



Serving Beaufort • Colleton • Hampton • Jasper Counties

PY 2018 LOWCOUNTRY WORKFORCE INSTRUCTION NUMBER 07

TO: Lowcountry Workforce Innovation and Opportunity Act
Contractors/Service Providers/Sub-recipients/One-Stops

ISSUANCE DATE: September 26, 2018

EFFECTIVE DATE: Immediately

REVISED DATE: N/A

SUBJECT: Lowcountry Area Eligible Training Provider List

EXPIRATION DATE: Indefinite

PURPOSE:

To issue local guidance regarding the Lowcountry Area Eligible Training Provider List under the Workforce Innovation and Opportunity Act.

REFERENCES:

Workforce Innovation and Opportunity Act (Public Law 113-128) §122; Title 20 Code of Federal Regulations (CFR) “WIOA, Final Rule” Part 680, Sub Part D (§ 680.400 - § 680.530).

BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) requires the State to play a leadership role in ensuring the success of the eligible training provider system in partnership with the Local Workforce Development Boards (WDBs) the one-stop delivery system, and the one-stop’s partners. The State WDB has established eligibility criteria and procedures for initial and continued eligibility for training providers and programs to receive funds under WIOA Title I subtitle B. The eligibility procedures ensures the accountability, quality and labor market relevance of programs of training services that receive funds through WIOA title I, subtitle B via Individual Training Account Vouchers. The State and Local WDBs must work together to ensure sufficient numbers and types of training providers and programs to maximize customer choice while maintaining the quality and integrity of training services.

Lowcountry Council of Governments

PO Box 98 | 634 Campground Road
Yemassee, South Carolina 29945

P: 843.726.5536 | F: 843.726.5165

www.lowcountrycog.org

Section 122 of the Workforce Innovation and Opportunity Act (WIO) establishes the eligibility criteria for training providers seeking to be placed on the list of providers eligible to receive funding for training WIOA-eligible participants. Subject to the provisions of WIOA, the provider shall be:

1. an institution of higher education that provides a program that leads to a recognized post-secondary credential;
2. an entity that carries out programs registered under the “National Apprenticeship Act” (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or
3. another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skill training.

The State of South Carolina has established the Palmetto Academic and Training Hub (PATH) www.sepath.org. Training Providers will utilize this portal to complete applications, submit annual performance accountability data and other requested information and documents for initial and continued eligibility for each program (course of study).

Providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional employment shall not be subject to the provision of this instruction.

POLICY:

For Providers and Programs that are in “Approved” status in PATH as set by the State and who have indicated an application to Lowcountry Workforce Area in PATH, the Lowcountry Workforce Board has authorized workforce administration staff to review and make determinations regarding the inclusion of qualified providers on the Lowcountry Eligible Training Provider List under the following conditions:

- a. The Provider and Program must be located in the Lowcountry area (Beaufort, Colleton, Hampton, or Jasper Counties of South Carolina) or in a contiguous county; and
- b. The Training Program must be within Lowcountry Area approved sectors (Manufacturing; Healthcare; Transportation, Distribution, Logistics; and Information Technology; note the Sectors are subject to change, current Sectors are available upon request)
- c. Tuition (net of Lottery, Pell, if applicable) is within the maximum approved Lowcountry policy limit (\$5,000, note limits are subject to change, current limits are available upon request); and
- d. If Online, the training program must be regionally accredited (SACS, NEASC, NCA, MSA, WASC, NWCCU).

The Lowcountry WDB retains the right to review and act on such ETP applications.

The Lowcountry reserves the right to place a provider or program that has been approved by the State on its local list, in the absence of the provider’s specific request, if it is in the local area’s best interest to do so (i.e. to provide more robust training options for participants and local employers, to provide another training option in an in-demand industry cluster, to provide

additional opportunities for training resulting in industry-recognized credentials, etc.). The statewide and local lists of eligible training providers and programs will be made available to the public via <https://www.scpa.org> to allow them to make informed decisions about where to obtain the appropriate training to enable them to meet their career and employment goals.

Appeal Procedures:

Under the South Carolina Eligible Training Provider (ETP) Procedures, if the State or the Local Workforce Development Board denies eligibility for listing of a provider's program on the ETPL, the denying entity must, within 14 calendar days of this decision, inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process. WIOA students currently enrolled in such a program, if any, will be allowed to complete the program. If a training provider chooses to appeal, a training program that is subject to removal shall remain on the State ETPL until the appeal is concluded. In addition, the Lowcountry reserves the right to terminate a provider's eligibility on the local ETP if it determines it is in its best interest to do so. Reasons for the termination of a training providers' and/or programs' eligibility for the local list include, but are not limited to, intentional supplying of inaccurate or false information, substantial violations of WIOA, change in the industry's demand for a specific training program, unsatisfactory performance, change in the cost or quality of the provider or program or its ability to produce a post-secondary or industry recognized credential, or its ability to participate in the voucher system, accept and track vouchers issued, void expired vouchers, send timely, accurate, detailed invoices with appropriate back-up documentation (such as receipts for books), or maintain fiscal integrity.

A provider choosing to appeal a decision must submit a written appeal the Local Workforce Development Board within 30 calendar days of the issuance of the denial notice. The written appeal must be submitted to the office listed below and must include:

- a statement of the desire to appeal; and
- detail the provider and program(s) in question; and
- specifically and in detail the grounds and the reasons upon which it is claimed that the denial was erroneous. (e.g., specific provision of WIOA, policy, conflict of interest, nepotism, etc.), which put the aggrieved applicant at a competitive disadvantage and/or document violation of specific sections(s) of the applicable law. Applicants cannot appeal because they omitted information from their application, submitted incorrect information, or simply believe their program to be superior.

The Lowcountry reserves the right to refuse to consider any appeal that does not identify specific WIOA procedural shortcomings. The Local Workforce Development Board (LWDB) will not consider any factual or legal grounds for relief not set forth in the written appeal. The LWDB will determine whether a hearing for the purpose of fact-finding is necessary.

If the Lowcountry determines a hearing is necessary written notice of the date, time and place of the hearing will be given. All correspondence, including a written decision, notice of hearing, notice of appeal rights, etc. will be addressed to the Signature Authority identified in PATH.

Any appeal must be addressed to, Workforce Development Director, Lowcountry Council of Governments, and submitted in writing (a) by email to mbutler@lowcountrycog.org; subject line must read "ETPL Appeal", (b) by facsimile at 843-726-5165, or (c) by post P.O. Box 98, Yemassee, SC 29945-0098, or delivery 634 Campground Rd, Point South, SC 29945.

The LWDB will issue a decision not later than 30 calendar days from either the date an in-person hearing is held, or the date the appeal request is received by the LWDB.

If the appellant is dissatisfied with the decision of the LWDB it must file its written appeal with the State in accordance with the following guidelines:

- Within fifteen (15) days of the adverse decision by the LWDB or
- If no hearing was scheduled within 60 days, within 15 days of the date a hearing should have been scheduled
- If hearing was scheduled, but no decision was reported, within 15 days a decision was due.

The State Administrative Entity's decision will be final, as a decision made under this appeal process may not be appealed to the Secretary of the Department of Labor, under the provisions of WIOA. Nothing in this instruction prevents a complainant from pursuing a remedy authorized under another Federal, State, or local law.

Programs that have been removed from or denied listing on the ETPL may reapply after one year (two years if removal was due to willful submission of inaccurate information) by applying through the initial application process via PATH.

CONTACT:

Inquiries pertaining to this instruction should be directed to Shelly Campbell, Lowcountry Council of Governments, Post Office Box 98, Yemassee, SC 29945, (843) 726-5536 scampbell@lowcountrycog.org,



Michael V. Butler
Workforce Development Director