



OKLAHOMA OFFICE OF WORKFORCE DEVELOPMENT

OKLAHOMA WORKFORCE DEVELOPMENT ISSUANCE #03-2016

TO: Workforce Development Board Chairs
Workforce Development Board Staff

FROM: Michael Widell, Deputy Secretary for Workforce Development

DATE: May 2, 2016

SUBJECT: Eligible Training Provider List

PURPOSE: To provide instruction and guidance, as well as to establish criteria and procedures for training organizations wishing to provide training services under the Workforce Innovation and Opportunity Act of 2014.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) Section 122
- WIOA Proposed Rules (NPRM date 4/16/2015) Section 680
- TEGL 41-14 (6/26/15) and TEGL 41-14, Change 1 (11/24/15) on Title I Training Provider Eligibility Transition

MESSAGE: The Workforce Investment Act (WIA) required the establishment of the eligible training provider list (ETPL) to ensure informed customer choice, performance accountability and continuous improvement. WIOA expands the WIA requirements by increasing accountability and transparency through reporting and biennial review. WIOA further requires that the Oklahoma Office of Workforce Development (OOWD), on behalf of the Governor and in consultation with the Governor's Council for Workforce and Economic Development, establish criteria and procedures regarding the eligibility of training providers to receive WIOA funds for the provision of training services. The state ETPL will identify training providers whose performance qualifies them to receive WIOA training funds through Individual Training Accounts (ITAs). WIOA also requires that a list of Registered Apprenticeship programs be included on the state's ETPL although these programs are not subject to the requirements that other training providers must meet.

Exceptions to the ETPL

Registered Apprenticeship (RA) programs are exempt from performance and reporting-related requirements in order to enable these evidence-based programs to be placed on the statewide



ETPL with minimal burden. These programs have already gone through a rigorous assessment as part of the registration process with the U.S. Department of Labor, Office of Apprenticeship (DOLETA/OA). Inclusion of Registered Apprenticeship programs on the state ETPL enhances participants' awareness of the programs and provides local workforce systems with a mechanism to support this valuable training model. Registered Apprenticeship is a proven approach for employers to build a pipeline of highly-skilled workers, promoting employee retention and increasing productivity. All Registered Apprenticeship openings listed on the ETPL will automatically be considered as a statewide demand occupation for as long as the opening(s) remain unfilled. This will allow ITAs in RA to support participants and more directly connect those programs to one-stop centers. On-the-job training, internships, and paid or unpaid work experience, or transitional employment are not required to be listed on the ETPL.

Categories of Training Providers

- **Category 1:** An institution of higher education that provides a program that leads to a recognized post-secondary credential;
- **Category 2:** An entity – generally known as a Registered Apprenticeship program sponsor – that carries out programs registered under the Act of August 15, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663I 29 U.S.C. 50 et seq.); or
- **Category 3:** Another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training.

A provider described as either a Category 1 or 3 provider must comply with the criteria, information requirements, and procedures established under WIOA Section 122 and this policy to be included on the list of eligible providers of training services. Category 2, Registered Apprenticeship programs, are exempt from initial eligibility procedures and shall be included, maintained, and considered in-demand on the EPTL for so long as the corresponding program of the provider remains open and registered with DOLETA/OA or until the program asks to be removed from the list. The State will work closely with the State Director of DOLETA/OA to obtain relevant information and provide technical assistance as necessary.

WIOA In-Demand Training

Training opportunities should focus on community talent growth and aligning the workforce with targeted industry clusters that lead qualifying individuals to self-sufficiency. The Local Workforce Development Board (LWDB) should assist individuals in the selection of training programs that are directly linked to employment opportunities in their local area. Each local board must establish, maintain, review and update annually a list of existing or emerging occupations that are determined by the LWDB to:

- Be part of the sector of the economy that has a high potential for sustained demand or growth in the local area;

- Target industry clusters within the local area;
- Support economic growth priorities; and
- Address industry-specific shortages.

Note that Registered Apprenticeship programs, if openings for new apprentices exist in the local area, should automatically be considered in-demand training. LWDB staff should contact OOWD for assistance with specific Registered Apprenticeship program inquiries.

Initial and Subsequent Eligibility Requirements

Initial eligibility for all new Category 1 and 3 training providers under WIOA was extended to June 30, 2016. New providers may seek initial eligibility electronically through the Local Workforce Development Areas (LWDAs) and, if approved by OOWD, will remain eligible and listed on the ETPL for only 1 year for a particular program. After the first year, if the provider/program meets subsequent approval requirements, continued eligibility will be reviewed every two years. The criteria and information requirements established by the OOWD require a provider and/or program not previously eligible under this section to provide verifiable information pertaining to:

- Program-specific performance information;
- Description of each program of training service to be offered;
- Program-specific performance information as outlined in this policy;
- A description of the provider's partnership with at least one business if such a partnership exists;
- Other factors that indicate high-quality training services leading to a recognized post-secondary credential; and
- Information addressing the alignment of the training services with in-demand industry sectors and occupations, to the extent practicable.

To meet the subsequent eligibility determination requirements, the following factors must be considered by Local Workforce Development Boards (LWDBs) when electronically recommending to OOWD subsequent eligibility approval to the State:

- The specific economic, geographic, and demographic factors in the workforce areas in which providers seeking eligibility are located.
- The characteristics of the population served by providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable.
- The degree to which training programs relate to in-demand industry sectors and occupations within the state.
- The performance of a provider of program(s) of training services as outlined by the Oklahoma Office of Workforce Development.
- The program cost of training services.
- The involvement of employers in the establishment of skill requirements for the training program.

- The impact provider performance will have on State-negotiated WIOA Performance Measures for all program participants.

Initial and subsequent eligibility will be based on verifiable performance data, as well as programmatic and cost information. This section does not apply to Registered Apprenticeship programs or other excluded types of training programs as stated earlier in this policy.

Performance Requirements for Category 1 and Category 3 Providers

Eligible Training Providers are required to submit annual performance reports. The results will apply to both WIOA and ALL student populations. Additional reporting clarification and reporting templates are still needed from USDOL before required performance levels will be set.

- Entered Employment Rate: The percentage of program participants who are in unsubsidized employment in the second quarter after exit from the program;
- Employment Retention Rate: The percentage of program participants who are in unsubsidized employment in the fourth quarter after exit; and
- Median Earnings: The median earnings of program participants who are in unsubsidized employment during the second quarter after exit.

Conditions for Removal from the ETPL

The State may remove a program or programs from the list for failing to meet the established criteria or for not providing all required performance information for subsequent eligibility. Removal is also appropriate if the program has failed to attain or lost the accreditation required for professional licensure. A training provider that is removed from the list for reasons stated above may reapply for continued eligibility when they can demonstrate that they meet all requirements. Any providers that willfully supply false performance information, misrepresent costs or services, or substantially violate requirements of WIOA law will be removed from the ETPL by the State for a period of not less than two years. Providers are liable to repay all adult, dislocated worker, and youth funds received during the period of non-compliance. No training provider debarred by the Federal Government may be permitted to be placed or remain on the ETPL. In the case of a training provider or a program of training services that is removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency. This section does not apply to Registered Apprenticeship programs, whose registration status is required to be assessed by the OOWD on a biennial basis at a minimum.

Appeal Process

Training providers can choose to appeal the rejection of their program for inclusion on the ETPL, or its subsequent termination of eligibility. The appeal must be submitted in writing via email to Office of Workforce Development within 14 days after notification of the decision. The appeal must include the justification for the appeal in the request. The provider must also have the right to request a hearing to discuss their appeal. If a hearing is requested, a board will be

convened consisting of OOWD management, the OOWD ETPL Administrator, and the LWDB Director. A decision will be made within 60 days of appeal. This will be a final decision and, if the removal is upheld, the program will be prohibited from reapplying for one year from the date of the final decision or for two years if the removal was for submittal of false information.

Responsibilities

The **OOWD** is responsible for:

- The development, maintenance and dissemination of the State list of providers and programs;
- Ensuring programs meet the eligibility criteria and performance levels established by the State;
- Verifying the accuracy of submitted information;
- Removing programs that do not meet established program criteria or performance levels;
- Ensuring performance and cost information relating to each provider is available to the public;
- Finalizing approval for providers and programs recommended by the Local Workforce Development Boards (LWDB);
- Ensuring Registered Apprenticeship program sponsors are contacted to voice their willingness to be part of the ETPL (with assistance from DOLETA/OA);
- Verifying the registration status of Registered Apprenticeship programs on at least a biennial basis; and
- Ensuring new Registered Apprenticeship programs are placed on the ETPL in a timely manner.

The **LWDB** is responsible for carrying out the following procedures assigned by the State:

- Identification of in-demand sectors or occupations for the local area using relevant labor market information;
- Reviewing new and subsequent training providers and programs of training services to ensure accurate eligibility criteria and performance information has been provided prior to submission to the OOWD for final approval;
- Recommending the termination of providers due to the provider's submission of inaccurate eligibility and/or performance information;
- Working with the State to ensure that sufficient numbers of providers of training services have the expertise in assisting individuals with disabilities and training providers are available to assist adults in need of adult education and literacy activities;
- Making recommendations to OOWD for approval or denial of providers and/or programs based on the local area's demand occupation information and the program's performance.

With the exception of Registered Apprenticeships, LWDBs may require additional information and/or set higher levels of performance for providers to become or remain eligible to provider services in their particular area. If a Local Board establishes minimum standards in local policy,

the Local Board may direct the removal of a provider program from the eligible programs in that local area for failure to meet established criteria. The appeal process outlined in this policy must be followed for rejected training providers or those providers removed for cause.

ACTION: This policy is to become a part of your permanent records and made available to appropriate staff.

RESCISSIONS: This guidance rescinds and replaces Oklahoma Employment and Training Issuance (OETI) #09-2005 dated April 27, 2005, Oklahoma Workforce Development Issuances OWDI #07-2013 dated June 28, 2013, and OWDI #05-2015 dated June 22, 2015.

INQUIRIES: If you have any questions or concerns regarding this issuance, please contact Robyn Coman at rcoman@okstate.edu, (405) 945-3374. This policy is available at <http://oklahomaworks.gov/policy-center>.