

WIOA Title I Training & Maryland's Eligible Training Provider List | October 26, 2017

TO: Division of Workforce Development and Adult Learning
(DWDAL) staff and Local Workforce Development Area (LWDA)
directors

FROM: Division of Workforce Development and Adult Learning
Maryland Department of Labor, Licensing and Regulation

SUBJECT: WIOA Title I Training & Maryland's Eligible Training Provider List

PURPOSE: To provide comprehensive policy guidance on processes related to
Maryland's Eligible Training Provider List

ACTION: Local Workforce Development Area directors, American Job Center (AJC)
labor exchange administrators, and central office managers will ensure all
employees are aware of and receive copies of this policy. DWDAL policies
are available [on the DLLR website](#).

EXPIRATION: Until cancelled or replaced.

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CANCELLATIONS

The following policies are hereby cancelled and replaced by this policy issuance:

- Policy Issuance 2015-06, “Interim Policy on Maryland’s Eligible Training Provider List (ETPL),” dated July 22, 2015;
- Workforce Investment Field Instruction (WIFI) 08-09, “Maryland State List of Occupational Training Providers,” dated April 10, 2010;
- WIFI 05-00, Change 1, “Maryland State List of Occupational Training Providers,” dated June 24, 2003;
- WIFI 11-99, “Training Provider System,” dated April 4, 2000.

Archived policies are available at: <http://www.dllr.state.md.us/employment/>.

GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner Peyser Act, and the Rehabilitation Act of 1973. By design, the workforce system established under WIOA is integrated to help both businesses and jobseekers. WIOA envisions connecting businesses with job seekers, through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training and support services to succeed in the labor market. Through the American Job Centers (AJCs), WIOA works to address employer needs by matching them to the skilled workers they need to compete in the global economy.

ELIGIBLE TRAINING PROVIDER LIST

Under WIOA, training is provided to eligible adults, dislocated workers, and youth¹ through a robust eligible training provider and program list (ETPL), comprised of entities with demonstrated capabilities of training individuals to enter quality employment. WIOA specifies that the Governor (or Governor's designee) is responsible for ensuring that programs meet ETPL eligibility criteria and performance levels established by the State. As the Governor's designee, Maryland Department of Labor, Licensing and Regulation (DLLR) plays a leadership role in ensuring the success of the ETPL in collaboration with the State's 12 Local Workforce Development Boards (Local Boards) and other partners, such as Maryland Higher Education Commission (MHEC).

Maryland's ETPL and the related eligibility procedures ensure the accountability, quality, and labor market relevance of programs of training services that receive funds through WIOA Title I, Subtitle B. WIOA's requirements regarding the ETPL pertains to WIOA Title I, Subtitle B funds only. Core programs and partners other than the WIOA Title I programs are not required to use the Eligible Training Provider List and programs,² although States may choose to employ their ETP list for other activities.

When developing this policy, the State had the following goals in mind:

- Ensure that Local Areas have sufficient numbers and a diverse pool of quality providers of in-demand training;
- Create an effective marketplace for the training programs available to WIOA participants³ with Individual Training Accounts (ITAs);
- Reduce burden on training providers to submit accurate performance information and to guide WIOA participants, in conjunction with staff, in selecting training in the State and Local Workforce Development Areas;
- Prohibit discrimination by training providers in accepting and enrolling WIOA program participants; and,

¹ Youth funds for individual training accounts (ITAs) are for out-of-school youth aged 16-24. In accordance with 20 CFR 680.430, when using youth funds for ITAs, the ETPL must be used. Accessing the ETPL allows the program to avoid further procurement processes. In-School-Youth (ISY) cannot use youth program-funded ITAs. However, ISY between the ages of 18-21 may co-enroll in the WIOA Adult program if the young adult's individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

² States may choose to employ their Eligible Training Provider List for other activities and Maryland is still in the process of exploring this option.

³ All other program participants hereafter are referred to as "Non-WIOA participants."

- Provide information on eligible training programs to WIOA participants in a way that helps them make informed decisions, along with staff and within local policy, on how to use their ITAs.

DLLR Responsibility

As the State workforce agency, DLLR has been designated as the entity responsible for defining and carrying out the processes and procedures for determining the eligibility of training providers and programs of training services. DLLR is specifically responsible for:

- Developing and maintaining the State ETPL and programs as described in 20 CFR 680.450 (initial eligibility), 20 CFR 680.460 (continued eligibility), and 20 CFR 680.490 (performance and cost information reporting requirements);
- Ensuring that programs meet eligibility criteria and performance criteria established by DLLR;
- Removing programs that do not meet State-established program criteria or performance levels, as described in 680.480(c) and in this policy;
- Taking appropriate enforcement actions against providers that intentionally supply inaccurate information or that substantially violate the requirements of WIOA, as described in 680.480(a) and (b); and,
- Disseminating the ETPL, accompanied by performance and cost information related to each program, to the public and the Local Boards throughout the State, as further described in 680.500.

Local Workforce Development Board Responsibility

The State's Local Boards⁴ are responsible for the following functions:

- Carrying out the policies and procedures assigned to the Local Board consistent with this policy issuance;
- Documenting local policies and procedures as related to ETPL, including the handling of Personally Identifiable Information (PII) and the Family Educational Rights and Privacy Act (FERPA);
- Ensuring the protection of PII and other sensitive information;
- Working with DLLR to ensure there are sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and adults in need of adult education and literacy activities described under WIOA sec 107(d)(10)(E), serving the Local Area; and,
- Ensuring the dissemination and appropriate use of the Maryland ETPL through the local AJC delivery system.

A Local Workforce Development Board may set higher levels of performance than required within this policy as criteria for training programs to become or remain eligible to provide services in that Local Area, except with respect to Registered Apprenticeship programs. See page 17 for information on Registered Apprenticeship programs and the ETPL.

⁴ A Local Board may delegate its authority to the Director of the local workforce development area (or other designee). A delegation can only be accomplished through a resolution of the Local Board, or by a process that is identified in the WIOA Local Plan.

WIOA TRAINING, ITAs & THE ELIGIBLE TRAINING PROVIDER LIST

TRAINING UNDER WIOA TITLE I

Certain WIOA Title I funds are provided to Local Workforce Development Areas for the purposes of delivering training services to eligible adults and dislocated workers who have been determined to:

- Be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency⁵ or wages comparable to or higher than wages from previous employment through career services alone;
- Be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment;
- Have the skills and qualifications to successfully participate⁶ in the selected program of training services;
- Be unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds or Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants;⁷
- Be a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination;⁸
- Be determined eligible in accordance with the State and local priority system in effect for adults under WIOA sec. 134(c)(3)(E) if training services are provided through the adult funding stream.

Training is based on funding availability. To receive WIOA funded training, an eligible individual selects a training program that is directly linked to in-demand employment opportunities, as determined by State and local plans as well as labor market information, in the Local Area, the WIOA Planning Region, or in another area to which the individual is willing to commute or relocate. Selection of training services should be conducted in a manner that maximizes informed customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance.

Per 20 CFR 680.200, training services may be delivered in person, online, or in a blended approach, and may include:

1. Occupational skills training, including training for nontraditional employment;
2. On-the-job training;⁹
3. Incumbent worker training in accordance with WIOA;¹⁰
4. Programs that combine workplace training with related instruction, which may include cooperative education programs;¹¹
5. Training programs operated by the private sector;
6. Skill upgrading and retraining;
7. Entrepreneurial training;
8. Transitional jobs in accordance with WIOA;¹²

⁵ Each Local Workforce Development Board defines “self-sufficiency” for its respective local area. The definition can be found in the Local Area’s WIOA Plan, found at <https://www.dllr.state.md.us/wdplan/wioalocalplans.shtml>.

⁶ With or without reasonable accommodation

⁷ See 20 CFR 680.230 and WIOA sec. 134(c)(3)(B) for provisions relating to fund coordination.

⁸ If the petition is certified, the worker may then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA.

⁹ See 20 CFR 680.700, 680.790, 680.730.

¹⁰ See WIOA Section 134(d)(4) and 20 CFR 680.780, 680.790, 680.800, 680.810, and 680.820.

¹¹ A cooperative program is a structured method of combining classroom-based education with practical work experience.

9. Job readiness training provided in combination with any of the services 1-8 above;
10. Adult education and literacy activities, including activities of English language acquisition and integrated education and training (IET) programs, provided concurrently or in combination with services 1-7 above;¹³
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.¹⁴

Local Boards must ensure that training services provided via WIOA Title I funds are provided in a manner that maximizes informed customer choice in the selection of an eligible provider of training services.

INDIVIDUAL TRAINING ACCOUNTS

If an eligible individual seeking WIOA Title I training, in conjunction with Local Area staff, selects an eligible provider of training services from the ETPL, then the Local Workforce Development Area involved must, to the extent practicable, refer such individual to the eligible provider of training services and arrange for payment for such services through an Individual Training Account (ITA)¹⁵.

WIOA allows for DLLR to impose limits on ITA duration and dollar amount, however, the Department currently delegates this responsibility to the Local Boards. In formulating 2016-2020 [WIOA Local Plans](#), the Governor's Workforce Development Board and DLLR required Local Boards to provide the following information related to training and ITAs:

- A description of how the Local Board will use ITAs based on high demand, difficult to fill positions identified within local priority industries recognized in the Local Plan;
- A description of the Local Area's Individual Training Account policy, including information such as the selection process, dollar limits, duration, etc.; and,
- A description of how training services under Chapter 3 of Subtitle B will be provided in accordance with Section 134(c)(3)(G), including if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter, and how the Local Board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided.

The Act and WIOA Final Rules allow for limits to ITAs in different ways:

- There may be a limit for an individual participant based on the needs identified in the Individual Employment Plan (IEP), such as the participant's occupational choice, goal, or the level of training needed to succeed in that goal; or,
- There may be a policy decision to establish a range of amounts and/or maximum amount applicable to all ITAs.

An individual may select training that costs more than the maximum amount available for ITAs under a local policy when other sources of funds are available to supplement the ITA. Each Local Board, through the American Job Center system, is responsible for coordinating funding for ITAs with funding from other Federal,

¹² See WIOA Section 134(d)(5) and 20 CFR 680.190, 680.195

¹³ As explained in 20 CFR 680.410 and 680.350, WIOA Title I adult and dislocated worker funds may be used for programs of training services that provide adult education and literacy activities if they are provided concurrently or in combination with occupational skills training and training services specified in 20 CFR 680.350. For example, English as a second language may be part of a program of training services that leads to measurable skill gains toward postsecondary credentials, industry-recognized credentials, or employment. USDOL added a cross reference to 20 CFR 680.350 in 680.420(b) to clarify that a participant may utilize a program offering a secondary school diploma or its equivalent only when that program is offered in conjunction with occupational skills training and other training options listed at 20 CFR 680.350.

¹⁴ See WIOA CFR 680.760 and 680.770

¹⁵ Contracts for services may be used instead of ITAs in certain circumstances. See pages 22-24 for details on "exceptions."

State, local, and private job training programs or other sources to assist in obtaining training services, as practicable. Consistent with 20 CFR 680.340(a), priority consideration must be given to programs that lead to postsecondary credentials that are aligned with in-demand industry sectors or occupations, as specified in the local area's approved WIOA Local Plan.

A Local Board's referral may be carried out by providing a voucher or certificate directly to the adult or dislocated worker to obtain the training or training provider. ITA funds are used to pay the training provider to cover the cost of the training program, in whole or part. Personally Identifiable Information (PII) and other sensitive information must be protected by the Local Board and training provider.¹⁶ Local Boards and training providers must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals in the ITA invoicing process and to protect such information from unauthorized disclosure. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means.

“ELIGIBLE TRAINING PROVIDERS”¹⁷

An Eligible Training Provider (ETP) is the only¹⁸ type of entity that receives funding for training services through an ITA. This means that if an entity is not on the Maryland ETPL, the entity cannot receive ITA funds for training services. In accordance with 20 CFR 680.410, an ETP must be included on the Maryland Eligible Training Provider List and must be one of the following types of entities:

- An institution of higher education¹⁹ that holds a certificate of approval from the Maryland Higher Education Commission (MHEC) or is legally authorized by another State and provides a program that leads to a recognized postsecondary degree or credential;
- An entity that carries out a program registered under the National Apprenticeship Act;²⁰
- A public or private provider of training services, which may include:
 - A Private Career School that holds a certificate of approval from the authorizing agency or holds a letter of exemption issued by MHEC;
 - A community based organization;
 - A joint labor-management organization; or,
 - An eligible provider of adult education and literacy activities under WIOA Title II if such activities are provided in combination with certain training services;²¹ or,
- A Local Board.²²

All eligible training providers are subject to the equal opportunity and nondiscrimination requirements set forth in WIOA Section 188.

Local Workforce Development Board as Eligible Training Provider

In accordance with 20 CFR 679.410(c), a Local Board is prohibited from providing training services, unless the Governor grants a waiver in accordance with the provisions of WIOA Section 107(g)(1). The Governor may grant a waiver only in instances where: (1) there is an insufficient number of eligible training providers to meet

¹⁶ See pages 26-27 for more on PII and Confidentiality.

¹⁷ Training programs, not the providers, will be on the ETPL.

¹⁸ Contracts for services may be used instead of ITAs in certain circumstances. See pages 22-24 for details on “exceptions.”

¹⁹ As defined in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1))

²⁰ See page 17 for more on Registered Apprenticeships and the ETPL.

²¹ See 20 CFR 680.350.

²² See “Local Workforce Development Board as Eligible Training Provider” on pages 8-9 for additional details.

local demand in the local area; (2) the Local Board meets the requirements for eligible training provider services under WIOA Section 122; and, (3) and the program of training services prepares participants for an in-demand industry sector or occupation in the Local Area. In accordance with WIOA Section 107(g)(1) and 20 CFR 679.410, if a Local Board wishes to become an ETP, the Local Board chair should submit a written waiver request to the DLLR Director of Workforce Development. At a minimum, the written waiver request must include:

- Satisfactory evidence that an insufficient number of eligible providers of such a program of training services exists to meet local demand in the Local Area;
- Information demonstrating that the Board meets the requirements for an eligible provider of training service, as outlined in this policy;
- Information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the Local Area;
- A public comment period of at least 30 calendar days to make the proposed waiver request available to existing ETPs and other interested members of the public; and,
- All comments received during said public comment period.

If DLLR decides to grant a waiver, the waiver cannot exceed the duration of the Local Board’s WIOA Local Plan. DLLR may consider waiver renewals under a Local Board’s subsequent WIOA Local Plan, if the Local Board meets the requirements in making the requests. A waiver renewal cannot exceed the duration of the WIOA Local Plan that is in effect.

DLLR, in consultation with the Governor’s Workforce Development Board, has the authority to revoke the waiver if the Governor determines that the waiver is no longer needed or if it has been determined that the Local Board involved has engaged in a pattern of inappropriate referrals to training services operated by the Local Board.

“PROGRAM OF TRAINING SERVICES”

According to 20 CFR 680.420,²³ a “program of training services” is one or more courses or classes, or a structured regimen, which provides the training services described above and leads to:

1. An industry-recognized credential;²⁴
2. A certificate of completion of a Registered Apprenticeship;
3. A license recognized by Maryland or the Federal government;
4. An associate or baccalaureate degree;
5. A secondary school diploma or its equivalent;²⁵
6. Employment; or
7. Measurable skill gains toward a credential described in 1-4 above or employment.

Programs of training services should be inclusive of non-credentialed training, such as incumbent worker training, work-based learning opportunities, or single courses that fall within a career pathway. A program of training may involve one course of three days or less, if the course leads to one of the outcomes described in #1-7 above.

²³ See 20 CFR 680.200 for additional federal guidance on WIOA Title I training.

²⁴ In the WIOA Final Rules, the U.S. Department of Labor chose not to define the term “industry-recognized credential” and used the term “industry-recognized certificate or certification” in the definition of “program of training services” in order to mirror the definition of “recognized postsecondary credential” under WIOA. The term “industry-recognized credential” is an evolving term and the Department determined that defining it in the regulation may limit future innovation around industry-relevant training.

²⁵ If they are provided concurrently or in combination with one or more of the training services listed 1-7 on page 6. See 20 CFR 680.350.

CUSTOMER CHOICE REQUIREMENTS

Under 20 CFR 680.340, training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed customer choice in selecting an eligible provider. Each Local Board, through the American Job Center system, must make available Maryland's ETPL website, which contains a description of the training program, key costs, and performance information to inform customer choice and decision making.

In conjunction with local workforce staff and in adherence with State and local policy, and the WIOA State and Local Plans, an individual who is determined eligible for training services may select a provider to help meet his or her IEP goals. Unless the program has exhausted training funds for the Program Year (PY), the American Job Center must refer the individual to the selected eligible training provider and establish an ITA for the individual to pay for the training.

An individual may choose a training provider or program outside of the Local Workforce Development Area, provided that the training program is on the Maryland ETPL. An individual may choose an ETP program outside of Maryland when a reciprocal or other agreement exists between Maryland and another state, such that a Maryland ITA will be accepted as payment for training. See page 21 for information on reciprocal agreements and out-of-State providers.

EXERCISE OF TRANSITION AUTHORITY

DLLR is utilizing its transition authority to ensure a smooth shift to Maryland's new, WIOA-compliant ETPL policy. This means that:

- Any program that was approved for ETPL inclusion prior to this policy's issuance will remain on the ETPL and will not need to reapply; however, DLLR will consider all programs (including existing programs on the ETPL) as "new" for purposes of continued eligibility. This will allow for programs already on the ETPL to transition to the new requirements alongside programs approved after this policy's issuance.
- The State will consider all ETPL applications via the process described in this Policy Issuance, including those submitted by providers of programs that were denied under previous policy.

INITIAL ELIGIBILITY

The process of initial eligibility for inclusion on the ETPL is designed to ensure that WIOA participants are using ITAs for high-quality training programs that are likely to result in positive employment outcomes. The eligibility review process provides an opportunity to assess whether training programs meet the quality standards required by Maryland to be included on the ETPL and to ensure customers have access to up-to-date information about program requirements and costs.

DLLR, in consultation with the Governor's Workforce Development Board, is charged with establishing eligibility criteria and procedures for the initial eligibility of training providers and programs to receive funds under WIOA Title I, Subtitle B. The State and its 12 Local Boards 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. Under WIOA and per U.S. Department of Labor guidance, State and Local Boards do not have authority to waive eligibility requirements.

DLLR will use the information provided in ETPL application to inform customers and stakeholders on: (1) the ETPL website and other related public materials; and, (2) the ETPL annual performance report. See page 16 for details on the annual performance report.

The following sections of this policy provide instruction for training providers seeking initial ETPL eligibility.

APPLYING FOR INITIAL ETPL ELIGIBILITY

The application process for initial ETPL eligibility has two steps²⁶:

STEP 1. A provider must complete and submit electronic application by clicking here: <http://www.doit.state.md.us/selectsurvey/initialetpl>.

Note: *Attachment A – Example of Application for Initial ETPL Eligibility* is included as an example of the online application. *Attachment B – ETPL Application Checklist* is included to assist providers in completing application.

STEP 2. Once the online portion of the application has been submitted and received, DLLR will confirm application receipt in writing and will provide instruction on where to submit required application enclosures (see Attachment A for details on required enclosures). Once DLLR confirms receipt of enclosures, the application will be considered complete.

As shown on the application template, applications must include the following key elements in addition to all other information requested in the application:

- Description of partnership with and relevancy for business;
- Description of how the provider's training services align with in-demand industry sectors and occupations, as specified in the WIOA State and/or Local Plan(s);
- At least 2 quarters of verifiable performance outcome data²⁷ for initial ETPL consideration could include any one of the following:

²⁶ Unless the program must also submit a separate application to MHEC for inclusion as a Private Career School. See pages 13-14 for details on Private Career School Approval.

²⁷ WIOA Section 122 gives the Governor (or designee, which is DLLR in Maryland) discretion to determine the procedures for initial eligibility. In an effort to allow the Governor flexibility in establishing procedures that are most relevant and applicable to the Governor's State, 20 CFR 680.450(e)(2) requires the initial eligibility procedures to take into account "a factor related to the indicators of performance" as described in WIOA

- Carl D. Perkins Act performance outcome reports;
- EARN Maryland performance outcome reports;
- Private Career School annual reports;
- Performance data that have been previously submitted to the United States Department of Education, or a recognized regional or national Institutional Accrediting Agency;
- Performance information submitted to a State outside of Maryland for ETPL eligibility purposes; or,
- A password protected .ZIP archive containing customer-level data (i.e., social security numbers) that DLLR can match to unemployment insurance wage records to determine the following employment outcomes:²⁸
 - The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
 - The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
 - The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
 - 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;
- Commitment from the program provider to begin collecting and reporting to DLLR the social security numbers of all individuals engaging in the program (to include all WIOA-funded participants and all non-WIOA funded participants) on an annual basis,²⁹ as prescribed by DLLR, once included on the ETPL in order to meet performance requirements of WIOA Sections 116(b)(2)(A)(i)(I)-(IV), 20 CFR 680.460(g)(1)-(4), and 20 CFR 361.230.³⁰

Initial eligibility for a particular program expires after one year of initial approval, and therefore, providers must apply for continued eligibility within 30 days of the application deadline.

Training Provider Regulatory Determination

All applicants that do not already possess a Certificate of Approval from the Maryland Higher Education Commission (MHEC) must first submit a Training Provider Questionnaire to MHEC. The Questionnaire can be accessed at:

http://www.mhec.state.md.us/institutions_training/Documents/pcs/PCS_Training_Quest_082911.DOC.

MHEC uses the information provided in the questionnaire to: (a) determine whether or not the training proposed requires a Certificate of Approval issued by MHEC; (b) receive a letter of exemption or “not regulated status” from MHEC (not required to obtain a Certificate of Approval from the Commission); or (c) to be advised that the entity must seek approval from the higher education authority in the home State where the out-of-State training provider is conducting training and included on the home State’s ETPL.

Sections 116(b)(2)(A)(i)(I)-(IV) and 680.460(g)(1) through (4) which include unsubsidized employment during the second quarter after exit, unsubsidized employment during the fourth quarter after exit, median earnings and credential attainment.” This does not mandate a specific factor and it is at the Governor’s discretion to determine what information to require for the applicant to meet this requirement. In addition, as stated by USDOL in its release of the WIOA Final Rules, the eligibility requirements in the regulations are quite flexible inasmuch as they require the Governor to take certain factors into account, they do not prescribe what weight is given to any one factor.

²⁸ Data submission questions may be directed to the WIOA Training Program Manager.

²⁹ See pages 26-27 for information related to Personally Identifiable Information & confidentiality concerns.

³⁰Programs of training applying for initial eligibility will likely be applying to serve WIOA participants for the first time and will not have results available for WIOA participants.

It is important to note that some applicants may be deemed subject to the MHEC private career school regulations, and therefore, these entities will be mandated to first submit an application to MHEC for private career school consideration prior to inclusion on the Maryland ETPL. Additional information on how to apply for MHEC approval to operate a private career school in Maryland can be found here:

http://mhec.maryland.gov/institutions_training/Pages/career/pcs/apprfactsheet.aspx.

New Programs

In an effort to be nimble and responsive to the workforce needs of the business community, DLLR allows providers of new programs to apply for ETPL inclusion. For purposes of the ETPL, a “new program” is defined as a program that has been offered for less than 12 months. For ETPL purposes, a material alteration of an existing program fits DLLR’s definition of “new program.”

A new program is eligible for inclusion on the ETPL without submitting performance information as part of the initial application, but must still complete all other application requirements. Like all providers included on the ETPL, providers of new programs must commit to begin collecting and reporting to DLLR the social security numbers of all individuals engaging in the program (to include all WIOA-funded participants and all non-WIOA participants) on an annual basis, as prescribed by DLLR.

APPLICATION REVIEW FOR INITIAL ETPL ELIGIBILITY

Submitted applications must be reviewed within thirty (30) calendar days of receipt by a Review Team comprised of:

- The DLLR WIOA Training Program Manager;
- The DLLR Director of the Office of Workforce Development (or designee);
- A representative of the Maryland Workforce Association (MWA),³¹ designated by the MWA President; and,
- A representative of the Governor’s Workforce Development Board.

Once a completed application has been received, the WIOA Training Program Manager must contact the ETPL Review Team members to begin the application review process. The ETPL Review Team must ensure that approved applications meet Maryland requirements.³²

Performance Considerations for ETPL Eligibility

The ETPL Review Team must consider performance outcomes of the following measures when determining whether a program should continue to be included on the ETPL.

- Has the applicant provided strong evidence to demonstrate that the program provides training in an in-demand industry according to the business community and according to Labor Market Information provided in the Maryland State and/or Local Plan(s)?
- Does a program have a successful employment rate of at least 33 percent for participants?

³¹ The Maryland Workforce Association (MWA), previously referred to as the Workforce Investment Network for Maryland (WIN) is a coalition of executive directors from Maryland’s 12 local workforce agencies. MWA works closely with DLLR and the Governor’s Workforce Development Board to support a comprehensive workforce system.

³² WIOA sec 122(a) requires the Governor to determine eligibility procedures. State and Local Workforce Development Boards do not have authority under WIOA to waive initial or continued eligibility requirements. When issuing Section 680.450 of the Final Rules, the USDOL did not include waiver authority related to the ETPL. However, the USDOL noted that “the eligibility requirements in the regulations are quite flexible because although they require the Governor to take certain factors into account, they do not prescribe what weight is given to any one factor.”

- Does a program of less than 600 clock hours or 16 credit hours have a successful graduation rate of at least 50 percent for participants?
- Does a program of 600+ clock hours or 16+ credit hours have a successful graduation rate of at least 33 percent for participants?

When making a determination, the ETPL Review Team should place strong emphasis on the success of WIOA-funded participants in completing the program, gaining in-demand employment, and retaining in-demand employment.

APPLICATION APPROVAL/DENIAL

The WIOA Training Program Manager must inform applicants in writing (i.e., email) of whether the initial or continued ETPL application has been approved³³ or denied within 30 calendar days of complete application receipt. If denied, the WIOA ETPL Program Manager must provide information to the applicant in writing on why the denial occurred and how to appeal the decision. Page 20 provides details on the appeal process.

³³ Inclusion on the ETPL does not guarantee a provider WIOA funding.

ANNUAL REPORTING REQUIREMENTS & CONTINUED ELIGIBILITY

The U.S. Department of Labor (USDOL) requires DLLR to annually report on the performance of providers included on Maryland's ETPL. The information submitted by providers to DLLR for annual reporting purposes will: assist DLLR in determining whether a program meets requirements for continued ETPL eligibility; assist WIOA participants and members of the general public in identifying effective training programs and providers; and benefit providers by widely disseminating information about their programs and potentially as a tool to enhance their programs, which in turn would provide a direct benefit to participants.

To complete the annual report, the WIOA Training Program Manager will rely on information from three key places: (1) data submitted annually for reporting purposes by the providers; (2) information provided in the ETPL application (or provided via ETPL program updates from the training provider to the WIOA Training Program Manager); (3) data concerning WIOA participants that are captured in the Maryland Workforce Exchange. As of October 26, 2017, USDOL has not yet finalized the data elements that will be required for federal compliance reporting. Once USDOL has made this information available, DLLR will update this Policy Issuance to provide greater detail on requisite reporting requirements.

In August of each year, the WIOA Training Program Manager is responsible for emailing all providers of ETPL programs (except Registered Apprenticeship programs³⁴) to request program data, which must be submitted to DLLR by October 1st each year. At this time, the WIOA Training Program Manager will also provide instruction for submitting the requisite data. The WIOA Training Program Manager must ensure that the report is completed timely, distributed widely to Maryland's workforce system,³⁵ and made publically available via Maryland's ETPL websites. The State's 12 Local Boards also hold a responsibility for making this report available to WIOA participants. For details on the distribution of ETPL information, see page 25.

As part of the annual review, the WIOA Program Training Manager must also identify programs that are failing to meet requirements. For information on removing programs, see pages 18-19.

³⁴ For information related to Registered Apprenticeships, the WIOA Training Program Manager must consult the DLLR Director of Apprenticeship and Training. See page 17 for details on Registered Apprenticeship and the ETPL, including requirements related to the ETPL annual report.

³⁵ To include distribution to all providers on the ETPL, the local workforce development board directors, and WIOA system partners.

REGISTERED APPRENTICESHIP PROGRAMS

Under WIOA, Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial or continued ETPL eligibility as other training providers. This is because they go through an extensive application and vetting process with the Maryland Apprenticeship and Training Council to become a Registered Apprenticeship program sponsor. Registered Apprenticeship program sponsors are, therefore, automatically eligible for inclusion on the state ETPL and will remain on the list as long as the program is registered or until the program sponsor notifies the Maryland Director of Apprenticeship and Training that it no longer wants to be included on Maryland's ETPL.

In December 2016, DLLR notified all existing Registered Apprenticeship program sponsors of their eligibility to be on Maryland's ETPL. DLLR is committed to adding all Registered Apprenticeship programs that indicate interest to the State's ETPL. For inclusion, sponsors must complete and submit the following form:

<http://www.doit.state.md.us/selectsurvey/RegisteredApprenticeshipProgram>.

Note: *Attachment C – Example of ETPL Form for Registered Apprenticeships* is included as an example of the online application.

It is the responsibility of the Director of Apprenticeship and Training to inform new Registered Apprenticeship programs of the benefits that inclusion on the Maryland ETPL could bring. If a new Registered Apprenticeship program sponsor wishes to be on the ETPL, the Director of Apprenticeship and Training is responsible for ensuring the sponsor is provided with the electronic form and receives technical assistance, as needed. In turn, the WIOA Training Program Manager is responsible for adding the program to the ETPL in a timely manner.

Finally, Section 680.510(a) of the WIOA Final Rule makes clear that Local Boards cannot impose any additional requirements on Registered Apprenticeship program sponsors.

PRE-APPRENTICESHIP & NON-REGISTERED APPRENTICESHIP PROGRAMS

Pre-apprenticeship programs and other apprenticeship programs that are not registered with the Maryland Apprenticeship and Training Council or the USDOL are subject to the standard application and performance requirements that are detailed within this policy.

ANNUAL REPORT

As part of the process undergone to complete the ETPL annual performance report, the WIOA Training Program Manager must coordinate with the Director of Apprenticeship and Training to verify the status of the State's Registered Apprenticeship programs to ensure that the list is current, and any Registered Apprenticeship programs that are no longer registered are removed from the ETPL.

Annually, the Director of Apprenticeship and Training must provide the WIOA Training Program Manager with the following data related to Registered Apprenticeships:

- The number of active Maryland Registered Apprenticeship programs included on the ETPL;
- The percentage of active Maryland Registered Apprenticeship programs included on the ETPL out of all Registered Apprenticeship programs that exist; and,
- The number of Registered Apprenticeship programs removed from the ETPL.

CONTINUED ELIGIBILITY & REMOVAL FROM THE ETPL

A training provider must meet Maryland’s requirements for continued eligibility, as demonstrated via annual performance reporting, and must provide accurate information in order to retain its status as an eligible training provider. The following section details the conditions that warrant removal from Maryland’s ETPL. The WIOA Training Program Manager is responsible for implementing a review related to ETPL removal as part of the annual review. Page 16 provide details on the annual report.

Prior to removal, the WIOA ETPL Program Manager must inform the provider in writing, with at least 10 calendars days of notice, that it will soon be removed from the ETPL and must provide information to the provider on how to appeal the decision. Page 20 provides details on the appeal process.

Beginning 30 days after issuance of this policy, a provider whose eligibility is terminated must be terminated for a minimum of one year.³⁶ When a provider is removed from the list, the WIOA Training Program Manager is responsible for informing the DLLR Director of the Office of Workforce Development, who in turn is responsible for alerting the Local Area directors of the update.

Where a Local Board has established higher minimum performance standards³⁷, the Board may remove a program of training services from the eligible programs in that Local Area for failure to meet those higher performance standards. Under these circumstances, training providers may appeal a denial of eligibility under 20 CFR 683.630(b).

SUBSTANTIAL VIOLATIONS

A training provider is considered to be in “substantial violation” of the requirement to submit timely and accurate information required for completion of the ETP performance report when:

1. The provider fails to give requisite information to DLLR within 30 calendar days of the application deadline;³⁸ or,
2. It has been determined by DLLR that the provider has intentionally supplied inaccurate information or has substantially violated any provisions of Title I of WIOA or the WIOA regulations, including 29 CFR part 38 and WIOA Section 188.

Any provider whose eligibility is terminated under the #2 condition cited above will be removed from the Maryland ETPL in accordance with the enforcement provisions of WIOA Section 122(f) and is liable to repay all adult, dislocated worker, and youth training funds it received during the period of noncompliance.

“IN-DEMAND” DETERMINATION

DLLR is committed to ensuring that its ETPL training programs remain relevant to the State’s business’ needs.

Therefore, if a provider has served zero WIOA Title I participants from the Maryland Local Workforce Development Areas for 2 consecutive years, then DLLR requires the program’s provider to submit the following information to the WIOA Training Program Manager for review for determination of continued ETPL inclusion or else be removed from the ETPL:

³⁶ A provider whose eligibility is terminated for a substantial violation must be terminated for at least 2 years, per 20 CFR 680.480.

³⁷ If a Local Board establishes higher minimum performance standards of performance, these standards and the related processes must be documented in policy.

³⁸ DLLR will take into account exceptional circumstances beyond the training provider’s control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues.

- One (1) letter from a Maryland local workforce development board attesting to how the provider's training services align with local in-demand industry sectors and occupations; and,
- One (1) letter from a Maryland employer affirming the value and quality of the provider's program.

Submitted documentation must be reviewed in within ten (10) business days of receipt by a Review Team comprised of:

- The WIOA Training Program Manager;
- The DLLR Director of the Office of Workforce Development (or designee); and,
- A representative of the Maryland Workforce Association, designated by the MWA President.

Once a determination has been made, the WIOA Training Program Manager must inform the provider of the results in writing.

LOSS OF APPROVAL OR ACCREDITATION

Any training provider or its program that loses its approval by the State or its accrediting body, including Registered Apprenticeship Programs, shall be removed from the Maryland ETPL.

APPEAL PROCESS

Training providers that are denied ETPL designation by DLLR, or are removed from the list by DLLR, may appeal directly to the Assistant Secretary for the DLLR Division of Workforce Development and Adult Learning within 30 calendar days of notification of the action. Appeals must state, in writing, the basis of the appeal, including the facts or issues that support the appeal and a request for a conference if one is desired.³⁹

Training providers shall direct appeals to:

Assistant Secretary
Division of Workforce Development and Adult Learning
Department of Labor Licensing and Regulation
1100 N. Eutaw Street, Room 108
Baltimore, Maryland 21201

Within 30 calendar days of receipt of an appeal, DLLR shall notify all relevant parties (including the Review Team and, as appropriate, MHEC) in writing of the date, time, and location of the appeal conference.

A program provider that fails to file a timely appeal is ineligible for WIOA Title I funding and shall be excluded or removed from the Maryland ETPL for one year after which time the provider may reapply for eligibility.⁴⁰ A program that wins an appeal is eligible to remain on the Maryland ETPL until time for eligibility renewal. The decision of the DLLR Assistant Secretary will be final.

³⁹ In addition to quantitative measures, the appeal for reinstatement may also include qualitative components, such as placement levels of WIOA-only completers, and/or endorsements by a Local Workforce Area, and/or employer requests.

⁴⁰ In cases of substantial violations, the exclusion is two years. See page 18 for information on substantial violations.

ETPL RECIPROCITY AGREEMENTS WITH OTHER STATES

DLLR is committed to ensuring that training is provided in a manner that maximizes customer choice. Recognizing that an individual may wish to attend a training program outside of Maryland, Maryland is actively exploring how it can enter into reciprocal or other agreements with neighboring states, such that a Maryland ITA would be accepted as payment for training. Currently, Maryland DLLR does not have reciprocity agreements in place with any other state. Thus, until Maryland DLLR enters into reciprocity agreements with other states, Local Areas may enter into reciprocal or other agreements with neighboring states, so long as the process is clearly identified and approved in the area's WIOA Local Plan.

EXCEPTIONS TO USING ITAs & THE ETPL

A Local Board may use a contract for services instead of an ITA only when one or more of the following five exceptions apply **and** the Local Area has fulfilled the consumer choice requirements of 20 CFR 680.340, as described below. Local Boards must document local policies and procedures as related to ETPL, including the handling of Personally Identifiable Information (PII) and the Family Educational Rights and Privacy Act (FERPA).

EXCEPTION #1: When the services provided are on-the-job training, customized training, incumbent worker training, or transitional jobs:

- **On-the-Job Training (OJT)** is training conducted by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge and skills essential to the full and adequate performance of the job. Employers match WIOA Title I funding to employ individuals, while they train for the job. *Attachment D – On-the-Job Training under WIOA Fact Sheet* provides additional details on OJT under WIOA.
- **Customized Training** is designed to meet employers’ specific requirements. The training is provided by an employer (or by a training or educational institution on behalf of an employer) and is conducted with a commitment by the employer to employ an individual upon successful training completion. The skills learned are intended to be transferable across the industry. The employer pays a significant portion of the training cost.
- **Incumbent Worker Training** is training for an employer’s existing employee(s), carried out by the Local Board in conjunction with employers or groups of employers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs. Participating employers pay the non-Federal share⁴¹ of the cost of providing the training to their incumbent workers (Note: In accordance with WIOA Section 134, Local Boards cannot use more than 20 percent of funds allocated to the Local Area under WIOA Title I Subtitle B to provide incumbent working training).
- **Transitional Jobs** are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment⁴² who are chronically unemployed or have an inconsistent work history. Transitional jobs should be combined with comprehensive employment and supportive services and they are designed to assist the individuals establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment (Note: In accordance with WIOA Section 134, Local Boards cannot use more than 10 percent of the funds allocated to the Local Area under WIOA Title 1 B to provide transitional jobs.).

EXCEPTION #2: When the Local Board documents determination that an insufficient number of eligible training providers exists in the Local Area to accomplish the purpose of a system of ITAs.

NOTE: According to 20 CFR 680.320, USDOL requires local areas to hold a 30 day public comment period for interested providers when using this exception. Absent USDOL guidance to the contrary, Maryland DLLR has decided to perform this function on behalf of its local areas. To this end, annually, Maryland DLLR is

⁴¹ Local Workforce Development Boards must establish “non-Federal” share of cost, in accordance with WIOA Section 134(d)4D.

⁴² See chart on page 23.

committed to holding a 30 day public comment period to solicit additional providers and encourage them to apply for inclusion on the ETPL. Maryland’s goal is to have a robust ETPL, comprised of a sufficient number of entities with demonstrated capabilities of training individuals to enter quality employment within in-demand occupations, whereby this exception is no longer necessary. Until that aim is fully met, Local Areas may continue to use this exception.

EXCEPTION #3: When the Local Board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization to serve individuals with barriers to employment as defined by WIOA and Maryland in the chart below:

| Maryland’s Target Populations: Individuals with Barriers to Employment⁴³ |
|---|
| Displaced Homemakers |
| Eligible migrant and seasonal farmworkers |
| Ex-offenders |
| Homeless individuals |
| Individuals facing substantial cultural barriers |
| Individuals with disabilities, including youth with disabilities |
| Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act ⁴⁴ |
| Individuals who are English language learners |
| Individuals who are unemployed, including the long-term unemployed |
| Individuals who have low levels of literacy |
| Individuals without a High School Diploma |
| Low income individuals (including TANF and SNAP recipients) |
| Native Americans, Alaskan Natives, and Native Hawaiians |
| Older individuals |
| Single parents (including single pregnant women and non-custodial parents) |
| Veterans |
| Youth who are in or have aged out of the foster care system |

When employing Exception #3, the Local Board must develop criteria to be used in determining effectiveness, particularly as it applies to individuals with barriers to employment to be served. The criteria must include:

- Financial stability of the organization;
- Demonstrated performance in the delivery of services to individuals with barriers to employment through such means as program completion rate, attainment of skills, certificates or degrees that the program is designed to provide;
- Placement after training in unsubsidized employment;
- Retention in employment; and,
- How the specific program relates to the workforce development needs identified in the WIOA Local Plan.

EXCEPTION #4: When the Local Board determines that it would be most appropriate to contract with an institution of higher education⁴⁵ or other provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit

⁴³ These descriptors are used in other Maryland policies. See Maryland WIOA Technical Document for definitions of terms related to WIOA implementation, found at <https://www.dllr.state.md.us/employment/wioatechdoc.pdf>

⁴⁴ This refers to the TANF program. Each State defines lifetime eligibility for TANF. In Maryland, individuals can receive TANF benefits for up to five years. If individuals reach year four and five of receipt of TANF benefits, these individuals become a targeted population according to WIOA, irrespective of the fact that after year five, individuals may continue to receive TANF benefits due to hardship.

⁴⁵ See WIOA Section 4(28) or Maryland WIOA Technical Document, “Definitions for WIOA Implementation” for definition of “institution of higher education.”

consumer choice, as described on page 10. When using this exception, the Local Board must document its determination in writing.

EXCEPTION #5: When the Local Board is considering entering into a Pay-for-Performance contract, and the Local Board ensures that the contract is consistent with 20 CFR 683.510 “What is a Workforce Innovation and Opportunity Act Pay-for-Performance contract?” A WIOA Pay-for-Performance contract strategy is a specific type of performance-based contract strategy that has four distinct characteristics: (1) It is a strategy to use WIOA Pay-for-Performance contracts as they are described in § 683.510; (2) It must include the identification of the workforce development problem and target populations for which a local area will pursue a WIOA Pay-for-Performance contract strategy; the outcomes the local area would hope to achieve through a Pay-for-Performance contract relative to baseline performance; and the acceptable cost to government associated with achieving these outcomes; (3) It must include a strategy for independently validating the performance outcomes achieved under each contract within the strategy prior to payment occurring; and (4) It must include a description of how the State or local area will reallocate funds to other activities under the contract strategy in the event a service provider does not achieve performance benchmarks under a WIOA Pay-for-Performance contract. Prior to the implementation of a WIOA Pay-for-Performance contract strategy, a local area must conduct a feasibility study to determine whether the intervention is suitable for a WIOA Pay-for-Performance contract strategy. WIOA sec. 3 provides that the WIOA Pay-for-Performance contract strategy is a procurement strategy for funds allocated to local areas for the provision of adult, dislocated worker, or youth training services.

DISTRIBUTION OF ETPL INFORMATION

The ability of WIOA participants to make informed decisions about which ETPL training programs are best for them depends on their ability to access accurate and comprehensive information about training programs. WIOA participants' decisions about training programs are likely to be influenced by the program's potential to lead to successful employment outcomes. Therefore, it is particularly important for the ETPL and related information on quality to be publically available. Having information about program cost and performance allows customers to compare programs and select an option that best matches their career goals and needs.

DLLR distributes ETPL information in two key ways, both of which are covered in this section of the policy:

- DLLR's ETPL website;
- DLLR's ETPL annual report.

Local Boards also hold a responsibility for making information on training options available to participants.

DLLR ETPL WEBSITE

DLLR recognizes that WIOA participants need access to information on all training programs that are included on the ETPL to make effective comparisons and weigh options that they may be considering. Therefore, it is important that performance information be publically available. Maryland's ETPL is available via:

- DLLR's website: <https://www.dllr.state.md.us/employment/train/>;
- The Maryland Workforce Exchange Virtual One-Stop: <https://mwejobs.maryland.gov/vosnet/drills/program/ApprovedPrograms.aspx>.

DLLR is required to present ETPL information in a way that is widely available to the public, and that is easily understood, in order to maximize informed customer choice and to serve all individuals seeking information on training outcomes, including WIOA participants and individuals with disabilities.

DLLR's WIOA Training Program Manager is responsible for ensuring that the websites are updated regularly as part of the annual review described below. Local Boards also hold a responsibility for making information on training options available to participants.

In accordance with WIOA Section 188 and the related Section 188 Final Rules, the ETPL must be distributed in formats that are accessible to individuals with disabilities. The ETPL must be accompanied by appropriate information to assist participants in choosing employment and programs of training services. At a minimum, such information must include:

- Recognized postsecondary credential(s) offered; and,
- Performance and cost information.

The ETPL and accompanying information must be made available in a manner that does not reveal Personally Identifiable Information (PII) about an individual WIOA participant. Disclosure of PII from an education record must be carried out in accordance with FERPA, including the circumstances relating to prior written consent. For more information on PII and Confidentiality, see pages 26-27.

PERSONALLY IDENTIFIABLE INFORMATION & CONFIDENTIALITY

WIOA requires States, Local Areas, and ETPs to report on indicators of performance pertaining to employment outcomes. The need to rely on quarterly wage records to prepare those reports, raise complex privacy and confidentiality issues. Under WIOA, eligible training providers may include institutions of higher education, entities that carry out programs registered under the National Apprenticeship Act, 29 U.S.C. 50 et seq., or other public or private providers of a program of training services. For an institution of higher education to be an eligible training provider, it must provide a program that leads to a recognized postsecondary credential. Public and private eligible training providers may include community-based organizations, joint labor-management organizations, or eligible providers of adult education and literacy activities under Title II of WIOA if such activities are provided in combination with certain training services. The federally required evaluations of WIOA-funded training programs require that DLLR match wage records to records maintained by training providers, containing Personally Identifiable Information (PII) (e.g., Social Security Numbers) on WIOA and non-WIOA program participants. Evaluations are required by the USDOL and WIOA in an effort to promote, establish, implement, and utilize methods for continuously improving WIOA program activities and to achieve high-level performance within, as well as high-level outcomes from, the workforce development system. PII and other sensitive information must be protected. Local Boards and training providers must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals in the ITA invoicing process and to protect such information from unauthorized disclosure. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means.

THE FEDERAL EDUCATIONAL RIGHTS AND PRIVACY ACT

The Federal Educational Rights and Privacy Act (FERPA) generally applies to postsecondary institutions that are eligible training providers, as most postsecondary institutions are also recipients of federal funds under a program administered by the U.S. Department of Education. However, some private providers of training services may not be recipients of funds administered by the U.S. Department of Education, including Pell Grants or student loans funded under Title IV of the Higher Education Act of 1965, as amended, and, if they are not, those providers would not be considered educational agencies or institutions under FERPA.

In response to privacy concerns for the dissemination of the ETPL, the USDOL set forth in § 680.500 of the WIOA Final Rules that in developing the information to accompany the ETPL, disclosure of PII from an education record must be carried out in accordance with FERPA, including the circumstances relating to prior written consent. Therefore, DLLR requires all providers that are subject to FERPA to adhere to all FERPA requirements in order to maintain ETPL eligibility.

MARYLAND WIOA MEMORANDA OF UNDERSTANDING

USDOL asserts that states will maintain confidentiality and reliability of data by complying with relevant State law and with WIOA itself. WIOA Section 122(d)(3) states that the ETPL and accompanying information must be made available to participants and to members of the public in a manner that does not reveal PII about an individual participant. WIOA Section 122 does not require that the performance information that accompanies the ETPL be statistically reliable in the same way that WIOA Section 116(d)(6)(C) does for the annual performance reports. In fact, WIOA contains a requirement in Section 116(d)(6)(C) that the disaggregation of data for the performance reports “shall not be required when the number of participants in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant.”

Through its policy on WIOA Memoranda of Understanding (MOUs) and Resource Sharing Agreements (RSAs), Maryland requires the execution of WIOA-compliant MOUs, which serve as a critical mechanism towards ensuring that the roles and responsibilities of the entities involved with Maryland's workforce system are well-defined and mutually agreed upon for the successful operation of the integrated service delivery system in each Local Area. For example, within the WIOA MOU, Local Workforce Areas and partner entities must:

- Commit to respect and abide by the confidentiality policies and legal requirements of all of the other parties and enter into data sharing agreements, as appropriate or required, to protect the confidentiality and security of shared data and to comply with governing law;
- Ensure that the collection and use of any information, systems, or records that contain PII will be limited to purposes that support the programs and activities described within the WIOA MOU; and,
- Ensure that access to software systems and files that contain PII will be limited to authorized staff members who are assigned responsibilities in support of the services and activities described within the WIOA MOU.

REFERENCES

LAW

- [Workforce Innovation and Opportunity Act \(29 U.S.C. 310\) Title I](#);
- [Age Discrimination Act of 1975](#) (42 U.S.C. 6101);
- [Title IX of the Education Amendments of 1972](#);
- [Title VI of the Civil Rights Act of 1964](#) (42 U.S.C. 2000d et seq.)
- [Family Educational Rights and Privacy Act](#) (20 U.S.C. 1232);
- [National Apprenticeship Act](#) (29 U.S.C. 50);
- [Maryland Code Ann. General Provisions, Section 4-307, 4-401 and 4-402](#);
- [Maryland Code Ann., Labor & Employment Article, Section 8-625](#);
- Maryland Code Ann., Education Article, Section 11-202;
- 42 U.S.C. 503.

REGULATION

- [Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule](#) pages 56032-56033, dated June 30, 2016;
- [Workforce Innovation and Opportunity Act; Labor Only Final Rule , subpart D \(Section 680\)– Eligible Training Providers](#) pages 56390-56395, dated June 30, 2016;
- [Workforce Innovation and Opportunity Act; Labor Only Final Rule , Part 603](#), dated June 30, 2016;
- [Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act \(Section 188\)](#), dated December 2, 2016;
- 2 CFR, Chapter 2, “[Office of Management and Budget Guidance for Grants and Agreements](#),”
- 20 CFR Part 603, “[Federal-State Unemployment Compensation \(UC\) Program; Confidentiality and Disclosure of State UC Information](#),”
- Code of Maryland Regulations (COMAR) Title 9 – Department of Labor, Licensing and Regulation, Subtitle 33 – Job Service, Chapter 1 – “[Job Service](#)”;
- COMAR 13B.01.01.03B, [Private Career School Scope Applicability and Exemption](#)”;
- COMAR 09.01.01, “[Implementation of the Maryland Environmental Policy Act](#)”;
- COMAR 13A.11.06.01, “[Programs for Adults with Disabilities](#)”;
- 20 CFR Part 677, “[Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act](#)”
- 20 CFR Part 679, “[Statewide and Local Governance of the Workforce Development Systems Under Title I of the Workforce Innovation and Opportunity Act](#)”
- 20 CFR Part 680, “[Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act](#)”
- 20 CFR Part 683, “[Administrative Provisions Under Title I of the Workforce Innovation and Opportunity Act](#)”
- 29 CFR Part 38, “[Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act](#)”

USDOL GUIDANCE

- Training and Employment Guidance Letter (TEGL) 3-17, “[WIOA Annual Performance Report Submission](#),” dated September 12, 2017;
- Training and Employment Notice (TEN) 36-16, “[Release and Availability of Two Reports: Using Workforce Data Quality Initiative \(WDOI\) Databases to Develop and Improve Consumer Report Card Systems \(CRCS\) and How States Manage Eligible Training Provider Lists: Findings from a State Survey](#),” dated January 18, 2017;
- TEGL 13-16, “[Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act \(WIOA\)](#),” dated January 11, 2017;

- [TEGL 10-16, “Performance Accountability Guidance for Workforce Innovation and Opportunity Act \(WIOA\) Title I, Title II, Title III and Title IV Core Programs,”](#) dated December 16, 2016;
- [TEN 20-16, “Announcing the publication and effective date of the Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations \(29 CFR Part 38\) Final Rule in the Federal Register,”](#) dated December 2, 2016;
- [TEGL 7-16, “Data Matching to Facilitate WIOA Performance Reporting,”](#) dated August 23, 2016;
- [Unemployment Insurance Program Letter \(UIPL\) 20-15, “Unemployment Insurance and the Workforce Innovation and Opportunity Act of 2014,”](#) dated August 13, 2015;
- [TEGL 19-16, “Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act \(WIOA\) and the Wagner-Peyser Act Employment Service \(ES\), as amended by title III of WIOA, and for Implementation of the Final Rules,”](#) dated March 1, 2017;
- [TEGL 1-15, “Operations Guidance Regarding the Impact of Workforce Innovation and Opportunity Act Implementation on Waivers Approved Under the Workforce Investment Act”](#), dated July 1, 2015;
- [TEGL 41-14, “Workforce Innovation and Opportunity Act \(WIOA or Opportunity Act\) Title I Training Provider Eligibility Transition”](#), dated June 26, 2015;
- [TEGL 27-14, “Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions”](#), dated April 15, 2015;
- [TEGL 27-14—Change 1, “Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions”](#), dated May 12, 2015;
- [TEGL 19-14, “Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act”](#), dated February 19, 2015;

OTHER RESOURCES

- [“How States Manage Eligible Training Provider Lists Findings from a State Survey,”](#) dated January 2, 2015 and released by the U.S. Department of Labor on January 18, 2017;
- [Maryland WIOA State Plan](#), dated April 1, 2016;
- [Maryland WIOA Technical Document 2016-01, “Definitions for WIOA Implementation;”](#)
- [Maryland Higher Education Commission, “Policies and Procedures for Maryland Private Career Schools,](#) dated June 15, 2005;”
- [WIOA Local Plans;](#)
- [DLLR Division of Workforce Development & Adult Learning Policy Issuances - \[http://www.dllr.state.md.us/employment/mpi/;\]\(http://www.dllr.state.md.us/employment/mpi/\)](#)

ATTACHMENTS

Attachment A – Example of Application for Initial ETPL Eligibility

Attachment B – ETPL Application Checklist

Attachment C – Example of Registered Apprenticeship Form

Attachment D – On-the-Job Training under WIOA Fact Sheet

ELIGIBLE TRAINING PROVIDER LIST INITIAL ELIGIBILITY APPLICATION

Under the Workforce Innovation and Opportunity Act (WIOA), training is provided to eligible adults, dislocated workers, and youth through a robust eligible training provider and program list (ETPL), comprised of entities with a demonstrated capability of training individuals to enter quality employment. Maryland's ETPL and the related eligibility procedures ensure the approved programs are evaluated based upon the results of individuals who complete the training, attain a recognized credential, and become employed. The data collected reflects the ability to test accountability, quality, and labor market relevance of programs of training services that receive funds through WIOA Title I, Subtitle B.

Prior to applying for ETPL inclusion, all applicants must complete the Maryland Higher Education Commission (MHEC) Training Provider Questionnaire (TPQ) application for determination to see if they are approved by MHEC as a private career school, exempted from approval by MHEC, or approved by the higher education authority in the home state where the out-of-state training provider is conducting training and included on the home state's ETPL. If exempted from approval by MHEC, then the applicant must complete the following process for inclusion on the ETPL.

The application process for initial ETPL eligibility has two key parts:

1. A provider should complete and submit the following application.
2. Once the application has been submitted and received, DLLR will confirm application receipt in writing and will provide next-step instruction regarding where to submit required application enclosures. Once DLLR confirms receipt of enclosures, the application is considered to be complete.

For Step 2, the applicant must submit the following supplemental documents directly to the WIOA Training Program Manager:

1. Copies and/or links to advertisements or promotional materials used to market or recruit for your training program;
2. Three (3) letters from employers affirming the value and quality of the program and describing how your training program prepares individuals for employment in in-demand occupations;
3. One (1) letter or review from a customer completing and working in the industry of training; and,
4. Verifiable performance data for quality assurance purposes.

DLLR is responsible for ensuring that all programs on Maryland's ETPL meet federal and eligibility criteria.

Programs of training applying for initial eligibility will likely be applying to serve WIOA participants for the first time and will, therefore, not have results available for WIOA participants. Therefore, DLLR will accept the following alternative performance outcome reports for purposes of initial eligibility only. Applications for continued eligibility are subject to different procedures. DLLR accepts any one of the following types of performance data for initial ETPL consideration:

- Carl D. Perkins Act performance outcome reports;
- EARN Maryland performance outcome reports;
- Private Career School annual reports;
- Performance data that have been previously submitted to a State, federal, or local government or an authorized accrediting agency;
- Performance information submitted to State outside of Maryland for ETPL eligibility purposes; or,
- A password protected .ZIP archive (using, for ex. [7-zip](#)) containing customer-level data (i.e., Social Security Numbers) that DLLR can match to unemployment insurance wage records to determine the following employment outcomes:

- The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
- The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- 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;
- A completion rate for all program participants for the prior calendar year.

In an effort to be nimble and responsive to the workforce needs of the business community, DLLR allows providers of new programs to apply for ETPL inclusion. For purposes of the ETPL, a “new program” is defined as a program that has been offered for less than 12 months. A new program is eligible for inclusion on the ETPL without submitting performance information as part of the initial application, but must still complete all other application requirements. Like all providers included on the ETPL, providers of new programs must commit to begin collecting and reporting to DLLR the social security numbers of all individuals engaging in the program (to include all WIOA-funded participants and all non-WIOA participants) on an annual basis, as prescribed by DLLR.

A dedicated Review Team will determine whether your application is approved. Applicants should expect to hear the application result within 30 calendar days of application receipt.

If you have questions about this form, please contact:

David Jorgenson
Training Program Manager
410-767-2266
David.jorgenson1@maryland.gov

Lloyd Day
Director Office Workforce Development
410-767-2995
Lloyd.day@maryland.gov

| BASIC INFORMATION | | | |
|---|---|---|----------------|
| Training Provider Name | Employer Identification Number (An EIN is written in the form 00-0000000) | Type of Entity 01 = Private Career/Vocational School (awards below associate degree) 02 = Community College 03 = Two-year Private Technical School (awards associate degrees) 04 = Four-year College or University 05 = Registered Apprenticeship Sponsor/Provider 06 = Secondary School 07 = Public Adult School with Occupational Program 08 = Other Private Non-Profit Provider 09 = Other Private For-Profit Provider 10 = Other Type of Provider | Street Address |
| City | State | County | ZIP code |
| Website address of the program | Contact Person | Telephone | Email |
| TRAINING INFORMATION | | | |
| Date program was established | | | |
| Classification of Instructional Programs (CIP) code: Information on CIP codes can be found here: https://nces.ed.gov/ipeds/cipcode/Default.aspx?y=55 | | | |

| | | | |
|--|--------|--------|--------|
| Please enter up to 3 O*NET Standard Occupational Classification (SOC) codes for which this program prepares students. | | | |
| O*NET SOC code(s) | Code 1 | Code 2 | Code 3 |
| What is the training program's title (e.g. Nursing Assistant, Computer Technician, etc.)? | | | |
| | | | |
| Qualifications required of training staff | | | |
| | | | |
| Does the program award certificates? Certificate(s) awarded: | | | |
| | | | |
| Does the program award certifications? Certification(s) awarded (e.g. Security+, Microsoft Certified Systems Engineer, etc.): | | | |
| | | | |
| Will a program participant receive a degree upon program completion? Degree(s) awarded: | | | |
| | | | |
| Does the program prepare graduates for State and/or Federal licensure? Specify the type of licensing (e.g. Licensed Practical Nurse, etc.). | | | |
| | | | |
| Does the training offer a work-based learning component? Specify the work-based learning component (e.g. internship, Registered Apprenticeship, etc.). | | | |
| | | | |
| Does the training institution provide career services? What career services might an individual expect regarding job availability, placement, and industry sector credentials? | | | |
| | | | |
| How is the training delivered? Please check all boxes that apply. Please describe other training delivery. | | | |
| <input type="checkbox"/> Online <input type="checkbox"/> In-person via an instructor <input type="checkbox"/> A hybrid of online and in-person <input type="checkbox"/> Other | | | |

| |
|---|
| When is training offered? Please check all boxes that apply. Please describe any other class offering times. |
| <input type="checkbox"/> Day <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Other |
| PROGRAM COST |
| Total Tuition |
| \$ |
| Fees |
| \$ |
| Books |
| \$ |
| Supplies |
| \$ |
| Other Costs |
| \$ |
| Please describe other costs. |
| |
| Is this program accredited by an accreditation organization recognized by the U.S. Department of Education, such that participants may qualify for federal financial aid (ex. Pell Grants)? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No |
| PROGRAM DURATION AND REQUIREMENTS |
| Total Credit Hours (only provide credit hours for credit programs offered by degree granting institutions) |
| |
| Total Clock Hours |
| |

| |
|--|
| <p>Total number of weeks required to complete the total training program For a program that is available on a full-time and part-time basis, specify the range (e.g. 4-8 weeks, 12-24 weeks).</p> |
| <p>Scheduled Length For example, a 15 week program scheduled for three five-week sessions with a one week break in between each session has a scheduled length of 17 weeks.</p> |
| <p>Are program participants required to take any proprietary test(s) for entry into a course? (E.g. CASAS, TABE, Accuplacer, etc.) Which test(s)?</p> |
| <p>Mathematics Level</p> |
| <p>Reading Level</p> |
| <p>Admission Requirements Please specify the minimum age for admission. Please describe any other admission requirements.</p> <p><input type="checkbox"/> High School Diploma or GED <input type="checkbox"/> Pass Admission Test <input type="checkbox"/> Minimum Age <input type="checkbox"/> Other</p> |
| <p>“IN-DEMAND” DETERMINATION</p> <p>Provide a description of your training program’s existing partnership with the Maryland business community, if any. Type N/A if none.</p> |
| <p>Please provide a description of how the provider’s training program aligns with in-demand industry sectors and occupations, as specified in the Maryland WIOA State Plan and/or relevant WIOA Local Plan(s).</p> |
| <p>DATA COLLECTION AND WIOA ACT ASSURANCE</p> <p>On behalf of _____, I affirm commitment to begin collecting and reporting to the Maryland Department of Labor, Licensing and Regulation the social security numbers of all individuals engaging in the program (to include all WIOA-funded participants and all non-WIOA funded participants) once included on the ETPL in order to meet performance requirements of WIOA Sections 116(b)(2)(A)(i)(I)-(IV), CFR 680.460(g)(1)-(4),</p> |

CFR 361.230, and Maryland policy.

Agree

On behalf of _____, I affirm commitment to comply fully with the non-discrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act; the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1967, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and 38.

Agree

Application for Initial ETPL Eligibility Check-list

Here is a summary of the information needed to complete Step 1 of the Application for Initial ETPL Eligibility.

Basic Information

- | | |
|--------------------------------|--------------------------|
| Training provider name | <input type="checkbox"/> |
| Employer Identification Number | <input type="checkbox"/> |
| Type of entity | <input type="checkbox"/> |
| Street address | <input type="checkbox"/> |
| City | <input type="checkbox"/> |
| State | <input type="checkbox"/> |
| County | <input type="checkbox"/> |
| Zip code | <input type="checkbox"/> |
| Website address of the program | <input type="checkbox"/> |
| Contact person | <input type="checkbox"/> |
| Telephone | <input type="checkbox"/> |
| Email | <input type="checkbox"/> |

Training Information

- | | |
|---|--------------------------|
| Date program was established | <input type="checkbox"/> |
| Classification of Instructional Programs (CIP) code | <input type="checkbox"/> |
| Applicable O*NET Standard Occupation Classification codes | <input type="checkbox"/> |
| Training title (Nursing Assistant, Computer Technician, etc.) | <input type="checkbox"/> |
| Qualifications required of training staff | <input type="checkbox"/> |
| Certificate(s) awarded | <input type="checkbox"/> |
| Certification(s) awarded (Security+, MS Certified Systems Engineer, etc.) | <input type="checkbox"/> |
| Degree(s) awarded | <input type="checkbox"/> |
| Type of licensing graduates are prepared for | <input type="checkbox"/> |
| Any work-based learning components | <input type="checkbox"/> |
| Any Career services provided | <input type="checkbox"/> |
| How is the training delivered? (in-person, online, hybrid, other) | <input type="checkbox"/> |
| When is class offered? (day, evening, weekend, other) | <input type="checkbox"/> |

Program Cost

- | | |
|-------------------------------------|--------------------------|
| Total tuition | <input type="checkbox"/> |
| Fees | <input type="checkbox"/> |
| Books | <input type="checkbox"/> |
| Supplies | <input type="checkbox"/> |
| Other costs | <input type="checkbox"/> |
| Is federal financial aid available? | <input type="checkbox"/> |

Program Duration and Requirements

- | | |
|--|--------------------------|
| Total credit hours | <input type="checkbox"/> |
| Total clock hours | <input type="checkbox"/> |
| Number of weeks to complete training | <input type="checkbox"/> |
| Scheduled length of training | <input type="checkbox"/> |
| Required proprietary entry tests (CASAS, TABE, Accuplacer, etc.) | <input type="checkbox"/> |
| Mathematics Level | <input type="checkbox"/> |

Application for Initial ETPL Eligibility Check-list

| | |
|--|--------------------------|
| Reading Level | <input type="checkbox"/> |
| Admission requirements (HS diploma or GED, admission test, etc.) | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| “In-Demand” Determination | |
| <hr/> | |
| Description of your program's existing partnership with Maryland business community | <input type="checkbox"/> |
| Description of how your services align with industry sectors (see Maryland WIOA Plans) | <input type="checkbox"/> |
| Data Collection and WIOA Act Assurance | |
| <hr/> | |
| Data collection assurance | <input type="checkbox"/> |
| Nondiscrimination and equal opportunity provisions of WIOA assurance | <input type="checkbox"/> |

Here is a summary of the information needed to complete Step 2 of the Application for Initial ETPL Eligibility.

To complete Step 2, you must submit all of the following supplemental documents directly to the WIOA Training Program Manager:

Supplemental Documents

- | | |
|---|--------------------------|
| Copies and/or links to advertisements or promotional materials used to market or recruit for your training program | <input type="checkbox"/> |
| Three (3) letters from employers affirming the value and quality of the program and describing how your training program prepares individuals for employment in in-demand occupations | <input type="checkbox"/> |
| One (1) letter or review from a customer completing and working in the industry of training | <input type="checkbox"/> |
| Verifiable performance data for quality assurance purposes | <input type="checkbox"/> |

Initial eligibility for a particular program expires after one year of initial approval, and therefore, providers must apply for continued eligibility within 30 days of the application deadline.

Note: If approved, initial ETPL eligibility expires after one year of initial approval for continued ETPL eligibility; providers must adhere to DLLR's Policy Issuance 2017-09, “WIOA Title I Training and the Eligible Training Provider List.”

**Registered Apprenticeship (R.A.) Program Form
For Inclusion on the
Maryland WIOA Eligible Training Provider List**

| | | |
|---|----------------------------------|--|
| 1. R.A. Program Sponsor Name: | 2. FEIN: | 3. Sponsor Maryland Apprenticeship and Training Number: |
| 4. Sponsor Contact Person: <i>First Name:</i> | | <i>Last Name:</i> |
| 5. Sponsor Street Address | | |
| 6. Sponsor City: | 7. Sponsor State: | 8. Zip Code: |
| 9. County: Choose an item. | 10. Website: | |
| 11. Sponsor Telephone | 12. Fax Number: | 13. Email Address: |
| 14. Apprenticed Occupation: | | |
| <i>Complete a new form for each apprenticeship program (save this form & use as a template for others)</i> | | |
| 15. Number of Active Apprentices in this Program: | | |
| 16. Related Technical Instruction (R.T.I.) Time Scheduled: (Check all applicable) <input type="checkbox"/> Day <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Other | | |
| 17. R.T.I. Format: <input type="checkbox"/> Classroom <input type="checkbox"/> Online <input type="checkbox"/> On the job <input type="checkbox"/> Other | | |
| 18. Sponsor-provided R.T.I. Number of Hours: | | |
| 19. Sponsor-provided R.T.I. Weeks to Complete: | | |
| Apprentice Requirement – Optional Information | | |
| 20. Minimum age: | | |
| 21. Minimum education level: <input type="checkbox"/> None <input type="checkbox"/> High school diploma/GED <input type="checkbox"/> Other | | |
| 22. Fees (e.g., application, math assessment): | | |
| 23. Other prerequisites (e.g., ability to lift 50 lbs.): | | |
| Related Technical Instruction – Optional Information | | |
| 24. R.T.I. Provider Name: | | |
| 25. R.T.I. Provider Street Address: | | |
| 26. R.T.I. City: | 27. R.T.I. State: | 28. Zip Code: |
| 29. R.T.I. Total Tuition (if any): | | |
| 30. R.T.I. Fees (if any): | | |
| 31. Books & Supplies (if any): | 32. Other Costs (if any): | |
| 33. Please describe other costs: | | |
| SECTION BELOW FOR DLLR USE ONLY | | |
| Md. Office of Apprenticeship & Training Council: <i>Program Registration Date</i> | | |
| HEGIS Code: | CIP 2010 Code: | ONET Code: |

On-the-Job Training

WIOA allows States and local areas to provide up to 50 percent of the wage rate of a participant, while the participant is in the program.¹ Consistent with WIOA 3(44), wage reimbursement is applicable up to the State wage cap, which is the average hourly wage in the State.² A State or local area may increase the amount of wage reimbursement to 75 percent based on the following factors:

- The characteristics of the participant;
- The size of the employer;
- The quality of employer-provided training and advancement opportunities; and
- Other factors the State or local boards may determine appropriate.

OJT Wage Reimbursement Example:

| Hourly Wage Paid to Employee by the Employer | Hourly Amount Reimbursed to Employer (Based on 10% Reimbursement) | Hourly Amount Reimbursed to Employer (Based on 50% Reimbursement) | Hourly Amount Reimbursed to Employer (Based on 75% Reimbursement) |
|---|---|---|---|
| \$10.00 | \$1.00 | \$5.00 | \$7.50 |
| \$15.00 | \$1.50 | \$7.50 | \$11.25 |
| \$20.00 | \$2.00 | \$10.00 | \$15.00 |
| \$22.00 | \$2.20 | \$11.00 | \$16.50 |
| \$25.00 | \$2.50 | \$12.50 | \$18.75 |
| \$25.75 | \$2.57 | \$12.88 | \$19.31 |
| \$28.00 | \$2.57 | \$12.88 | \$19.31 |
| \$30.00 | \$2.57 | \$12.88 | \$19.31 |
| \$35.00+ | \$2.57 | \$12.88 | \$19.31 |

¹TEGL 03-15: *Guidance on Services Provided Through the WIOA Adult, Dislocated Worker, and Wagner-Peyser Programs*, July 1, 2015.

²TEGL 19-16: *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules*, March 1, 2017.