




# VIRGINIA BOARD OF WORKFORCE DEVELOPMENT

<b>Policy Area:</b> Programs and Services	
<b>Title of Policy:</b> Registered Apprenticeship Programs	<b>Number:</b> 404-02, Change 1
<b>Effective Date:</b> July 1, 2021	<b>Review by Date:</b> June 2024
<b>Approved Date:</b> June 17, 2021	<b>Approved By:</b> 

### I. Purpose

This policy provides eligibility criteria and procedures for implementing the Eligible Training Provider (ETP) requirements for the inclusion of Registered Apprenticeship (RA) programs under the Workforce Innovation and Opportunity Act of 2014 (WIOA). This policy applies to sponsors of Registered Apprenticeship training services for adults, dislocated workers and other populations as defined by WIOA, Title I-B receiving the Related Technical Instruction (RTI) component of the RA program.

### II. Summary and Impact

WIOA formally expanded the definition of an eligible training provider to include sponsors of Registered Apprenticeship programs and their RTI providers if not provided in-house. RA is a highly customized training option, which provides individuals an opportunity to earn a wage while they are in training and increase their earnings over the course of the training. This policy provides the Virginia workforce development system practitioners with the parameters for adding Registered Apprenticeship programs to the ETP list.

### III. References

- Workforce Innovation and Opportunity Act (Pub. L. 113-128)
- United States Department of Labor, Workforce Innovation and Opportunity Act; Final Rule, 20 CFR, Part 680 Subpart D, Eligible Training Providers
- United States Department of Labor, Workforce Innovation and Opportunity Act; Final Rule, 20 CFR, Part 680 Subpart F, Work-Based Training
- United States Department of Labor, Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations; Final Rule, 29 CFR, Part 29
- Code of Virginia Section 23-276.2
- VBWD Policy # 404-01 Identification of Eligible Providers of Occupational Skills Training

- Training and Employment Guidance Letter No. 19-16, *Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act and Wagner Peysner Act Employment Services, as Amended by Title III of WIOA, and for Implementation of the WIOA Final Rules*
- Training and Employment Guidance Letter No. 8-19, *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs*
- Training and Employment Guidance Letter No. 8-19, Change 1, *Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act*

#### **IV. Policy**

The Department of Labor and Industry will initiate contact with the Registered Apprenticeship (RA) program sponsors to provide information about the state's Eligible Training Provider list (ETPL). RA program sponsors who are interested in being on the ETPL will be asked to provide the requisite information to be added to the ETPL. The Virginia Department of Labor and Industry (DOLI) determines eligibility. If DOLI recognizes the program and reports it in good standing as defined by 29 CFR Part 29 (subpart A), it is automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list.

Inclusion on the state ETP list does not guarantee a local area will fund the approved RA training activity (i.e. RTI expenses) through the issuance of an ITA. That determination is further based on local policy, which must include, at minimum, relevance of training to demand occupations that are in demand regionally, availability of local funds, and likelihood that training will support the individual in meeting their career objectives and employment. Sponsors of Registered Apprenticeship training programs may include:

- Employers who provide related technical instruction;
- Employers using an outside training provider;
- Joint Apprenticeship Training Programs operated by employers and labor unions; and
- Intermediaries who take the responsibility for the administration of the RA program, such as educational institutions, industry associations, or community based organizations.

#### **V. Procedures A. State ETPL – RA Information Requirements**

RA program sponsors that would like to be included on the state Eligible Training Provider List (ETPL) must submit Attachment A to the Director of Division of Registered Apprenticeship Department of Labor and Industry. At minimum, the sponsor must provide the following:

1. Occupations included within the Registered Apprenticeship program;
2. Name and address of the Registered Apprenticeship Employer/Sponsor;

3. Name and address of the RTI provider, and the location if different than the program sponsor's address;
4. The method and duration of RTI;
5. The cost of the RTI if the RA sponsor is not providing the instruction; and
6. The number of active apprentices in the program.

Following the receipt of a completed application, the DOLI Division of Registered Apprenticeship will verify that the program sponsor is active and in good standing. Following that confirmation, Attachment A will be forwarded to the WIOA Title I Administrator to add the RA program information to the state ETPL.

### **B. Continued Inclusion and Program Performance Reporting**

Under WIOA Title I-B, Registered Apprenticeship program sponsors that request to be ETPs, after confirmation by DOLI Division of Registered Apprenticeship, will be included on the list and will remain on the list until:

- The RAP notifies the state agency it no longer wants to be included on the list;
- The program becomes deregistered under the National Apprenticeship Act;
- The program is determined to have intentionally supplied inaccurate information; or,
- A determination is made that the RAP substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR part 38.

Annually, the WIOA Title I program administrator will provide a list of the approved Registered Apprenticeship ETPs to the DOLI for verification of current registration status. New RA sponsors will be informed by DOLI regarding ETPL participation.

Registered Apprenticeship programs are not subject to the state performance requirements. Any apprenticeship program may remain on the ETPL if it remains registered and in good standing by the DOLI, Division of Registered Apprenticeship.

### **C. Accuracy of Information and Appeals Process**

The WIOA Title I Administrator has the responsibility for maintaining the statewide eligible training provider list and will have final responsibility to ensure that the list is accurate and reflects the training opportunities available in Virginia.

1. **Accuracy of Information** - If it is determined that an eligible provider or individual supplying information on behalf of the provider intentionally provides inaccurate information, the Commonwealth may terminate the eligibility of the provider and/or program to receive WIOA funds for any program for a period of time that is not less than 2 years.
2. **Noncompliance** - If it is determined that an eligible provider violates any requirement under this Policy, the WIOA Title I Administrator, in consultation with DOLI Office of

Apprenticeship Program, may terminate the eligibility of the provider and/or individual program to receive WIOA funds for the program involved.

3. **Repayment** - A provider whose eligibility is terminated under paragraph (A) or (B) for a program may be liable for repayment of all WIOA funds received for the program during any period of noncompliance.

#### **D. Appeal Process for Denial of Placement on or Removal from an Eligible Training Provider List**

The training provider may appeal to the Virginia Board of Workforce Development (VBWD) if the WIOA Title I Administrator, after consultation with DOLI Division of Registered Apprenticeship, denies an application or removes a program from the ETPL. The provider must do so within thirty (30) calendar days from the date the final denial notification was provided. The appeal request must be submitted in writing and signed by the RA Sponsor. At a minimum, the appeal must identify the RA Sponsor, training program(s) denied and must clearly state the reasoning for the appeal. The VBWD shall review the request in consultation with DOLI Division of Registered Apprenticeship and issue a written decision. If the decision by the WIOA Title I Administrator is upheld, that program must wait 12 months to reapply.

## **ATTACHMENT A**

### **Registration Application – Registered Apprenticeship**

#### **EMPLOYER/SPONSOR INFORMATION**

Sponsor Name:

Sponsor Address:

#### **PRIMARY SPONSOR CONTACT**

Name:

Phone:

E-mail:

#### **REGISTERED APPRENTICESHIP PROGRAM INFORMATION**

Program Name:

Date of registration:

Occupations included within the Registered Apprenticeship program:

The number of active apprentices in the program.

#### **RELATED TECHNICAL INSTRUCTION**

Name:

Address (if different than the program sponsor's address):

The method and duration of Related Technical Instruction (RTI):

The cost of the RTI (if the provider of the instruction is different from the RA program sponsor).