

Nevada Department of Employment, Training and Rehabilitation
Employment Security Division
Workforce Programs

Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)

Policy Number: 1.13

Originating Office: Department of Employment, Training and Rehabilitation (DETR); Workforce Programs

Subject: Enforcement of Training Provider Services

Issued: New May 2019, replacing Workforce Investment Act (WIA) SCP 1.13

Purpose: The State and Local Workforce Development Boards (LWDB) Eligible Training Provider List (ETPL) and the related eligibility procedures, WIOA Sec. 122 and SCP 1.12, ensure the accountability, quality and labor-market relevance of training services programs that receive funds through WIOA Title I. The ETPL is made publicly available online through the State's Management Information System (MIS), EmployNV to disseminate information in an electronic format that is accompanied by relevant performance and cost information.

A provider must maintain required licensure, deliver results and provide accurate information in order to retain its status as the ETPL. This policy describes the procedures of monitoring, corrective action, removal from the list as necessary, appeal and repayment.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in ***bold, italicized*** type.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), 20 CFR § 680.480-490; 2 CFR § 200; 29 CFR § 38; TEGL 2-12; TEGL 41-14; TEGL 19-16; TEGL 21-16; TEGL 14-18; TEGL 3-18; TEGL 5-18; Nevada Revised Statutes (NRS) 394; Nevada SCPs

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDBs policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: The ETPL, as envisioned by state and federal law, is critical to ensure that the highest level of training services are available to the participants of our state.

WIOA Sec. 116, 122 and 123 describe the requirements of maintaining a comprehensive list of Eligible Training Providers that are capable of providing training to participants using Individual

DETR/ESD/Workforce Programs

WIOA State Compliance Policies

SCP 1.13 Enforcement of Training Provider Services

June 2019

Page 1 of 11

Training Account funds. The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, career pathways, and continuous improvement. The quality of providers and programs of training services, including Registered Apprenticeship programs, is vital to achieving these core principles.

Eligible Training Providers must be licensed and or accredited by the appropriate Local, State and Federal authorities to apply and remain on the ETPL. Consistent with WIOA Sec. 116, training providers must meet or exceed established performance criteria as described in SCP 1.12 and in EmployNV, the system of reporting to DOL.

A program of training services is defined as one or more courses or classes, or a structured regimen that leads to: an industry-recognized certificate or certification; a certificate of completion of a registered apprenticeship; a license recognized by the State involved or the Federal government; an associate or baccalaureate degree; a secondary school diploma or its equivalent; employment; or measurable skill gains toward a credential. A program of training services may be delivered in person, online, or both and must appear on the ETPL for use with WIOA.

Reference NRS 394 for provisions for private educational institutions and establishments.

Policy and Procedure:

Providers of Occupational Training Program(s) are required to complete the Registration for Provider User/Provider, Application or Re-Application process and agree to Performance Requirements, Personal Identifiable Information (PII), Debarment and Suspension Certification, Intentional Omission and Inaccurate Information clauses and certification requirements, as appropriate, and as described in EmployNV and its User Guide for Provider Staff to place their program(s) on the ETPL and visible to the public for use in WIOA programming.

Enforcement: (WIOA Sec. 122(f))

(f) ENFORCEMENT. —

(1) IN GENERAL. —The procedures established under this section shall provide the following:

(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—

Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, violated this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) by intentionally supplying inaccurate information under this section, the eligibility of such provider to receive funds under chapter 3 shall be terminated for a period of time that is not less than 2 years.

(B) SUBSTANTIAL VIOLATIONS. —Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title (or Title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under chapter 3 for the program involved shall be terminated for a period of not less than 2 years.

(C) REPAYMENT. —A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 of subtitle B of Title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment, or chapter 3 of this subtitle during a period of violation described in such subparagraph.

(2) CONSTRUCTION. —Paragraph (1) shall be construed to provide remedies and penalties that supplement, but shall not supplant, civil and criminal remedies and penalties specified in other provisions of law.

(20 CFR § 680.460(g)-(k)):

(g) The information requirements that the Governor establishes under paragraph (f)(1) of this section must require eligible training providers to submit appropriate, accurate, and timely information for participants receiving training under WIOA Title I, subtitle B. That information must include:

(1) The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(2) The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

(3) The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(4) The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;

(5) Information on recognized postsecondary credentials received by program participants;

(6) Information on cost of attendance, including costs of tuition and fees, for program participants;

(7) Information on the program completion rate for such participants.

(h) The eligibility criteria must require that:

(1) Providers submit performance and cost information as described in paragraph (g) of this section and in the Governor's procedures for each program of training services for which the provider has been determined to be eligible, in a timeframe and manner determined by the State, but at least every 2 years; and

(2) That the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.

(i) The procedure for continued eligibility also must provide for the State biennially to review provider eligibility information to assess the renewal of training provider eligibility. Such procedures may establish minimum levels of training provider performance as criteria for continued eligibility.

(j) The procedure for biennial review of the provider eligibility must include verification of the registration status of registered apprenticeship programs and removal of any registered apprenticeship programs as described in § 680.470.

(k) The Governor may establish procedures and timeframes for providing technical assistance to eligible training providers who are not intentionally supplying inaccurate information or who have not substantially violated any of the requirements under this section but are failing to meet the criteria and information requirements due to undue cost or burden.

(l) The Governor's procedures must include what the Governor considers to be a substantial violation of the requirement to timely and accurately submit all of the information required for completion of the eligible training provider performance reports required under WIOA Sec. 116(d)(4) and all of the information required for initial and continued eligibility in this subpart.

(1) The Governor's procedures on determining a substantial violation must take into account exceptional circumstances beyond the provider's control, such as natural disasters, unexpected

personnel transitions, and unexpected technology-related issues.

(2) Providers who substantially violate the requirement in paragraph (g), [performance], of this section to timely and accurately submit all required information must be removed from the State list of eligible training providers and programs, as provided in § 680.480(b)

Suspension/Removal

Provider Loss of Eligibility: (20 CFR § 680.480)

(a) A training provider must meet the Governors' requirements for eligibility and provide accurate information in order to retain its status as an eligible training provider.

(b) Providers determined to have intentionally supplied inaccurate information or to have substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR part 38, must be removed from the State list of eligible training providers and programs in accordance with the enforcement provisions of WIOA Sec. 122(f). A provider whose eligibility is terminated under these conditions must be terminated for not less than 2 years and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance. The Governor must specify in the procedures which individual or entity is responsible for making these determinations and the process by which the determination will be made, which must include an opportunity for a hearing that meets the requirements of § 683.630(b) of this chapter.

(c) As a part of the biennial review of eligibility established by the Governor, the State must remove programs of training services that fail to meet criteria established by the Governor to remain eligible, which may include failure to meet established minimum performance levels. Registered apprenticeship programs only may be removed for the reasons set forth in § 680.470.

(d) The Governor must establish an appeals procedure for providers of training services to appeal a denial of eligibility under this subpart that meets the requirements of § 683.630(b) of this chapter, which explains the appeals process for denial or termination of eligibility of a provider of training services.

(e) Where a Local WDB has established higher minimum performance standards, according to § 680.430(e), the Local WDB may remove a program of training services from the eligible programs in that local area for failure to meet those higher performance standards. Training providers may appeal a denial of eligibility under § 683.630(b) of this chapter.

Required Performance and Cost Information for Each Training Service: (20 CFR § 680.490)-Excludes Registered Apprenticeship

(a) In accordance with the State procedure under § 680.460(i), eligible training providers, except registered apprenticeship programs, must submit, at least every 2 years, appropriate, timely, and accurate performance and cost information.

(b) Program-specific performance information must include:

(1) The information described in WIOA Sec. 122(b)(2)(A) for individuals participating in the programs of training services who are receiving assistance under WIOA. This information includes indicators of performance as described in WIOA Secs. 116(b)(2)(I)–(IV) and § 680.460(g)(1) through (4);

(2) Information identifying the recognized postsecondary credentials received by such participants in § 680.460(g)(5);

(3) Program cost information, including tuition and fees, for WIOA participants in the program in § 680.460(g)(6); and

(4) Information on the program completion rate for WIOA participants in § 680.460(g)(7).

(c) Governors may require any additional performance information (such as the information described at WIOA Sec. 122(b)(1)) that the Governor determines to be appropriate to determine, maintain eligibility, or better to inform consumers.

(d) Governors must establish a procedure by which a provider can demonstrate that providing additional information required under this section would be unduly burdensome or costly. If the Governor determines that providers have demonstrated such extraordinary costs or undue burden:

(1) The Governor must provide access to cost-effective methods for the collection of the information;

(2) The Governor may provide additional resources to assist providers in the collection of the information from funds for statewide workforce investment activities reserved under WIOA Secs. 128(a) and 133(a)(1); or

(3) The Governor may take other steps to assist eligible training providers in collecting and supplying required information such as offering technical assistance.

Note: Provider performance reports are due through the EmployNV system no later than August 15, 2019 and each year thereafter. Should August 15 fall on a weekend, the report is due the Friday before.

State Procedures: (20 CFR § 683.600(d))

(d) State procedures must provide:

(1) A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide Workforce Investment programs;

(2) A process for resolving appeals made under paragraph (c)(4) of this section;

(3) A process for remanding grievances and complaints related to the local Workforce Innovation and Opportunity Act programs to the local area grievance process; and

(4) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint; and

(5) An opportunity for appeal to the Secretary under the circumstances described in § 683.610(a).

(e) Procedures of direct recipients must provide:

(1) A process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's Workforce Innovation and Opportunity Act programs; and

(2) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

(f) The remedies that may be imposed under local, State, and direct recipient grievance procedures are enumerated at WIOA Sec. 181(c)(3).

(g) (1) The provisions of this section on grievance procedures do not apply to discrimination complaints brought under WIOA Sec. 188 and/or 29 CFR part 38. Such complaints must be handled in accordance with the procedures set forth in that regulatory part.

(2) Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA Sec. 188 may be directed or mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue NW., Washington, DC 20210, for processing.

(h) Nothing in this subpart precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

Reference SCP sections 4 and 5.

Factors Affecting Allowability of Costs: (2 CFR § 200.403)

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

(a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

(b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.

(c) Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.

(d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.

(e) Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.

(f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also § 200.306 Cost sharing or matching paragraph (b).

(g) Be adequately documented. See also §§ 200.300 statutory and national policy requirements through 200.309 Period of performance of this part.

Allocable Costs: (2 CFR § 200.405)

(a) A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. This standard is met if the cost:

(1) Is incurred specifically for the Federal award;

(2) Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and

(3) Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart.

(b) All activities which benefit from the non-Federal entity's indirect (F&A) cost, including unallowable activities and donated services by the non-Federal entity or third parties, will receive an appropriate allocation of indirect costs.

(c) Any cost allocable to a particular Federal award under the principles provided for in this part may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

(d) Direct cost allocation principles. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, notwithstanding paragraph (c) of this section, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award

regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required. See also §§ 200.310 Insurance coverage through 200.316 Property trust relationship and § 200.439 Equipment and other capital expenditures.

(e) If the contract is subject to CAS, costs must be allocated to the contract pursuant to the Cost Accounting Standards. To the extent that CAS is applicable, the allocation of costs in accordance with CAS takes precedence over the allocation provisions in this part.

Initial Eligibility Denials

A training provider or program may be denied initial eligibility for the following reasons:

- The application is not complete, or information was not provided in a timely manner;
- The training provider does not meet the WIOA definition of an eligible training entity;
- The training program does not have the proper licensure or authority to be implemented;
- The training program does not result in or a structured regimen that leads to: an industry-recognized certificate or certification; a certificate of completion of a registered apprenticeship; a license recognized by the State involved or the Federal government; an associate or baccalaureate degree; a secondary school diploma or its equivalent; employment; or measurable skill gains toward a credential;
- The training program does not support in-demand occupations and/or sectors identified through local/regional labor market analysis;
- The training provider is not in compliance with the WIOA statute, regulations, or any agreement executed under WIOA;
- The training program does not meet the WIOA definition of eligible training services; or
- The State or LWDB determines that the training provider intentionally supplied inaccurate information.

The denial notice(s) will consist of a system generated notice informing the Provider User that the application has been denied and issue the cause. The provider may be contacted or contact the LWDB requesting additional/clarifying information.

Reference SCP 1.12 for application process.

NOTE: Classes deemed to be Prevocational (Pre-Voc) in nature, will not appear on the ETPL, however, may be utilized by programs when appropriate per participant need. Costs, if applicable will be charged accordingly by programs and do not contribute towards training expenditure percentages. LWDBs/Programs will determine how to maintain a list of these providers for use.

Removal From The List

Provider/Program(s) Blocked from New Enrollments:

Per LWDB policy, blocking Program(s) from new participant enrollments by notifying WIOA service providers, DETR/Workforce Programs and training provider in writing of the blocking of a program on the ETPL for minor violation(s)/suspect violation(s) of the process by removing them from view of the public on EmployNV ETPL for minor violations/suspect violation(s) of the process. This allows participants who are currently attending training to continue uninterrupted to completion. No further participants will be allowed to attend until the Provider has been cleared by the LWDB for new enrollments.

Note: LWDBs must monitor the provider closely to ensure the suspect/violation is resolved promptly or remanded for blocking of all participants as appropriate and notify WIOA service providers, DETR/Workforce Programs and the training provider of this action.

LWDB/State may block new enrollments to a new/previously approved provider or program (“subsequent eligibility”) for any of the following reasons:

- During an LWDB/State or Federal investigation until a final resolution is reached. Depending on the resolution, the provider may be temporarily or permanently blocked from the list;
- The training provider did not maintain the minimum performance criteria for subsequent eligibility;
- Failed to meet timely and accurate reporting requirements; including performance reports;
- Fails Data Element Validation (DEV)/ LWDB/Federal/State/Workforce Programs Monitoring which may include; provider has experienced/suspect fraud, malfeasance or other illegal activity involving funds or participants; unethical billing/illegal billing practices/violations; lack qualified training personnel or building infrastructure;
- Requested tuition costs were not equal to or less than the published rate on the institution website, catalog or flyers. (2 CFR § 200.403-404)
NOTE: If textbooks, fees or other materials are not included in the published rate, institution must provide a breakdown of additional costs using the area provided in EmployNV application process;
- Customer satisfaction surveys demonstrate a history of challenges with the program(s) or provider;
- Has failed or failed to respond to the Corrective Action Plan and or the Site Visit request;
- The training provider has a history of failure to provide refunds as required under their or Workforce Programs policy;
- The program(s) offered are no longer an In-Demand Occupation (SCP 1.11) or the cost is too high for provider budgets;
- The training program is available for free or lower cost from the same or another source in the community or to non-WIOA participants. (2 CFR § 200.404);
- The training provider is now debarred from doing business with the Federal Government, reference SCP 5.1;
- Is in process of renewing accreditation and/or licensure; or
- Other infractions as deemed appropriate by the State/Workforce Programs/LWDB.

Note: In order to block viewing access to the ETPL, the entity must be made inactive by the LWDB in EmployNV. See EmployNV User Guide.

Provider/Programs Blocked for All Participation: (WIOA Sec. 122(f)(1)(B), 2 CFR § 200)

Per LWDB policy, should the abuse be/suspect of a substantial violation(s) or relate to:

- Items listed above that the provider has failed to address or failed to address in a timely matter per LWDB/State;
- The training provider has not complied with Nondiscrimination and Equal Opportunity Provisions of WIOA (29 CFR § 38, Section 4 of SCP);
- Occupational Health & Safety concerns or violations;

- Acts of fraud, corruption or attempts to defraud the Federal Government including False Claims Act/Anti-kickback Act, misfeasance, nonfeasance, gross/mismanagement, acts that constitute a cause for debarment or suspension;
- Failed to meet timely and accurate reporting requirements; including performance reports;
- Intentional falsification of documents, documentation, reports, including performance;
- The training provider has lost required accreditation/certifications and/or licensure, relevant Instructor(s);
- The inability of the provider to offer programs that lead to recognized post-secondary credentials, gain or retain employment; or
- Other infractions as deemed appropriate by State/Workforce Programs.

The LWDB/State/Workforce Programs must immediately determine the best course of action including blocking all students/participants from the Provider campus(s) temporarily or permanently per WIOA, Federal, State, City, County, NRS or LWDB law/policy.

NOTE: In order to block viewing access to the ETPL, the entity must be made inactive by the LWDB in EmployNV. See EmployNV User Guide.

Repayment of Program Funds: (WIOA Sec. 122(f); 2 CFR § 200.410)

A provider of training services whose eligibility is terminated due to the aforementioned termination causes shall be liable for the repayment of funds of all adult, dislocated worker, and youth funds received under Title I-B of WIOA or WIA during the period of non-compliance. No repayment funds should be collected from the training provider until the opportunity to appeal is over which is 90 days from the date of the initial denial notice.

Financial Reimbursement: (WIOA Sec. 122(f)(1)(C))

An Eligible Training Provider whose eligibility is terminated as a result of the reasons specified [in WIOA regulations, ***this policy***] or any other egregious acts, shall be liable for repayment of all funds received during any period of noncompliance.

Appeal Process

Following issuance of a denial of eligibility, determination of suspension or termination of eligibility the training provider will have 30 days in which to submit an appeal, in writing, to the GWDB per SCP 4.4.

Within 30 days of the receipt of the appeal, the training provider will be notified of the date, time, and place where a due process hearing will be conducted. After that hearing a decision will be issued within 30 days.

All appeals must be forwarded, in writing, to the following:

Office of Workforce Innovation (OWINN)
555 East Washington Ave # 4900
Las Vegas NV 89101

With a copy to:

Nevada Department Employment, Training and Rehabilitation

(Workforce Programs)
500 East Third St.
Carson City, NV 89713

And the appropriate LWDB; either

Workforce Connections
6330 West Charleston Boulevard, Suite 150
Las Vegas, NV 89146

Or

Nevadaworks
639 Isbell Road, Suite 420
Reno, NV 89509

Violation Procedure: (TEGL 2-12, SCP 4.7 and 5.2)

The LWDB must have a written violation procedure to capture, report and retain documentation for all suspected violations to the ETPL contract. It can consist of a Pre-Report which could be verbal (LWDB to State/Provider and vice versa) to gain/concur information/direction to Workforce Programs/LWDB/DOL, written Initial Incident Report (IR), Supplemental Incident Report (SIR) and Final Incident Report (FIR) and progress Office of Inspector General (OIG) as appropriate per TEGL 2-12 Incident Reporting (IR) 1-156 requirements. It is imperative that reporting be done immediately upon learning of the alleged violation, even if many details are still unknown. The procedure must indicate how the alleged violation was identified, i.e. training program/site monitoring, participant complaint, continued eligibility review, or other means that provide evidence of potential non-compliance with contract, policy or law. The outcome of the investigation will determine whether the provider can continue to receive referrals for participation in Occupational Skills Training through providers on the ETPL.

Reference SCP 4.7/5.2 for full details in incident reporting.

The violation procedure must include how the LWDB will communicate with the provider, a process for corrective action if applicable and blocking new/all enrollments. LWDB policy must include the procedure for reversing the block as the infraction(s) are cleared, as appropriate.

The policy must describe the appropriate steps to be taken including the procedure for removal of all students from the training if necessary, best practice procedure for re-assignment, in a timely manner, to another eligible training provider as appropriate.

The LWDB will issue the IR to Workforce Programs per SCP 4.7 for processing to DOL/OIG unless otherwise authorized by Workforce Programs.

Reactivation:

LWDB/State may reactivate a provider/program previously blocked from new participants from the ETPL, if the training provider makes a written request to the LWDB to reactivate the program and demonstrates compliance with all eligibility, reporting and operating requirements. Note that reactivation is at the discretion of LWDB. Reference Corrective Action Plan (CAP) requirements.

Only the State/Workforce Programs can approve the reactivation of a provider/program as presented by the LWDB, if it has previously been blocked of all student/participants and once it

has been proven to be in compliance of all regulations, issued a corrective action plan sufficient to the State/LWDB, and completed the required 2-year suspension time frame and repayment of funds for period of noncompliance as applicable.

Additional Requirements:

LWDBs must have written policy to address how they will ensure Training Providers will meet the requirements set forth by WIOA, State (including appropriate NRS), and include:

- Providers Blocked from New Enrollments;
- Providers Blocked from All Enrollments;
- Defining minor violations;
- Timely and thorough review of provider EmployNV registration, applications and notifications (provider and program(s), including required accreditations, licensure, reports and required performance;
- Timely and thorough review of provider biannual re-application through EmployNV to include review of customer/program staff/ etc. complaints/incidents, Board, State or Federal reviews/investigations and performance to date;
- A monitoring on-site inspection schedule (at least bi-annually) to ensure alignment with Section 4 of SCP including harassment, discrimination, accessibility for individuals with disabilities, appraisal for hazards etc. and Section 5 of SCP to dissuade fraud & abuse, at a minimum;
- Investigative process including requirements of written documentation, retention (5 years from final disposition) and retrieval of said documentation;
- A written complaint (customer, program staff, etc.) process including requirements of written documentation and retention of;
- Process for determining when a provider should remain on the ETPL when there have been no enrollees within the past year(s); and
- Procedure how the LWDB will work with the training provider, reporting persons/agencies, law enforcement, State and Federal personnel as necessary for investigative purposes, corrective action plans, documentation, retention and reporting of required incidents.
- Written procedure, including timeline, for checking for debarred companies at Office of Federal Contract Compliance Programs:
<https://www.dol.gov/ofccp/regs/compliance/preaward/debarlst.htm> or
System for Award Management (SAM):
<https://www.sam.gov/SAM/>

Reference SCP 4.7 and 5.2 for Incident Reporting requirements.