

Policy Area: Programs and Services	
Title of Policy: Registered Apprenticeship Programs	Number: 404-02 (2016)
Effective Date: April 1, 2017	Review by Date: April 1, 2019
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I. Purpose

This policy provides eligibility criteria and procedures for implementing the Eligible Training Provider (ETP) requirements for the inclusion of Registered Apprenticeship 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.

II. Summary and Impact

WIOA formally expanded the definition of an eligible training provider to include sponsors of Registered Apprenticeship programs. Registered Apprenticeship 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 with the parameters for utilizing Registered Apprenticeship as an important training tool to build a skilled workforce.

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 Notice No. 19-16, *Guidance on Services Provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act and Wagner Peyser Act Employment Services, as Amended by Title III of WIOA, and for Implementation of the WIOA Final Rules*
- Training and Employment Guidance Letter No. 41-14, *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility Transition*

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 29, 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 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 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 apprenticeship 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 apply through a Local Workforce Development Board (LWDB) using a common statewide application. That application is included as Attachment A. At minimum, the sponsor must provide the following:

1. Date of registration;
2. Occupations included within the Registered Apprenticeship program;
3. Name and address of the Registered Apprenticeship program sponsor;
4. Name and address of the Related Apprenticeship Education Instruction provider, and the location if different than the program sponsor's address;
5. The method and duration of Related Apprenticeship Education Instruction;
6. The cost of the Related Apprenticeship Education Instruction; and
7. The number of active apprentices in the program.

Following the receipt of a completed application, the LWDB will request, in writing, verification from the DOLI/Registered Apprenticeship Office that the program sponsor is

active and in good standing. Following that confirmation, the LWDB will 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 and are confirmed by DOLI/Apprenticeship Office, are 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.

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. DOLI will provide information about the ETPL to new RA sponsors and when a new program is added to the Registered Apprenticeship list. DOLI will provide a quarterly report of any RA programs that are no longer in good standing with the agency to the WIOA Title I administrator. The administrator will notify the local workforce development boards in writing and immediately remove the provider from the state ETPL.

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 Virginia Department of Labor and Industry, Office of Apprenticeship Programs.

C. Accuracy of Information and Appeals Process

The Commonwealth has the responsibility for maintaining the statewide eligible training provider list and as such, will have final responsibility to ensure that the list is accurate and is an honest reflection of the training opportunities available in Virginia.

1. Accuracy of Information - If after consultation with the LWDB involved, it is determined that an eligible provider or individual supplying information on behalf of the provider intentionally supplies inaccurate information, the Commonwealth may terminate the eligibility of the provider or program to receive WIOA funds for any program for a period of time that is not less than 2 years.
2. Noncompliance- If the Commonwealth, or the LWDB working with the Commonwealth, determines that an eligible provider substantially violates any requirement under this Act, the Commonwealth, or the LWDB working with the Commonwealth, may terminate the eligibility of such provider or individual program to receive WIOA funds for the program involved or take such other action as the Commonwealth or LWDB determines to be appropriate.

3. Repayment - A provider whose eligibility is terminated under paragraph (A) or (B) for a program shall be liable for repayment of all WIOA funds received for the program during any period of noncompliance.
4. Construction - These penalties shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

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

The training provider may appeal to the state workforce board if a local workforce development board, after consultation with the Virginia Department of Labor and Industry denies their application and subsequently denies them in a local appeal process. 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. At a minimum, the appeal must identify the provider and training program(s) denied and must clearly state the reasoning for the appeal. The VBWD shall review the request in consultation with DOLI and issue a written decision that either upholds or reverses the original. If the decision is upheld, that program must wait 12 months to reapply.

ATTACHMENT A

Registration Application – Registered Apprenticeship

PROGRAM 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 APPRENTICESHIP EDUCATION INSTRUCTION

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

The method and duration of Related Apprenticeship Education Instruction:

The cost of the Related Apprenticeship Education Instruction: