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Policy Number: WIOA I-B – 3.3 Change 1

Effective Date: July 10, 2018

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## Occupational Skills Training

**PURPOSE:** The purpose of this policy is to describe and to detail the regulations concerning occupational skills training, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

### REFERENCE:

WIOA §§ 3(24), 3(47), 122(h), 123, 129(c)(2), 134(c)  
20 CFR 680.200-230  
20 CFR 680.320-330  
20 CFR 681.540-550  
20 CFR 683.500-510  
Comments in WIOA Final Rule concerning 20 CFR 680.150  
TEGLs 10-09, 19-16 & 21-16  
20 U.S.C. 1001, 1002(a)(1)  
A.C.A. 15-4-3711(a)(8)  
ADWS Policy No. WIOA I-B – 1.2 (Definitions)  
ADWS Policy No. WIOA I-B – 3.1 (Service for Adults and Dislocated Workers)

### POLICY:

Occupational skills training is one of the training services available to Adults, Dislocated Workers and Youth [WIOA §§ 134(c)(3)(D)(i) & 129(c)(2)(D); 20 CFR 680.200 & 681.540; TEGL 21-16]. The training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels [20 CFR 681.540].

### Adults and Dislocated Workers

To receive Occupational Skills Training an Adult or Dislocated Worker must meet all of the following numbered eligibility criteria, which are listed more concisely in ADWS Policy No. WIOA I-B – 3.1 (*Service for Adults and Dislocated Workers*):

1. The applicant must meet all eligibility requirements for the Adult or Dislocated Worker program, and be determined eligible in accordance with the local priority system in effect for adults if training services are provided through the Adult formula funding stream [TEGL 19-16].

2. After an interview, evaluation, or assessment, and after career planning, it must be determined that the participant meets all of the following criteria [*WIOA § 134(c)(3)(A)(i)(I)*; *20 CFR 680.210(a) & 680.220(a)*; *TEGL 19-16*]:
  - a. Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency, as determined by the LWDB, or wages comparable to or higher than wages from previous employment through career services alone
  - b. Is in need of training services to obtain or retain employment leading to economic self-sufficiency, as determined by the LWDB, or to wages comparable to or higher than wages from previous employment
  - c. Has the skills and qualifications to participate successfully in training services

Where appropriate, a recent interview, evaluation, or assessment may be used for the assessment purpose [*WIOA § 134(c)(2)(B)*; *20 CFR 680.220(a)*; *TEGL 19-16*]. LWDBs may create policies concerning the appropriate use of recent interviews [*Comments in WIOA Final Rule concerning 20 CFR 680.150*].

The case file must contain a determination of need for occupational training services as determined through the interview, evaluation, or assessment, and career planning or any other method through which the one-stop center or partner can obtain enough information to make an eligibility determination. There is no requirement that career service be provided as a condition to receive occupational skills training. If the recommended services are not provided before occupational training, however, case files must document the circumstances that justified the determination to provide training without any of these recommended career services [*20 CFR 680.220*].

3. The participant must select a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in geographic areas to which the individuals are willing to commute or relocate. This is done by choosing a program on the Eligible Training Provider List (ETPL) [*WIOA § 134(c)(3)(A)(i)(II)*; *20 CFR 680.210(b)*; *TEGL 19-16*].
4. The selection of training services should be conducted in a manner that maximizes customer choice [*20 CFR 680.340(a)*], is linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the adult or dislocated worker is willing to commute or relocate, and is coordinated to the extent possible with other sources of assistance [*TEGL 19-16*]. Each LWDB must make available to customers the list of eligible training providers, a description of the programs through which the providers may offer the training services, and the performance and cost information about those providers [*20 CFR 680.340(b)*]

Each local board must work with representatives of secondary and postsecondary education programs to lead in the development and implementation of career pathways by aligning local employment, training, education, and supportive services needed by adults and youth, particularly individuals with barriers to employment [*A.C.A. 15-4-3711(a)(8)*].

4. The participant 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, Federal Pell Grants, and TANF; or requires WIOA Title I-B assistance in addition to these other sources. In making the determination, WIOA programs may take into account the full cost of participating in training services, including the cost of support services and other appropriate costs [*WIOA § 134(c)(3)(B)(i)(II)*; *20 CFR 680.210(c)*; *20 CFR 680.230*; *TEGL 19-16*]. WIOA partners and other entities must coordinate funds available to pay for training [*20 CFR 680.230*].

In order to determine if a participant is able to obtain grant assistance from other sources, the participant must either apply for a Federal Pell Grant or must submit documentation that he or she is unable to get obtain the grant. ADWS FORM WIOA I-B – 3.3 (*Verification of Educational Grant Assistance*) or other official documentation from the Financial Aid Office of the college or from the Federal Student Aid office of the U.S. Department of Education can be used to verify eligibility for a Pell Grant.

Such documentation may also document the amount of assistance expected to be given, which can be used in determining the participant's unmet need. To determine a participant's unmet need, subtract the amount of scholarships and grants from the cost of attendance. Methods of determining a participant's cost of attendance are found under "cost of attendance" in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*).

One-stop partners and other entities must coordinate funding of occupational skills training. The availability of funding from other programs, grants, and scholarships should be sought, so that WIOA funds supplement other sources [20 CFR 680.230(b)]. VA benefits for education and training services should not be included in "other grant assistance" in determining the amount of funding WIOA Title I-B can provide. Veterans and eligible spouses are not required to coordinate their entitlement to VA benefits for education and training with any concurrent eligibility that they may have for other training sources. Also, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to receive WIOA funds for training [TEGL 10-09].

A WIOA Title I-B participant may enroll in WIOA-funded training while his or her application for a Pell Grant is pending as long as the Arkansas Job Center has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charges to attend training. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA participant for education-related expenses [20 CFR 680.230].

If the applicant is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination, training may be provided under WIOA Title I-B if all other eligibility requirements are met. If the petition is certified, the worker will then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA Title I-B [TEGL 19-16].

Occupational Skills Training is typically provided through Individual Training Accounts (ITAs). Except under the conditions listed below, training services must be provided by an approved eligible training provider (ETP) through an individual training account (ITA) [WIOA §134(c)(3)(G)(i); TEGL 19-16]. Contracts for services are used instead of ITAs only when one or more of the following exceptions apply and the consumer choice requirement described above has been fulfilled [WIOA § 122(h); WIOA § 134(c)(G)(ii); 20 CFR 680.320(a); TEGL 19-16]:

1. When the LWDB determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. (The determination process

must include a public comment period for interested providers of at least 30 days and must be described in the Local Plan.)

2. When the LWDB determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment (see list and definitions in ADWS Policy No. WIOA I-B – 1.2 *Definitions*) [WIOA §3(24); 20 CFR 680.320(b)]:

If the LWDB uses this method of training, the LWDB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served. The criteria may include [20 CFR 680.320(a)(3); TEGL 19-16]:

- a. Financial stability of the organization
  - b. Demonstrated performance in the delivery of services to individuals with barriers to employment through such means as program completion rate, attainment of the skills, certificates or degrees the program is designed to provide, placement after training in unsubsidized employment, and retention in employment
  - c. How the specific program relates to the workforce investment needs identified in the local plan
3. When the LWDB determines that (a) it would be most appropriate to contract with an institution of higher education (see definition in 20 U.S.C. 1001, 1002(a)(1)) or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations and (b) such contract does not limit customer choice
  4. When the LWDB determines that a pay-for-performance contract is suitable consistent with 20 CFR 683.500. If the LWDB enters into a pay-for-performance contract, the contract must be consistent with 20 CFR 683.510. No more than 10% of the local funds may be spent on pay-for-performance contract strategies, as they are defined in WIOA § 3(47) and ADWS Policy No. WIOA I-B – 1.2 (*Definitions*).

**ADWS may require the collection of performance information from the exempt service providers to determine whether they meet performance criteria to receive WIOA Title I-B funds [WIOA §§122 & 123; TEGLs 41-14 & 19-16]. Supportive services may be provided only when necessary for WIOA Title I-B participants to participate in specific types of activities that may be funded through WIOA Title I-B funds, regardless who provides or funds the activities [WIOA § 3(59); 20 CFR 680.910(b) & 681.570; TEGLs 19-16 & 21-16; ADWS Policy No. WIOA-I-B – 3.9 (Supportive Services)].**

#### **Training Services Leading Directly to Employment but Not Provided by Eligible Training Providers**

**If the training service determined appropriate for a participant requires an ITA, but the provider is not an ETP, it is Arkansas Policy that the “in-demand” and other ETP requirements have been met for the purposes of being considered a WIOA Title I-B program if all of the following requirements are met:**

- (1) The participant meets all other eligibility requirements for the receipt of training services, as listed in listed in 20 CFR 680.210 and ADWS Policy No. WIOA I-B – 3.1 (Services for Adults and Dislocated Workers) or for OSY, 20 CFR 680.210 and ADWS Policy No. WIOA I-B – 3.2 (Services for Youth).**
- (2) An employer has completed the Intent to Hire Certification Process described below for the participant(s) desiring to be trained.**

### **Intent to Hire Certification Process:**

- (1) Employers must complete and sign the *Intent to Hire* certification, which denotes their intentions to hire the individual(s) who successfully complete the training.**
- (2) Employers must file their *Intent to Hire* certification with the appropriate Local Workforce Development Board.**
- (3) The Local Workforce Development Board must review and approve the received *Intent to Hire* certification.**
- (4) An authorized representative of the LWDB must sign the *Intent to Hire* certification, which will serve as an acknowledgement of the LWDB's intent to provide WIOA funding for training costs and/or supportive services, as applicable.**
- (5) The LWDB must keep one copy of the completed *Intent to Hire* certification on file for its records and place another in the participant(s)'s folder(s).**

### **Supportive Services Provided While in Training**

**Supportive services, as described in WIOA § 3(59); 20 CFR 680.900, 681.460(a)(7), & 681.570; TEGLs 19-16 & 21-16; and ADWS Policy No. WIOA-I-B – 3.9 (Supportive Services), may be made available to any Adult or Dislocated Worker participating in Title I-B Career Services (except Follow-up) or Training Services if the supportive services are necessary to enable the individual to participate in the activity and the supportive services cannot be obtained through other programs providing such services. Supportive services may also be available to any Youth participating in a Title I-B Youth Program Element if the supportive services are necessary to enable the individual to participate in the activity and the supportive services cannot be obtained through other programs providing such services. In each case, the service or activity need not be funded by WIOA Title I-B, but the activity must meet all requirements to be authorized to be provided by WIOA Title I-B [WIOA § 3(59) & 134(d)(2); 20 CFR 680.140, 680.900, 680.910, 681.579, & 681.580; TEGLs 19-16 & 21-16; ADWS Policy No. WIOA-I-B – 3.9 (Supportive Services)].**

**This policy does not preclude the use of out-of-state training providers or supportive services necessary to enable individuals to participate in out-of-state training, so long as the training is included in that state's ETPL or an exception can be documented as described above.**

**Note: This policy also applies to programs that are funded by Statewide Activities funds under WIOA.**

Occupational skills training can be combined with workplace training or work experience in several different situations. ITAs may be used with or without OJT contracts for registered apprentices [20 CFR 680.330 (a)]. Registered apprenticeship programs (RA) automatically qualify to be on a State's ETPL [20 CFR 680.330; TEGL 19-16]. Examples of RA sponsors who can be eligible training providers (ETP) are [TEGL 19-16]:

- Employers who provide related instruction. The employer is the ETP.
- Employers who use an outside educational provider, such as a postsecondary institution, technical training school, or online courses. In this case, the employer is the ETP.
- Joint apprenticeship training programs administered by a union. The union is the ETP.
- Intermediaries, such as postsecondary institutions, technical schools, industry associations, and community-based organizations, that administer the program, and either provide the training or work with other entities to provide the training. The Intermediary is the ETP.

## Youth

Occupational skills training is Youth Program Element 4. As a Program Element, occupational skills training must be available to all youth if their assessments of academic levels, skill levels, and service needs indicate that they are prepared for such training and that the training meets their employment goals [TEGL 21-16]. Occupational skills training for youth must:

- (a) be outcome-oriented and focused on an occupational goal specified in the ISS
- (b) be of specific duration to impart the skills needed to meet the occupational goal, and
- (c) lead to the attainment of a recognized postsecondary credential [20 CFR 681.540(a); TEGL 21-16].

Occupational skills training for youth award grants or contracts on a competitive basis to entities to provide occupational skills training to youth. If the local board determines there is an insufficient number of eligible providers of youth occupational skills training in a local area, such as a rural area, grants or contracts may be awarded on a sole-source basis [WIOA §123; 20 CFR 681.540(a); TEGL 21-16].

ITAs may be used to provide occupational skills training to OSY, using youth funds to provide training with an ETP [20 CFR 681.550; TEGL 21-16]. ISY cannot use ITAs using youth funds, but ISY age 18 or older may co-enroll in the WIOA Adult program if the youth's individual needs, knowledge, skills, and interests align with the WIOA adult program. The co-enrollment would allow the ISY to receive occupational skills training through an ITA funded by the Adult program [TEGL 21-16].