

ELIGIBLE TRAINING PROVIDERS & PENNSYLVANIA'S ELIGIBLE TRAINING PROVIDER LIST

WORKFORCE SYSTEM POLICY

Workforce Development System Administration

Effective Date: Effective Upon Publication

Last Revised: June 11, 2024

Policy Owner: Pennsylvania Department of Labor & Industry, Bureau of Workforce Partnership and Operations; Apprenticeship and Training Office

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Purpose of the Policy

This workforce system policy provides technical assistance to local workforce development boards (LWDBs), state staff, business partner staff, and training providers to ensure consumer access to a variety of quality training programs and compliance with federal and state mandates. This policy provides guidance and instruction related to initial and continued eligibility requirements for training providers. Additionally, this policy describes the appeals process and the reporting requirements of training providers.

Policy Statement

Pennsylvania's Eligible Training Provider List (ETPL) will guide LWDBs in helping job seekers and individuals researching career-focused training make informed decisions about training providers, courses of study, and outcomes.

Scope

This policy clarifies changes and highlights applicable benchmarks for the eligible training provider system as well as assists local boards and relevant partners with Workforce Innovation and Opportunity Act (WIOA) and commonwealth training provider requirements.

Audience

This policy applies to all LWDB staff, business partner staff, current and prospective training providers on, or seeking a presence on, Pennsylvania's ETPL.

Related Policies

WIOA Regional and Local Plans

Definitions

Continued Eligibility is the condition of an entity remaining on the Eligible Training Provider List after establishing initial eligibility.

Commonwealth Workforce Development System (CWDS) is the management information system of record used for all workforce data collection and reporting in Pennsylvania.

Eligible Training Provider (ETP) is a provider of training services who has met the eligibility requirements to receive WIOA funds to provide training to eligible individuals. Individual training accounts are permitted for adults, dislocated workers and older out-of-school youth, ages 18-24, when appropriate.

Eligible Training Provider List (ETPL) is the commonwealth's statewide list of approved providers of training services who are eligible to receive WIOA title I-B funds. This list was previously known as Pennsylvania's statewide eligible training program/providers (ETPP) list.

High Priority Occupations (HPOs) are job categories that are in demand by employers, have evolving skill needs, and are likely to provide family-sustaining wages. They are occupations that generally require some amount of training but no more than a four-year college degree. Although approved trainings rarely award credentials beyond a four-year degree, there are HPOs on the local lists which contain occupations requiring an education attainment level of a Master's, Doctorate, or Professional Degree.

In-demand Industry Sector is an industry sector that 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, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

Initial Eligibility is the establishment of an entity's presence on the Eligible Training Provider List. Entities wanting to be on the Eligible Training Provider List must meet several conditions to establish initial eligibility.

PA CareerLink® is the registered trademark for Pennsylvania's online virtual job matching system for job seekers and employers, complementing its one-stop service delivery system.

Pennsylvania Department of Labor & Industry (L&I) is legally designated by the governor to serve as the state workforce agency.

Program of Training Services is one (1) or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent; employment; or measurable skill gains toward such a credential or employment. These training programs may be delivered as stackable services and could be provided in-person, online, or in a blended approach. Relative to the scope of this policy ETPs, training programs and services made eligible for inclusion on the statewide ETPL may be funded, in whole or in part, with the use of WIOA title I individual training accounts. WIOA principles of consumer choice and informed consumer choice help drive ETP and training program selection and availability.

Provider Performance Report WIOA requires that training providers who seek to become or remain eligible providers of training services must submit information with regard to their student populations and each program's performance. This information must be provided to USDOL as a "provider performance report." Data collected through CWDS is used to compile these reports on

behalf of all eligible training providers included on the statewide ETPL.

Registered Apprenticeships are Apprenticeship Programs registered with the PA Department of Labor & Industry Apprenticeship and Training Office and/or regarding ETPL eligibility, programs registered Nationally with the USDOL. Regarding ETP eligibility for Programs Registered Nationally with the USDOL, National Program Registered Apprenticeship Programs (RAPs) are automatically eligible for placement on the statewide ETP lists where they have operations. In the case of National Program RAPs, a representative from the RAP or from ETA's Office of Apprenticeship will initiate contact with the state in which the RAP is seeking ETP list inclusion.

Eligibility

A. Eligible Training Provider

To be an eligible training provider, an entity must qualify as one (1) of the following as described in WIOA sec. 122:

- An institution of higher education that provides a program leading to a recognized post-secondary credential;
- An entity that carries out registered apprenticeship programs;
- Other public or private providers that provide training, which may include community-based organizations, or CBOs, or joint labor-management organizations;
- Eligible providers of adult education and literacy activities under WIOA title II, if such activities are provided in combination with occupational skills training; and
- Local boards if they meet the conditions of WIOA Section 107(g)(1)

Once a training provider has been deemed eligible, the entity remains eligible until it is removed from the applicable ETPL.

B. Initial Eligibility Requirements

All providers and programs that have not previously been eligible to provide training services under WIOA sec. 122, except for registered apprenticeship programs, must submit required information to be considered for initial eligibility in accordance with the procedures outlined in this policy and the Department's desk guide. Once approved, programs will remain initially eligible for inclusion on the statewide ETPL through the end of the standard ETPL annual inclusion cycle (July 31). Providers who wish to have their programs included on the list after July 31, must apply for *continued eligibility* in accordance with the requirements shown below.

Note: If a program is removed from the statewide ETPL for any reason, such program is subject to the criteria, information and procedures for initial eligibility.

Initial Eligibility Application.

Step One. Training providers seeking inclusion on the statewide ETPL must complete an initial eligibility application through CWDS consistent with the Department's *WIOA Title I Statewide Eligible Training Provider List, Desk Guide for Public Training Providers*.

Step Two. Once the application has been submitted in CWDS by the training provider, the appropriate local workforce development area(s) will review the application and determine if the required information has been provided and the criteria listed below has been met. Local board staff must:

- Verify that the provider is licensed, certified or authorized by the Pennsylvania Department of Education, or the relevant state agency with oversight, to operate training programs in Pennsylvania. If a provider is in compliance with the oversight agency, the application can proceed to the next step in this process. If a program is not in compliance with the oversight agency as required by state law, the application will not proceed and the provider will not be included on the statewide ETPL until the necessary requirements are met. This applies to both in-state and out-of-state providers with training programs.
- Ensure the provider submits a policy that requires compliance with the Americans with Disabilities Act of 1990;
- Ensure the provider submits a policy that requires compliance with nondiscrimination and equal opportunity laws; WIOA Sec. 188, and the regulations implementing this statutory provision;
- Ensure the provider submits (1) of the following to demonstrate financial capacity:
 - Most recently submitted IRS form 9-90, *Return of Organization Exempt from Income Tax*; or
 - Most recent independent audit; or
 - A letter from a Certified Public Accountant attesting to the fact that the entity has a financial system in place for tracking participants in training and is using accepted accounting practices;
- Ensure the provider complies with physical and programmatic accommodations as required by Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended and the regulations implementing these statutory provisions;
- Ensure the provider's financial capacity — an approved entity must adhere to all federal, state and local statutes, regulations, policies and procedures regarding the administration of funds; such entity will follow accepted accounting practices, has no tax liabilities or other commonwealth obligations, and is not suspended or debarred by the commonwealth;
- Ensure that the provider assures that he/she has disclosed any and all conflicts of interest with state or local workforce development board members and/or staff including, but not limited to, family ties, fiduciary roles, employment or ownership interests in common;
- Ensure that each program(s) submitted for consideration is available to the general public;
- Ensure the provider agrees to provide performance data for each program as required for reporting purposes;
- Ensure the provider agrees to submit student data for each program of study as required for reporting purposes;
- Ensure the provider agrees to accept Individual Training Accounts (ITA) or contracts for services so long as admission and program performance requirements have been met;
- Ensure the provider assures the timely and accurate reporting of required information; and
- Ensure the provider agrees to permit on-site visits by any federal, state or local agency as legally authorized to monitor activities for which funds have been provided.
- Ensure that the provider has provided the following information for each training program for the purposes of determining *initial eligibility*:
 - A description of the training program, including all costs associated (tuition, books, fees, etc.);
 - Evidence of state licensure requirements of training providers, and licensing status of providers of training services, as applicable;
 - Evidence supporting the provider's and/or program's relationship to business or industry;

- A description of credential earned to include, at minimum, information supporting applicable training program leads to a post-secondary credential, an industry-recognized credential; and a detailed description of the credential;
- A description of the accessibility of training services (i.e., is this program of study facility-based training, or is it accessible throughout the commonwealth, to individuals in rural areas, through the use of technology);
- A description of the program’s demonstrated effectiveness in serving employed individuals and individuals with barriers to employment (which may be verified through the review of performance data for these populations);
- Data regarding program alignment with in-demand sectors and/or high-priority occupations;
- Performance data for each program as required.

Note: Local workforce development boards that wish to establish additional criteria for program eligibility within a local area must do so through a local policy. This may include setting minimum required levels of performance as criteria for training providers to become or remain eligible to provide services in that particular local area. Any additional requirements imposed by a local board will only affect a program’s eligibility and performance requirements within that local area.

Step Three. Within 30 days of receipt of an application, local board staff will either recommend approval or denial to the Department through CWDS, or request further information from the provider. If additional information is required, the local board will have an additional 15 days to either recommend approval or denial to the Department (for a total of 45 days). The Department will make a final determination and add the program to the statewide ETPL within 30 days of receipt from a local workforce development area if the determination is favorable.

If a local workforce development board does not render a determination within the timeframe allotted, the Department will make its final determination without the local board’s recommendation.

Step Four. Once approved for inclusion on the statewide ETPL, local board staff must ensure the provider completes a memorandum of understanding known as the “computer match agreement” allowing the use of Personally Identifiable Information (PII) in student data to match against Pennsylvania wage records and SWIS (State Wage Interchange System), unless the provider elects to submit a provider performance report.

C. Continued Eligibility Requirements

To maintain eligibility, ETPs shall provide the following information to L&I in CWDS:

- The ETP’s performance on WIOA performance indicators (employment 2nd & 4th quarters after exit, median earnings 2nd quarter after exit, credential attainment) for both WIOA and non-WIOA students enrolled in the program during the previous program year;
- A description of access to training services throughout the state (including rural areas and through technology use);
- Information reported to state agencies on federal and state training programs other than WIOA Title I-B programs;
- A description of the degree to which training programs relate to in-demand industry sectors and occupations, currently determined by HPOs in the state;

- State licensure requirements and licensing status, if applicable;
- Information regarding the ETP's ability to offer programs that lead to industry-recognized post-secondary credential and certificates;
- Information on the quality of the program of training services including a program that leads to a recognized postsecondary credential by including information about the expected outcome such as employment, certification, apprenticeship or degree or diploma;
- Information on the ETP's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
- Timeliness and accuracy of ETP's performance reports;
- The ETP's performance and cost information for each of the provider's programs of study that are on the ETPL. The submission of this information must be made in the state-defined timeframe and manner; and
- Other factors determined by the Governor.

D. Training Providers Located Outside of Pennsylvania

Training providers not physically located in Pennsylvania may be approved as eligible providers of training services for an eligible participant(s) living in the commonwealth. Such training providers must complete the appropriate application in CWDS for inclusion on the statewide ETPL and agree to provide all information as required for inclusion on Pennsylvania's list, as well as the necessary performance data. Out of State providers have the same application process as providers located in Pennsylvania.

Roles

L&I is responsible for:

- Establishing the criteria and procedures for initial determination and continued eligibility for training providers and training programs to receive funds under WIOA title I-B. This responsibility is performed by the Bureau of Workforce Partnership & Operations;
- Vetting and providing final approval of programs seeking inclusion on the statewide ETPL. This responsibility is performed by the Bureau of Workforce Partnership & Operations in consultation with the Pennsylvania Department of Education when questions regarding accreditation arise;
- Receiving requests from program sponsors requesting inclusion of their registered apprenticeship programs on the statewide ETPL, verifying the registration status of such programs, and adding the registered apprenticeship to the statewide ETPL. This responsibility is performed by the Apprenticeship and Training Office. See: **Appendix A**.
- Developing, maintaining, and disseminating the statewide ETPL. *Note:* Only providers that L&I determines to be eligible will be included on the statewide list. The statewide ETPL will be disseminated through CWDS and PA CareerLink®. This responsibility is performed by the Bureau of Workforce Partnership & Operations; and
- Ensuring compliance with **Enforcement** of this policy. This responsibility is performed by the Bureau of Workforce Partnership & Operations, the Bureau of Workforce Development Administration, and the Apprenticeship and Training Office.

Local Workforce Development Boards have statutorily required responsibilities, roles L&I may designate and flexible opportunities available for their local area. LWDBs are responsible for the

following:

- Soliciting and verifying training providers, including but not limited to, work-based and cohort training providers, as well as registered apprenticeship program sponsors, within and outside of their respective local areas to ensure a competitive market designed to promote informed consumer choice and achieve successful implementation of data-driven career pathways and sector strategies;
- Ensuring adequate access to services for individuals with disabilities;
- Conducting a debarment check on all subgrantees and/or contractors prior to the execution of a contract to ensure such entities are not under suspension or debarment by the commonwealth or any governmental entity, instrumentality, or authority;
- Collaborating with L&I to ensure sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E);
- Disseminating and utilizing the statewide ETPL throughout the local one-stop system;
- Recommending the termination of a provider due to the submission of inaccurate, incomplete or untimely eligibility and performance information; or the provider's violation of any provisions of federal, state, or local statutes, regulations, policies or procedures; and
- Ensuring compliance with enforcement of this policy.

In addition, LWDBs may:

- Employ additional criteria to determine whether or not to utilize a provider on the statewide ETPL. Note: Any additional requirements imposed by a local board will only apply to that local area
- Request that the provider of training services explain how the training program specifically links to HPOs within the local area;
- Request specific program performance and cost information particular to a local area where programs are offered at multiple sites; and/or
- Request information from training providers that indicates how programs are responsive to these local requirements.

Note: Any additional criteria, information requirements or minimum performance levels a LWDB establishes for eligible training provider determination must be addressed in their regional/local plan.

Reporting Requirements

The US Department of Labor requires states to report annually on the primary indicators of performance of training providers included on the ETPL for individuals regardless of WIOA status. In each training year, providers are required to report all WIOA funded and non-WIOA funded students who enrolled in the training program on the ETPL. The information provided by ETPs will assist in determining continued eligibility and provide details for the public to identify effective training programs and providers.

In accordance with WIOA Section 116, federal guidance included in Training and Employment Notice 7-21, and further defined in ETA-9171 and Training and Employment Guidance Letter 03-18, the following must be reported for all WIOA title I core program participants receiving training from an ETP:

- The total number of participants who received training services through a WIOA title I core program, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years;

- 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 three preceding program years;
- The average cost per participant 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; and
- The number of participants with barriers to employment served by the WIOA title I core programs, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age.

For all individuals receiving training provided by an ETP:

- The levels of performance achieved for all individuals engaging in the program of study (or the equivalent), specifically:
 - The percentage of individuals who are in unsubsidized employment during the second quarter after exit from the program; and
 - The percentage of individuals who are in unsubsidized employment during the fourth quarter after exit from the program;
 - The median earnings of individuals who are in unsubsidized employment during the second quarter after exit from the program;
 - The percentage of individuals who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation or within one year after exit from the program; and
 - The total number of individuals exiting from the program of study (or the equivalent).

Enforcement

Compliance. ETPs must comply with all federal, state, and local statutes, regulations, policies and procedures. Any providers that fail to comply may be denied eligibility or be removed from a list.

Denial. Denials for eligibility may be based on:

- Incomplete or untimely application submission;
- Failure to meet established criteria;
- Intentionally supplying inaccurate information; and
- Violations of any provisions of federal, state, or local statutes, regulations, policies or procedures.

Removal. Removal from the ETPL may be based on:

- Failure to provide required data;
- Failure to notify of program changes including, but not limited to, costs, location of training, or a change in the program any time after its original approval;
- Failure to meet established criteria;
- Failure to meet minimum levels of performance as noted in the ETPL desk guide;
- Intentionally supplying inaccurate information;
- Violations of any provisions of federal, state, or local statutes, regulations, policies or procedures;
- Conduct that is either unreasonable or unprofessional; and
- Deregistration (in the case of a registered apprenticeship).

Repayment. A provider of training services whose eligibility is terminated shall be liable for the repayment of funds received under title I-B of WIOA during the period of noncompliance.

Reapplication. Except for registered apprenticeships, a training provider or program denied initial or continued eligibility or has been terminated may apply for eligibility as follows:

- *Performance.* A training provider or program removed or denied eligibility because of failure to meet minimum performance requirements, may reapply no sooner than the following quarter from the date of the denial or removal action. At this time, training providers must reapply and minimum performance must be met based on the new quarter performance submissions.
- *Violations of WIOA.* Providers that were removed from an eligible training provider list due to violations of WIOA may reapply two (2) years from the date of the final termination action taken at the local level. Local Workforce Development areas are required to articulate the training provider reapplication process in local policy.
- *Unreasonable or unprofessional conduct by a person(s) acting on behalf of the provider.* Providers that were removed from the eligible training provider list may reapply one (1) year from the date of the final removal action. Local Workforce Development areas are required to articulate the training provider reapplication process in local policy.
- Licensure issues or Training Provider closures are investigated by and handled by L&I to ensure that participants are not added to the program if the provider is closing or if, per their licensure, are not qualified for the program.

Construction. The contents of this section shall be construed to provide remedies and penalties that supplement, but do not supplant, applicable civil and criminal actions specified in other provisions of law.

Requests for Appeal.

Application Denial. A training provider whose application has been denied may file an appeal of the denial. All initial appeals must be submitted electronically in CWDS within thirty (30) calendar days of the rejection. The system will allow two rejections and one appeal from the level the rejection was initiated. Each party has 30 calendar days to respond.

If the service application rejection was performed at the local level, the LWDB must review the reasons for appeal and approve or reject the service application. If the LWDB rejects the appeal, the application can be elevated to the state for review.

If the service application rejection was performed at the state level, the state must review the reasons for appeal and approve or reject the application. If the state rejects the appeal, the provider can appeal as described in the Appeal Hearing section of this policy.

Initial or Continued Eligibility Denial. A training provider whose initial or continued program eligibility has been denied may file an appeal of the denial. All initial appeals must be submitted electronically in CWDS within thirty (30) calendar days of the rejection.

If the initial or continued eligibility rejection was performed at the local level, the LWDB must review the reasons for appeal and approve or reject the application. If the LWDB rejects the appeal, the application can be elevated to the state for review.

If the initial or continued eligibility rejection was performed at the state level, the state must review the

reasons for appeal and approve or reject the application. If the state rejects the appeal, the provider can appeal described in the Appeal Hearing section of this policy.

Appeal Hearing. After a second rejection or if a service application has been removed from the ETPL by the LWDB or the state, the Bureau of Workforce Partnership & Operations will decide if a fact-finding hearing is required. If determined necessary, the provider must submit the following information for the hearing:

- A statement of the desire to appeal;
- Specification of the program in question; and
- Detailed explanation of the reasons claimed that the denial was erroneous.

All hearing information must be submitted electronically or in writing within 30 calendar days from the date of the denial notice or notice of suspension of eligibility. Electronic submission should be directed to the following resource account: RA-LIBWPO-ETPLEAST@pa.gov or RA-LIBWPO-ETPLWEST@pa.gov.

Written submissions should be addressed to L&I via the following:

Pennsylvania Department of Labor & Industry
Bureau of Workforce Partnership and Operations
651 Boas Street, Room 1220
Harrisburg, PA 17121

Additional information regarding the appeals process can be found in the ETPL desk guide.

Resources

Appendix A: Registered Apprenticeships

Appendix B: Epilogue

[WIOA Training Provider Desk Aid](#) on L&I's Training Provider landing page

Supporting Information

The following is a list of references used in the development of this policy, and may provide additional information for implementation:

- [Public Law \(Pub. L.\) 113-128, Workforce Innovation and Opportunity Act \(WIOA\)](#)
- [20 Code of Federal Regulations \(CFR\), WIOA Final Rules and Regulations](#)
- [Training and Employment Notice \(TEN\) No. 1-15, Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide, July 7, 2015](#)
- [Training and Employment Guidance Letter No. 03-18, Eligible Training Provider \(ETP\) Reporting Guidance under the Workforce Innovation and Opportunity Act \(WIOA\)](#)
- [Training and Employment Guidance Letter \(TEGL\) No. 08-19, Workforce Innovation and Opportunity Act \(WIOA\) Title I Training Provider Eligibility and State List of Eligible Training Providers \(ETPs\) and Programs, Jan. 2, 2020](#)
- [Training and Employment Notice No. 7-21, Expiration of the Workforce Innovation and Opportunity Act \(WIOA\) Waiver of the Obligation of Eligible Training Providers \(ETP\) to Report Performance Data on All Students in a Program of Study, September 23, 2021](#)

Appendix A: Registered Apprenticeships

WIOA provides an opportunity for registered apprenticeship programs to be active partners in the public workforce system. These programs are a proven job-driven training mechanism that provides workers with career pathways and opportunities to earn while they learn. This effectively meets the needs of both jobseekers and employers.

Under WIOA Title I-B, registered apprenticeship programs are not subject to the same application procedures and information requirements as other training providers considering the detailed application and vetting procedures that apprenticeship programs already undergo to become registered. There are no performance expectations for RA sponsors and training providers specifically to encourage inclusion on the ETPL. Local Workforce Development Boards may establish additional criteria and require high levels of performance of all training providers other than registered apprenticeship programs.

In Pennsylvania, this means that apprenticeship programs registered with the PA Department of Labor and Industry Apprenticeship and Training Office can be integrated onto the commonwealth's statewide ETPL. Registered apprenticeship program sponsors that request to be eligible training providers are automatically eligible to be included on the Eligible Apprenticeship List housed within the ETP and will remain if the program is registered or until the program sponsor submits notification that it no longer wishes to be on the list. While automatically eligible, not all Registered apprenticeship sponsors may desire to be included on the statewide ETPL.

Regarding ETP eligibility for Programs Registered Nationally with the USDOL, National Program RAPs are automatically eligible for placement on the statewide ETPL where they have operations. In the case of National Program RAPs, a representative from the RAP or from ETA's Office of Apprenticeship will initiate contact with the state in which the RAP is seeking ETP list inclusion.

Inclusion on the Statewide ETPL allows eligible participants and employers to use available WIOA Title I-B funds for training in registered apprenticeship programs, in accordance with the Act; and more directly connects apprenticeship programs to jobseekers through the commonwealth's PA CareerLink® locations. Additionally, the PA Department of Labor and Industry recommends, but does not require, that local boards add provisions into their own local policies and procedures regarding individual training accounts (ITA) and on-the-job training (OJT) funding to support registered apprenticeship programs.

Registered apprenticeship programs differ from other training providers in some other respects. Most notably, a participant's enrollment occurs only through an agreement between the participant, the registered apprenticeship program sponsor and/or an employer. Specifically, some apprenticeship programs work with a single employer, whereas others may operate through a joint labor-management organization where participants are selected for the apprenticeship but not immediately hired by a specific employer.

Registered apprenticeship program sponsors may request, at any time, to be added to the statewide ETPL. Additionally, apprenticeship program sponsors may request, at any time, to be removed from the statewide ETPL. Any such requests must be communicated to L&I through the following resource account: apprenticeship@pa.gov. The statewide ETPL, which can be electronically accessed at www.pacareerlink.pa.gov, will be modified no less than quarterly by L&I.

As noted in the PA WIOA Combined State Plan, an email will be sent annually to program sponsor main contacts, sharing Appendix A of the ETP policy, including the directions for the sponsor(s) to opt-in if they have not already done so. The following steps outline the process for Registered apprenticeship program sponsors

Appendix A: Registered Apprenticeships

seeking inclusion on (on-in) or exclusion from (opt-out) the statewide ETPL.

For Registered apprenticeship programs approved after March 2021, the sponsor's registration paperwork includes an explanation of the benefits of inclusion of the statewide ETPL and a question whereby the sponsor acknowledges they would like to be included on it.

Step One. Established programs wishing to be included on the Eligible Apprenticeship List housed within the statewide ETPL require the program sponsor to notify L&I and submit the following information to L&I so they can verify registration with the state:

- Occupations included within the registered apprenticeship program; and
- The name, address and RAPIDS # of the registered apprenticeship program sponsor.
- Name and address of RTI provider including location of instruction if different from program sponsor's address;
- Recommend providing a listing of employers and employers' addresses for group-sponsored programs;
- Method and length of instruction; and
- Number of active apprentices.

All notifications must be submitted to the following resource account: apprenticeship@pa.gov

Step Two. Once the registration status has been verified, L&I will add the registered apprenticeship to the statewide ETPL. Such apprenticeships will remain on the list as long as the entity's registration status remains valid or until a program sponsor requests to have a program removed.

Appendix B: Epilogue

This policy was published for public comment on the Pennsylvania Department of Labor & Industry website at www.dli.pa.gov from April 15, 2022 through May 2, 2022. Received comments and responses to those comments follow.

Comment: One commenter wrote, “[R]emove any reference to JobGateway and replace with PA Careerlink Online.”

Response: The department appreciates the commenter’s submission. There are no instances of “JobGateway” in the document. Regarding “PA Careerlink Online,” the commonwealth refers to all forms of Pennsylvania’s one-stop employment services network as “PA CareerLink®.” This trademarked name is used whether referring to in-person services or the network’s online presence. No changes to the policy were made.

Comment: One commenter wrote, “Residents from various backgrounds come to the PA CareerLink® seeking job search assistance and connection to the reemployment resources that are available. For many of these individuals, their job or career path has been interrupted by technology, economic factors, or their age. These individuals benefit from the Pennsylvania’s Eligible Training Provider List (ETPL) programs that range from short-term certificates to the opportunity to complete their Associate Degree.

“The ETPL, available through Commonwealths’ Workforce Development System, makes training programs available to our WIOA eligible dislocated workers and under employed adults through the PA CareerLink website. The list, which is guided by State and Federal regulations, is designed to provide a variety and of quality programs and promote customer choice. The regulations, that providers of training services must comply with, includes listing of student Social Security Numbers.

“While the above requirements ensure that all programs listed on the ETPL provide training in a HPO, with a family sustaining wage, and specific details that allow the public to identify training programs and providers these policies have unintentionally inhibited customer choice. The resistance that we are experiencing in our attempts to expand our ETPL, is from providers who are unwilling or unable to provide the student private information (PII) required for the performance/outcome reporting as outlined in the policy. This limits the quality and variety of training opportunities and programming that the policies mean to support.

“Smaller private and tech schools are most times, able to comply with the reporting requirement of collections of SSN for WIOA and public pay students. In contrast, our local schools of higher education, who would provide available work ready certificates and AS degree opportunities, struggle with collection and sharing of private information.

“Some schools are willing and able to take on the cost of partnering with a company who will provide a customized registration process offering the security these colleges and universities require. However, other schools find this financially out of their reach. Can we look to a future technology that will encourage participation from our colleges and universities that offers the security of safe sharing of student PII? It seems only then will the Pennsylvania’s Eligible Training Provider List offer the training that allows for career growth of our WIOA eligible residents.”

Response: The department appreciates the commenter’s submission and shares the belief that making connections among students, proven training providers and effective employment services is crucial to helping Pennsylvanians realize their personal and professional potential. The department

Appendix B: Epilogue

also shares the commenter's recognition that personally identifiable information, or PII, is handled appropriately and kept according to sound data-security principles. U.S. Department of Labor Training and Employment Notice 7-21 establishes the requirement that all states collect and report "...all required information for WIOA participants and for all students in a program of study to ETA through the WIOA annual ETP report (ETA-9171) beginning with reporting for PY 2021." Among the required data are numbers of individuals entering unsubsidized employment during the second quarter after exit from the program. Currently, the only secure path to obtaining and reporting this and similar required outcomes is through Pennsylvania Department of Labor & Industry Center for Workforce Information and Analysis examination of wage record data using participant Social Security numbers. The department is committed to maintaining the highest data-security standards. More information about commonwealth PII-handling practices and data security is available to any training provider requiring reassurance that participant information is collected, stored, accessed and analyzed securely and reported anonymously. No change to the policy was made.

Comment: A commenter suggested adding "informed" before "customer choice."

Response: The department appreciates the commenter's suggestion and has added "informed" before "customer choice" in the two instances it appeared in the policy.

Comment: A commenter suggested defining "initial eligibility" in the policy.

Response: The department appreciates the commenter's suggestion and has added a definition of "initial eligibility" in the appropriate section of the policy.

Comment: A commenter suggested defining "continued eligibility" in the policy.

Response: The department appreciated the commenter's suggestion and has added a definition of "continued eligibility" in the appropriate section of the policy.

Comment: A commenter suggested adding a clarification that training exceptions described in § 680.320 are not subject to the requirements of the statewide ETPL and do not require the use of individual training accounts.

Response: The department appreciates the commenters suggestion. Section 680.320 "Under what circumstances may mechanisms other than Individual Training Accounts be used to provide training services?" describes conditions outside the scope of eligible training providers' initial or continued eligibility on the statewide eligible training provider list and are therefore not included in this policy. LWDAs are encouraged to address these circumstances in local policy. No change was made to the policy.

Comment: A commenter suggested maintaining criteria described in the "Initial Eligibility Application" section within Appendix A in WSP 04-2015 (Change 1) as a part of updated ETPL initial eligibility requirements.

Response: The department appreciates the commenter's suggestion and has restored the "initial eligibility application" content from Appendix A of a previous version of this policy. Addition of this procedurally focused content in this policy is temporary, as the Department of Labor & Industry Bureau of Workforce Partnership Operations will be including this content in a forthcoming version of its *Eligible Training Provider List Desk Guide* for training providers and LWDAs. When that document is published, the content restored to this policy will be removed and notice provided to training providers and LWDAs of the update.

Appendix B: Epilogue

Comment: A commenter suggested including additional language to clarify that LWDBs may limit ITA funding to only be used for programs that meet their additional locally-employed criteria regardless of a provider/program's status on the statewide ETPL.

Response: The department appreciates the commenter's suggestion. The additional language describes conditions outside the scope of providers' initial or continued eligibility on the statewide eligible training provider list and are therefore not included in this policy. LWDBs are encouraged to address these circumstances within the local area's ETP policy while keeping in mind WIOA's principle of consumer choice and the right of ETPs to appeal. No change was made to the policy.