

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA - Apprenticeship
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 13-16, CHANGE 1 OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (referred to as WIOA or the Opportunity Act)

TO: STATE AND LOCAL STAKEHOLDERS IN THE WORKFORCE
 INNOVATION AND OPPORTUNITY ACT
 STATE WORKFORCE AGENCIES
 STATE APPRENTICESHIP AGENCIES
 STATE DIRECTORS, OFFICE OF APPRENTICESHIP
 STATE WORKFORCE ADMINISTRATORS
 STATE WORKFORCE LIAISONS
 STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: ROSEMARY LAHASKY
 Deputy Assistant Secretary

SUBJECT: Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA)

1. **Purpose.** This guidance updates Training and Employment Guidance Letter (TEGL) No. 13-16, Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA) to clarify expectations around the placement of Registered Apprenticeship program sponsors on State and local Eligible Training Provider (ETP) lists, in addition to providing the Department’s guidance and expectations regarding the automatic eligibility and placement of national program sponsors on State and local ETP lists.
2. **References.** See Attachment I.
3. **Background.** Registered Apprenticeship is an important workforce development strategy the workforce system provides to its customers, both job seekers and employers. It is an evidence-based model for job seekers and a job-driven strategy for employers and industries. WIOA represents an historic opportunity for the workforce system to expand its business base and offer job seekers greater employment prospects while offering employers a strategic approach to talent development through Registered Apprenticeship. TEGL No. 13-16, Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA), provided information and guidance on the new

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provisions for Registered Apprenticeship in WIOA, including the status of Registered Apprenticeship program sponsors as Eligible Training Providers in Section 6.A. This change clarifies and expands upon information presented in Section 6.A.

4. Changes to TEGL 13-16.

Replace Section 6(A)(iii) with the following language:

iii) Placement of Registered Apprenticeship Programs on State and Local ETP lists. 20 CFR 680.470(a) requires Governors to create a mechanism with minimal burden that Registered Apprenticeship programs follow to indicate their interest in being placed on the State ETP list. The expectation is that Registered Apprenticeship programs will be included on statewide and local lists of ETPs through a minimally burdensome process that includes the State Director of Apprenticeship. Further, although Local Workforce Development Boards (WDBs) can supplement the criteria and information requirements the Governor establishes for the local ETP list, 20 CFR 680.510(a) prohibits Local WDBs from imposing any additional requirements on Registered Apprenticeship program sponsors. Therefore, once a Registered Apprenticeship program sponsor has indicated it would like to be included on the State ETP list through completing the Governor's process, the program must be included on the State and local ETP lists. Requiring Registered Apprenticeship program sponsors to apply to each Local WDB for ETP list placement in the same State following varied procedural requirements is not permissible.

States must ensure local compliance with WIOA, its implementing regulations, and federal policy guidance.

In addition, consistent with the minimally burdensome procedures with which Registered Apprenticeship programs are to be placed on State and local ETP lists, the requirement to fund training specifically in "in-demand" industry sectors or occupations should not be interpreted as a barrier to including Registered Apprenticeship programs on the State or local ETP lists. Nor should it be interpreted as a barrier to placing individuals in Registered Apprenticeship programs because Registered Apprenticeship programs are linked to in-demand occupations. In fact, many States have incorporated provisions in their statewide ETP list policies indicating that Registered Apprenticeship programs that are taking applications are, by default, to be considered in-demand by Local WDBs making funding decisions. This type of policy clarification is strongly recommended.

Furthermore, as stated in WIOA Section 134(c)(3)(F)(v), priority consideration for training services must be given to programs that lead to recognized postsecondary credentials aligned with in-demand industry sectors or occupations in the local area involved. Registered Apprenticeship programs generally lead to these kinds of credentials and should be considered when American Job Center staff are discussing training options with eligible participants consistent with 20 CFR 680.340.

Insert the following language after Section 6(A)(vii) and before Section 6(B):

viii) *Treatment of Nationally Registered Apprenticeship Programs on State and Local ETP lists.*

Many national employers and employer associations operating in multiple states register their apprenticeship program(s) with a set of National Program Standards that are used by the program in every state and/or locality where the program operates. These National Program Standards are centrally managed, usually where the company is headquartered, and these programs are registered by and serviced in the Employment and Training Administration's Office of Apprenticeship (ETA/OA) National Office, not in individual states. As is the case with all Registered Apprenticeship programs, *all apprenticeship programs registered using National Program Standards are automatically eligible for placement on State and local ETP lists where they have apprentices.*

For programs registered under National Program Standards, information sharing is a challenge because these programs are serviced out of the ETA/OA National Office without a direct connection to the various State Directors of Apprenticeship and State Workforce Agencies.¹ As mentioned in this guidance and in federal policy guidance on ETP lists, States are required to notify Registered Apprenticeship programs of their eligibility for placement on statewide ETP lists so that programs can indicate their interest according to procedures established by the Governor working in concert with the State Apprenticeship Director. State Directors and State Workforce Agencies must work with OA staff to identify and notify programs operating under National Program Standards in their State as well. Furthermore, States may not require programs registered under National Program Standards to register again in their specific State or local area for the purpose of placement on the statewide ETP list and local ETP lists, in order to access WIOA funds to pay for the related instruction component of the Registered Apprenticeship program. This practice is prohibited.

ix) *Process for Programs Registered under National Program Standards to be Placed on State and Local ETP lists.*

The ETA/OA National Office will contact sponsors registered under National Program Standards to determine whether they want to be on the ETP list in the States where they have facilities and operate their Registered Apprenticeship program(s). If they agree, they will fill out a form containing the following information in accordance with federal policy guidance on ETP lists and return to the OA National Office:

a) Occupations included within the Registered Apprenticeship program;

¹ Although not the subject of this TEGL, sponsors also may register an apprenticeship program using *National Guideline Standards*. Under National Guideline Standards, a multi-state sponsor certifies its program and standards with the ETA/OA National Office. Then, local affiliates may use those Guideline Standards or alter certain provisions of the Guideline Standards and register their local program with the Registration Agency in the State in which the program is located. In so doing, local programs operating under National Guidelines provide the State Directors and State Workforce Agencies with the information referenced in section ix. Thus, States are in direct communication with programs registered under National Guideline Standards and the information sharing necessary to place such programs on ETP lists has been less challenging than with National Program Standards.

- b) The name and address of the Registered Apprenticeship program sponsor;
- c) The name and address(es) of the Related Technical Instruction provider(s), and the location(s) of instruction if different from the program sponsor's address;
- d) The method and length of instruction; and
- e) The number of active apprentices.

OA will then share the information, including pertinent contact information, with the ETA regional offices, State OA or State Apprenticeship Agency (SAA) directors, and the appropriate State Workforce Agencies to place the sponsors and their providers of related instruction, if different from the sponsor, on the ETP lists. Please note that related instruction providers may be placed on State and local ETP lists based on automatic eligibility *only for the program(s) attached to Registered Apprenticeship programs*. All other programs must go through the same ETP list eligibility process as other prospective ETPs.

5. Action Requested. States must do the following:

- a. Review current ETP list policies to ensure compliance with the WIOA Final Rule and federal policy guidance.
- b. Include sponsors registered under National Program Standards on State and local ETP lists after receiving from the ETA/OA National Office the information specified above.
- c. Take steps to ensure local compliance with applicable federal provisions, including provisions regarding the prohibition against having Registered Apprenticeship program sponsors apply for ETP list placement within the same State.

6. Inquiries. Questions regarding this guidance should be directed to the appropriate ETA regional office.