



Iowa ETPL Policies & Procedures: **Registered Apprenticeship Programs**

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1. Legal References.

- 1.1. Workforce Investment Act of (WIA), Pub. L. No. 105-220 (Aug. 7, 1998).
- 1.2. Workforce Innovation and Opportunity Act (WIOA), Pub. L. No. 113-128 (Jul. 22, 2014).
- 1.3. 20 C.F.R. §§ 677.230, 680.200, 680.400 - 680.530.
- 1.4. U.S. Dept. of Labor (DOL) Employment and Training Administration, Training and Guidance Letter (TEGL) No. 41-14.
- 1.5. National Apprenticeship Act, 29 U.S.C. section 50 *et seq.* (2017).

2. Background.

- 2.1. WIOA was signed into law on July 22, 2014.
- 2.2. On August 29, 2016, the U.S. Departments of Labor and Education, in partnership with the U.S. Department of Health and Human Services, issued regulations to implement WIOA (Joint Rules).
- 2.3. WIOA supersedes WIA, and reauthorizes the Title I Youth, Adult, and Dislocated Worker programs.
- 2.4. In order for a training provider and program to be eligible to receive federal funds, in the form of individual training accounts, for training services, as defined in Section 5.1, under the WIOA Title I Adult, Dislocated Worker, and Out-of-School Youth (aged 16-24) programs, both the provider and program must meet the legal requirements to qualify for placement on the State of Iowa's list of eligible providers and programs (ETPL).¹

¹ See 20 C.F.R. § 680.410.

- 2.5. In order for a Registered Apprenticeship Program to be eligible to receive federal funds for related training instruction (including but not limited to classroom, online, and correspondence instruction) under the WIOA Title I Adult, Dislocated Worker, and Out-of-School Youth (aged 16–24) programs, the Registered Apprenticeship Program must be on the ETPL and meet the requirements for continued eligibility.²
- 2.6. “The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services is vital to achieving these core principles.”³
- 2.7. WIOA imposes new requirements that training providers and programs must meet in order to qualify for inclusion on the ETPL.⁴
- 2.8. WIOA imposes new reporting requirements for training providers and programs on the ETPL with which IWD and local workforce development boards must comply.⁵
- 2.9. The ETPL “and the related eligibility procedures ensure the accountability, quality and labor-market relevance of programs of training services that receive funds through” the WIOA Title I Adult, Dislocated Worker, and Out-of-School Youth programs.⁶
- 2.10. The ETPL “also is a means for ensuring that qualified providers offering a wide variety of job-driven programs of training services are available.”⁷
- 2.11. WIOA requires that the ETPL must be “made publicly available online through a website and searchable database as well as any other means the State uses to disseminate information to consumers, including formats accessible to individuals with disabilities.”⁸
- 2.12. The list of eligible providers and programs “must be accompanied by relevant performance and cost information and must be presented in a way that is easily understood, in order to maximize informed consumer choice and serve all significant population groups, and also must be available in an electronic format.”⁹
- 2.13. This document contains the policies and procedures for the Iowa ETPL that apply to Registered Apprenticeship Programs, which have a distinct set of requirements for inclusion on the ETPL under WIOA.
- 2.14. Other documents will be issued with policies and procedures for other types of training

² See 20 C.F.R. §§ 680.410, 680.420, 680.470.

³ 20 C.F.R. § 680.400(a).

⁴ See DOL TEGL No. 41-14.

⁵ See WIOA § 116(d)(4); see also 20 C.F.R. § 677.230; U.S. Department of Labor, Employment and Training Administration: Eligible Training Provider Definitions, ETA 9171, OMB Control 1205-0526.

⁶ 20 C.F.R. § 680.400(b).

⁷ 20 C.F.R. § 680.400(b).

⁸ 20 C.F.R. § 680.400(b).

⁹ 20 C.F.R. § 680.400(b).

providers that may qualify for inclusion on the Iowa ETPL under WIOA and the Final Rules.

3. Responsibilities of Iowa Workforce Development (IWD)

IWD is responsible for:

- 3.1. Ensuring the development and maintenance of the Iowa ETPL, in accordance with WIOA and the WIOA Final Rules.
- 3.2. Ensuring that programs meet eligibility criteria and performance levels, including verifying the accuracy of the information.
- 3.3. Removing programs that do not meet the program criteria or performance levels as required by WIOA and its Final Rules.
- 3.4. Taking appropriate enforcement actions against providers that intentionally provide inaccurate information or that substantially violate the requirements of WIOA and its Final Rules.
- 3.5. Disseminating the ETPL, accompanied by performance and cost information relating to each program, to the public and Local Workforce Development Boards, as described in 20 C.F.R. section 680.500.

4. Eligible Training Providers

4.1. What does it mean for an entity to be an eligible training provider?

An eligible training provider:

- 4.1.1. Is the only type of entity that may receive funding for training services, as defined in Section 4.2, through an individual training account.
- 4.1.2. Must be included in the State ETPL.
- 4.1.3. Must provide a program of training services in accordance with Section 5.

4.2. What types of entities may qualify as an eligible training provider?

Only the following types of entities may qualify as an eligible training provider:

- 4.2.1. Entities that carry out apprenticeship programs that are registered with the DOL Office of Apprenticeship under the National Apprenticeship Act.
- 4.2.2. Institutions of higher education that provide a program which leads to a recognized postsecondary credential.
- 4.2.3. Community-based organizations. A “community-based organization” is a private nonprofit corporation (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.
- 4.2.4. Joint labor-management organizations.
- 4.2.5. Eligible providers of adult education and literacy activities under the Adult Education and Family Literacy Act (AEFLA), as amended by WIOA Title II, if such activities are provided concurrently or in combination with training services described in Sections 5.1.1 through 5.1.9.

The policies and procedures in this document focus on the entities identified in Section 4.2.1.

5. Programs of Training Services

5.1. What is a program of training services?

A program of training services is one or more courses or classes, or a structured regimen, that provides the following services:

- 5.1.1. Occupational skills training, including training for nontraditional employment;
- 5.1.2. On-the-job training (OJT);
- 5.1.3. Incumbent worker training;
- 5.1.4. Programs that combine workplace training with related instruction, which may include cooperative education programs;
- 5.1.5. Training programs operated by the private sector;
- 5.1.6. Skills upgrading and retraining;

- 5.1.7. Entrepreneurial training;
- 5.1.8. Transitional jobs in accordance with WIOA section 134(d)(5) and 20 C.F.R. sections 680.190 and 680.195;
- 5.1.9. Job readiness training provided in combination with services described in Sections 5.1.1 through 5.1.8;
- 5.1.10. Adult education and family literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with the services described in Sections 5.1.1 through 5.1.9.
- 5.1.11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training; or
- 5.1.12. Other training activities.

5.2. What must a program of training services lead to?

A program of training services is one or more courses or classes, or a structured regimen, that leads to:

- 5.2.1. An industry-recognized certificate or certification;
- 5.2.2. National Occupational Credential from the DOL related to the completion of a Registered Apprenticeship Program;
- 5.2.3. A license recognized by the State of Iowa or Federal Government;
- 5.2.4. An associate degree;
- 5.2.5. A baccalaureate degree;
- 5.2.6. Consistent with 20 C.F.R. section 680.350, a secondary school diploma or its equivalent;
- 5.2.7. Employment;
- 5.2.8. Measurable skill gains toward a credential described in Sections 5.2.1 through 5.2.5.

6. Inclusion of Registered Apprenticeship Programs on the ETPL

6.1. What are the procedures for including Registered Apprenticeship Programs on the ETPL?

- 6.1.1. Registered Apprenticeship Programs are exempt from the initial eligibility process for the ETPL that is required under WIOA and its Final Rules for other potential eligible training providers.
- 6.1.2. All Registered Apprenticeship Programs that are registered with the DOL Office of Apprenticeship are eligible to be included in the ETPL.
- 6.1.3. All Registered Apprenticeship Programs must be informed of their eligibility to be included on the ETPL, before being placed on the ETPL.
- 6.1.4. IWD will coordinate with the DOL Office of Apprenticeship to conduct outreach to Registered Apprenticeship Sponsors in Iowa in order to inform them of their eligibility for the ETPL and to allow them to indicate that the Registered Apprenticeship Sponsor wishes to be included on the Iowa ETPL in a way that places a minimal burden on Registered Apprenticeship Sponsors.
- 6.1.5. IWD will notify new Registered Apprenticeship Sponsors of their eligibility to be included in the ETPL within a timely basis, at least semi-annually.

6.2. What information must a Registered Apprenticeship Sponsor provide?

To be included on the ETPL, a Registered Apprenticeship Sponsor must provide the following information to IWD:

- 6.2.1. Name and address of the Registered Apprenticeship Sponsor;
- 6.2.2. Occupation(s) that are registered with the DOL Office of Apprenticeship;
- 6.2.3. Name and address of Related Training Instruction (RTI) Provider and the location of instruction, if different than the Registered Apprenticeship Sponsor address;
- 6.2.4. Cost of instruction if the Registered Apprenticeship Sponsor does not provide RTI in house for the Registered Apprenticeship Program;
- 6.2.5. Method and length of instruction; and

6.2.6. Number of active Registered Apprentices at the time of enrollment on the ETPL.

6.3. For how long may a Registered Apprenticeship Program remain on the ETPL?

Once included in the ETPL, a Registered Apprenticeship Program will remain on the list until the Registered Apprenticeship Program:

- 6.3.1. Is deregistered. IWD will review the ETPL every two years to ensure that Registered Apprenticeship Sponsors have an active program with the DOL Office of Apprenticeship.
- 6.3.2. Notifies IWD that it no longer wants to be included in the ETPL.
- 6.3.3. Is determined to have intentionally supplied inaccurate information or to have substantially violated any provision of WIOA Title I or the WIOA Final Rules, including 29 C.F.R. part 38.

6.4. What are the consequences for a non-compliant Registered Apprenticeship Program removed from the ETPL?

A Registered Apprenticeship Program that is removed from the ETPL under Section 6.3:

- 6.4.1. Must be terminated from the ETPL for not less than two years.
- 6.4.2. Is liable to repay all Adult, Dislocated Worker, and Youth training funds it received during the period of noncompliance.

6.5. Are Registered Apprenticeship Programs required to report data as a condition for their inclusion in the ETPL?

- 6.5.1. Registered Apprenticeship Programs are not required to report performance data as a condition for their inclusion in the ETPL.
- 6.5.2. Registered Apprenticeship Programs are encouraged to voluntarily report performance data to IWD as part of their inclusion in the ETPL.

6.6. Do the procedures for including and removing Registered Apprenticeship Programs on the ETPL apply to Pre-Apprenticeship Programs?

- 6.6.1. No. Because Pre-Apprenticeship Programs are not registered with the DOL Office of Apprenticeship under the National Apprenticeship Act, the procedures for including and removing Registered Apprenticeship Programs on the ETPL do not apply to Pre-Apprenticeship Programs.
- 6.6.2. Pre-Apprenticeship Programs that have not previously been eligible to provide training services under WIOA section 122 or WIA section 122 must submit the required information to be considered for initial eligibility in accordance with the procedures that apply to all non-Registered Apprenticeship Program training providers under 20 C.F.R. section 680.450.
- 6.6.3. Pre-Apprenticeship Programs must use the application procedure for continued eligibility on the ETPL that applies to all non-Registered Apprenticeship Programs under 20 C.F.R. section 680.460.
- 6.6.4. A Pre-Apprenticeship Program may lose its eligibility for inclusion on the ETPL under the standards that apply to all non-Registered Apprenticeship Program training providers in accordance with 20 C.F.R. section 680.480.

7. Posting of Openings in Registered Apprenticeship Programs

7.1. Are Registered Apprenticeship Programs allowed to post openings on the IowaWORKS Job Bank?

- 7.1.1. Registered Apprenticeship Programs are encouraged to post openings on the IowaWORKS Job Bank.
- 7.1.2. Posting openings on the IowaWORKS Job Bank means that IowaWORKS staff can help market the open positions and refer candidates to the Registered Apprenticeship Sponsor for screening and interviewing.
- 7.1.3. If Registered Apprenticeship Sponsors have five or more Registered Apprentices, it is mandatory to post the openings with the local Iowa *WORKS* Center.

7.2. How much does it cost for a Registered Apprenticeship Program to post openings on the IowaWORKS Job Bank?

The following are free IowaWORKS services for Registered Apprenticeship Programs:

- 7.2.1. Posting openings on the IowaWORKS Job Bank.
- 7.2.2. IowaWORKS staff helping to market open positions and referring candidates to the Registered Apprenticeship Sponsor for screening and interviewing.

8. Appeal Process for Denial or Termination of Eligibility.

- 8.1. A denial or termination of a provider or program's eligibility to be on the ETPL is final unless a timely appeal is received by IWD.
- 8.2. To appeal a denial or termination of eligibility, the training provider or sponsor must file, on or before the 30th day after the date of such denial or termination, a written appeal with the IWD WIOA Title I Bureau Chief at the following address:

Iowa Workforce Development
ETPL Appeal
1000 East Grand Avenue
Des Moines, IA 50319

- 8.3. In order for an appeal of a denial or termination of eligibility to be timely, IWD must receive the written appeal on or before the 30th day after the date of the denial or termination of eligibility that is being appealed. For example, an appeal is not timely if the appeal is mailed on the 29th day after the date of the denial or termination of eligibility that is being appealed and received by IWD on the 31st day after the date of the denial.
- 8.4. An appeal of a denial or termination of eligibility must include the following information in order to be considered:
 - 8.4.1. Name and address of the provider;
 - 8.4.2. Name of the program;
 - 8.4.3. Whether the provider is appealing a denial or termination of eligibility;
 - 8.4.4. The date of the denial or termination of eligibility; and

- 8.4.5. A complete statement of the basis for the training provider's appeal of the denial or termination or eligibility.
- 8.5. If the appealing provider wishes to have an appeal hearing, the provider must request an appeal hearing in its written appeal.
- 8.6. IWD will assign an appeal officer to a timely appeal.
 - 8.6.1. If the training provider requested an appeal hearing in its written appeal, the appeal officer will schedule such a hearing within 90 calendar days of IWD's receipt of the appeal and the appeal officer will issue a written appeal decision within 30 days of the date of the appeal hearing.
 - 8.6.2. If the training provider did not request an appeal hearing in its written appeal, the appeal office will issue a written appeal decision within 30 calendar days of IWD's receipt of the appeal.
- 8.7. The appeal officer's written appeal decision must include the factual basis for the decision.
- 8.8. If the appeal decision reverses the denial or termination of eligibility, it must include the effective date of eligibility for the program in question and the duration of such eligibility. If the appeal decision affirms the denial or termination of eligibility, it must include the length of time that the program is ineligible and the conditions that must be met for the program to qualify as eligible in the future.