

# Individual Training Provider

## *Proposed Eligible Training Provider List (ETPL) and Individual Training Account (ITA) Process*



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## OVERVIEW

1. This Eligible Training Provider List (ETPL) and Individual Training Account (ITA) Provider policy manual outlines the Delaware Workforce Development Board's (DWDB) approach to managing its responsibility under the Workforce Innovational and Opportunity Act (WIOA). This manual provides specific guidance on the development, management, and enforcement of Delaware's ITA system.

3. The DWDB will make changes to this manual as needed. The DWDB will announce changes through its website, social media accounts, and as necessary, through the Division of Employment and Training.

## PREPARATION

**1. Introduction.** Processing Individual Training Account (ITA) provider applications is an important and fundamental part of the DWDB's work and deserves a level of detail and process appropriate to the annual expenditure of several million dollars and the training of several hundred Delawareans. While many components are key in developing a quality provider approval process, it is impossible to overstate the importance of detailed preparation.

**2. Demand Occupation List.** The first preparation step is development of the Demand Occupations List. This list is the driving document for provider approval. The DWDB will biennially post the high demand occupation list on its website and distribute it through social media

a. To facilitate preparation the DWDB Deputy Director and/or the management analyst will:

1. Gather relevant labor market information from Delaware's Office of Occupational Labor Market Information (OOLMI);
3. Conduct an initial analysis of potential employment demand;
5. Develop a draft high demand occupation list for the DWDB executive director; for presentation and approval to Proposal Review and Certification Committee; and
6. Ensure the DWDB website is posted with the new list.

b. DWDB Executive Director will:

1. Review the draft list; and
2. Present it to the Proposal Review and Certification Committee for approval.

**3. Performance Measures.** The development of performance measures serves several functions including, but not limited to, giving providers a clearly defined set of performance expectations and providing DWDB committees with selection criteria for future provider approvals. The development of performance measures occurs annually. The DWDB will evaluate providers based on performance measures. The DWDB will eliminate programs from the Eligible Training Provider List (ETPL), which fail to meet performance measures. The development of performance measures is a joint staff project between the Delaware Department of Labor, Division of Employment and Training (DOL-DET), the DWDB Performance Measures Committee, Proposal Review and Certification Committee, and the DWDB staff. State performance measures must ensure the DWDB and DOL-DET meet or exceed the federally mandated requirements. The results of the annual negotiation, between the DWDB Performance Measures Committee and U.S. DOL Employment and Training Administration, are the primary

driver for development of provider measures.

To prepare for the negotiations DOL-DET and DWDB will:

- a. Work together and develop draft performance measures that ensure the success of state programs to meet federally mandated performance;
- b. Take into consideration the demand occupation list when developing employment standards; and
- c. Present the draft performance measures to the Performance Measures Committee for review.

**4. Other Screening Criteria.** Although the Demand Occupation List and Provider Performance Measures are the two primary sets of screening criteria, the DWDB may also consider qualitative data from other sources such as local and/or state chambers of commerce, intelligence gathered from DET Business Services Reps (BSR's), and websites, such as Indeed.com that give a daily snapshot of job openings.

## INITIAL APPLICATIONS

1. Prospective providers can submit applications anytime. However, only the Proposal Review and Certification Committee may approve a provider and its programs. The DWDB staff will only accept complete applications from prospective providers. Complete applications include:

- a. A signed Memorandum of Understanding (MOU);
- b. A complete program information form for each program;
- c. Provide verifiable program specific information;
- d. Completed initial eligibility form;
- e. An initial monitoring visit form (completed by DWDB staff);
- f. Debarment disclosure;
- g. Delaware Department of Education (DOE) Certification;
- h. DWDB staff will make an onsite visit to the prospective providers training site. The visit will determine and ensure the provider facilities are adequate, safe, and reflect an atmosphere appropriate to the trade being taught.
- i. Must have at least one-year experience training job seekers in high demand occupations and have an established a track record in course completion and job placement.
- j. Must provide a financial statement prepared by an accounting firm or a signed tax return; and
- k. Must provide a copy of their current business license.

2. When the DWDB staff receives a complete initial application, it will send the provider via email in pdf a copy of “The Provider Link User Guide.”

3. DWDB staff will recommend to the Proposal Review and Certification Committee approval/non-approval of initial applications for providers and specific programs. The staff will develop the recommendations based on, at least, the following criteria:

- a. Does the provider program meet a high demand occupation?
- b. Does this provider have an established track record of success for at least one year conducting training and job placement.
- c. Does the provider have enough revenue to succeed without the ITA funding?
- d. Is the training site equipped to conduct training?
- e. Are the programs submitted for approval currently available and ready for public use?

4. The Proposal Reviewed and Certification Committee may accept or reject the staff’s recommendation(s) in whole or in part. The committee is free to accept all prospective programs, some programs, or no programs.

5. When the committee approves a provider and/or program, the management analyst will notify the provider to enter data into the Delaware Job Link in accordance with the instructions in “Provider Link User Guide.”

6. The DWDB executive director will notify, in writing, via email non-approved providers and/or programs of the committee’s decision. At a minimum the letter will:

- a. Be sent to providers via email within 30 working days of the committee’s decision;
- b. Clearly inform providers of their opportunity to appeal;
- c. Have the appeal process as a standalone attachment to the letter/email; and
- d. Generally explain the reason for non-approval.

## SUBSEQUENT RENEWALS

1. Retaining quality providers and ensuring provider stability is in the DWDB's best interest. To ensure Delawareans have access to training, which will give them a competitive edge in the labor market, it is essential the DWDB review provider performance to ensure only the best are renewed. This may result in longtime providers and/or select programs being removed from the list. Programs are removed from the list for two years. Providers may reapply on the two-year anniversary of the removal of a specific program.
2. The subsequent renewal process generally mirrors the initial application process, with one major exception – subsequent renewals are also judged on the provider's success rate from the previous year. To be considered for renewal providers must:
  - a. Attend the provider forum;
  - b. Submit updated forms;
  - c. Submit required performance information;
  - d. Meet the previous year's performance objectives;
  - e. Still offer training programs which support demand occupations; and
  - f. Submit an updated contact and email list with the renewal application.
3. When a provider submits its renewal application the DWDB staff will check the performance measures. The DWDB staff will flag any performance measure failure of a subsequent program renewal application for removal from the provider list. The Proposal Review and Certification Committee will remove the program from the list.
4. DWDB staff will recommend to the Proposal Review and Certification Committee approval/non-approval for providers and specific programs. It is important to note, successful programs which are no longer training high demand occupations are subject to non-renewal.
5. The Proposal Review and Certification Committee may only renew programs that achieve performance measures, but is free to accept or reject all other staff's recommendation(s) in whole or in part. The committee is free to accept all programs, some programs, or none of the programs.
6. When the committee approves a subsequent renewal, the DWDB will notify the provider and they can submit their changes into Delaware Job Link.
7. The DWDB executive director will notify, in writing, non-approved providers and/or programs of the committee's decision. As a minimum the letter will:

- a. Be sent to providers via email within 15 working days of the committee's decision; and
- b. Clearly inform providers of their opportunity to appeal.

## Provider Forum

1. The provider forum is a required step in the renewal process. At a minimum DWDB staff will prepare presentations which include:

- a. OOLMI Short term and long term employment projections;
- b. Process changes;
- c. A discussion of common challenges/solutions from the previous year;
- d. A discussion of state performance measures for the past and upcoming year; and
- e. Other information as appropriate.

2. The DWDB staff is responsible for developing and coordinating all aspects of the forum. The Management Analyst will:

- a. Develop the overall vision for the forum;
- b. Determine the date, and location of the forum;
- c. Identify key lessons learned; and
- d. Give presentations/briefing as needed at the forum.

The Deputy Director will

- a. Coordinate with OOLMI for labor market projections;
- b. Develop briefing slides for LMI data ;
- c. Give presentations/briefings at the forum.

The executive assistant will:

- a. Contact all providers pending subsequent renewal and notify them of the date, time, and location of the provider forum;
- b. Coordinate with the DWDB staff for contents of binders to be distributed to forum attendees; and
- a. Develop name tags, etc for the forum.
- b. Coordinate with the forum site for all logistical support;
- c. Ensure smooth operation of forum events;
- d. Coordinate directly with the site staff for needed support;

### MOU Reviews and Updates

1. The DWDB disciplines the process through its Memorandum of Understanding (MOU) and addendums (if needed). The DWDB staff will annually review the MOU to ensure it provides clear standards to the providers and enforcement authority to the DWDB.

The current MOU is at appendix B

## Enforcement

1. Enforcement of standards throughout the ITA process is essential to ensure Delaware's publicly funded workforce system is fair to all providers, provides the highest quality training to its citizens, and makes the best use of taxpayer dollars. To that end, the DWDB and providers, will take a multi-prong approach to quality control.
2. The DWDB will use both announced and unannounced visits. The DWDB Management Analyst will shoulder most of the responsibility for visits, although the entire DWDB staff is expected to conduct visits. Although each situation is different, each visit will include:
  - a. Meet with the owner or on site ITA manager;
  - b. Interviews with students;
  - c. A tour of the facility; and
  - d. Complete a monitoring checklist.
3. Each visit will conclude with an exit briefing by the DWDB representative. The DWDB rep will review the monitoring checklist with the provider to ensure both parties understand the results. The monitor will – to the greatest extent possible – have the provider initial the checklist. Initialing the checklist neither constitutes agreement nor disagreement by the provider with any DWDB finding. Initialing the checklist only means the provider has received the checklist and understands its contents.
4. Non-compliance suspension. To ensure quality and promote monetary stewardship, the DWDB will rigorously enforce MOU compliance. In the rare likelihood that suspension are necessary, the suspension will last one year.
5. Providers will ensure:
  - a. They have sufficient funds to run their programs without the use of WIOA federal money. Calls from creditors to DOL-DET or the DWDB are a potential indication of a lack of sufficient funds to run an ITA program.
  - b. They have a stable location. While the DWDB understands that the business world is dynamic and things change, it also understands that training facility stability is an indicator of a successful and viable organization. The DWDB will suspend any organization that moves without notification, twice in the same 12 month period as the training provider will be out of compliance with its application.

c. They have a landline communication system, because it is easy for the unscrupulous to use mobile phone technology, The DWDB requires landline telephones for all providers. Failure to have an operating landline phone is non-compliance.

d. They have. adequate staff and training materials for students. Training providers will ensure that every student has sufficient equipment, books, and other materials required for instruction. All instructors must have the appropriate industry recognized certification and/or accreditation on file or visibly posted. Programs with inadequate and unqualified staff are non-compliant and will be suspended.

e. Tuition charged for WIOA students must be equal to or less than that charged to the general public. Vendors charging more are grievously non-compliant and are subject to immediate removal from the list.

f. Programs which withhold learning materials until state payment is issued are grievously non-compliant and will be immediately suspended.

5. In the event a complaint is made against a provider, the DWDB will immediately suspend the program from the ITA list pending the resolution of the complaint. The DWDB will notify the program provider when a complaint is filed and will ensure – to the greatest extent possible – the confidentiality of the complainant. Complaints must be specific and detailed. The DWDB will conduct an inquiry to determine, “what was or was not done in violation of what standard.” To the greatest extent possible, the DWDB inquiry will embrace the “reasonable person” standard when evaluating complaints.

## ITA PROVIDER LIST MANAGEMENT

1. Overview. The Delaware JobLink is the labor exchange system used by the DWDB to list providers, programs, and other employment related services. The management of the ITA Provider List is an essential DWDB function and deserves the highest attention. The Eligible Training Provider List (ETPL) development and maintenance is the joint responsibility of the provider and the DWDB. Although the executive director is ultimately responsible for the list, the DWDB Management Analyst is the day-to-day lead and Point of Contact for the maintenance of the ETPL.

2. Renewals. The DWDB renewal period runs from Mid-March from to June 30<sup>th</sup> every year. The renewal period is the ONLY time prices may change. Providers who submit inaccurate or incomplete program information will move to the end of the process until all correct programs are updated. Providers will correct non-compliant by May 30<sup>th</sup>

a. Providers will:

1. Adhere to the schedule at appendix A.
2. Ensure all renewed programs are updated and accurate;
3. Submit detailed course description with each program; programs without descriptions are noncompliant and the DWDB will delete them.

b. DWDB Staff will:

1. Assist providers as needed to ensure DJL input accuracy;
2. Ensure providers make corrections to provide course data in accordance with the schedule at appendix A.
3. Review provider data in Delaware JobLink June 30<sup>th</sup>
4. Review provider/program performance data and eliminate any program, which fails to meet its performance measures.

c. The Management Analyst will:

1. Ensure all renewal programs for approved providers are accurate and updated on Delaware JobLink June 30<sup>th</sup> every year;
2. Will ensure all corrections to programs are made by provider before activating the program; and
3. Develop the Return on Investment (ROI) results no NLT 1 August



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### **PROVIDER/APPEAL PROCEDURE**

This memo outlines the Delaware Workforce Development Board's (DWDB) Eligible Training Provider List (ETPL) appeal process.

1. The DWDB strives to ensure only the best trainers with relevant skill offerings are on its Eligible Training Provider list. To that end, the DWDB will, from time-to-time, deny applications to the list for any number of reasons. Those reasons may include, but are not limited to:

- Skill offerings are not demand occupations;
- The training program is too new and does not have a verifiable track record of success;
- The provider has no relationship with industries where the skill taught is in demand;
- Training programs have not met minimum performance standards; and,
- The provider has demonstrably violated the signed MOU.

2. Even so, the DWDB realizes there may be, from time-to-time, compelling reason to reevaluate a denial. When submitting an appeal the provider will:

- Notify the DWDB Executive Director in writing, within 30 days of notification of denial of their intent to appeal;
- Provide specific reasons they feel the Board should reverse its decision;
- Realize it is the provider's responsibility to present supporting, verifiable data to the board. Such data could include help wanted ads, US census bureau data, or other data from a publicly trusted source.
- Realize only the Board or Proposal Review Certification Committee can approve an appeal and those bodies meet quarterly and seldom in special session.

3. When the DWDB Executive Director receives a notification of appeal, he/she will review the appeal and conduct initial fact finding to determine if the provider has made a reasonable argument for approval. If the Executive Director is unable to resolve the complaint to the complainants' satisfaction, the complainant may request an appeal hearing before a review committee. If the DWDB Executive Director determines the appeal is without merit, he/she will return the appeal to the appellant within 14 days and provide a written justification.

4. If the provider is still dissatisfied, it may request a hearing with the Proposal Review or Certification Committee or the DWDB Executive Committee (depending on which body has a regularly scheduled meeting sooner). The provider will then present its case addressing the specific original concern. The provider may not introduce a new or different reason(s) for reconsideration. Whichever committee reviews the appeal, it will vote immediately to approve, or disapprove addition to the ETPL. The committee vote ends the appeal process.

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## **COMPLAINT/APPEAL PROCEDURE**

The Delaware Workforce Investment Board (DWDB), in partnership with the Delaware Department of Labor, Division of Employment and Training (DOL-DET) will expeditiously handle all complaints. It is our joint goal to resolve all issues at the lowest level possible. If you have a problem in any aspect of the One-Stop system, please follow the steps below:

**If you feel that you have a program complaint that needs to be resolved you may bring that issue to any one the four following points of contact:**

- Local Office – “One Stop” manager
- Dover – (302) 857- 5860
- Fox Valley – (302) 761- 8084
- Georgetown – (302) 858 - 5235
- Pencader – (302) 451 - 3469

**Notification** – Once you have brought your complaint to one of the points of contact the individual receiving the complaint will notify the Division of Employment & Training Complaint Officer and the Executive Director of the DWDB within 24 hours.

**Informal Resolution** – The Local office/contract staff will attempt an informal resolution. Up to five (5) workdays is allotted.

**Complaint Officer** - If the complaint is not resolved after five (5) workdays, the matter will be reviewed by the Complaint Officer. The Complaint Officer will then contact you within ten (10) workdays to schedule a face-to-face or telephone interview to develop an informal resolution.

**Alternative Dispute Resolution** - The Complaint Officer may use a method called Alternative Dispute Resolution (ADR). ADR provides an impartial facilitator an informal setting to hear both sides of the complaint. This procedure is voluntary and both sides have to be agreea to its use.

**Identify your problem in writing** - If the problem remains unresolved after (15) workdays, you must submit your complaint in writing to the DWDB. The Complaint Officer or his/her designee may offer to assist you with writing your complaint. The complaint may be in any written format. Regardless, the complaint must include the following information:

- Your name
- Your address and phone number
- The nature of the problem
- The relief requested
- Any other information you believe would be relevant.

The complaint may be mailed to: Executive Director, DE Workforce Investment Board, 4425 N. Market Street, Wilmington, DE 19802. It may also be delivered in person to the same office, or e-mailed to: gwendolyn.jones@state.de.us. The Executive Director will confirm receipt of the written within five (5) workdays.

**Investigation/Fact Finding** - Upon receipt of the complaint, the Executive Director of the Workforce Investment Board and/or the Complaint Officer will review the complaint. The complaint will be assigned to an investigator who will do a fact finding review of the issues. The investigator will make contact with the complainant and the respondent about the issues in the complaint. Based on all of the data gathered the investigator will render a decision within (15) workdays from receiving all necessary information. If the Executive Director or the Complaint Officer is unable to resolve the complaint to the complainants' satisfaction, the complainant may request an appeal hearing before a review committee.

**Appeal Hearing** - If an appeal hearing is requested, the Executive Director/Complaint Officer will automatically forward any unresolved issues to the DWDB its Deputy Attorney General. The DWDB will send a notification that they have received your complaint. The DWDB will go over the issues and the decisions rendered in the complaint within fifteen (15) workdays. Again the complainant and the respondent may be contacted for an interview either in person or by telephone. **The decision of the DWDB will be final and binding.**

**Other contact information.** Below are three additional points of contact that may be involved in complaint resolution.

- Division of Employment & Training Complaint Officer – Ronald Hargrove 761 -8092, email address: Ronald.Hargrove@state.de.us.
- Contract Operation Unit - If the complaint is with one of our training contractors please notify the Help Desk at: DOL DET CONTRACTOR Help@state.de.us.
- Workforce Investment Board – Gwendolyn Jones at 761-8161, e-mail address: gwendolyn.jones@state.de.us.

### ITA Providers Seeking an Endorsement for Out of State Business

1. Every state has its own process and forms for ITA approval. If a Delaware provider applies to another state, The DWDB will only provide the information requested by the new and no other.

Renewal Milestones						
		Tasks	Provider	DWDB Staff	committee	Executive Director
	Mid -- March	Prepare Demand Occupation List		X		
	Early April	Committee Approves occupation list		X	X	
	April	Attend Provider Forum	X	X		
	May 15 <sup>th</sup>	Submit renewals	X			
	May 15 <sup>th</sup> to 2 <sup>nd</sup> Tuesday in June	Provider Performance results analyzed		X		
	2 <sup>nd</sup> Wednesday in June	Failed Providers deleted from list			X	
	June 10th	Special Reviews Initiated				X
	June 10th	Update DJL		X		
	June 10th	Appeals Accepted			X	X
	June 15th	Ensure Accuracy	X			
	June 21st	DJL Corrections Made	X	X		
	Jun 28th	Final List Correction	X	X		
	July 1st	Final Updated List published on DJL		X		
	July 1st	Appeals processed			X	X

The dates above are for GENERAL planning purposes.

Initial Provider Steps				
Tasks	Provider	DWDB Staff	committee	Executive Director
Provider requests application information	x	x		
Application submitted	x			
DWDB staff reviews application		x		
DWDB Staff Inspect training site		x		
Recommendation developed for Committee		x		x
Committee Approves/ disapproves application			x	
DWDB Staff notifies provider of approval		x		
Data entered on DJL		x		
Denial letter - if needed- sent to provider				x
Provider reviews DJL entries	x			

Staff makes corrections as necessary		x		
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