# ATTACHMENT A

Nebraska Eligible Training Provider List

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Training Provider Guide



Nebraska Department of Labor

Office of Employment and Training

550 South 16th Street

PO Box 94600

Lincoln, Nebraska 68509-4600

(402) 471-9000

[dol.nebraska.gov](http://dol.nebraska.gov/)

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## **Background**

The Nebraska Eligible Training Provider List (ETPL) was first established in compliance with the Workforce Investment Act of 1998 (WIA) and continues under the Workforce Innovation and Opportunity Act of 2014 (WIOA), which was signed into law July 22, 2014 and became effective July 1, 2015. The ETPL is a list of training providers who qualify to receive ITA funds for the provision of training services. To be listed on the ETPL, a training provider’s program of study (program) must be evaluated and approved by the Nebraska Department of Labor (NDOL). The purpose of this guide is to provide training providers (providers) with direction on the criteria, procedures, and performance reporting requirements and standards relating to the ETPL.

## **Eligibility**

### Provider Eligibility:

A provider must meet the following criteria for inclusion and retention on Nebraska’s eligible training provider list (ETPL):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Criteria | Federal Criteria under WIOA | State Criteria under WIOA | State Criteria under NDOL policy |
| 1 | a provider must be one of the following types of entities: |  |  |  |
|  | * postsecondary education institution | yes | no | yes |
|  | * other public or private provider of training, including | yes | no | yes |
|  | * + community-based organization | yes | no | yes |
|  | * + joint labor-management organization | yes | no | yes |
|  | * + providers of WIOA adult education and literacy activities as long as the activities are provided in combination with work-based training services | yes | no | yes |
|  | * Registered Apprenticeship program | yes | no | yes |
| 2 | a provider must be authorized or licensed to provide training services by applicable accrediting or governing authorities | yes | no | yes |
| 3 | a provider and its programs must comply with the nondiscrimination requirements of WIOA, which include prohibitions against: |  |  |  |
|  | * discrimination on the basis of age, disability, sex, race, color, national origin, or political affiliation or belief, or student status | yes | no | yes |
|  | * discrimination against certain noncitizens | yes | no | yes |
|  | * assistance for facilities used for religious instruction or religious worship | yes | no | yes |
| 4 | a provider’s facilities must be compliant with the requirements of the Americans with Disabilities Act, as amended (ADA) | yes | no | yes |
| 5 | a provider must have been in operation at least twelve (12) months at the time of application for eligibility | no | no | yes |
| 6 | a provider must provide information on its participation (or non-participation) in the Federal Pell Grant program | no | no | yes |
| 7 | a provider must enter into a data-exchange agreement with NDOL in order for NDOL to verify program-performance data as required under WIOA | no | no | yes |
| 8 | a provider must provide information on: |  |  |  |
|  | * provider partnerships with businesses relating to the program | yes | no | yes |
|  | * how the program relates to high-demand industry sectors and occupations in Nebraska | yes | yes | yes |
|  | * how the program relates to high-wage and high-skill industry sectors and occupations in Nebraska | no | no | yes |
|  | * whether the program includes an employability-skills course or component[[1]](#footnote-2) | no | no | yes |
|  | * the minimum qualifications of program instructors | no | no | yes |
| 9 | a provider must submit a complete eligible training provider application that includes: |  |  |  |
|  | * provider demographics | yes | yes | yes |
|  | * information regarding regulatory compliance | yes | yes | yes |
|  | * verifiable program-specific information, including but not limited to: | yes | yes | yes |
|  | * + a program description | yes | yes | yes |
|  | * + the programs minimum enrollment requirements | yes | yes | yes |
|  | * + program costs and expenses | yes | yes | yes |
|  | * + methods of instruction used during the program | yes | yes | yes |
|  | * + program length | yes | yes | yes |
|  | * + program schedule | yes | yes | yes |

A provider that has been debarred by the Federal government will not be added to or permitted to remain on the ETPL.

### Program Eligibility:

A program must meet the following criteria for inclusion and retention on Nebraska’s ETPL:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Criteria | | Federal Criteria under WIOA | State Criteria under WIOA | State Criteria under NDOL policy |
| 1 | provide one or more courses or classes, or a structured regimen that provides training services leading to one or more of the following:[[2]](#footnote-3) | |  |  |  |
|  | * an industry-recognized certificate or certification | | yes | yes | yes |
|  | * a certificate of completion of a Registered Apprenticeship | | yes | yes | yes |
|  | * a license recognized by the state or Federal government | | yes | yes | yes |
|  | * an associate or baccalaureate degree | | yes | yes | yes |
|  | * a secondary-school diploma or its equivalent earned in conjunction with: | | yes | yes | yes |
|  | * + occupational skills training | | yes | yes | yes |
|  | * + on-the-job training | | yes | yes | yes |
|  | * + incumbent worker training | | yes | yes | yes |
|  | * + workplace training | | yes | yes | yes |
|  | * employment | | yes | yes | yes |
|  | * measurable skill gains toward a credential described above in this row 1 | | yes | yes | yes |
| 2 | | a program must meet or exceed the minimum program performance standards established by NDOL, except as stated in the section titled “Exception to Minimum Program Performance Standards” directly below this table: | yes | yes | yes |
|  | | * ≥50% of all students who enrolled in the program are in unsubsidized employment during the second (2nd) quarter after exit from the program based on the latest-available verifiable wage data | no | yes | yes |
|  | | * ≥65% of all students who enrolled in the program are in unsubsidized employment during the fourth (4th) quarter after exit from the program based on the latest-available verifiable wage data | no | yes | yes |
|  | | * ≥$7,020 median quarterly earnings, based on the latest-available verifiable wage data, for all students who enrolled in the program and are in unsubsidized employment during the fourth (4th) quarter after exit from the program, regardless of whether the students completed the program | no | yes | yes |

Programs associated solely with occupations resulting in commission-only earnings or self-employment are not eligible.

Programs leading to advanced degrees are not eligible (masters, etc.).

#### Limited Exceptions to Meeting Minimum Program Performance Standards

There are two (2) exceptions to the minimum program performance standards requirement:

1. Due to the lack of complete data, the provision of federally required program-performance data will be waived during a provider’s first twelve (12) months of eligibility. During this timeframe, NDOL will work with and provide technical assistance (as described below) to the provider to help ensure access to program-performance data within twelve (12) months of the provider’s first determination of eligibility.
2. At least five (5) students must be enrolled in a program for the minimum program performance standards to be used in determining eligibility.

The Nebraska Workforce Development Board will review minimum program performance standards for providers and/or programs on a biennial basis.

### Additional Eligibility Criteria

NDOL also considers the following criteria when determining eligibility:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Criteria | Federal Criteria under WIOA | State Criteria under WIOA | State Criteria under NDOL policy |
| 1 | provider and program performance | yes | yes | yes |
| 2 | ensuring access to training services throughout Nebraska and through the use of technology | yes | yes | yes |
| 3 | information reported to state agencies on Federal and state training programs other than programs authorized by WIOA Title I-B | yes | yes | yes |
| 4 | encouraging the use of industry-recognized certificates and credentials | yes | yes | yes |
| 5 | the quality of programs and ability of providers to provide programs to individuals who are employed and to individuals with barriers to employment | yes | yes | yes |
| 6 | whether providers timely and accurately submit performance reports | yes | yes | yes |
| 7 | other factors NDOL may determine are appropriate | yes | yes | yes |

### Registered Apprenticeship Programs

Registered Apprenticeship programs are automatically qualified for inclusion on the ETPL.[[3]](#footnote-4) On an annual basis, NDOL notifies Nebraska sponsors of Registered Apprenticeship programs by email of their programs’ automatic eligibility for inclusion on the ETPL. If interested, the sponsor must provide the following information to NDOL by email at [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov):

* sponsor’s name, and
* name of the Registered Apprenticeship program.

Once included, a Registered Apprenticeship program will be maintained on the ETPL:[[4]](#footnote-5)

* for as long as the program remains registered with the U.S. Department of Labor Office of Apprenticeship;
* until the program sponsor contacts NDOL by email at [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov) and requests the program be removed from the ETPL; or
* unless the program’s eligibility is denied or terminated for the reasons described in the section of this policy titled “Denial or Termination of Eligibility.”

### Exempted Providers and Programs

Certain types of training providers and programs are exempted from the requirements of the eligible training provider provisions of WIOA, including:

* on-the-job training;
* customized training;
* incumbent worker training;
* internships;
* paid or unpaid work experience opportunities; and
* transitional jobs.

The exempted providers and programs listed above will not be included on the ETPL.

## **ETP Performance Reporting Requirements and Standards**

### Frequency of Performance Reporting

In order for NDOL to measure the effectiveness of programs, NDOL must verify program-specific performance data as follows:

* when reviewing an application for initial eligibility;
* when reviewing an application for continued eligibility; and
* every twenty-four (24) months following a determination of continued eligibility (*i.e.*, when reviewing an application for renewal of continued eligibility).

While WIOA requires ETPs to provide access to program-specific performance data at least once every two (2) years following a determination of continued eligibility, NDOL reserves the right to access program-specific performance data more frequently.

### Information Required through Performance Reporting

NDOL is required to access the following program-performance data all students:

* percentage of students in unsubsidized employment[[5]](#footnote-6) during the second (2nd) and fourth (4th) quarters after exit from the program;
* median quarterly earnings of students in unsubsidized employment during the second (2nd) quarter after exit from the program;
* percentage of students who obtain a recognized postsecondary credential, secondary school diploma, or GED during participation in or within one (1) year after exit from the program, provided that the students are also employed or enrolled in another education or training program leading to a recognized postsecondary credential within one (1) year from program exit.

The program-specific performance information submitted to NDOL must include the following for all students:

* information about the recognized postsecondary credentials received by students completing the program;
* program cost information, including tuition and fees; and
* information on the program completion rate for students enrolled in the program.

NDOL must establish a procedure by which a provider can demonstrate that providing the required information is unduly burdensome or costly. If NDOL determines a provider has demonstrated such undue burden or extraordinary costs, NDOL:

* must provide access to cost-effective methods for the collection of the data;
* may provide additional resources to assist providers in the collection of the data; or
* may take other steps to assist providers in collecting and supplying required data, such as offering technical assistance.

### Technical Assistance

As stated in this guide and the NDOL Interim Policy on Eligible Training Provider Initial and Continued Eligibility, Change 3, a determination of continued or initial eligibility is conditional and dependent upon the provider’s timely and accurate submission of program-performance data on all students. Over the next twelve (12) months, NDOL will provide technical assistance to assist providers in collecting and supplying the required program-performance data. Technical assistance is available to each provider during the provider’s first 12-month period of eligibility. NDOL will reach out to all approved providers to ensure efforts to secure program-performance data move forward during this first year of eligibility. Additionally, providers may request technical assistance by emailing [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).

### Minimum Program Performance Standards for Continued Eligibility

In the spring of 2017, NDOL will review the progress of those providers who are granted continued eligibility in relation to the providers’ submission of accurate and usable program-performance data. The goal is that all providers with continued eligibility have established processes, systems, and submittal procedures for NDOL to evaluate program-performance data beginning no later than July 1, 2017.

Providers may be required to meet or exceed the following minimum program performance standards in order to maintain eligibility:

* ≥50% of all students who enrolled in the program are in unsubsidized employment during the second (2nd) quarter after exit from the program based on the latest-available verifiable wage data;
* ≥65% of all students who enrolled in the program are in unsubsidized employment during the fourth (4th) quarter after exit from the program based on the latest-available verifiable wage data; and
* ≥$7,020 median quarterly earnings, based on the latest-available verifiable wage data, for all students who enrolled in the program and are in unsubsidized employment during the fourth (4th) quarter after exit from the program, regardless of whether the students obtained a recognized postsecondary credential.

At least five (5) students must be enrolled in a program for the minimum program performance standards to be used in determining continued eligibility.

The Nebraska Workforce Development Board will review minimum program performance standards for providers and/or programs on a biennial basis.

## **Procedures**

To receive ITA funds for the provision of training services, a provider must establish eligibility as a training provider with NDOL prior to the enrollment of any WIOA student in the provider’s program.

The application process is the same for all providers, except for WIA-eligible providers seeking to establish continued eligibility as described below.

**Use of ITA funds for training services with providers that are not on the ETPL is not permitted**. For more information on ITAs, please refer to NDOL’s policy on ITAs.

### Continued Eligibility for WIA-eligible Providers

Any provider eligible under WIA as of July 21, 2014 (WIA-eligible Provider) must apply for continued eligibility for each of its WIA-eligible programs in order to continue receiving ITA funds after June 30, 2016 for the provision of training services for those programs. Eligibility is determined on a program-by-program basis. Continued eligibility is limited to a period of two (2) years for each NDOL-approved program commencing on the date of determination of continued eligibility. The provider must renew its continued eligibility for each NDOL-approved programs in order to continue receiving ITA funds after the program’s two-year period of continued eligibility ends.

Continued eligibility for a provider and each of its NDOL-approved programs during the first year of eligibility is conditional and dependent upon the provider’s accurate submission of program-performance data within twelve (12) months of the date of determination of continued eligibility. Over the next twelve (12) months, NDOL will provide technical assistance, as described below, to assist providers in collecting and supplying this required data.

Any WIA-eligible Provider that has not submitted an application and established continued eligibility by April 1, 2016 is subject to initial eligibility procedures described in this guide and NDOL’s Interim Policy on Eligible Training Provider Initial and Continued Eligibility, Change 3.

### Initial Eligibility for New Providers

Any provider not previously eligible under WIA, as described directly above, must apply for initial eligibility for each program it intends to offer as an NDOL-approved program in order to receive ITA funds for the provision of training services. Eligibility is determined on a program-by-program basis. Initial eligibility is limited to a period of one (1) year for each NDOL-approved program. The provider must renew its eligibility and establish continued eligibility for each NDOL-approved program in order to continue receiving ITA funds after the program’s one-year period of initial eligibility ends. Continued eligibility is limited to a period of two (2) years commencing on the date of determination of continued eligibility.

To be considered for continued eligibility following the one-year period of initial eligibility for a provider and each of its NDOL-approved programs, the provider must submit accurate program-performance data within twelve (12) months of the date of determination of initial eligibility. Over the next twelve (12) months, NDOL will provide technical assistance, as described below, to assist providers in collecting and supplying this required data.

### Initial Eligibility for New Programs

For providers that have established continued eligibility as a provider, subject to the conditions described above, and are applying for eligibility for a new program for which program-performance data is not available, the new program will receive initial approval for a period of one (1) year. At the end of the one-year period, the provider must renew the program’s eligibility and establish continued eligibility for that program in order to continue receiving ITA funds.

To be considered for continued eligibility following a new program’s one-year period of initial eligibility, the provider must submit accurate program-performance data within twelve (12) months of each new program’s date of determination of initial eligibility. Over the next twelve (12) months, NDOL will provide technical assistance, as described below, to assist providers in collecting and supplying this required data.

### Application Process[[6]](#footnote-7)

To apply for eligibility and inclusion on the ETPL, providers must follow the process outlined below.

1. A provider must accurately complete a Word version of the application, a sample of which is provided as Appendix 1 to this guide.[[7]](#footnote-8) The application has two (2) parts:
   1. Section A. Training Provider Information – to be completed once per application
   2. Section B. Program Information – to be completed once for each program the provider intends to offer as a NDOL-approved program
2. A provider must submit the completed application by email to [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov) for review and determination of eligibility.
3. Except as described above for WIA-eligible Providers seeking continued eligibility under WIOA, applications may be submitted at any time.

### Review and Determination of Eligibility

#### For WIA-eligible Providers

1. Applications submitted by WIA-eligible providers on or before April 1, 2016 will receive priority review and notification of determination in April 2016.
2. NDOL will notify providers by email of NDOL’s determination of eligibility. Notice of determination will be issued as soon as reasonably practical if the application is complete upon receipt by NDOL.
3. Review of incomplete applications will be delayed until all information required in the application is provided in accordance with this guide and NDOL’s Policy on Eligible Training Provider Initial and Continued Eligibility, Change 3.

#### For Providers following Traditional Training/Academic Calendars

1. Except as described above for WIA-eligible Providers seeking continued eligibility under WIOA, applications submitted by providers offering programs that follow a traditional quarter or semester calendar are reviewed on a quarterly basis by NDOL during the following timeframes:

* October 1 through October 31
* January 1 through January 31
* April 1 through April 30
* July 1 through July 31

1. Applications must be received by NDOL on or before the last day of the month preceding the scheduled quarterly review period (example: on or before September 30 for consideration during the October 1 through October 31 quarterly review period). Applications received after the last day of the month preceding the scheduled quarterly review will be reviewed during the next scheduled quarterly review period.
2. NDOL will notify providers by email of NDOL’s determination of eligibility. Notice of determination will be issued no later than the 31st day after the end of the quarterly review period, provided that the application is complete upon receipt by NDOL (example: by December 1 for the October review period).
3. Review of incomplete applications will be delayed until all information required in the application is provided in accordance with this guide and NDOL’s Policy on Eligible Training Provider Initial and Continued Eligibility, Change 3.

#### For Providers following Non-traditional Training/Academic Calendars

1. Except as described above for WIA-eligible Providers seeking continued eligibility under WIOA, applications submitted by providers offering programs that follow a non-traditional calendar are reviewed on an as-needed basis.
2. NDOL will notify providers by email of NDOL’s determination of eligibility. Notice of determination will be issued no later than the 61st day after the date of submission of the application if application is complete upon receipt by NDOL.
3. Review of incomplete applications will be delayed until all information required in the application is provided in accordance with this guide and NDOL’s Policy on Eligible Training Provider Initial and Continued Eligibility, Change 3.

#### Application Review

Applications are reviewed and scored based on an assessment of the sixteen (16) key eligibility factors for Federal and State Criteria established in this guide and the NDOL Interim Policy on Initial and Continued Eligibility, Change 3 and listed below. Providers and programs are assessed separately. Each factor listed below carries a value of one (1) point during the application-review process.

##### Provider Score

A provider’s eligibility is based on an assessment of the provider information stated in Section A of the Eligible Training Provider Application:

* A provider must score five (5) out of five (5) on Federal Criteria.
* A provider must score at least one (1) of three (3) on State Criteria, specifically the criteria requiring a provider to have been in operation for at least twelve (12) months.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Provider Review | Possible  Federal Criteria  Score | Possible  State Criteria  Score |
| 1 | Provider meets the eligibility criteria for organization type under WIOA Section 122. | 1 |  |
| 2 | Provider is authorized or licensed to provide training services by the applicable accrediting or governing authority. | 1 |  |
| 3 | Provider agrees to comply with the nondiscrimination requirements of WIOA Section 188. | 1 |  |
| 4 | Provider represents its facilities are ADA compliant. | 1 |  |
| 5 | Provider does not appear on Federal debarment, suspension or exclusion lists. | 1 |  |
| 6 | Provider has been in operation at least 12 months. |  | 1 |
| 7 | Provider participates in Federal Pell Grant Program. |  | 1 |
| 8 | Provider has entered into a data-exchange agreement with NDOL. |  | 1 |

If a provider’s Federal Criteria Score is less than five (5) out of five (5), the provider and its programs are not eligible to receive ITA funds for providing training services in local areas.

##### Program Review

A program’s eligibility is based on an assessment of the program information stated in Section B of the Eligible Training Provider Application:

* A program must score six (6) out of eight (8) for Federal and State Criteria.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Provider Review | Possible  Federal Criteria  Score | Possible  State Criteria  Score |
| 1 | Program completion results: | 1 |  |
|  | * an industry-recognized certificate or certification; |  |  |
|  | * a certificate of completion of a Registered Apprenticeship; |  |  |
|  | * a license recognized by the state or Federal government; |  |  |
|  | * an associate or baccalaureate degree; |  |  |
|  | * a secondary-school diploma or its equivalent earned in conjunction with: |  |  |
|  | * + occupational skills training; |  |  |
|  | * + on-the-job training; |  |  |
|  | * + incumbent worker training; or |  |  |
|  | * + workplace training; |  |  |
|  | * employment; or |  |  |
|  | * measurable skill gains toward a credential described above in this row 1 |  |  |
| 2 | Provider has business partnerships relating to the program. | 1 |  |
| 3 | Program relates to a high-demand occupation in Nebraska. | 1 |  |
| 4 | Program relates to a high-skill occupation in Nebraska. |  | 1 |
| 5 | Program relates to a high-wage occupation in Nebraska. |  | 1 |
| 6 | Program includes an employability-skills course or component. |  | 1 |
| 7 | Credentials for instructors are standard for type of program. |  | 1 |
| 8 | Program application is complete. |  | 1 |

If a provider’s total program score on Federal Criteria and State Criteria is less than six (6) out of eight (8), the program is not eligible to receive ITA funds for providing training services in local areas.

NDOL reserves the right to revise this application-review process and the scoring system described above.

## **Denial or Termination of Eligibility**

NDOL must remove programs from the ETPL that fail to meet the eligibility criteria established in this policy.[[8]](#footnote-9)

NDOL must deny or terminate the eligibility of a provider, program, or Registered Apprenticeship program for a period of not less than two (2) years if:[[9]](#footnote-10),[[10]](#footnote-11)

1. a provider or sponsor of the Registered Apprenticeship program, or individual supplying information on behalf of the provider or Registered Apprenticeship program, intentionally supplies inaccurate information; or
2. a provider or sponsor of the Registered Apprenticeship program substantially violates any requirement under WIOA, including 29 CFR part 38 (Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act).

NDOL must deny or terminate the eligibility of a provider that has been debarred by the Federal government.

NDOL may terminate the eligibility of an ETP or program if program-specific performance outcomes for WIOA students fall below the minimum program performance standards outlined in this policy. For programs having four (4) or fewer enrolled students, factors other than the minimum rates of employment as NDOL determines to be appropriate may be considered in NDOL’s evaluation of a program’s nonperformance.

A local area may, in accordance with the local area’s policy on eligible training provider initial and continued eligibility, deny or terminate the eligibility of local providers or programs to receive local-area ITA funds based on program performance.

A provider whose eligibility is terminated for reasons 1, 2, or 3 as described above is liable for repayment of all adult, dislocated worker, and youth funds received during a period of noncompliance.[[11]](#footnote-12)

A Registered Apprenticeship Program whose eligibility is terminated for reasons 1 or 2 will be liable to repay all youth, adult, and dislocated worker funds received during the period of noncompliance.[[12]](#footnote-13)

The remedies and penalties described above and in WIOA supplement, but do not supplant, other civil and criminal remedies and penalties in other provisions of law.

## **Appeals Process for Denial or Termination of Eligibility**

NDOL has established an appeal process for providers and sponsors of Registered Apprenticeship programs who have been denied eligibility or whose eligibility has been terminated. To appeal a denial or termination of eligibility, the provider or sponsor of a Registered Apprenticeship program must submit a written request for a hearing to the NDOL Commissioner of Labor (Commissioner) at the address provided below within thirty (30) calendar days of notification of denial or termination.

Commissioner of Labor

Nebraska Department of Labor

PO Box 94600

Lincoln, NE 68509-4600

Absent extenuating circumstances, the Commissioner will assign a hearing officer and a hearing will take place within ninety (90) calendar days of the Commissioner’s receipt of the written request for a hearing. The hearing will include:

* a statement of the reason(s) why the provider’s eligibility to provide training services was denied or terminated by NDOL; and
* an appeal by the provider describing why the decision should be reversed or a compromise established. The Commissioner will render a final judgment that will include the length of time, if any, the provider must remain ineligible and conditions under which reestablishment of the provider’s eligibility are justified.

A decision issued under the NDOL appeal process may not be appealed to the Secretary of Labor.[[13]](#footnote-14) Pursuant to the Nebraska Administrative Procedure Act,[[14]](#footnote-15) any parties aggrieved by a final decision may file a petition for review in the district court of the county where the action is taken within thirty (30) calendar days after service of the final decision by NDOL and cause summons to be served within thirty (30) calendar days of the filing of the petition.

# APPENDIX 1

Eligible Training Provider Application



Nebraska Department of Labor

Office of Employment and Training

550 South 16th Street

PO Box 94600

Lincoln, Nebraska 68509-4600

(402) 471-9000

[dol.nebraska.gov](http://dol.nebraska.gov/)

**Eligible Training Provider Application**

To be considered for inclusion on the ETPL, the training provider (provider) must supply all of the information requested in this application. All completed applications, and any specific questions regarding this application, must be submitted to [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).

## **INSTRUCTIONS:**

1. Section A. Training Provider Information *–* to becompleted once per application
2. Section B. Program Information – to be completed once for each program of study (program) the provider intends to offer as a NDOL-approved program

## **SECTION A. TRAINING PROVIDER INFORMATION**

1. **Provider Information**

|  |  |
| --- | --- |
| Date of application | Click here to enter a date. |
| Provider name (as it appears on W-9 form) |  |
| Provider address |  |
|  | *Street* |
|  |  |
|  | *City/Town* |
|  |  |
|  | *State* |
|  |  |
|  | *Zip Code* |
| Federal Employer Identification Number (FEIN) |  |
| Provider website (if any): |  |
| Provider contact: |  |
|  | *Name* |
|  |  |
|  | *Title* |
|  |  |
|  | *Phone* |
|  |  |
|  | *Fax* |
|  |  |
|  | *Email* |
| How long has Provider been in operation? |  |

1. **Type of Provider (check only one):**

Postsecondary education institution

Other public or private provider of training, which may include joint-labor management organizations and eligible providers of adult education and literacy activities under Title II of WIOA if such activities are provided in combination with occupational skills training

A local board that meets the requirements of WIOA Section 107(g)(1)

Community-based or private organization that provides training under contract with a local board

1. **Provider participates in the Federal Pell Grant Program (check only one):**

Yes  No

1. **Provider is a private postsecondary career school (check only one):**

Yes  No

1. **Are Provider’s facilities compliant with the requirements of the Americans with Disabilities Act of 1990 (check only one)?**

Yes  No

1. **WIOA Nondiscrimination Requirements**
2. FEDERAL FINANCIAL ASSISTANCE. WIOA requires programs and activities funded or financially assisted in whole or in part under WIOA be in compliance with all laws on the prohibition against discrimination on the basis of age, disability, or sex, or on the basis of race, color, or national origin. (Check each of box below that applies to Provider*.*)

Provider complies and will continue to comply with the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975.

Provider complies and will continue to comply with the prohibitions against discrimination on the basis of disability under section 504 of the Rehabilitation Act of 1973.

Provider complies and will continue to comply with the prohibitions against discrimination on the basis of sex under Title IX of the Education Amendments of 1972.

Provider complies and will continue to comply with the prohibitions against discrimination on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964.

Provider agrees to comply with the prohibitions against discrimination against WIOA students on the basis of political affiliation or belief under WIOA Section 188(a)(2).

1. PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP. In accordance with WIOA Section 188(a)(3), WIOA students shall not be employed under Title I of WIOA to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for religious instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the Provider operating the facility is part of a program or activity providing services to students).

Will any program offered by Provider involve employment of WIOA students in the construction, operation, or maintenance of any part of any facility that is used or to be used for religious instruction or as a place for religious worship (check only one)?

Yes  No

If yes, which program offered involves such employment of WIOA students? Please provide the name of each program:

1. PROHIBITION ON DISCRIMINATION ON THE BASIS OF STUDENT STATUS. In accordance with WIOA Section 188(a)(4), no person may discriminate against an individual who is a student in a WIOA program or activity that receives funds under Title I of WIOA, with respect to the terms and conditions affecting, or rights provided to, the student, solely because of the status of the individual as a WIOA student.

Provider agrees to comply and confirms that all programs offered comply with the prohibitions against discrimination against WIOA students on the basis of student status under WIOA Section 188(a)(4) (check only one).

Yes  No

1. PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS. In accordance with WIOA Section 188(a)(5), participation in WIOA programs and activities or receiving funds under Title 1 of WIOA shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

Provider agrees to comply and confirms that all programs offered comply with the prohibitions against discrimination against certain noncitizen WIOA students under WIOA Section 188(a)(5) (check only one).

Yes  No

1. **Data Agreement**

Under WIOA, NDOL is required to verify the program-performance data for this program. Has Provider entered into a data exchange agreement with NDOL (check only one)?

Yes  No

If no, NDOL will contact Provider to initiate the process for establishing a data exchange agreement.

## **SECTION B. PROGRAM INFORMATION**

**If Provider is submitting an application for more than one (1) program, a separate Section B. Program Information must be submitted for each program Provider intends to offer as an NDOL-approved program.**

1. **Provide a brief description of the program:**

|  |  |
| --- | --- |
| Program name |  |
| Brief description of program |  |
| Does the program result in a recognized postsecondary credential? | Choose an item. |
| If yes, please describe |  |
| Does program include an “employability skills” component or course? | Choose an item. |
| If yes, please describe |  |

1. **What are the minimum enrollment requirements for acceptance into the program (high school diploma, prerequisites, assessment scores, etc.)?**

1. **Provide a brief description of the minimum qualifications to be an instructor for this program:**

1. **Provide information as to whether the provider is in a partnership with a business in relation to the program (include, if applicable, information about the quality and quantity of employer partnerships):**

1. **To the extent possible, provide information that addresses alignment of the program with in-demand industry sectors and occupations:**

*Note*: To find out if the program aligns with in-demand industry sectors and occupations, please visit http://h3.ne.gov/H3/.

1. **Provide information as to how this program provides a program of high-quality study, including how the program leads to a recognized postsecondary credential:**

1. **Program cost information, including in-state tuition and fees, for students enrolled in the program:**

|  |  |
| --- | --- |
| Total program in-state tuition for one (1) student: |  |
| Total program fees for one (1) student: |  |
| Total of other costs for one (1) student: |  |
| Description of other costs: |  |

1. **Method of instruction for the program (check all that apply):**

Classroom instruction  Combination of classroom instruction and distance learning

Distance learning (*e.g.*, online classes)

1. **Program duration, schedule, and minimum enrollment requirements for the program:**

|  |  |
| --- | --- |
| Total length of the program (number of hours, days, weeks, months, years, etc.) |  |
| When are classes or training sessions normally held (days, evenings, or both)? | Choose an item. |
| Is the class or training schedule flexible? | Choose an item. |
| Days of the week on which classes meet and/or training occurs |  |

1. Employability skills, commonly referred to as “soft skills,” are the non-technical skills, knowledge, and abilities necessary to obtain employment and effectively participate in the workplace, including communication, self-management, planning, decision-making and problem-solving skills. [↑](#footnote-ref-2)
2. 20 CFR § 680.420(a)-(d) [↑](#footnote-ref-3)
3. 20 CFR § 680.470(a) [↑](#footnote-ref-4)
4. 20 CFR § 680.470(b) [↑](#footnote-ref-5)
5. For purposes of this policy, “unsubsidized employment” is defined as employment resulting in a wage paid to an individual and paid *only by the employer.* If a provider has questions about unsubsidized v. subsidized employment, the provider should contact NDOL at [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov) with questions. [↑](#footnote-ref-6)
6. Applying for continued or initial eligibility and inclusion on the ETPL will be an online process in the near future at which point this guide will be updated. [↑](#footnote-ref-7)
7. This guide and a Word version of the application are available on Nebraska Department of Labor (NDOL) website ([dol.nebraska.gov](http://dol.nebraska.gov/EmploymentAndTraining/WIOA/Home)) on the [Eligible Training Providers](http://dol.nebraska.gov/EmploymentAndTraining/WIOA/ETP?sideMenu=JobSeekerResources) page. A Provider may also request the application by emailing [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov). [↑](#footnote-ref-8)
8. 20 CFR § 680.480(b) [↑](#footnote-ref-9)
9. 20 CFR §§ 680.470(c) and 680.480(b) [↑](#footnote-ref-10)
10. WIO Sec. 122(f) [↑](#footnote-ref-11)
11. WIOA Section 122(f)(1)(C); 20 CFR § 684.480(b) [↑](#footnote-ref-12)
12. 20 CFR § 680.470.(c) [↑](#footnote-ref-13)
13. 20 CFR § 683.630(b)(3) [↑](#footnote-ref-14)
14. Neb. Rev. Stat. § 84-917 [↑](#footnote-ref-15)