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## **Occupational Skills Training Policy**

### **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), and the Southeast Arkansas Workforce Development Board (SEAWDB).

### **Reference: (WIOA Law)**

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

### **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].

It is the policy of the Southeast Arkansas Workforce Development Board (SEAWDB) to provide eligible WIOA individuals with assistance in educational/occupational skill training services through Individual Training Accounts with a maximum funding limit of \$10,000.00 per individual during the full duration of program enrollment, as set by the SEAWDB. An additional time limitation sets a requirement that participants must be able to complete the occupational skills training program within two years of the start date in which the first ITA Voucher is issued. Those needing assistance beyond \$10,000 or two years, must submit a written request and justification to the SEAWDB Director, for consideration and approval.

## 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 SEAWDB Service for Adults and Dislocated Workers Policy:

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 1916].
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

Participants enrolled in a two-year community college or college/university degree program must hold and maintain a cumulative grade point average of a 2.0 GPA or higher on a 4.0 scale to meet this requirement. The student must have also attended a learning institution as described above within the last six months.

Participants interested in or enrolled in an apprenticeship, \*short-term training program (\*can be completed within six months), or any other related program, not meeting the criteria of a two-year community college or college/university must adhere to the following guidelines:

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]. Recent interview, evaluation, assessment, career planning or observations must be conducted within a time frame not to exceed three months prior to the start of occupational skills training.

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. Staff of the SEAWDB will utilize the “Occupational Skills Training Justification Form” to document and justify the need for training services.

**Examples of supporting justification may include:**

**Recent Interview/Observation-** Career Advisor is able to engage the applicant in a thorough interview, in which the applicant can articulate clear goals, understand and comprehend written and verbal questions, and think critically by responding appropriately to prompts that assess training readiness.

**Evaluation/Assessment-** Evidence of a prior training completed, exam passed\*, standardized tests passed\*, or similar assessment that supports the applicant's capability of completing a training program, certificate, entrance exam, exit exam or other required exam that measures educational competencies or functioning levels. \*\*(i.e. High School Diploma, National Career Readiness Certificate, A.C.T., Accuplacer Test, Compass Test, Drivers License Exam, TABE Test, etc.) \*\*This is not an exhaustive list. \*Passed is defined by industry standards and requirements, as well as benchmarks set by training providers, state and federal agencies, and partnering organizations.

**Career Planning-** The use of an Individual Service Strategy or Individualized Employment Plan, as required of all WIOA participants, to determine that occupational skills training is necessary in order for a participant to reach employment goals.

Career Advisors should use a mixed approach to determine if occupational training skills are appropriate and justifiable for participants. Staff-assisted individualized services and career services may be used in this process. However, 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 § 134I(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)].

5. In order to receive WIOA title I-B funding for Occupational Skills Training, 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 he or she must require 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 § 134I(3)(B)(i)(I); 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].

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 local WIOA title I-B program 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 tuition and 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 other education-related expenses [20 CFR 680.230].

VA benefits for education and training services may 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 title I-B 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].

Arkansas policy is that WIOA title I-B funds may be used for tuition and fees for Occupational Skills Training only when other grants and scholarships (excluding VA-funded training benefits) are insufficient to cover the cost of tuition and fees. In those cases, WIOA title I funds may supplement other sources to make the total grants and scholarships the total amount of tuition and fees. Other supportive services, however, may be provided when need is demonstrated, documented, and not available through other sources. Grants and scholarships in excess of the amount of tuition and fees need not be considered when documenting the need for other supportive services. VA-funded training funds may not be considered when determining the need for other supportive services.

In order to determine if a participant is able to obtain a Pell grant, the participant must either apply for a Federal Pell Grant or must submit documentation that he or she is unable to 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.

Arkansas Workforce Center 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)].

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 funding. 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 §134I(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 § 134I(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, Change 1 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 SEAWDB criteria includes [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; and
  - c. How the specific program relates to the workforce investment needs identified in the SEAWDA 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, Change 1 (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 activities that are authorized to be provided through WIOA title I-B, regardless who provides or funds the activities. Therefore, if WIOA funds are used to provide supportive services for a participant to participate in Occupational Skills Training, the training must meet all requirements of this policy, regardless of what entity provides the tuition for the training [*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)*].

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 may be provided by awarding grants or contracts on a competitive basis to entities to provide such training. 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 Out-of-school Youth (OSY), using youth funds to provide training with an ETP and following the same guidelines as for Adults and Dislocated Workers [20 CFR 681.550; TEGL 21-16]. In-school Youth (ISY) cannot be provided ITAs with 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].

### **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:

- a. Employers must complete and sign the Intent to Hire certification, which denotes their intentions to hire the individual(s) who successfully complete the training.
- b. Employers must file their Intent to Hire certification with the Southeast Arkansas Workforce Development Board.
- c. The Southeast Arkansas Workforce Development Board must review and approve the received Intent to Hire certification.

- d. An authorized representative of the SEAWDB 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.
- e. The SEAWDB 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).

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, if the training is included in the ETPL of either Arkansas or the state in which the training provider is located and the training has been approved by the Board of the local area in which the individual is a participant, or if an exception can be documented as described above.

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

### **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 the appropriate 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)]. Because supportive services provided by Youth funds may be used only to support activities authorized under the WIOA Youth program, Youth funds may not be used to provide supportive services to ISY who are receiving ITAs as Adult participants.

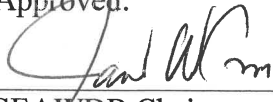
### **Measurable Skill Gains Types related to Occupational Skills Training**

Each participant enrolled in occupational skills training must have at least one appropriate measurable skill gains (MSG) goal reported in AJL and listed in the Individual Educational Plan (IEP) or Individual Service Strategy (ISS). If the training is expected to last a semester or more, a Transcript or Report Card MSG goal for each appropriate training period (such as a semester) must be listed. If the training is part of a registered apprenticeship program, the participant must also have a Milestone MSG goal. If the training requires the passage of a particular technical or occupational exam (or exams) demonstrating required knowledge or skills, the participant must have a Passage of Exam (or Skill Progression Benchmark) MSG goal for each exam [TEGL 10-16, Change 1].



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Approved:

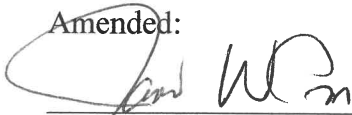


1-15-20

SEAWDB Chairperson

Date

Amended:



1-15-20

SEAWDB Chairperson

Date