

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA
	CORRESPONDENCE SYMBOL OWI-DASG
	DATE May 17, 2021

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 13-16,
CHANGE 1**

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
STATE APPRENTICESHIP AGENCIES
STATE DIRECTORS OF THE OFFICE OF APPRENTICESHIP
DISABLED VETERANS OUTREACH PROGRAM REPRESENTATIVES
LOCAL VETERANS EMPLOYMENT REPRESENTATIVES

FROM: SUZAN G. LEVINE /s/
Principal Deputy Assistant Secretary

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

1. **Purpose.** This Training and Employment Guidance Letter (TEGL), Change 1, provides clarification on Registered Apprenticeship Programs (RAPs) as WIOA Title I Eligible Training Providers (ETP).
2. **Action Requested.** States should review and, if necessary, update current policies pertaining to RAPs and ETPs. States should also review and update procedural requirements associated with placing ETPs on ETP lists as appropriate.
3. **Summary, Background, and Clarifications.**
 - a. **Summary** – This guidance clarifies several misconceptions regarding RAPs and ETPs to ensure apprenticeship continues to grow as an employment opportunity for jobseekers and a talent solution for businesses.
 - b. **Background** – The Employment and Training Administration (ETA) published TEGL No. 13-16 in January 2017 and TEGL No. 08-19 in January 2020. This Change 1 updates information on WIOA provisions related to Registered Apprenticeship found in TEGL No. 13-16 and ETP provisions related to Registered Apprenticeship found in TEGL No. 08-19. A similar Change 1 is being made to TEGL No. 08-19.

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ETA's review of policies within WIOA State Plans, monitoring reviews, and technical assistance with the public workforce system and apprenticeship-related grants have revealed a few areas of confusion relating to TEGL No. 13-16 and TEGL No. 08-19, which this guidance aims to address. Additional resources on apprenticeship are available at <https://www.apprenticeship.gov/resource-hub> and <https://apprenticeship.workforcegps.org/>.

4. **Clarifications** – This guidance clarifies some of the areas that are commonly misunderstood to assist states in achieving an effective, efficient, and compliant public workforce system. This TEGL does not change any of the existing guidance in TEGL No. 13-16, but does add the following clarifications relating to RAPs and ETP lists:

- a. **RAPs must opt-in to ETP lists**

One common area of confusion relates to RAPs' automatic eligibility for inclusion on state ETP lists. Although language on the bottom of page 4 of TEGL No. 13-16 states that "*WIOA automatically includes Registered Apprenticeship programs on state Eligible Training Provider Lists (ETPL)...*," this statement on its own leaves out the important context provided later on page 5 of TEGL No. 13-16 that this is in reference to the automatic *eligibility* for placement on state-approved ETP lists, consistent with Section 680.470 of the WIOA regulations. Not all RAP sponsors are currently hiring new apprentices and thus may not want to opt-in as an ETP, despite automatic eligibility. Also, employers that are RAP sponsors may be reluctant to coordinate with the public workforce system when they do not understand the benefits of doing so. It remains important for states to communicate the benefits of ETP list placement to current and new sponsors.

- b. **RAPs that have opted in to State ETP lists must be on all Local ETP lists in the State**

Another area of confusion relates to the placement of RAPs on local ETP lists. TEGL 13-16 states on page 8 – "*The expectation is that Registered Apprenticeship programs will be included on statewide lists of ETPs through a minimally burdensome process that includes the State Director of Apprenticeship, as well as any and all local lists of ETPs.*" This was further clarified with a visual depiction in Attachment I, page I-6, of TEGL No. 08-19 emphasizing that all programs added to state lists must also be added to all local lists in that state. Any local ETP list, where they exist, must be a subset of the statewide ETP list. All RAPs on a statewide ETP list must also be located on all local ETP lists in the state.

- c. **National Program RAPs do not need to register as an apprenticeship program in individual states for ETP list access**

Monitoring and technical assistance has revealed that many states incorrectly require *National Program* RAP sponsors¹ to register their apprenticeship program in the

¹ 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

particular state to qualify for automatic eligibility for inclusion on the ETP list. However, *National Program* RAPs are automatically eligible for placement on statewide ETP lists where they have operations. States *cannot* require *National Program* RAPs to also register their program in a particular state in order to gain inclusion on the ETP list in that state. Unlike the process for in-state RAPs, in the case of *National Program* RAPs, a representative from the RAP or from ETA's Office of Apprenticeship will initiate contact with the state in which the RAP is seeking ETP list inclusion. In cases where the provider of the Related Technical Instruction component for a *National Program* RAP has on-line instruction available in numerous states or across all states, that *National Program* RAP may request inclusion on all state ETP lists where instruction is available and for which it desires ETP list placement.

d. RAPs always provide training in an in-demand occupation

Some states have expressed concern related to the eligibility of RAPs to receive WIOA training funds due to the requirement that ETPs must provide training that is connected to in-demand industry sectors and occupations, consistent with Section 134(c) of WIOA. Given that RAPs are a link to demonstrated hiring needs and WIOA provides automatic training provider eligibility to RAPs, ETA has determined that RAPs qualify as occupations in-demand in the local labor market. TEGL No. 08-19 notes on Attachment I, page I-9 that "*States may also give priority to ETPs that have established relationships with employers that are looking to hire.*" ETA strongly recommends that state ETP policies reflect that RAPs reflect in-demand occupations. Local program operators should not spend time determining "occupational-demand status" for RAP sponsors that are hiring.

e. Add new RAPs to the ETP list in a timely manner

One final area of clarification relates to the formal process by which RAPs opt-in to the state ETP lists. TEGL No. 08-19 notes in Attachment II, page II-2 that "*The state must establish a minimally burdensome mechanism for adding Registered Apprenticeship programs (RAPs) to the [Eligible Training Provider] list and verifying registration status at least every two years.*" This verification period every two years is a minimum. TEGL No.13-16, on page 7, states, "*data collection on new Registered Apprenticeship programs should be added on a timely basis, at least semi-annually.*" ETA strongly encourages states to review ETP lists and add any new RAPs *at least every six months*, and states may add new RAPs to an ETP list at any time. States do not need to wait two years to verify registration status or to refresh their ETP lists.

5. Inquiries. Please direct inquiries to the appropriate Regional Office.

generally 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 RAPs, all apprenticeship programs registered using National Program Standards are automatically eligible for placement on State and local ETP lists where they have apprentices.

6. References.

- a.** TEGL No. 13-16, *Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA).*
- b.** TEGL No. 08-19, *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs.*

7. Attachment(s). N/A