

Alabama Workforce Investment System

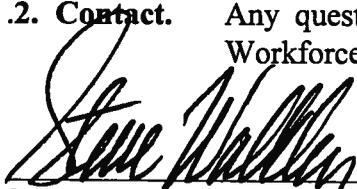
**Alabama Department of Economic and Community Affairs
Workforce Development Division
401 Adams Avenue
Post Office Box 5690
Montgomery, Alabama 36103-5690**

JUN 13 2000

GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY99-16 Change 1

SUBJECT: Certification of Eligible Training Providers

- 1. Purpose.** To correct pages 2, 7, and 8 of the State's policy on the certification of eligible training providers in Alabama, and page 2 of the Provider Certification/Assurances Form (TPCS-3). The form number was also added to the cover sheet for the Provider Certification/Assurances Form (TPCS-3).
- 2. Action.** The attached pages contain minor changes to the original Directive and one attachment. Please substitute the attached revised pages as appropriate.
- .2. Contact.** Any questions regarding this Change should be addressed to Ray Clenney, Workforce Development Division, at (334) 242-5300.



Steve Walkley, Division Director
Workforce Development Division

Attachments

Initial Eligibility Determination

The Act extends automatic initial eligibility to a provider that is either:

- ▶ a postsecondary institution that is eligible to receive Federal **funds under*** Title IV of the Higher Education Act of 1965 and provides a program that leads to an associate degree, baccalaureate degree, or certificate; or
- ▶ an entity that carries out programs under the National Apprenticeship Act.

This will include universities, colleges, community colleges, some proprietary schools and apprenticeship programs registered with the Bureau of Apprenticeship and Training within the U. S. Department of Labor.

Institutions or entities determined to be automatically eligible must submit an application to the local board(s) for the local area(s) in which the provider desires to provide training services that describes each program of training services, as defined in 20 CFR part 663.508. Although performance information is not required, it should be included so that it may be used by customers in making informed training choices. The local board must accept applications for initial eligibility from these institutions and entities.

A LWIB shall develop a written application process for other providers of training services that are **not** automatically eligible. These programs must meet stated performance criteria in order to secure WIA training services provider status. These initial eligibility procedures include instructions on how to submit applications to LWIBs, the contents of the application, program-specific performance and cost information and any additional requirements that the Governor has imposed. When developing written procedures, the local board must also specify the timing, manner, and contents of the required application. At a minimum, these procedures shall include:

- ▶ requirement for a submission of an application to the local board at such time and in such manner as may be determined, which contains a description of the program of training services;
- ▶ if the provider is currently providing a program of training services on the date of application, the procedures must require that the application include an appropriate portion of the performance information and the program cost information described in 20 CFR part 663.540, and that the program meets appropriate levels of performance; and
- ▶ if the provider does not provide a program of training services on that date, the procedures must require that the provider meets appropriate requirements specified in the procedures. (WIA Section 122(b)(2)(D)).

The LWIBs will provide to the Workforce Development Division (WDD) a list of providers submitting an application that are determined automatically qualified for initial eligibility and providers determined to be initially eligible consistent with the policy contained in this Directive. The list will contain program-specific performance and cost information for providers determined to meet initial eligibility requirements according to the policy contained in this Directive. The submission should also include a copy of the provider application forms for each provider. During the initial implementation year of WIA this list shall be submitted to the WDD, no later than July 31, 2000, at the address listed on the following page. In subsequent years, the deadline for submission will be June 30.

*** Revised 6/00**

- ▶ **Customized Training:** The term customized training means training (1) that is designed to meet the special requirements of an employer (including a group of employers), (2) that is conducted with a commitment by the employer to employ individuals upon successful completion of the training, and (3) for which the employer (or groups of employers) pays for not less than fifty percent of the cost of the training.
- ▶ **Eligible Youth Activities Providers:** Providers of youth activities are not subject to this policy or the certification system. LWIBs will identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on the recommendation of the Youth Council and on the criteria contained in the State plan.

Required Application Elements

All applicants shall provide to the LWIB the information required by the standardized *Provider Application for Eligibility Under the Workforce Investment Act* (Form TPCS-1).

Application Submission and Timeline

Applications for eligibility determination shall be submitted to the LWIB of the local workforce investment area in which the provider of training services desires to provide training. Applications will be accepted throughout the year. A LWIB shall provide a written determination of acceptance or rejection to an applying entry within ninety calendar days of the receipt of the initial eligibility determination application.

LWIB staff or representatives shall, as determined reasonable by the LWIB, make an on-site visit to training provider sites for the purpose of confirming training provider initial eligibility application information.

LWIB policy shall determine the circumstances under which reconsideration of a denied application may be afforded to a provider that was denied initial eligibility determination. An entity whose application for certification was denied may reapply no sooner than six months after the written notice of denial.

Appeals

If a LWIB rejects an application for initial eligibility determination for a program of training service, the board must provide notice with a letter of rejection and the reasons for rejection as well as the availability of an appeal process.*

- ▶ **Local Appeals:** Each LWIB shall develop a written appeal process. At a minimum these procedures must allow:
 - An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint; and
 - An opportunity for a local level appeal to a State entity when:
 - ▶ no decision is reached within 60 days; or
 - ▶ if the applicant is dissatisfied with the local hearing decision.

* Revised 6/00

- ▶ **State Level Appeals:** A WDD determination regarding a service provider's eligibility may be appealed. The written request for an appeal must be received by the WDD within thirty days of the date of written notification to the provider of the determination of ineligibility. The appeal may be requested by the training provider or LWIB in the area in which the provider was applying for eligibility determination. A hearing shall be conducted by the Director of the Alabama Department of Economic and Community Affairs or his designated representative, with a final written decision to be provided within sixty days of the WDD's receipt of the request for a hearing.

* Revised 6/00

**Alabama Training Provider Certification System
Provider Certifications/Assurances Form**

Debarment, Suspension, and Other Responsibility Matters: These certifications/assurances are required by Federal Regulations, implementing Executive Order 12549, Government-wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), U. S. Department of Labor (29 CFR Part 98), Department of Education (34 CFR Part 85), and Department of Health and Human Services (45 CFR Part 76).

- (1) Are not* presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency;**
- (2) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;**
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this section; and**
- (4) Have not within a three-year period preceding this application had one or more public transactions terminated for cause or default.**
- (5) Parties to this agreement certify to the best of their knowledge and belief that information contained in the attached application(s) is true and correct and that the agreement(s) has been duly authorized, as attested to by the authorized signatories, and that the authorized signatories will comply with the assurances.**
- (6) As a condition to the award of financial payment of WIA Title I funds the training provider assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:**
 - Section 188 of the WIA of 1998, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activities; and**
 - Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin. ***
 - Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; and**
 - The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and**
 - Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.**

The training provider also assures that it will comply with 29 CFR part 37 and all other laws listed above. The grant applicant also understands that the United States has the right to seek judicial enforcement of this assurance.

- (7) The Americans with Disabilities Act of 1990, Title II, Subtitle A.**
- (8) The OSHA work place requirements.**
- (9) The ADECA Audit Policy**

*** Revised 6/00**

**Alabama Training Provider Certification System
Provider Certification**

All providers seeking certification under the Workforce Investment Act (WIA) must submit a signed Provider Certifications/Assurances Form (TCPS-3). The completed certifications/assurances form, the provider certification form, along with the training provider application(s), should be submitted to the appropriate Local Workforce Investment Board.

By having a signed Provider Certifications/Assurances Form on file with the LWIB, the provider's certifications and assurances shall apply to any and all applications for initial or subsequent eligibility determination that are submitted to the LWIB. This does not preclude a given LWIB from requiring additional assurances as part of their local application requirements.

The signed Provider Certifications/Assurances Form should be forwarded to the LWIB at the address listed below:

Questions regarding local application requirements should be directed to LWIB(s) in the area(s) in which the provider is applying for consideration to be certified as an approved training provider under WIA.

Provider Name:

Mailing Address/Street:

P. O. Box:

City/State/County/Zip Code:

Telephone/FAX Number:

E-Mail/WEB Page Address:

Provider's U. S. Department of Education Title IV School Code (if applicable):

Provider's FICE Code (if applicable):

Administrative Contact Person:

Mailing Address/Street:

City/State/County/Zip Code:

Telephone/FAX Number:

E-Mail/WEB Page Address:

LWIB Office Use Only

Date Received by LWIB:

Date Approved by LWIB:

Date Data Entered:

Data Entered by:

Authorized Signature: