



MEMORANDUM

TO: Workforce Development Board

FROM: Christopher Donnelly

SUBJECT: Consider and Approve New Policy

DATE: October 30, 2025

RECOMMENDATION:

It is recommended that the Monterey County Workforce Development Board (MCWDB) considers and approves the following new policy.

New Policy:

Draft #2025-08: Local ETPL Policy

Applicable to: MCWDB staff and service provider staff, MCWDB clients and prospective clients, and training providers on the Eligible Training Providers List (ETPL).

Purpose: This policy establishes types of allowable training services, consumer choice, the difference between State and Local Board requirements and procedures for initial and continued eligibility for training providers and programs, and roles and responsibilities of Local Boards and the Employment Development Department (EDD) in maintaining the integrity of the State ETPL.

Attachment:

- Draft #2025-08 Local ETPL Policy

LOCAL ETPL POLICY

EXECUTIVE SUMMARY

This policy establishes the types of allowable training services, consumer choice, the difference between the State and local Eligible Training Provider List (ETPL), the requirement for Local Workforce Development Boards (Local Boards) to establish an ETPL policy, eligibility criteria and procedures for initial and continued eligibility for Eligible Training Providers (ETP) and programs, the federally mandated Eligible Training Provider Performance Report (ETP Report), and the roles and responsibilities of the Local Boards and the Employment Development Department (EDD) in maintaining the integrity of the state ETPL.

REFERENCES

WIOA Public Law: <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

WIOA Final Regulations: <https://www.dol.gov/agencies/eta/wioa/regulations>

EDD WSD 21-03, ETPL Policies and Procedures and attachment
https://edd.ca.gov/siteassets/files/jobs_and_training/pubs/wsd21-03.pdf

BACKGROUND

Each Local Board must develop local policies that provide sufficient consumer protection and oversight of training providers. These policies must meet the minimum requirements of the procedures outlined in the State's WSD 21-03 and may include additional requirements as deemed appropriate by the Local Board.

PROCEDURAL GUIDANCE

State and Local ETPL

Local Boards and the EDD are responsible for working together to identify Eligible Training Providers (ETPs) for the state ETPL. The state ETPL creates a pool of ETPs that Local Boards can utilize to establish their local ETPL. In California, the state ETPL is called the California (CA) ETPL.

PROCEDURAL GUIDANCE

Each Local Board must maintain a local list of training providers and programs. Local Boards may add additional local requirements for providers and/or programs (except for apprenticeship programs) to be eligible on the local ETPL. Local Boards must include all CA ETPL approved apprenticeship programs on their local ETPL. Adding additional local requirements may result in providers that are on the CA ETPL but may not be eligible for inclusion on the local ETPL. While additional requirements may be added for the local ETPL, Local Boards may only include training providers on their list that are approved for the CA ETPL.

If the Local Board is reviewing provider and/or program applications for inclusion on the ETPL, the Local Board must conduct the state eligibility review first, and then determine eligibility for inclusion on their local ETPL. When conducting the state eligibility review, the Local Board must do so using only the state's requirements, and not the Local Board's additional requirements.

Local Boards that do not add additional requirements must include all of the providers/programs on the CA ETPL on their local ETPL, whereas Local Boards with additional requirements may have a subset of the state list. The Monterey County Workforce Development Board (MCWDB) local list has requirements in addition to the state list.

Consumer choice

Training services must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider and program. Each Local Board must make the local ETPL available to customers. Additionally, the Local Board must make available information identifying ETPs for OJT, customized training, and IWT.

After consultation with a career planner, an individual who has been determined eligible for training services may select an ETP from the Local Board's local ETPL. Unless the program has exhausted training funds for the program year, the Local Board must refer the individual to the selected provider and establish an Individual Training Account (ITA) for the individual to pay for training. A referral may be carried out by providing a voucher or certificate to the individual to obtain training. The cost of the referral of an individual with an ITA to a training provider is paid by the applicable Adult, Dislocated Worker, or Youth program.

Local ETPL Coordinator's responsibilities

- Provide technical assistance to all training providers with programs located within the Local Workforce Development Area (Local Area) seeking to be listed on the CA ETPL.
- Review and approve or deny providers and programs for initial eligibility in a timely manner:
 - The review must include eligibility for the CA ETPL that meets requirements outlined in WSD 21-03.
 - The review must include eligibility for the local ETPL that meets requirements outlined in this Local ETPL policy.
- Review and approve or deny providers and programs for continued eligibility in a timely manner:
 - The review must include eligibility for the CA ETPL as outlined in WSD 21-03.
 - The review must include eligibility for the local ETPL that meets requirements outlined in this Local ETPL policy.
- For training providers who are deemed exempt per California Education Code (CEC) Section 94874, and are not regionally accredited by an accrediting institution:
 - Verification of the instructor's credentials or experience.
 - Ensure the financial stability of the training provider.
 - Annual inspection of the schools or training programs.
 - Ensure actual instruction is taking place.
 - Ensure instructional equipment and instruction meet current industry standards.

CA ETPL application process

For a provider to be listed on the CA ETPL, the provider must have its information entered into the CalJOBS ETPL module. It is the Local ETPL Coordinator's role to provide assistance and guidance to training providers who register in CalJOBS. Once all necessary information is entered, the Local ETPL Coordinator must review and nominate the training provider and/or program to the State ETPL Coordinator for inclusion on the CA ETPL ensuring all information provided is complete, accurate, and current, and is in alignment with WSD 21-03.

The EDD will review applications for the CA ETPL within 30 days of receipt from the Local Board.

Once the provider and/or program is approved and included on the CA ETPL, the Local Board must review and approve or deny the training provider for inclusion on their local ETPL ensuring all information is in alignment with this Local Board policy.

Timeline for initial and continued eligibility review for inclusion on the local ETPL

Initial Eligibility

CA ETPL Application Process

For a provider to be listed on the CA ETPL, the provider must have its information entered into the CalJOBS ETPL module. It is the Local ETPL Coordinator's role to provide assistance and guidance to training providers who register in CalJOBS. Once all necessary information is entered, the Local ETPL Coordinator must review and nominate the training provider and/or program to the State ETPL Coordinator for inclusion on the CA ETPL ensuring all information provided is complete, accurate, and current, and is in alignment with this Directive.

It is the policy of MCWDB to review all initial provider applications within 30 days of the provider notifying the MCWDB ETPL coordinator via email: app that the application is ready for review.

The EDD will review applications for the CA ETPL within 30 days of receipt from the Local Board. Once the provider and/or program is approved and included on the CA ETPL, the Local Board will review, and approve or deny the training provider for inclusion on their local ETPL ensuring all information is in alignment with this Local Board policy.

Continued Eligibility

Continued eligibility review for the CA ETPL must be completed annually.

It is the policy of MCWDB to review providers and programs for continued eligibility for the Local ETPL annually at the time of review for the CA ETPL.

Additional State requirements for Initial and Continued Eligibility:

The Local Board shall keep all training provider and program eligibility documents (either physical or electronic) and shall provide them to the EDD within five business days, if requested.

The Local Board shall ensure training programs lead to at least one of the following: 1) credentials and/or certificates valued by employers, or 2) training-related employment as a result of gaining measurable technical skills for a specific occupation. This requirement ensures that training programs lead to high-quality jobs, as described in the California Unified Strategic Workforce Development Plan. Job quality serves the workforce development system and broader public sector by protecting investments in training.

Please note, a program on the ETPL that only leads to employment will negatively affect a Local Board's Credential Attainment rate, since all individuals in an education or training program are included in the measure.

The Local Board shall verify and document participant attendance at regular intervals throughout the length of the training program. Per WSD19-10, the Local Board should check with the training provider to ensure clients are still in the training program each month. If not able to check monthly, the Local Board must check at least quarterly.

The Local Board shall require providers to maintain sufficient records and to make these records available for monitoring or audit by either the Local Board and/or the state.

The Local Board shall ensure there are no conflicts of interest between the Local Board and the provider, which includes, but is not limited to the following:

- A prohibition on the payment of referral fees by training providers to Local Board staff, including America's Job Center of CaliforniaSM (AJCC) operator staff.
- The Local Board shall ensure that decisions made by the Local Board regarding ETPs and their programs are in compliance with WIOA Section 107(h).

MCWDB local eligibility requirements

In addition to the State eligibility requirements outlined in WSD 21-03, the MCWDB has the following requirements:

Additional Requirements for Providers:

- It is the policy of the MCWDB that Providers must have a contract in place with the MCWDB prior to any ITA being issued for the Provider.

Additional Requirements for Programs to be listed on the MCWDB Local ETPL:

- It is the policy of the MCWDB that programs approved for the Local ETPL will
 - Include programs for training leading to employment in one of MCWDB's Priority Industry Sectors. Current Priority Industry Sectors can be found listed in the MCWDB local plan, which can be found on the MCWDB website.
 - Include programs for any training that does not result in employment in one of MCWDB's Priority Industry Sectors, but demonstrably leads to employment that meets local business needs. These programs must be authorized in writing via a waiver by the MCWDB Executive Director.
- It is the policy of the MCWDB that programs on the State ETPL that are located in other counties may be included on the MCWDB Local ETPL if they meet the other requirements listed herein.
- It is the policy of the MCWDB that programs that lead only to employment, rather than a credential as defined in WSD 23-03 "Performance Guidance", require the following to be included on the MCWDB Local ETPL:
 - Employment must be in an occupation that pays a wage that is at or greater than \$25.00 per hour.
- It is the policy of the MCWDB that programs on the Local ETPL leading to employment in one of the MSWDB's Priority Industry Sectors have a total cost no greater than \$8,000 unless a written waiver for a cost of up to \$10,000 has been approved by the Executive Director.
- It is the policy of the MCWDB that programs on the Local ETPL leading to employment not in one of the MSWDB's Priority Industry Sectors have a total cost no greater than \$5,000 unless a written waiver has been approved by the Executive Director.

Method and timeline for notifying providers if they or their program(s) are removed from the CA and/or local ETPL:

After review, if a Local Board determines the training provider/program does not meet the requirements to be listed on the CA ETPL, the Local Board must inform the training provider in writing with the reason(s) for the denial and provide information on the Local Board appeal process within 30 days of receipt of the application. A copy of the written notification provided to the provider must be uploaded to the documents section of the Provider Profile in CalJOBS within 10 business days of issuance.

If the Local Board nominates a provider/program to the state for review, but upon review, the State ETPL Coordinator denies the training provider/program listing on the CA ETPL, the EDD must inform the Local Board of the denial and the reason(s) for the denial within 30 days of receipt of the nomination. The Local Board must in

turn inform the training provider in writing with the reason(s) for the denial, and information on the Local Board appeal process within 30 days of receipt of the EDD's decision. A copy of the written notification provided to the provider must be uploaded to the document section of the Provider Profile in CalJOBS within 10 business days of issuance.

If the training provider is able to rectify the issue that caused the denial, the Local Board can review the information and resubmit to the State ETPL Coordinator for review. For example, if a provider is denied solely because the *CA ETP Assurances Form* (Attachment 4) was not uploaded to CalJOBS, the State ETPL Coordinator would notify the Local Board, which would notify the provider. The Local Board can then nominate the provider again once the form is uploaded to CalJOBS.

The training provider's request to be on the CA ETPL must be denied if the training provider fails to provide complete information, intentionally provides inaccurate information, or has substantially violated any WIOA requirement(s). If the EDD, in consultation with the nominating Local Board, determines a training provider intentionally supplied inaccurate information or violated any WIOA requirement(s), the EDD or the Local Board shall deny the training provider's application for the CA ETPL, and the training provider is not allowed to be reconsidered for inclusion on the CA ETPL for at least two years.

If approved for inclusion on the CA ETPL, but the Local ETPL Coordinator determines the training provider/program does not meet their local ETPL requirements, the Local Board must inform the training provider in writing with the reason(s) for the denial, and information on the Local Board appeal process within 30 days of receipt of the application. A copy of the written notification provided to the provider must be uploaded to the documents section of the Provider Profile in CalJOBS within 10 business days of issuance.

Appeal process:

Appeals to the WDB

Any training provider wishing to appeal a decision by the WDB must submit a written appeal within 30 days of the denial notice. The appeal must be addressed to the WDB Director, and delivered via electronic mail to kaylorea@countyofmonterey.gov.

The appeal must include a statement of the desire to appeal, specification of the program(s) in question, the reason(s) for the appeal (i.e. grounds), supporting documentation, and the signature of the appropriate provider official. The training provider may choose to rely on the written appeal or an in-person appeal hearing can be scheduled.

There will be an Initial informal meeting between the Local Board staff and the provider. The purpose of this meeting is to identify if there is a simple solution to resolve the dispute.

If no resolution results from the initial informal meeting, there will be an opportunity for providers to have a hearing. The hearing officer shall be an impartial person. The hearing officer shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days in advance of the scheduled hearing. Both parties shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to request documents relevant to the proceedings; and to have legal representation.

Final decisions will be made within 60 days of receipt of the appeal and the provider and the Local Board notified in writing of the final decision.

Appeals to EDD

A provider may appeal to the EDD if it has exhausted the local appeal process and is dissatisfied with the Local Board's final decision.

A provider wishing to appeal a local decision to the EDD must submit a written appeal within 30 days from a Local Board's final decision on an appeal. The request for appeal must include a statement of the desire to appeal; specification of the program in question; the reason(s) for the appeal (i.e. grounds); and the signature of

the appropriate provider official. A provider appeal should be addressed to the following:

Attn: ETPL APPEAL
Central Office Workforce Services Division, MIC 50
P.O. Box 826880
Sacramento, CA 94280-0001

The EDD will promptly notify the appropriate Local Board when the EDD receives a request for appeal and when a final decision has been rendered.

The EDD will administratively review an appeal, make a preliminary decision, and notify the provider. The EDD can either uphold or reverse the appealed decision.

Participant grievance and complaint procedure

MCWDB Grievance and complaint procedures are found in MCWDB Policy 19-01 "Grievance and Complaint Procedures," found at: [Equal Opportunity & Accessibility | Monterey County Works](#)

Recovery of WIOA training funds

MCWDB's Recovery of WIOA training funds procedures are found in MCWDB Policy 2024-02 "Individual Training Accounts," found at: www.montereycountywdb.org.

Delisting training provider/programs from the local ETPL.

To ensure the integrity of the CA ETPL, the Local Board or the EDD will remove a training provider or program from the CA ETPL at any time for the items below:

1. The training provider will be immediately removed from the CA ETPL for any of the following reasons until such time as they meet continued eligibility. A provider who has been removed from the list for any of the following reasons is liable to repay all Adult and Dislocated Worker training funds received during the period of noncompliance:
 - a. The training provider has lost its accreditation or its approval to operate from its regulating agency.
 - b. A private postsecondary training provider no longer meets the exempt criteria per CEC [Section 94874](#), or the provider's Verification of Exemption by BPPE (if required by the EDD) expired or is revoked, and the provider does not have a new Verification of Exemption, or BPPE Approval to Operate.
 - c. The nonprofit Community Based Organization no longer qualifies under Section 501(c)(3) of the Federal Internal Revenue Code.
 - d. The apprenticeship program is no longer registered with the DOL under the National Apprenticeship Act, or is no longer approved by DIR DAS. The State ETPL Coordinator is responsible for removing apprenticeship programs.
 - e. The pre-apprenticeship program no longer has a Letter of Commitment from a DOL registered or DIR DAS approved apprenticeship program, or no longer leads to an industry-recognized postsecondary credential.
 - f. It is determined the provider sub-contracted instruction of the program to another entity without approval from WASC or BPPE. See *ETPL Definitions* (Attachment 2) for the definition of third-party subcontracting.
 - g. The provider is not in compliance with WIOA Section 188.
2. A training provider will be immediately removed from the CA ETPL for a period of no less than two years for any of the reasons listed in this section. A provider who has been removed from the list for any of the following reasons is liable to repay all Adult and Dislocated Worker training funds received during the period of noncompliance:
 - a. The state identifies the Local Board and training provider are participating in pay-to-play activities (commonly known as kickbacks) that include, but are not limited to: the Local Board received monetary or gift exchanges for (or in the hope for) referrals to a specific training provider, and/or exchanges of money or gifts to have the training provider listed on ETPL. As part of the annual on-

site monitoring of Local Boards, if it is determined the Local Board is engaging in pay-to-play activities, a corrective action is required, and failure to take timely action to be in compliance may result in decertification of the Local Board involved.

- b. It is determined the training provider falsely reported information.
 - c. The training provider substantially violated a provision of Title I of WIOA, or its implementing regulations.
 - d. The training provider's top level leadership (e.g., owner, CEO, Director, etc.) is convicted of violating any federal or state law associated to the operation of the institution.
3. The EDD, in coordination with the Local Board, can remove a provider for any of the following reasons. Reactivation to the list is at the discretion of the State ETPL Coordinator and the Local Board:
- a. It is determined the provider is not serving or providing value to WIOA participants, and is listed on the CA ETPL solely for other purposes, such as the utilization of Workers' Compensation Supplemental Job Displacement Benefit vouchers.
 - b. The provider has not served at least one Title I, subtitle B enrollment during the previous two program years. See "Training Provider Continued Eligibility Criteria" for requirements to be reinstated to the ETPL.
 - c. The provider's CalJOBS profile and/or program information is inaccurate or incomplete.
 - d. The training provider has not demonstrated a good faith effort in providing the ETP Report data to the EDD.
 - e. The provider no longer wishes to be listed on the CA ETPL.
4. *In an effort to safeguard WIOA funds, the training provider will be suspended from the CA ETPL if the training provider is under any federal, state, or local investigation. During the period of suspension, no new enrollments may occur, but the training provider can continue to serve existing WIOA-funded enrollments. Once the investigation is complete, a review of the findings by the state will determine if the provider can be reinstated to the CA ETPL.*

If a training provider/program is removed from the CA ETPL, the EDD must inform the Local Board of the denial and the reason(s) for the delisting within 30 days of the removal. The Local Board must in turn inform the training provider in writing with the reason(s) for the delisting, and provide information on the Local Board appeal process within 30 days of receipt of the EDD's decision. A copy of the written notification provided to the provider must be uploaded to the document section of the Provider Profile in CalJOBS within 10 business days of issuance.

All training provider/programs removed from the CA ETPL must be removed from the local ETPL immediately upon notification from the EDD, as any new enrollments into a training program not eligible to be on the CA ETPL will result in disallowed costs.

It is the responsibility of the EDD and the Local Board to work together to ensure any participants currently enrolled in a training program removed under items 1 and 2 experience minimal disruption. If the training provider or program is removed due to items 1, 3, or 4, any participants already enrolled (attended at least one day of instruction) can continue participation in the program until the training is complete, but no new enrollments may occur.

Please see WSD19-10 for additional information regarding the recovery of training funds.

Placing Delisted Training Providers/Programs Back on the ETPL

Requests to be placed back on the CA ETPL must be submitted through the Local Board (unless the provider is a Distance Education or apprenticeship program). The training provider and program(s) must meet all criteria outlined in the CA ETPL Continued Eligibility Criteria section of this attachment to be placed back on the CA ETPL.

If the training provider is removed for item 2 of the Delisting Training Providers/Programs section of WSD 21-03, two years must have passed from the time of their removal before they can be placed back onto the CA ETPL.

If the training provider is removed for item 3(b) of the Delisting Training Providers/Programs section of WSD 21-03, the provider must wait 6 months from the date of removal before submitting an ETPL application for reinstatement.

Comparable training opportunities if the training provider goes out of business

It is the policy of the MCWDB to make every reasonable effort to provide a comparable training opportunity to participants if the training provider goes out of business. If the training provider is a Bureau of Private Postsecondary Education (BPPE) approved provider, the MCWDB will coordinate with BPPE's Office of Student Assistant Relief.

INQUIRIES

If you have questions, please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org.

CHRIS DONNELLY, Executive Director
Monterey County Workforce Development Board