under oath, to call and question witnesses, request documents relevant to the proceedings, and have legal representation.

The hearing officer shall make a decision within 60 days of receipt of the appeal, and shall notify both NoRTEC and the training program in writing of such decision. The decision of the hearing officer is final.

A copy of the final decision must be emailed to the State ETPL Coordinator ([wsbetpl@edd.ca.gov](mailto:wsbetpl@edd.ca.gov)), and NoRTEC's ETPL Coordinator must upload the final decision to the Provider profile section of CalJOBS.

#### **POLICY EXCEPTIONS**

Service Providers (NoRTEC Subcontractors) may make exceptions to this policy only with prior written authorization from the NoRTEC Administrative Entity.



## ATTACHMENT A

### ETPL DEFINITIONS

**Apprenticeship Program** – All apprenticeship programs that are registered with the U.S. Department of Labor (DOL), Office of Apprenticeship, or approved by California (CA) Department of Industrial Relations (DIR) Division of Apprenticeship Standards (DAS), are automatically eligible to be included on the CA Eligible Training Provider List (ETPL).

Apprenticeship programs are a written plan designed to move an apprentice from a low or no skill entry-level position to full occupational proficiency. The apprenticeship program is sponsored by an employer, and upon completing the training program, an apprentice earns a "Completion of Registered Apprenticeship" certificate, which is an industry-issued, nationally-recognized credential.

**Customized Training** – Training that meets the following criteria:

1. Designed to meet the specific requirements of an employer (including a group of employers).
2. Conducted with a commitment by the employer to employ an individual upon successful completion of the training.
3. The employer pays a significant portion of the cost of training, as determined by the Local Workforce Development Board (Local Board) involved, taking into account the size of the employer and such other factors as the Local Board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities.

*Note: Trainers that are utilized as part of Customized Training activities are not required to be listed on the State or local ETPL.*

**Distance Education** – Education that uses only one or more of the technologies listed below to deliver instruction to students who are separated from the instructor, and to support regular and substantive interaction between the students and the instructor, whether offered concurrently or not. The technologies include the following:

1. The internet.
2. One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices.
3. Audio conferencing.

**Eligible Training Provider (ETP)** – In order for a training provider to list a program on the ETPL, the training provider must do the following:



1. Receive funding for training services.
2. Meet the standards and requirements to be a training provider on the ETPL.
3. Provide a program of training services.
4. Be one of the following types of entities:
  - a. Institution of Higher Education that leads to a recognized post-secondary credential.
  - b. Entities that carry out a training program registered under the National Apprenticeship Act.
  - c. Other public or private training providers, which may include the following:
    - i. Nonprofit Community Based Organization under Section 501(c)(3) of the Federal Internal Revenue Code.
    - ii. Joint labor-management organizations.
    - iii. Eligible training providers of Adult education and literacy activities under Workforce Innovation and Opportunity Act (WIOA) Title II.

**ETPL Training Program Types** – In order for a training provider to receive WIOA funds through an Individual Training Account (ITA), its training program(s) must be listed on the ETPL. These programs must provide training services, including, but not limited to the following (unless otherwise noted):

1. Occupational skills training, including training for non-traditional employment.
2. Programs that combine workplace training with related instruction, which may include cooperative education programs.
3. Training programs operated by the private sector.
4. Skill upgrading and retraining.
5. Entrepreneurial training.
6. Adult Education or Literacy Activities in combination with training services listed above.
7. Apprenticeship and Pre-apprenticeship Skills Training (20 CFR 680.330).

**In-Demand Industry Sector or Occupation** – The determination of whether an industry sector or occupation is in-demand shall be made by the California Workforce Development Board (CWDB) or Local Board, as appropriate, using state and regional business and labor market projections. An industry sector is considered in demand if it has a substantial current, or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors. An occupation that currently has, or is projected to have, a number of positions in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

**Occupational Skills Training** – An organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels.



**Postsecondary Credential** – An industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state or federal government, or an Associate’s or Bachelor’s degree.

A recognized postsecondary credential is based on the attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills are generally based on standards developed or endorsed by employers or industry associations. The following are types of recognized postsecondary credentials:

- Associate’s degree
- Bachelor’s degree
- Occupational licensure (e.g. Certified Nursing Assistant license).
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification (e.g. Automotive Service Excellence certification)
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment

Certificates awarded by Local Boards and work readiness certificates are not considered postsecondary credentials because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Certificates/credentials that provide general skills, even if such general skills are broadly required to qualify for entry-level employment or advancement in employment, are not considered postsecondary certificates/credentials.

The following are examples of credentials/certificates that are not recognized postsecondary credentials:

- Occupational Safety and Health Administration 10-hour course on job-related common safety and health hazards (OSHA 10)
- National Career Readiness Certification
- National Retail Federation Credentials
- ServSafe Food Handler’s Certification
- Cardio Pulmonary Resuscitation (CPR) Certification
- Certificates for General Computer Skills (Microsoft Word, Excel, Outlook, etc.)

For an additional resource, the DOL designed an interactive [Postsecondary Credential Attainment Decision Tree](#)<sup>1</sup> to assist in making a determination about whether a credential is considered an industry-recognized credential. This tool is best used in conjunction with the information outlined in this directive.

**Pre-apprenticeship Program** – A program designed to prepare individuals to enter and succeed

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<sup>1</sup> <https://wioacredentialtool.safalapps.com/>



in an apprenticeship program, and includes the following elements:

1. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved.
2. Access to educational and career counseling and other supportive services, directly or indirectly.
3. Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career.
4. A partnership with one or more apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in an apprenticeship program.
5. Opportunities to attain at least one industry-recognized credential through an apprenticeship program.

**Secondary School Diploma or Recognized Equivalent** – CA-recognized diplomas issued by a CA public school, as well as by private schools accredited by the Western Association of Schools and Colleges (WASC) or equivalent regional accreditation body. The requirements of a secondary school diploma are outlined by the California Department of Education (CDE) and listed on CDE’s High School Graduation Requirements webpage.

A secondary school equivalency certification indicates that a student has completed the requirements for a high school education. CA has approved the use of three high school equivalency tests (HSET): GED<sup>®</sup>, HiSET<sup>®</sup>, and TASC<sup>™</sup>. These tests are for students 18 years old and older, and 17 years old (in some instances). Those who pass the CA High School Proficiency Examination are awarded a Certificate of Proficiency by the CA State Board of Education. *While some HSET preparation programs may issue “diplomas or certificates” of completion these documents are not genuine high school equivalency credentials.* There are various free HSET preparation programs available for free through the CA Adult Education Provider Directory.

**Third-Party Subcontracting** – A program where course instruction and curriculum is not developed by the provider, and instead is created and delivered by a third party. Per Attachment 1 of the directive, the provider accepting tuition and related instruction fees (e.g. ITA) must be the provider listed on the ETPL.

Third-party subcontractors cannot accept WIOA funding without meeting ETPL eligibility requirements, and being placed on the ETPL. Per the California Education Code Section 94886, private postsecondary institutions that receive “institutional charges” such as tuition are required to be approved or deemed exempt by the BPPE.<sup>2</sup>

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<sup>2</sup> EDC 94886 - Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter. EDC 94858 - “Private postsecondary educational institution” means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.



**Training Program** – A program of training services is one or more courses or classes, or a structured regimen that provides the WIOA training services, and leads to any of the following:

1. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State or the Federal government, an associate or baccalaureate degree.
2. A secondary school diploma or its equivalent.
3. Employment (see definition for Training Program that leads to Employment).
4. Measurable skill gains.

Due to the federal reporting requirements of the ETP Report, if a program is offered with more than one mode of delivery (e.g. online and in-person), more than one program length (e.g. contact hours and/or weeks), and/or more than one curriculum, the program needs to be entered once for each different variation. For example, if program A is offered online, and in-person, the program needs to be entered twice: (1) for the online program, and (2) for the in-person program.

**Training Program that leads to Employment** – An eligible ETPL program must prepare graduates for a specific occupation related to the training that was provided. This means that programs must award measurable technical skills, rather than general skills that are broadly required for employment. These measurable technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

The training program must be valuable to employers, as evidenced by partnerships with business within priority industry sectors as identified in the State or Local Plan. *Support of the training program from at least three separate employers are required to be eligible, and documentation of this support should be uploaded into the provider profile.*

In addition, graduates of the program must be employed in an occupation related to the training program. Training-related employment can be recorded for WIOA graduates in the follow-up ribbon of the WIOA application.

**Unsubsidized Employment** – Employment in the private or public sector where the employer does not receive a subsidy from public funds to offset all or part of the wages and costs of employing the individual.





## ATTACHMENT B

### ETPL APPEAL PROCESS

If your entity has been denied inclusion on the State of California's ETPL (CA ETPL) by NoRTEC (or a program has been delisted) and you wish to appeal that decision, the following process shall be followed:

1. Your appeal must be submitted to the ETPL Coordinator at NoRTEC within 30 days of the date of the denial or delisting notice.
2. The appeal must include a written statement of the desire to appeal, and include:
  - The name, address, and contact information of the entity appealing the decision,
  - A specification of the training program(s) in question,
  - The reason(s) for the appeal (i.e., why you think the decision was incorrect),
  - Documentation supporting why you think the decision was incorrect, and
  - The written appeal must be signed by an appropriate official with your entity.
3. The written appeal must be submitted to NoRTEC's ETPL Coordinator by email (the email must include a signed, scanned document containing the information in number 2 above) or by regular mail to the following address:

NoRTEC  
11 Ilahee Lane  
Chico, CA 95973  
(530)892-9600  
Attention: Stephanie Bruce, ETPL Coordinator  
[sbruce@ncen.org](mailto:sbruce@ncen.org)



4. Upon receipt, the NoRTEC ETPL Coordinator will schedule an in-person or virtual meeting within 14 days of receipt of the written appeal, to informally discuss the appeal and identify if there is a simple solution to resolve the dispute.
5. If the entity and NoRTEC are unable to resolve the dispute informally, the entity may request a hearing. An impartial hearing officer shall be assigned and written notice to the concerned parties of the date, time, and place of the hearing shall be provided at least ten calendar days in advance of the scheduled hearing. Both parties will have the opportunity to present oral and written testimony under oath, to call and question witnesses, request documents relative to the proceedings, and have legal representation.
6. The hearing officer's decision shall be final and shall be made within 60 calendar days of receipt of the appeal. Both the entity and NoRTEC shall be notified in writing of the final decision.

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