

	<b>New Jersey Workforce Innovation Notice</b>		<b>WD-PY22-1</b>
	<b>Issued By:</b>	Workforce Development Division of Career Services	
	<b>Approved By:</b>	Hugh Bailey, Assistant Commissioner Workforce Development	
	<b>Issued Date:</b>	July 8, 2022	

**SUBJECT:** ETPL Requirement and Monitoring Procedures for Work-Based Learning Contracts, Contracted WIOA Youth Providers, and Contracted WFNJ Providers

**EFFECTIVE DATE:** This NJWIN is effective **Immediately**.

**PURPOSE:** This policy clarifies the definition of an Eligible Training Provider (ETP) and who is and is not included in that definition and therefore what providers do and do not need to be listed on the ETPL. This guidance rescinds New Jersey Workforce Innovation Notice 10-17, which required contracted providers of Workforce Innovation and Opportunity Act (WIOA) youth services and WFNJ services to apply to the Eligible Training Provider List (ETPL). Effective immediately, contracted providers of WIOA youth services and WFNJ services no longer have to complete an ETPL application and be on the list. This rescission is being made to better align the state policy with the WIOA requirements related to the ETPL and definition of training provider given at 20 CFR 680.410.

**What is an eligible training provider (ETP)?**

An ETP:

- Receives funding for training services<sup>1</sup> through an individual training account (ITA)
- Must be included on the State’s ETPL list
- Must provide a program of training services; and
- Must be one of the following types of entities

<ul style="list-style-type: none"> <li>• Institutions of higher education that provide a program which leads to a recognized postsecondary credential</li> </ul>	<ul style="list-style-type: none"> <li>• Entities that carry out programs registered under the National Apprenticeship Act (29 USC. 50 <i>et seq.</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Other public or private providers of training services, which may include: Community-based organizations; Joint labor-management organizations; and Eligible Title II providers of adult education and literacy activities (if provided in combination with training services described at § 680.350.)</li> </ul>
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<sup>1</sup> As defined in § 680.200

### **ETP Performance**

TEGL 3-18 outlines that states must report performance information about ETPs to USDOL's Employment and Training Administration (ETA)<sup>2</sup>, mandating the collection of specific information for each program of study for each eligible provider of training services under Title I Adult and Dislocated Worker programs.

Additionally, ETA allows states to use individual training accounts (ITAs) for out-of-school youth WIOA participants ages 16 to 24<sup>3</sup>. **Therefore, for purposes of the annual ETP Performance Report, WIOA out-of-school youth participating in a program of study using an ITA must be reported** like a WIOA adult in all student and WIOA participant categories. Likewise, references to the WIOA Adult Program for purposes of reporting on the ETP Performance Report include out-of-school youth participating in a program of study using an ITA.

### **Work-Based Learning Contracts**

TEGL 3-18 also highlights that employers and other providers of work-based learning who do not receive funding through Individual Training Accounts (ITAs) and are funded through a contract to provide these services<sup>4</sup> **are not included in the ETP performance report.**

Specifically, the **types of work-based learning providers who are not ETPs and are not included in the ETP performance report are providers of:**

- On-the-Job Training (OJT);
- Customized Training;
- Incumbent Worker Training;
- Internships;
- Paid or unpaid Work Experience; and
- Transitional Jobs.

While New Jersey is not required to report on these work-based learning service providers to ETA through the ETP performance report, local areas must follow eligibility criteria for employers and training entities as laid out in current New Jersey work-based learning policies, as well as, engage in oversight and monitoring of these contracts locally.

### **Registered Apprenticeship Sponsor**

Registered Apprenticeship (RA) sponsors are automatically eligible to be placed on the ETPL, if they wish to be.<sup>5</sup> Unlike other training providers, RA sponsors are not required to provide performance information. Please note that (1) Registered Apprenticeship Programs (RAPs) are *always* considered to be in-demand training<sup>6</sup> and (2) national RAPs do not need to register in the individual state to be on the

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<sup>2</sup> In accordance with WIOA section 116 and regulations at 20 CFR 677.230 and 20 CFR 680.490. Section 116(d)(4) of WIOA

<sup>3</sup> As highlighted in 20 CFR 681.550

<sup>4</sup> As explained in 20 CFR 680.530 and 680.320

<sup>5</sup> As stated in WIOA Sec.128

<sup>6</sup> Training and Employment Guidance Letter 8-19 Change 1

ETPL. Grantees of the Growing Apprenticeship in Non-Traditional Sectors (GAINS) grant will continue to be required to be listed on the ETPL.

### **Contracted Providers of WIOA Youth and WFNJ Services**

Eligible providers of youth and WFNJ services that have been awarded a contract through a competitive process by a local workforce development board do not need to be listed on the ETPL for their competitively procured services.<sup>7</sup>

While these providers are not required to be part of the ETPL, WIOA does require States to disseminate a list of eligible providers of youth workforce investment activities.<sup>8</sup>

In accordance with WIOA, NJDOL will maintain a separate list of WIOA youth providers, as well as WFNJ providers. These lists will be made available and maintained online via NJDOL's Training Explorer website and New Jersey's WIOA website. These lists will offer (1) information about services and direct connection for potential participants to youth providers, and (2) information for interested vendors to connect with specific Local Workforce Development Boards (LWDBs) about future Requests for Proposals (RFPs).

### ***WIOA Youth Services***

LWDBs must submit current procurement and contract information about youth providers to NJDOL's Program Oversight and Development Unit through the MOVEit file sharing platform. This will ensure that the state's list of youth service providers offers an accurate and up-to-date overview of youth providers offering services in each local area.

The following information will be included as part of this list.

- Youth Provider Name, Contact, and Email
- All Youth Program Elements being made available, as well as availability of virtual services
- Contract Period
- The Local WDB that contracted with the youth provider
- Renewal options and expected re-procurement dates
- Local WDB procurement websites

### ***WFNJ Services***

Contracted providers of WorkFirst New Jersey Services also no longer need to be on the ETPL. However, procurement and contracting documents must similarly be submitted to NJDOL's WorkFirst New Jersey team. Additionally, information about these contracts will be listed as part of Local Workforce Development Area pages on NJDOL's Training Explorer site.

**In some cases, organizations providing youth and/or WFNJ services may also be eligible training providers offering training through ITAs. In these cases, organizations will be on both the ETPL and state youth or WFNJ provider lists.**

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<sup>7</sup> As stated in WIOA Sec. 123

<sup>8</sup> As highlighted in WIOA Sec. 129 (b) (1) (B) and WIOA Sec. 123, as well as Training and Employment Notice 22-19

### **Monitoring and Oversight of WIOA Youth Services**

In addition to the maintenance of state-level WIOA Youth Services and WFNJ provider lists, LWDBs must engage in program oversight and monitoring of youth workforce investment activities.<sup>9</sup> This includes ensuring that all youth services are captured in AOSOS, including the provision of all relevant program elements. Detailed expectations of youth service data collection are outlined in the AOSOS Technical Guide for Title I Service Delivery. Youth services data must be entered in the system of record within 30 days of the date of service to ensure that local and state-level monitoring teams have the information necessary to track progress and performance of these programs.

Furthermore, LWDBs must make specific documents related to procurement of these services publicly available and/or submit them directly to NJDOL. These documents include:

<b>Publicly-Available Procurement Documents</b>	<b>Required Document Submissions to NJDOL</b>
<ul style="list-style-type: none"><li>• Public Notice of Opportunity</li><li>• Request for Proposals</li><li>• Evaluation Report and Award Recommendation</li><li>• Public Notice of Award</li></ul>	<ul style="list-style-type: none"><li>• Proposals</li><li>• Contract and Scope of Services</li><li>• Renewal Materials</li></ul>

LWDBs must submit information and documents to NJDOL’s WIOA Program Oversight and Development (POD) team.

**Contact:** Inquiries regarding this policy should be directed to [WIOAPolicy@dol.nj.gov](mailto:WIOAPolicy@dol.nj.gov).

#### References:

- Workforce Innovation and Opportunity Act (WIOA or Opportunity Act), Public Law (Pub. L.) 113-128, enacted July 22, 2014
- TEGL 3-18: Eligible Training Provider (ETP) Reporting Guidance under WIOA: [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_3-18\\_acc.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_3-18_acc.pdf)
- TEGL 8-19, Change 1: Guidance on Registered Apprenticeship Provisions and Opportunities in WIOA: [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_8-19\\_Change-1.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_8-19_Change-1.pdf)
- TEN 22-19: Technical Assistance Resources for the Workforce Innovation and Opportunity Act (WIOA) Youth Program: [https://wdr.doleta.gov/directives/attach/TEN/TEN\\_22-19.pdf](https://wdr.doleta.gov/directives/attach/TEN/TEN_22-19.pdf)

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<sup>9</sup> As provided in WIOA sec. 107(d)