



### WIOA ADULT AND DISLOCATED WORKER TRAINING CONTRACTS POLICY

#### INTRODUCTION

This policy provides guidance regarding the requirements for establishing training contracts for enrolled Workforce Innovation and Opportunity Act (WIOA) clients under the Adult and Dislocated Worker grants. It is the policy of the Workforce Development Board of Solano County (WDBSC) to provide enrolled WIOA clients the opportunity to participate in vocational training via training contracts. Individualized Training Accounts (ITAs) for training services listed on the California-approved Eligible Training Providers List (ETPL) are the primary method to be used for procuring training services under WIOA.

WIOA stipulates that the selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance. Further, training services must be linked to in-demand employment opportunities in the local area or in a geographic area in which the adult or dislocated worker is willing to commute or relocate.

The ETPL list of approved training providers and programs ensure the accountability, quality and labor-market relevance of training services that receive funds through WIOA Title I, Subtitle B. California's ETPL is available online at: [www.caljobs.ca.gov](http://www.caljobs.ca.gov). This list is to ensure that individuals participate and are fully informed of vocational options available, as well as promote customer choice in the process. The participatory process also allows individuals to select training programs that offers opportunities for employment in in-demand occupations.

#### QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at [maiken@solanowdb.org](mailto:maiken@solanowdb.org) or at (707) 863-3594.

#### ATTACHMENTS

- Attachment A: Definition of Key Terms

#### POLICY

Training services can be critical to the employment success of many adult and dislocated workers. There is no sequence of service requirement for "career services" and training. This means that staff may determine training is appropriate regardless of

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whether the individual has received basic or individualized career services first. Under WIOA, training services may be provided if the appropriate WDB staff determine, after an interview, evaluation or assessment, and career planning, that the individual could benefit from training to reach their employment goals. More specifically, staff may issue an ITA to fund training for Adults and Dislocated Workers if the following conditions are met. The client must:

- Be unlikely or unable through career services alone to obtain or retain employment that leads to economic self-sufficiency or wages comparable to/higher than wages from previous employment;
- Be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to/higher than wages from previous employment;
- Have the skills and qualifications to successfully participate in the selected program of training services;
- Be determined eligible in accordance with the State and local priority system in effect for Adults under WIOA sec. 134(c)(3)(E) if training services are provided through the adult funding stream;
- Select a program of training services that is directly linked to the employment opportunities in the local area (Solano County) or the planning region (North Bay), or in another area to which the individual is willing to commute or relocate; and
- Not have received WIOA-funded ITA training within 24 months of either their last date of participation or completion of a prior WIOA funded training program through the WDB, whichever date is most recent.

In addition, for training contracts to be approved and awarded to WDB WIOA clients; the client must be unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance (TAA), or Federal Pell Grants established under title IV of the Higher Education Act of 1965, or be in need of WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants.

In making the funding determination, WDB staff should take into account the full cost of participating in training services, including the cost of support services and other appropriate costs. The WDB reserves the right to prohibit the referral of customers to schools that have poor performance records in serving our clients.

### TRAINING PARAMETERS

The training must result in an industry-recognized certificate or the attainment of skills or a generally accepted standard. In order for a provider of training services to receive WIOA funds, its program(s) may provide training services, such as:

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- Occupational skills training, including training for non-traditional employment and occupational skills training that integrated English-language and math instruction needed to succeed on the job;
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training; and
- Apprenticeship and pre-apprenticeship skills training.

The amount of training tuition must not exceed \$7500.00 without justification and management approval. The duration of training must not exceed 12-months in duration.

Internal procedures must outline how assessment for training is provided, the process of issuing an ITA, what costs an ITA will cover, how payments are made, and outcome considerations. In addition, internal procedures must define how WDB staff will record the participant training-related financial assistance needs, the methodology of how the needs were determined, and the mix of funding assistance in the participant's record.

### COORDINATING ITAs WITH OTHER SOURCES OF FUNDING

WIOA funding for training is limited to participants who are either unable to obtain grant assistance from other sources to pay the costs of their training, or require assistance beyond that available under grant assistance from other sources to pay the costs of such training. WDB staff must consider the availability of other sources of grants to pay for training costs so that WIOA funds are used to supplement other funding sources.

A WIOA participant may enroll in WIOA-funded training while an application for a Pell Grant is pending as long as the WDB has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant if it is later awarded. If a Pell Grant is later awarded, the training provider must reimburse the WDB the WIOA funds used to begin training. Reimbursement is not required from the portion of Pell Grant assistance to the WIOA participant for education-related expenses, but does include any education fees charged to attend training.

A WIOA participant may also enroll in WIOA-funded training if he/she is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination. If the petition is certified, the worker may then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA.

ITAs may be provided to individuals in conjunction with On-the-Job Training (OJT) funds when appropriate, and the ITA may be used before, during, or after an OJT.

Registered apprenticeships automatically qualify to be on a state's ETPL, but may not always be listed on the ETPL because apprenticeship programs may choose whether to be included. ITAs can be used for the following apprenticeship-related costs:

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- Tuition, books, and related for pre-apprenticeship training;
- Tuition, books and related for classroom training that is part of the apprenticeship; and
- Supportive services.

Additional opportunities for co-enrollment of participants in other local or regional programs and exploration of shared costs across programs should be considered as applicable.

### EXCEPTIONS TO THE ITA AND THE ETPL REQUIREMENTS

While ITAs are the preferred method of training delivery, a contract for training services may be developed instead of an ITA (or in combination with an ITA) in certain circumstances as allowed under the DOL Final Rule.

The contract exceptions to an ITA are:

1. On-the-job training (which may include placing participants in a Registered Apprenticeship program), customized training, incumbent worker training, or internships, paid or unpaid work experience, and transitional jobs are not included on the ETPL and therefore not subject to ITA eligibility requirements. Separate policies outline the requirements of these training types;
2. If the WDB determines that there are an insufficient number of eligible providers of training services to use ITAs. In this exception, training must be provided in in-demand occupations or industries as determined by the WDB;
3. If an exception is necessary to meet the needs of individuals with barriers to employment;
4. If the WDB determines that the most appropriate training could be provided by an institution of higher education to train multiple individuals for jobs in in-demand sectors or occupations. In this exception, the training provider must still be on the ETPL; and
5. If the WDB determines a pay-for-performance contract is the most effective means of providing training services (up to 10% of local funds). Institutions of higher education, such as community colleges, do not need to be on the state's ETPL to provide training through direct contract with the WDB under this exception.

Details and process for these exceptions must be outlined in procedures.

Additionally, the WDB may determine that providing training through a combination of ITAs and contracts is the most effective approach. This approach could be used to support placing participants in programs such as Registered Apprenticeships and other similar types of training.

### DOCUMENTATION

The individual's case file must document that the WIOA approved program on the ETPL at the time that training is approved, or document the exception to the ITA rule. The individual case file must also contain a copy of an ITA commitment or agreement

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document and supporting training source documentation that identifies at a minimum the training cost, the provider and program, and start and end dates for the training.

### DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Innovation and Opportunity Act; Final Rule released by the U.S. Department of Labor, and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

### REFERENCES

#### Law

- [Workforce Innovation and Opportunity Act of 2014](#) (WIOA)
- [AB-1270 California Workforce Innovation and Opportunity Act](#)
- Senate Bill 734

#### Federal Guidance

- Department of Labor Final Rule
- Training and Employment Guidance Letter (TEGL) 03-15 – [Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services](#)

#### State Guidance

- Workforce Services Directive (WSD) 15-07 – [WIOA Eligible Training Provider List – Policy and Procedures](#)
- WSD 14-1 – [WIA Training Expenditure Requirements](#)
- WSD 08-10 – [Final Rule on Priority of Service for Veterans and Eligible Spouses](#)

#### Approved by

Workforce Development Board of Solano County

## Definition of Key Terms

**Informed Customer Choice** as defined by WSD15-07 is to ensure job seeking customers may have an “informed customer choice” and are prepared with the skills needed to fill hiring opportunities in in-demand sectors and career pathways in high wage occupations, AJCC staff will provide access to skills assessment tools, career planning resources, updated labor market information identifying industry sectors and occupational clusters that are high-growth, high-demand, projecting skills shortages, and/or vital to the regional economy, and access to the eligible list of training providers (ETPL\_ provided in electronic format through the CalJOBS system which provides relevant information on available training programs, including performance and cost.

**In-Demand** as defined by WSD 15-07 refers to occupations, industry sectors or clusters, or career pathways that have been identified in the state, regional, and/or local Workforce Development Plan as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.

### Training Providers

**Pre-Apprenticeship Skills Training** as defined in 20 CFR 681.480 and WSD 15-07 is a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership (letter of commitment) with at least one, if not more, approved apprenticeship programs. In California, the apprenticeship partner must be approved by the California Department of Industrial Relations, Division of Apprenticeship Standards (DIR/DAS). Such pre-apprenticeship programs must possess or develop a strong record of enrolling their pre-apprenticeship graduates into a registered apprenticeship program.

**Program of Training Services** as defined by 20 CFR Section 680,420 is one or more courses or classes, or a structured regimen that leads to one of the following:

- a. A recognized post-secondary credential, secondary school diploma or its equivalent,
- b. Employment,
- c. Or measurable skill gains toward such a credential or employment.



### **WIOA ADULT AND DISLOCATED WORKER TRAINING CONTRACTS POLICY, CHANGE 1**

#### **INTRODUCTION**

This policy change provides the guidance and establishes the procedures regarding the recovery of Workforce Innovation and Opportunity Act (WIOA) tuition and training refunds. The addendum applies to the Workforce Development Board of Solano County staff, contractors, subrecipients and service providers.

#### **QUESTIONS**

Questions relating to this policy change should be directed to Marion Aiken, Workforce Services Director at [maiken@solanowdb.org](mailto:maiken@solanowdb.org) or at: (707) 863-3594.

#### **POLICY CHANGE**

All participants who are enrolled in training must be covered by the training institution's tuition refund policy. In the absence of a refund policy established by the training institution, the WDB staff, subrecipient or contractors must negotiate a reasonable refund policy with the training site.

Prior to participants entering training, staff must review the training provider's refund policy on early termination, including the following:

- Percentage of the advanced payment to be returned upon non-completion of courses.
- Turnaround time of refund.
- Time spent in training before a refund will no longer be honored and maintain, at minimum, monthly tracking to determine the participant is still receiving training and to ensure prompt return of any unused training funds.
- Requirement for the training provider to immediately notify the WDB Solano staff, subrecipient, or contractor if a WIOA participant drops out of a training program during the period when tuition can be refunded.

It is recommended to have refund agreements in the form of a contract with the training provider to ensure prompt return of any unused WIOA funds for the early dropout of a participant. The Eligible Training Provider List (ETPL) Coordinator should obtain the designated training provider's standard policy regarding the amount of tuition that must be paid in advance to enroll or accept a participant, as well as any early termination policies, at time of ETPL renewal.

Staff should track participants on a monthly basis to determine if the participant is still receiving training services. If the participant leaves the program before completion, staff must work with the

training provider to ensure prompt return of any unused training monies. Fiscal staff will review the collection process of any outstanding training and/or tuition refunds.

Failure to recover tuition and training refund costs will result in an audit finding and disallowed costs.

## **REFERENCES**

### **Law**

- [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#)
- Title 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor Exceptions)

### **State Guidance**

- [California Workforce Service Directive \(WSD\)19-10](#) – Recovery of WIOA Tuition and Training Refunds

### **Approved by**

Workforce Development Board of Solano County