WIOA Title I Training & Maryland's Eligible Training Provider List│February 16, 2023

TO: Division of Workforce Development and Adult Learning (DWDAL) staff and Local Workforce Development Area (Local Area) directors

FROM: Division of Workforce Development and Adult Learning Maryland Department of Labor (MD Labor)

SUBJECT: WIOA Title I Training & Maryland's Eligible Training Provider List

PURPOSE: To provide comprehensive policy guidance on processes related to Maryland's Eligible Training Provider List

ACTION: Local Area Directors, American Job Center (AJC) Reemployment Program Directors, and central office managers will ensure all employees are aware of and receive copies of this policy. DWDAL policies are available on the MD Labor website.

EXPIRATION: Until cancelled or replaced.

QUESTIONS:

Carolyn Mitchell, Director	Lloyd Day	Erin Roth
Director, OWIP	Director, OWD	Deputy Assistant Secretary, DWDAL
410.767.2759	410.767.2995	410.767.5870
carolyn.mitchell@maryland.gov	lloyd.day@maryland.gov	erin.roth@maryland.gov

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CANCELLATIONS

The following policies are hereby cancelled and replaced by this policy issuance:

- Policy Issuance 2021-11, "WIOA Title I Training & Maryland's Eligible Training Provider List," dated July 29, 2021.

Archived policies are available at: http://www.labor.maryland.gov/employment/mpi/.

GENERAL INFORMATION

WORKFORCE INNOVATION & OPPORTUNITY ACT

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, and went into effect July 1, 2015. WIOA supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner Peyser Act, and the Rehabilitation Act of 1973. By design, the workforce system established under WIOA is integrated to help both businesses and jobseekers. WIOA envisions connecting businesses with job seekers, through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of job seekers through establishing a workforce system that helps them access employment, education, training and support services to succeed in the labor market. Through the American Job Centers (AJCs), WIOA works to address employer needs by matching them to the skilled workers they need to compete in the global economy.

ELIGIBLE TRAINING PROVIDER LIST

Under WIOA, training is provided to eligible adults, dislocated workers, and youth[1] through a robust Eligible Training Provider List (ETPL), comprised of entities with demonstrated capabilities of training individuals to enter quality employment. WIOA specifies that the Governor (or Governor's designee) is responsible for ensuring that programs meet ETPL eligibility criteria and performance levels established by the State. As the Governor's designee, the Maryland Department of Labor (MD Labor) plays a leadership role in ensuring the success of the ETPL in collaboration with the State's Local Workforce Development Boards (Local Boards) and other partners, such as Maryland Higher Education Commission (MHEC).

Maryland's ETPL and the related eligibility procedures ensure the accountability, quality, and labor market relevance of training services that receive funds through WIOA Title I, Subtitle B. WIOA's requirements regarding the ETPL pertains to WIOA Title I, Subtitle B funds only. Core programs and partners other than the WIOA Title I programs are not required to use the ETPL.

When developing this policy, the State had the following goals in mind:

A. Ensure that Local Areas and WIOA participants have sufficient numbers and a diverse pool of quality providers of in-demand training;
B. Create an effective marketplace for the training programs available to WIOA participants that allows customer choice for Individual Training Accounts (ITAs) participants in a way that helps them make informed decisions, along with staff and within local policy, on how to use their ITAs;
C. Reduce burden on training providers by enhancing ETPL-related processes, such as eligibility and data collection, by developing efficient and streamlined procedures; and
D. Prohibit discrimination by training providers in accepting and enrolling WIOA program participants.

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[1] Youth funds for individual training accounts (ITAs) are for out-of-school youth aged 16-24. In accordance with 20 CFR 664.500, when using youth funds for ITAs, participants must select a program from the ETPL. Accessing the ETPL allows the program to avoid further procurement processes. In-School-Youth (ISY) cannot use youth program-funded ITAs. However, ISY between the ages of 18-21 may co-enroll in the WIOA Adult program if the young adult's individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

MD Labor Responsibility

As the State workforce agency, MD Labor has been designated as the entity responsible for defining and carrying out the processes and procedures for determining the eligibility of training providers and programs of training services. MD Labor is specifically responsible for:

A. Developing and maintaining the State ETPL and programs as described in 20 CFR 680.450 (initial eligibility), 20 CFR 680.460 (continued eligibility), and 20 CFR 680.490 (performance and cost information reporting requirements);
B. Ensuring that programs meet eligibility criteria and performance criteria established by MD Labor;
C. Removing programs that do not meet State-established program criteria or performance levels, as described in 20 CFR 680.480(c) and in this policy;[2]
D. Taking appropriate enforcement actions against providers that intentionally supply inaccurate information or that substantially violate the requirements of WIOA, as described in 20 CFR 680.480(a) and (b); and
E. Disseminating the ETPL, accompanied by performance and cost information related to each program, to the public and the Local Boards throughout the State, as further described in 20 CFR 680.500.

Local Workforce Development Board Responsibility

The State's Local Boards[3] are responsible for the following functions:

A. Carrying out the policies and procedures assigned to the Local Board consistent with this policy issuance;
B. Documenting local policies and procedures as related to ETPL, including the handling of Personally Identifiable Information (PII) and the Family Educational Rights and Privacy Act (FERPA);
C. Ensuring the protection of PII and other sensitive information;
D. Working with MD Labor to ensure there are sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and adults in need of adult education and literacy activities described under WIOA sec 107(d)(10)(E), serving the Local Area;
E. Ensuring the dissemination and appropriate use of the Maryland ETPL through the local AJC delivery system; and
F. Monitoring the ETPL and/or training providers who receive Title I funding, as they are the entities that oversee and approve these training activities. Local Boards must monitor:
    1. The individual programs to confirm that they are compliant with local expectations;
    2. The appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116; and
    3. Internal controls to ensure accurate accounting of training funds, in compliance with 2 CFR 200.303.[4]

A Local Board may set higher levels of performance than required within this policy as criteria for training programs to become or remain eligible to provide services in that Local Area, except with respect to Registered Apprenticeship programs. See page 18 for information on Registered Apprenticeship programs and the ETPL.

Local Areas may utilize a "local list" that is a subset of the State's ETPL, based off of additional more restrictive ETP criteria as determined by the Local Board. The local list may not include *supplemental* training providers that are not included on the State ETPL and the process for creating such a list must be documented in the WIOA Local Plan.

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[2] More information on the Considerations for ETPL Eligibility can be found on page 15.
[3] A Local Board may delegate its authority to the Director of the Local Area (or other designee). A delegation can only be accomplished through a resolution of the Local Board, or by a process that is identified in the WIOA Local Plan.
[4] More information on Local Board ETPL monitoring responsibility can be found in DWDAL's ETPL Monitoring Toolkit at: http://www.labor.maryland.gov/employment/train/etplajc.shtml.

Although Local Boards may add some of their own restrictions and requirements in defining the ETPL for their Local Area, they may include only training providers on their list that are approved for the State ETPL. A Local Area that does not add restrictions and requirements must include all State ETPs on its local ETPL, while a Local Area that adds eligibility restrictions may have a subset of the State list as depicted in the graphic to the right. All Registered Apprenticeship programs on the State ETPL must be on the local ETPLs.

State ETPL

Local ETPL
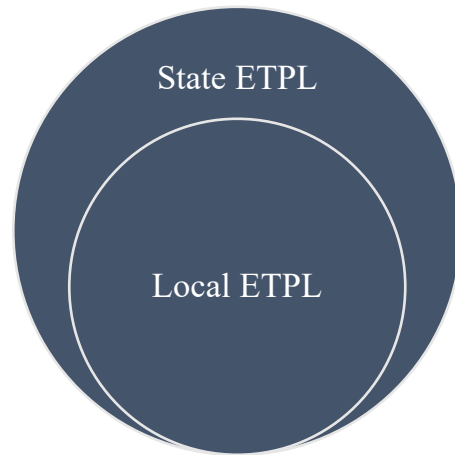
WIOA TRAINING, ITAs, & THE ELIGIBLE TRAINING PROVIDER LIST

TRAINING UNDER WIOA TITLE I

Certain WIOA Title I funds are provided to Local Areas for the purposes of delivering training services to eligible adults and dislocated workers who have been determined to:

A. Be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency[5] or wages comparable to or higher than wages from previous employment through career services alone;
B. Be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment;
C. Have the skills and qualifications to successfully participate[6] in the selected program of training services;
D. Be unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds or Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other sources of grant assistance (examples include, but are not limited to, Federal Pell Grants, EARN Maryland program funds, and MHEC's Workforce Sequence Scholarships);[7]
E. Be a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination;[8]
F. 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.

Training is based on funding availability. To receive WIOA-funded training, an eligible individual selects a training program that is directly linked to in-demand employment opportunities, as determined by State and local plans, as well as labor market information in the Local Area, the WIOA Planning Region, or in another area to which the individual is willing to commute or relocate. Selection of training services should be conducted in a manner that maximizes informed customer choice, is linked to in-demand occupations, is informed by the performance of relevant training providers, and coordinates to the extent possible with other sources of assistance. Selection of training should be made in conjunction with staff assistance and individual compatibility.

Per 20 CFR 680.200, training services may be delivered in person, online, or in a blended approach, and may include:

A. Occupational skills training, including training for nontraditional employment;
B. On-the-job training;[9]
C. Incumbent worker training in accordance with WIOA;[10]
D. Programs that combine workplace training with related instruction, which may include cooperative education programs;[11]
E. Training programs operated by the private sector;
F. Skill upgrading and retraining;
G. Entrepreneurial training;

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[5] Each Local Board defines "self-sufficiency" for its respective Local Area. The definition can be found in the Local Area's WIOA Plan, found at http://www.labor.maryland.gov/wdplan/wioalocalplans.shtml.
[6] With or without reasonable accommodation.
[7] See 20 CFR 680.230 and WIOA sec. 134(c)(3)(B) for provisions relating to fund coordination.
[8] 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. TAA is not required to use the ETPL. More information on MD Labor's TAA policy at: http://www.labor.maryland.gov/employment/mpi/.
[9] See 20 CFR 680.700, 680.790, 680.730.
[10] See WIOA Section 134(d)(4) and 20 CFR 680.780, 680.790, 680.800, 680.810, and 680.820.
[11] A cooperative program is a structured method of combining classroom-based education with practical work experience.

H. Transitional jobs in accordance with WIOA;[12]
I. Job readiness training provided in combination with any of the services 1-8 above;
J. Adult education and literacy activities, including activities of English language acquisition and integrated education and training (IET) programs, provided concurrently or in combination with services 1-7 above;[13]and
K. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.[14]

Local Boards must ensure that training services provided via WIOA Title I funds are provided in a manner that maximizes informed customer choice in the selection of an eligible provider of training services.

INDIVIDUAL TRAINING ACCOUNTS

If an eligible individual seeking WIOA Title I training, in conjunction with Local Area staff, selects an eligible provider of training services from the ETPL, then the Local Area involved must, to the extent practicable, refer such individual to the eligible provider of training services and arrange for payment for such services through an ITA[15].

WIOA allows for MD Labor to impose limits on ITA duration and dollar amount, however, the Department currently defers this responsibility to the Local Boards. In formulating the WIOA Local Plans,[16] the Governor's Workforce Development Board (GWDB) and MD Labor require Local Boards to provide the following information related to training and ITAs:

A. A description of how the Local Board will use ITAs based on high demand, difficult to fill positions identified within local priority industries recognized in the Local Plan;
B. A description of the Local Area's ITA policy, including information such as the selection process, dollar limits, duration, etc.; and
C. A description of how training services under Chapter 3 of Subtitle B will be provided in accordance with Section 134(c)(3)(G), including if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of ITAs under that chapter, and how the Local Board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided.

The Act and WIOA Final Rules allow for limits to ITAs in different ways:

A. There may be a limit for an individual participant based on the needs identified in the Individual Employment Plan (IEP), such as the participant's occupational choice, goal, or the level of training needed to succeed in that goal; or

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[12] See WIOA Section 134(d)(5) and 20 CFR 680.190, 680.195

[13] As explained in 20 CFR 680.410 and 680.350, WIOA Title I adult and dislocated worker funds may be used for programs of training services that provide adult education and literacy activities if they are provided concurrently or in combination with occupational skills training and training services specified in 20 CFR 680.350. For example, English as a second language may be part of a program of training services that leads to measurable skill gains toward postsecondary credentials, industry-recognized credentials, or employment. USDOL added a cross reference to 20 CFR 680.350 in 680.420(b) to clarify that a participant may utilize a program offering a secondary school diploma or its equivalent only when that program is offered in conjunction with occupational skills training and other training options listed at 20 CFR 680.350.

[14] See WIOA CFR 680.760 and 680.770

[15] Contracts for services may be used instead of ITAs in certain circumstances. See pages 23-25 for details on "exceptions."

[16] WIOA Local Plans can be found on MD Labor's website:
https://www.labor.maryland.gov/wdplan/wioalocalplans.shtml.

B. There may be a policy decision to establish a range of amounts and/or maximum amount applicable to all ITAs.

An individual may select training that costs more than the maximum amount available for ITAs under a local policy when other sources of funds are available to supplement the ITA. Each Local Board, through the AJC system, is responsible for coordinating funding for ITAs with funding from other federal, State, local, and private job training programs, or other sources, to assist in obtaining training services, as practicable. Consistent with 20 CFR 680.340(a), priority consideration must be given to programs that lead to postsecondary credentials that are aligned with in-demand industry sectors or occupations, as specified in the Local Area's approved WIOA Local Plan.

A Local Board's referral may be carried out by providing a voucher or certificate directly to the adult or dislocated worker to obtain the training or training provider. ITA funds are used to pay the training provider to cover the cost of the training program, in whole or part. PII and other sensitive information must be protected by the Local Board and training provider.[17] Local Boards and training providers must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals in the ITA invoicing process and to protect such information from unauthorized disclosure. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means.

"ELIGIBLE TRAINING PROVIDERS"

An Eligible Training Provider (ETP)[18] is the only[19] type of entity that receives funding for training services through an ITA. This means that if an entity is not on the Maryland ETPL, the entity cannot receive ITA funds for training services. In accordance with 20 CFR 680.410, an ETP must be included on the Maryland ETPL and must be one of the following types of entities:

A. An institution of higher education[20] that holds a certificate of approval from the MHEC or is legally authorized by another State and provides a program that leads to a recognized postsecondary degree or credential;
B. An entity that carries out a program registered under the National Apprenticeship Act;[21]
C. A public or private provider of training services, which may include:
   1. A Private Career School that holds a certificate of approval from the authorizing agency or holds a letter of exemption issued by MHEC;
   2. A community-based organization;
   3. A joint labor-management organization; or
   4. An eligible provider of adult education and literacy activities under WIOA Title II if such activities are provided in combination with certain training services;[22] or,
D. A Local Board.[23]

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[17] See pages 27-28 for more on PII and Confidentiality.
[18] Training programs, not the providers, will be on the ETPL.
[19] Contracts for services may be used instead of ITAs in certain circumstances. See pages 23-25 for details on "exceptions."
[20] As defined in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1))
[21] See page 18 for more on Registered Apprenticeships and the ETPL.
[22] See 20 CFR 680.350.
[23] See "Local Workforce Development Board as Eligible Training Provider" on page 10 for additional details.

All ETPs are subject to the equal opportunity and nondiscrimination requirements set forth in WIOA Section 188, 29 CFR Part 38, Maryland Nondiscrimination Plan, and Maryland's Language Access Plan.[24]

Local Board as Eligible Training Provider

In accordance with 20 CFR 679.410(c), a Local Board is prohibited from providing training services, unless the Governor grants a waiver in accordance with the provisions of WIOA Section 107(g)(1). The Governor may grant a waiver only in instances where: (1) there is an insufficient number of ETPs to meet local demand in the Local Area; (2) the Local Board meets the requirements for ETP services under WIOA Section 122; and (3) the program of training services prepares participants for an in-demand industry sector or occupation in the Local Area. In accordance with WIOA Section 107(g)(1) and 20 CFR 679.410, if a Local Board wishes to become an ETP, the Local Board chair should submit a written waiver request to the MD Labor Director of Workforce Development. At a minimum, the written waiver request must include:

A. Satisfactory evidence that an insufficient number of eligible providers of such a program of training services exists to meet local demand in the Local Area;

B. Information demonstrating that the Board meets the requirements for an eligible provider of training service, as outlined in this policy;

C. Information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the Local Area;

D. A public comment period of at least 25 business days to make the proposed waiver request available to existing ETPs and other interested members of the public; and

E. All comments received during said public comment period.

If MD Labor decides to grant a waiver, the waiver cannot exceed the duration of the Local Board's WIOA Local Plan. MD Labor may consider waiver renewals under a Local Board's subsequent WIOA Local Plan, if the Local Board meets the requirements in making the requests. A waiver renewal cannot exceed the duration of the WIOA Local Plan that is in effect.

MD Labor, in consultation with the GWDB, has the authority to revoke the waiver if the Governor determines that the waiver is no longer needed or if it has been determined that the Local Board involved has engaged in a pattern of inappropriate referrals to training services operated by the Local Board.

"PROGRAM OF TRAINING SERVICES"

According to 20 CFR 680.420,[25] a "program of training services" is one or more courses or classes, or a structured regimen, which provides the training services described above and leads to:

A. An industry-recognized credential;[26]

B. A certificate of completion of a Registered Apprenticeship;

C. A license recognized by Maryland or the federal government;

D. An associate or baccalaureate degree;

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[24] MD Labor's Nondiscrimination Plan can be found here: http://www.labor.maryland.gov/employment/ndp/. MD Labor's Language Access Plan can be found here: http://www.labor.maryland.gov/employment/wioa-access.pdf.

[25] See 20 CFR 680.200 for additional federal guidance on WIOA Title I training.

[26] In the WIOA Final Rules, the U.S. Department of Labor chose not to define the term ''industry-recognized credential'' and used the term ''industry-recognized certificate or certification'' in the definition of ''program of training services'' in order to mirror the definition of ''recognized postsecondary credential'' under WIOA. The term ''industry-recognized credential'' is an evolving term and the Department determined that defining it in the regulation may limit future innovation around industry-relevant training.

E. A secondary school diploma or its equivalent;[27]
F. Employment; or
G. Measurable skill gains toward a credential described in 1-4 above or employment.

Programs of training services should be inclusive of non-credentialed training, such as incumbent worker training, work-based learning opportunities, or single courses that fall within a career pathway. A program of training may involve one course of three days or less, if the course leads to one of the outcomes described in #A-G above.

CUSTOMER CHOICE REQUIREMENTS

Under 20 CFR 680.340, training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed customer choice in selecting an eligible provider. Each Local Board, through the AJC system, must make available Maryland's ETPL website, which contains a description of the training program, key costs, and performance information to inform customer choice and decision making.

In conjunction with local workforce staff and in adherence with State and local policy, and the WIOA State and Local Plans, an individual who is determined eligible for training services may select a provider to help meet their IEP goals. Unless the program has exhausted training funds for the Program Year (PY), the AJC must refer the individual to the selected ETP and establish an ITA for the individual to pay for the training. The "Cohort Model" cannot be the exclusive model for training delivery, as this may lead to extended wait times for customers.

An individual may choose a training provider or program outside of the Local Area, provided that the training program is on the Maryland ETPL. The ETPL is a statewide list with in-person, online, and hybrid training providers. Individuals are not limited to only participating in training that is in their Local Area or county. When utilizing online training options, Local Areas must work with participants to determine suitability for distance learning.

An individual may choose an ETP program outside of Maryland if that program is not already on Maryland's ETPL when a reciprocal or other agreement exists between Maryland and another state of between a Maryland Local Area and another state, such that a Maryland ITA will be accepted as payment for training. ETP programs on another state's ETPL can apply for inclusion on Maryland's ETPL by providing proof that they have been approved through another state's process. See page 22 for information on reciprocal agreements and out-of-State providers.

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[27] If they are provided concurrently or in combination with one or more of the training services listed A-K on pages 7-8. See 20 CFR 680.350.

INITIAL ELIGIBILITY

The process of initial eligibility for inclusion on the ETPL is designed to ensure that WIOA participants are using ITAs for high-quality training programs that are likely to result in positive employment outcomes. The eligibility review process provides an opportunity to assess whether training programs meet the quality standards required by Maryland to be included on the ETPL and to ensure customers have access to up-to-date information about program requirements and costs.

MD Labor, in consultation with the GWDB, is charged with establishing eligibility criteria and procedures for the initial eligibility of training providers and programs to receive funds under WIOA Title I, Subtitle B. The State and its Local Boards must work together to ensure sufficient numbers and types of training providers and programs to maximize customer choice while maintaining the quality and integrity of training services. Under WIOA and per U.S. Department of Labor (USDOL) guidance, State and Local Boards do not have authority to waive eligibility requirements.

MD Labor will use the information provided in ETPL application to inform customers and stakeholders on: (1) the ETPL website and other related public materials; and (2) the ETPL annual performance report. See page 16 for details on the annual performance report. MD Labor will include performance information on the MD Labor website at: http://www.labor.maryland.gov/employment/train/.

The following sections of this policy provide instruction for training providers seeking initial ETPL eligibility.

APPLYING FOR INITIAL ETPL ELIGIBILITY

The application process for initial ETPL eligibility consists of one step unless the program must also submit a separate application to MHEC for Private Career School approval. See page 14 for details on Private Career School Approval.

A provider must complete and submit an electronic application by following directions on MD Labor's website: https://www.labor.maryland.gov/employment/train/. Once the application has been submitted and received, MD Labor will confirm application receipt in writing.

> Note: ***Attachment A – ETPL Application Guide*** is included as an example of the online application. ***Attachment B – ETPL Application Checklist*** is included to assist providers in completing the application.

As shown on the application template, applications must include the following key elements in addition to all other information requested in the application:

   A. Description of each program of training services to be offered;
   B. Description of partnership with and relevancy for business;
   C. Description of how the provider's training services align with in-demand industry sectors and occupations, as specified in the WIOA State and/or Local Plan(s);
   D. At least 2 quarters of verifiable performance outcome data[28] for initial ETPL consideration could include any one of the following:

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[28] WIOA Section 122 gives the Governor (or designee, which is MD Labor in Maryland) discretion to determine the procedures for initial eligibility. In an effort to allow the Governor flexibility in establishing procedures that are most relevant and applicable to the Governor's State, 20 CFR 680.450(e)(2) requires the initial eligibility procedures to take into account "*a factor related to the indicators of performance* as described in WIOA Sections 116(b)(2)(A)(i)(I)-(IV) and 680.460(g)(1) through (4) which include unsubsidized employment during the second quarter after exit, unsubsidized employment during the fourth quarter after exit, median earnings and credential attainment." This does not mandate a

1. Carl D. Perkins Act performance outcome reports;
2. EARN Maryland performance outcome reports;
3. MD Labor DWDAL's grant performance outcome reports (e.g. Career Pathway Connections for Adult Learners, Opioid Workforce Innovation Fund, etc.);
4. Private Career School annual reports;
5. Performance data that have been previously submitted to the United States Department of Education, or a recognized regional or national Institutional Accrediting Agency;
6. Performance information submitted to a State outside of Maryland for ETPL eligibility purposes; or
7. A password protected .ZIP archive containing customer-level data (e.g., social security numbers) that MD Labor can match to unemployment insurance wage records to determine the following employment outcomes:[29]
   a. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
   b. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
   c. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
   d. The percentage of program participants who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;
E. Commitment from the program provider to begin collecting and reporting to MD Labor the social security numbers of all WIOA-funded participants engaging in the program on an annual basis,[30] as prescribed by MD Labor, once included on the ETPL in order to meet performance requirements of WIOA Sections 116(b)(2)(A)(i)(I)-(IV), 20 CFR 680.460(g)(1)-(4), and 20 CFR 361.230.[31]
F. Optional: Employer and/or customer letters to demonstrate local demand. It is not required to submit letters as a part of the application. Applicants are encouraged to reach out to MD Labor for Labor Market Information to demonstrate demand. MD Labor's resources on Labor Market Information can be found here: http://www.labor.maryland.gov/lmi/.

In March 2020, Maryland requested a federal waiver related to data collection for the ETPL, and the USDOL approved this request effective July 1, 2020. This waiver applies to July 1, 2020 through June 30, 2021. Specifically, Maryland requested to waive the obligation of ETPs to report performance data on *all students* in a training program per Workforce Innovations and Opportunity Act (WIOA) Sections 116(d)(4)(A) and 122 and 20 CFR 677.230(a)(4) and (5) and 20 CFR 680. Under this waiver, Maryland will continue to collect and report performance data for *all WIOA-funded* participants in accordance with the above regulations. The Maryland workforce system has one year to demonstrate to USDOL that this waiver has effectively allowed the State to grow its ETPL into a more robust marketplace of in-demand, high quality training providers with increased customer choice. (Note: Should the State not have a waiver in the future, ETPs will again be required to report data on ALL program participants).

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specific factor and it is at the Governor's discretion to determine what information to require for the applicant to meet this requirement. In addition, as stated by USDOL in its release of the WIOA Final Rules, the eligibility requirements in the regulations are quite flexible insomuch as they require the Governor to take certain factors into account, they do not prescribe what weight is given to any one factor.

[29] Data submission questions may be directed to the WIOA Training Program Manager.

[30] See pages 27-28 for information related to Personally Identifiable Information & confidentiality concerns.

[31] Programs of training applying for initial eligibility will likely be applying to serve WIOA participants for the first time and will not have results available for WIOA participants.

Social security numbers are an example of customer-level data. Applicants are not required to provide social security numbers as a part of their application for initial eligibility.

Training Provider Regulatory Determination

All applicants that do not already possess a Certificate of Approval from the MHEC must first submit a Training Provider Questionnaire to MHEC. The Questionnaire and additional information on how to apply can be accessed at:
https://mhec.state.md.us/institutions_training/Pages/career/pcs/apprfactsheet.aspx.

MHEC uses the information provided in the questionnaire to: (a) determine whether or not the training proposed requires a Certificate of Approval issued by MHEC; (b) receive a letter of exemption or "not regulated status" from MHEC (not required to obtain a Certificate of Approval from the Commission); or (c) be advised that the entity must seek approval from the higher education authority in the home State if the provider is not physically based in Maryland.

It is important to note that some applicants may be deemed subject to the MHEC private career school regulations, and therefore, these entities will be mandated to first submit an application to MHEC for private career school consideration prior to inclusion on the Maryland ETPL.[32]

New Programs

In an effort to be nimble and responsive to the workforce needs of the business community, MD Labor allows providers of new programs to apply for ETPL inclusion. For purposes of the ETPL, a "new program" is defined as a program that has been offered for less than 12 months.[33] For ETPL purposes, changing the instructional outcome of an existing program requires submission of an initial application for approval. Changes to program hours, weeks, fees, etc. which do not affect the instructional objective or outcome can be requested via MD Labor's ETPL webpage at http://www.labor.maryland.gov/employment/train/.

New Programs applying for inclusion on the ETPL must submit performance data, even if limited, as part of their application. However, if the program does not yet have performance data, MD Labor will accept their application without this information. Like all providers included on the ETPL, providers of new programs must commit to begin collecting and reporting to MD Labor the social security numbers of all WIOA-funded participants on an annual basis, as prescribed by MD Labor.

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[32] The Code of Maryland Regulations prohibits an organization from advertising as a school, conservatory, academy, institute, university, or college without prior approval of the Secretary of Higher Education. COMAR 13B.01.01.15.I: (1) An organization may not be known or advertised as a school, conservatory, academy, or institute except with the approval of the Secretary. Neither a school, nor any organization other than an institution of higher education, may be known or advertised as a university or college. This does not affect organizations operating in this State as schools, universities, colleges, conservatories, academies, or institutes before June 1, 1947. (2) Scope. This section does not apply to (a) An entity that holds a certificate of approval from the Commission; or (b) An entity that is subject to licensure as an educational or training provider by another agency of the State of Maryland or of the federal government.

[33] The Review Team should focus on when the program was created versus when the application was received. A "new program" refers to when it was created.

APPLICATION REVIEW FOR INITIAL ETPL ELIGIBILITY

Submitted applications must be reviewed within ten business days of receipt[34] by a Review Team comprised of:

    A. The MD Labor WIOA Training Program Manager;
    B. The MD Labor Director of the Office of Workforce Development (or designee); and
    C. A representative of the Maryland Workforce Association (MWA),[35] designated by the MWA President.

An extension of another ten business days will be granted if needed. If an ETPL Review Team member does not respond to the review within the time limit or request an extension, their vote will be assumed to be in favor of the program.

Once a completed application has been received, the WIOA Training Program Manager must contact the ETPL Review Team members to begin the application review process. The ETPL Review Team must ensure that approved applications meet Maryland requirements.[36]

Considerations for ETPL Eligibility

The ETPL Review Team must consider performance outcomes of the following measures when determining whether a program should continue to be included on the ETPL.

    A. Has the applicant provided strong evidence to demonstrate that the program provides training in an in-demand industry according to the business community and according to Labor Market Information provided in the Maryland State and/or Local Plan(s)?
    B. Does a program of 600+ clock hours or 16+ credit hours have a successful graduation rate of at least 33 percent for participants?
    C. Does a program of less than 600 clock hours or 16 credit hours have a successful graduation rate of at least 50 percent for participants?
    D. Does a program have a successful credential rate of at least 33 percent for participants?
    E. Does a program have a successful employment rate of at least 33 percent for participants?
    F. Does the occupational training identified align to an in-demand industry in the Local Plan?
    G. Does the training directly result in an industry recognized credential beyond a certificate of completion?

When making a determination, the ETPL Review Team should place strong emphasis on the success of WIOA-funded participants in completing the program, gaining in-demand employment, and retaining in-demand employment.

APPLICATION APPROVAL/DENIAL

The WIOA Training Program Manager must inform applicants in writing (i.e., email) of whether the initial or continued ETPL application has been approved[37] or denied within 30 business days of complete application

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[34] More time may be needed to conduct the initial eligibility review. If an ETPL Review Team member requires more time, the WIOA Training Program Manager will notify the applicant and the other ETPL Review Team members of the extension.
[35] The Maryland Workforce Association (MWA) is a coalition of executive directors from Maryland's local workforce agencies.
[36] WIOA sec 122(a) requires the Governor to determine eligibility procedures. The GWDB and Local Boards do not have authority under WIOA to waive initial or continued eligibility requirements. When issuing Section 680.450 of the Final Rules, the USDOL did not include waiver authority related to the ETPL. However, the USDOL noted that "the eligibility requirements in the regulations are quite flexible because although they require the Governor to take certain factors into account, they do not prescribe what weight is given to any one factor."
[37] Inclusion on the ETPL does not guarantee a provider WIOA funding.

receipt. If denied, the WIOA Training Program Manager must provide information to the applicant in writing on why the denial occurred and how to appeal the decision. Page 21 provides details on the appeal process.

ANNUAL REPORTING REQUIREMENTS

The USDOL requires MD Labor to annually report on the performance of providers included on Maryland's ETPL. The information submitted by providers to MD Labor for annual reporting purposes will: assist MD Labor in determining whether a program meets requirements for continued ETPL eligibility; assist WIOA participants and members of the general public in identifying effective training programs and providers; and benefit providers by widely disseminating information about their programs and potentially as a tool to enhance their programs, which in turn would provide a direct benefit to participants.

As part of Maryland's 2020 State Plan submission, the State included a waiver from the requirements outlined in WIOA Sections 116(d)(4)(A) and (B) and 122(d)(2)(A) and 20 CFR 677.230(a)(4) and (5), which require the collection and reporting of performance-related data on *all* students participating in training programs listed on the ETPL (including students that are not funded by WIOA). The USDOL approved this request effective July 1, 2020. This waiver applies to July 1, 2020 through June 30, 2021. Under this waiver, Maryland will continue to collect and report performance data for all WIOA-funded participants in accordance with the above regulations[38].

To complete the annual report, the WIOA Training Program Manager must rely on information from three key places: (1) data submitted annually for reporting purposes by the providers; (2) information provided in the ETPL application (or provided via ETPL program updates from the training provider to the WIOA Training Program Manager); (3) data concerning WIOA participants that are captured in the Maryland Workforce Exchange (MWE).

On or before June 1st of each year, the WIOA Training Program Manager is responsible for emailing all providers of ETPL programs (except Registered Apprenticeship programs[39]) to request program data, which must be submitted to MD Labor by August 1st. At this time, the WIOA Training Program Manager will also provide instruction for submitting the requisite data and the reporting template. DWDAL wishes to provide reasonable notice of the data collection requirement. The WIOA Training Program Manager must ensure that the report is completed and submitted to the USDOL timely, distributed widely to Maryland's workforce system,[40] and made publicly available via Maryland's ETPL websites. The State's Local Boards also hold a responsibility for making this report available to WIOA participants.

As part of the annual review, the WIOA Program Training Manager must also identify programs that are failing to meet requirements.

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[38] ETPs may continue to submit data on *all* program participants, including those that are not WIOA-funded, if they choose to do so.

[39] For information related to Registered Apprenticeships, the WIOA Training Program Manager must consult the MD Labor Director of Apprenticeship and Training. See page 18 for details on Registered Apprenticeship and the ETPL, including requirements related to the ETPL annual report.

[40] To include distribution to all providers on the ETPL, the Local Board directors, DWDAL leadership, and WIOA system partners.

CONTINUED ELIGIBILITY

The WIOA Training Program Manager must conduct a review for Continued Eligibility each year. MD Labor, and relevant partners (e.g. MHEC), will review the programs on a regular basis to verify accreditation and performance of ETPs.

Each year, each provider on Maryland's ETPL[41] must complete and submit an application. The WIOA Training Program Manager will send the continued eligibility application to all ETPs with the annual report notification and template. ETPs must submit the continued eligibility application for each of their programs on the ETPL by August 1st of each year. Once the application has been submitted and received, MD Labor will confirm application receipt in writing. Note: ***Attachment A – ETPL Application Guide*** is included as an example of the application and how to submit.

In accordance with Training and Employment Guidance Letter (TEGL) 8-19, the WIOA Training Program Manager, in consultation with the ETPL Review Team, must conduct an annual review of ETPs, using (1) data submitted annually for reporting purposes by the providers; (2) information provided in the ETPL initial and continued applications (or provided via ETPL program updates from the training provider to the WIOA Training Program Manager); and (3) data concerning WIOA participants that are captured in the MWE to verify the following items:

A. ETP performance on WIOA performance indicators (employment second and fourth quarter after exit, median earnings, and credential attainment);
B. Access to training services throughout the State (including rural areas and through technology use);
C. Information reported to State agencies on federal and State training programs other than WIOA Title I-B programs;
D. The degree to which training programs relate to in-demand industry sectors and occupations in the State, as specified in the WIOA State and/or Local Plan(s);
E. State licensure requirements of training providers, and licensing status of providers of training services, if applicable;
F. ETP's ability to offer industry-recognized certificates and credentials;
G. ETP's ability to offer programs that lead to a recognized post-secondary credential;
H. Quality of the program of training services including a program that leads to a recognized postsecondary credential;
I. ETP's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
J. Timeliness and accuracy of ETP's performance reports; and
K. Performance and cost information for each of the provider's programs of study that are on the ETPL.

MD Labor's DWDAL's Assistant Secretary has the discretion to grant flexibility for extenuating circumstances, e.g. extending reporting timeframes.

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[41] ETPs on Maryland's ETPL through reciprocity agreements with other States are subject to those States' continued eligibility procedures and are not required to complete this process for Maryland. However, these ETPs are responsible for submitting annual report data on WIOA-funded participants that reside in Maryland.

REGISTERED APPRENTICESHIP AND PRE-APPRENTICESHIP

Under WIOA, Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial or continued ETPL eligibility as other training providers. This is because they go through an extensive application and vetting process with the Maryland Apprenticeship and Training Council to become a Registered Apprenticeship program sponsor. Registered Apprenticeship program sponsors are, therefore, automatically eligible for inclusion on the state ETPL and can opt-in for inclusion on the list. Registered Apprenticeship programs that opt-in will remain on the list as long as the program is registered or until the program sponsor notifies the Maryland Director of Apprenticeship and Training that it no longer wants to be included on Maryland's ETPL.

The Maryland Apprenticeship and Training Program notifies Registered Apprenticeship program sponsors of their eligibility to be on Maryland's ETPL. MD Labor is committed to adding all Registered Apprenticeship programs that indicate interest to the State's ETPL. For inclusion, sponsors must complete and submit the following form:
http://www.doit.state.md.us/selectsurvey/RegisteredApprenticeshipProgram.
Note: *Attachment A – ETPL Application Guide* is included as an example of the online application and how to submit.

It is the responsibility of the MD Labor Director of Apprenticeship and Training to inform new Registered Apprenticeship programs of the benefits that inclusion on the Maryland ETPL could bring. If a new Registered Apprenticeship program sponsor wishes to be on the ETPL, the Director of Apprenticeship and Training is responsible for ensuring the sponsor is provided with the electronic form and receives technical assistance, as needed. In turn, the WIOA Training Program Manager is responsible for adding the program to the ETPL in a timely manner.

Finally, 20 CFR 680.510(a) makes clear that Local Boards cannot impose any additional requirements on Registered Apprenticeship program sponsors.

PRE-APPRENTICESHIP & NON-REGISTERED APPRENTICESHIP PROGRAMS

Pre-apprenticeship programs and other apprenticeship programs that are not registered with the Maryland Apprenticeship and Training Council or the USDOL are subject to the standard application and performance requirements that are detailed within this policy. Adding pre-apprenticeship programs to the ETPL will be subject to review by MD Labor's Director of Apprenticeship and Training in addition to the ETPL Review Team.

REGISTERED APPRENTICESHIP ANNUAL REPORT

As part of the process undergone to complete the ETPL annual performance report, the WIOA Training Program Manager must coordinate with the Director of Apprenticeship and Training to verify the status of the State's Registered Apprenticeship programs to ensure that the list is current, and any Registered Apprenticeship programs that are no longer registered are removed from the ETPL.

Annually, the Director of Apprenticeship and Training must provide the WIOA Training Program Manager with the following data related to Registered Apprenticeships:

A. The number of active Maryland Registered Apprenticeship programs included on the ETPL;
B. The percentage of active Maryland Registered Apprenticeship programs included on the ETPL out of all Registered Apprenticeship programs that exist; and
C. The number of Registered Apprenticeship programs removed from the ETPL.

REMOVAL FROM THE ETPL

A training provider must meet Maryland's requirements for continued eligibility, as demonstrated via annual performance reporting, adhere to this policy, and must provide accurate information in order to retain its status as an ETP. The following section details the conditions that warrant removal from Maryland's ETPL. The WIOA Training Program Manager is responsible for implementing a review related to ETPL removal as part of the annual review.

Prior to removal, the WIOA Training Program Manager must inform the provider in writing, with at least ten business days of notice, that it will be removed from the ETPL and must share information with the provider on how to appeal the decision. Page 21 provides details on the appeal process.

A provider who is terminated must be terminated for a minimum of one year.[42] When a provider is removed from the list, the WIOA Training Program Manager must inform the MD Labor Director of the Office of Workforce Development, who in turn is responsible for alerting the Local Area directors of the update.

Where a Local Board has established higher minimum performance standards,[43] the Board may remove a program of training services from the eligible programs in that Local Area for failure to meet those higher performance standards. Under these circumstances, training providers may appeal a denial of eligibility under 20 CFR 683.630(b).

Local Areas and training providers should regularly monitor and maintain awareness of the status of programs to which they are referring customers.

The MD Labor Secretary may remove a program at their discretion.

The person of contact for an ETP may submit a written request to the WIOA Training Program Manager if they would like to remove their program from the ETPL.

SUBSTANTIAL VIOLATIONS

A training provider is considered to be in "substantial violation" of the requirement to submit timely and accurate information required for completion of the ETP performance report when:

A. The provider fails to give requisite information to MD Labor within 25 business days of the application deadline;[44] or
B. It has been determined by MD Labor that the provider has intentionally supplied inaccurate information or has substantially violated any provisions of Title I of WIOA or the WIOA regulations, including 29 CFR part 38 and WIOA Section 188.

Any provider whose eligibility is terminated under Item 1 cited above will be removed from the Maryland ETPL in accordance with the enforcement provisions of WIOA Section 122(f) and is liable to repay all adult, dislocated worker, and youth training funds it received during the period of noncompliance. A provider whose eligibility is terminated for a substantial violation must be terminated for at least 2 years, per 20 CFR 680.480.

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[42] A provider whose eligibility is terminated for a substantial violation must be terminated for at least 2 years, per 20 CFR 680.480.

[43] If a Local Board establishes higher minimum performance standards of performance, these standards and the related processes must be documented in policy.

[44] MD Labor will take into account exceptional circumstances beyond the training provider's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues. The DWDAL Assistant Secretary has the discretion to extend deadlines.

Additionally, significant and repetitive customer complaints regarding a provider may be considered a substantial violation and constitute removal from the ETPL.

"IN-DEMAND" DETERMINATION

MD Labor is committed to ensuring that its ETPL training programs remain relevant to the State's business' needs.

Therefore, if a program has served zero WIOA Title I participants from the Maryland Local Areas for two consecutive years, then MD Labor requires the program's provider to submit the following information to the WIOA Training Program Manager for review for determination of continued ETPL inclusion or else be removed from the ETPL within ten business days of notification by the WIOA Training Program Manager. The WIOA Training Program Manager must provide the provider with a written notice outlining this process. Information required from the provider includes:

A. One (1) letter from a Maryland Local Board attesting to how the provider's training services align with local in-demand industry sectors and occupations; and
B. One (1) letter from a Maryland employer affirming the value and quality of the provider's program.

Submitted documentation must be reviewed within ten business days of receipt by the ETPL Review Team. Once a determination has been made, the WIOA Training Program Manager must inform the provider of the results in writing.

LOSS OF APPROVAL, ACCREDITATION, OR DEBARMENT

Any training provider or its program that loses approval by the State or its accrediting body (e.g. MD Labor, MHEC, the Maryland Department of Health)[45] or that is suspended or debarred from conducting business with the federal government shall be removed from the Maryland ETPL. The WIOA Training Program Manager must verify and note the accreditation status of each ETP during the continued eligibility process.

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[45] These are examples of accrediting bodies. This list is not exhaustive.

APPEAL PROCESS

Training providers that are denied ETPL designation by MD Labor, or are removed from the list by MD Labor, may appeal directly to the DWDAL Assistant Secretary within 25 business days of notification of the action.[46] Appeals must state, in writing, the basis of the appeal, including the facts or issues that support the appeal and a request for a conference if one is desired.[47]

Training providers shall direct appeals to:

>
> Assistant Secretary
> Division of Workforce Development and Adult Learning
> Maryland Department of Labor
> 1100 N. Eutaw Street, Room 108
> Baltimore, Maryland 21201

If a Review Team member or other MD Labor staff person receives an appeal request for the ETPL in error, they must share the request with the MD Labor DWDAL Assistant Secretary immediately. Within 25 business days of receipt of an appeal, MD Labor shall notify all relevant parties (including the Review Team and, as appropriate, MHEC) in writing of the date, time, and location of any appeal conference.

A program that is removed from the ETPL for "substantial violations" shall be excluded for two years after which time the provider may reapply for eligibility.[48] A program that wins an appeal is eligible to remain on the Maryland ETPL until time for eligibility renewal. The decision of the MD Labor DWDAL Assistant Secretary will be final.

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[46] The DWDAL Assistant Secretary has the discretion to extend the appeal request deadline for extenuating circumstances.
[47] In addition to quantitative measures, the appeal for reinstatement may also include qualitative components, such as placement levels of WIOA-only completers, and/or endorsements by a Local Area, and/or employer requests.
[48] See pages 19-20 for information on substantial violations.

ETPL RECIPROCITY

MD Labor is committed to ensuring that training is provided in a manner that maximizes customer choice. Recognizing that an individual may wish to attend a training program outside of Maryland, Maryland continues to look at and talk to other states about opportunities for collaboration. Currently, MD Labor does not have reciprocity agreements in place with any other state. Thus, until MD Labor enters into reciprocity agreements with other states, Local Areas may enter into reciprocal or other agreements with neighboring states, so long as the process is clearly identified and approved in the area's WIOA Local Plan. Local Areas' customers have the option to participate in training outside of the State of Maryland; these participants will be included in Maryland performance for the Local Areas through which Title I funds are being expended. The out-of-state training vendor must meet Maryland requirements to be on a local reciprocity agreement. MD Labor encourages out-of-state vendors serving Maryland participants to apply for the Maryland ETPL.

An ETP on another State's ETPL may request to join the Maryland ETPL by submitting an application through the process outlined in ***Attachment A – ETPL Application Guide***. The Maryland WIOA Program Training Manager will confirm that the ETP is on another State's list, and that they are in good standing.

ETPs on Maryland's ETPL through reciprocity agreements with other States are subject to those States' continued eligibility procedures and are not required to complete this process for Maryland. However, these ETPs are responsible for submitting annual report data on WIOA-funded participants that reside in Maryland.[49] MD Labor may require additional information from these ETPs and may remove them from the Maryland ETPL, as needed (e.g. for loss of accreditation). Failure of the out-of-state provider to give requisite information to MD Labor within 25 business days of the request for information will result in a denial for inclusion on Maryland's ETPL.

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[49] In March 2020, Maryland requested a federal waiver related to data collection for the ETPL, and the USDOL approved this request effective July 1, 2020. This waiver applies to July 1, 2020 through June 30, 2021. Specifically, Maryland requested to waive the obligation of ETPs to report performance data on *all students* in a training program per Workforce Innovations and Opportunity Act (WIOA) Sections 116(d)(4)(A) and 122 and 20 CFR 677.230(a)(4) and (5) and 20 CFR 680. Under this waiver, Maryland will continue to collect and report performance data for *all WIOA-funded* participants in accordance with the above regulations. The Maryland workforce system has one year to demonstrate to USDOL that this waiver has effectively allowed the State to grow its ETPL into a more robust marketplace of in-demand, high quality training providers with increased customer choice. (Note: Should the State not have a waiver in the future, ETPs will again be required to report data on ALL program participants).

EXCEPTIONS TO USING ITAs & THE ETPL

A Local Board may use a contract for services instead of an ITA only when one or more of the following five exceptions apply **and** the Local Area has fulfilled the consumer choice requirements of 20 CFR 680.340, as described below. Local Boards must document local policies and procedures as related to ETPL, including the handling of PII and the FERPA.

The Local Area must document all uses of exceptions and make these records available to MD Labor for monitoring purposes. MD Labor will monitor Local Areas for overuse of the exceptions.[50]

EXCEPTION #1: When the services provided are on-the-job training, customized training, incumbent worker training, or transitional jobs:

    A. **On-the-Job Training (OJT)** is training conducted by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge and skills essential to the full and adequate performance of the job. Employers match WIOA Title I funding to employ individuals, while they train for the job. *Attachment C – On-the-Job Training under WIOA Fact Sheet* provides additional details on OJT under WIOA.

    B. **Customized Training** is designed to meet employers' specific requirements. The training is provided by an employer (or by a training or educational institution on behalf of an employer) and is conducted with a commitment by the employer to employ an individual upon successful training completion. The skills learned are intended to be transferable across the industry. The employer pays a significant portion of the training cost.

    C. **Incumbent Worker Training** is training for an employer's existing employee(s), carried out by the Local Board in conjunction with employers or groups of employers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs. Participating employers pay the non-federal share[51] of the cost of providing the training to their incumbent workers (Note: In accordance with WIOA Section 134, Local Boards cannot use more than 20 percent of funds allocated to the Local Area under WIOA Title I Subtitle B to provide incumbent working training).

    D. **Transitional Jobs** are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment,[52] who are chronically unemployed, or have an inconsistent work history. Transitional jobs should be combined with comprehensive employment and supportive services and they are designed to assist the individuals, establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment (Note: In accordance with WIOA Section 134, Local Boards cannot use more than 10 percent of the funds allocated to the Local Area under WIOA Title 1 B to provide transitional jobs.)

EXCEPTION #2: When the Local Board documents determination that an insufficient number of ETPs exists in the Local Area to accomplish the purpose of a system of ITAs.

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[50] More information on MD Labor DWDAL's monitoring is available in the Division's "Monitoring" policy, available at: http://www.labor.maryland.gov/employment/mpi/.

[51] Local Boards must establish "non-federal" share of cost, in accordance with WIOA Section 134(d)4D.

[52] See chart on page 24.

According to 20 CFR 680.320, Local Areas are required to hold a 30-day public comment period for interested providers when using this exception. The process by which Local Areas post notices related to this exception, review feedback, and make determinations about providers must be documented in Local Plans. MD Labor's Monitoring and Compliance Unit will verify that Local Areas that use this exception have followed the written procedures approved in their local plan and will monitor the area for overuse of the exception.

EXCEPTION #3: When the Local Board determines that there is a training program of demonstrated effectiveness offered in the area by a community-based organization to serve individuals with barriers to employment as defined by WIOA and Maryland in the chart below:

Maryland's Target Populations: Individuals with Barriers to Employment[53]
Displaced Homemakers
Eligible migrant and seasonal farmworkers
Ex-offenders
Homeless individuals
Individuals facing substantial cultural barriers
Individuals with disabilities, including youth with disabilities
Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act[54]
Individuals who are English language learners
Individuals who are unemployed, including the long-term unemployed
Individuals who have low levels of literacy
Individuals without a High School Diploma
Low income individuals (including TANF and SNAP recipients)
Native Americans, Alaskan Natives, and Native Hawaiians
Older individuals
Single parents (including single pregnant women and non-custodial parents)
Veterans
Youth who are in or have aged out of the foster care system

When utilizing Exception #3, the Local Board must develop criteria to be used in determining effectiveness, particularly as it applies to individuals with barriers to employment to be served. The criteria must include:

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 skills, certificates or degrees that the program is designed to provide;
C. Placement after training in unsubsidized employment;
D. Retention in employment; and
E. How the specific program relates to the workforce development needs identified in the WIOA Local Plan.

EXCEPTION #4: When the Local Board determines that it would be most appropriate to contract with an institution of higher education[55] or other provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice. When using this exception, the Local Board must document its determination in writing.

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[53] These descriptors are used in other Maryland policies. See Maryland WIOA Technical Document for definitions of terms related to WIOA implementation, found at http://www.labor.maryland.gov/employment/wioatechdoc.pdf.
[54] This refers to the TANF program. Each State defines lifetime eligibility for TANF. In Maryland, individuals can receive TANF benefits for up to five years. If individuals reach year four and five of receipt of TANF benefits, these individuals become a targeted population according to WIOA, irrespective of the fact that after year five, individuals may continue to receive TANF benefits due to hardship.
[55] See WIOA Section 4(28) or Maryland WIOA Technical Document, "Definitions for WIOA Implementation" for definition of "institution of higher education."

EXCEPTION #5: When the Local Board is considering entering into a Pay-for-Performance contract, and the Local Board ensures that the contract is consistent with 20 CFR 683.510 "What is a Workforce Innovation and Opportunity Act Pay-for-Performance contract?" A WIOA Pay-for-Performance contract strategy is a specific type of performance-based contract strategy that has four distinct characteristics: (1) It is a strategy to use WIOA Pay-for-Performance contracts as they are described in Part 683.510; (2) It must include the identification of the workforce development problem and target populations for which a Local Area will pursue a WIOA Pay-for-Performance contract strategy; the outcomes the Local Area would hope to achieve through a Pay-for-Performance contract relative to baseline performance; and the acceptable cost to government associated with achieving these outcomes; (3) It must include a strategy for independently validating the performance outcomes achieved under each contract within the strategy prior to payment occurring; and (4) It must include a description of how the State or Local Area will reallocate funds to other activities under the contract strategy in the event a service provider does not achieve performance benchmarks under a WIOA Pay-for-Performance contract. Prior to the implementation of a WIOA Pay-for-Performance contract strategy, a Local Area must conduct a feasibility study to determine whether the intervention is suitable for a WIOA Pay-for-Performance contract strategy. WIOA sec. 3 provides that the WIOA Pay-for-Performance contract strategy is a procurement strategy for funds allocated to Local Areas for the provision of adult, dislocated worker, or youth training services.

When using Exception #5, the Local Area must indicate in the MWE when entering the training services. Pay for Performance can be set on the "Manage Providers – Program Services Details" screen. To report the Pay for Performance provider, Local Areas can look at the Provider and Program associated in the program's "Activity Records" and then check to see if this flag is set.

DISTRIBUTION OF ETPL INFORMATION

The ability of WIOA participants to make informed decisions about which ETPL training programs are best for them depends on their ability to access accurate and comprehensive information about training programs. WIOA participants' decisions about training programs are likely to be influenced by the program's potential to lead to successful employment outcomes. Therefore, it is particularly important for the ETPL and related information on quality to be publicly available. Having information about program cost and performance allows customers to compare programs and select an option that best matches their career goals and needs.

USDOL distributes ETPL information through their website, which is searchable by career group and location. Their website includes program performance data, from the annual reports. The USDOL website can be found here: https://www.trainingproviderresults.gov/#!/.

MD Labor distributes ETPL information in three key ways:

A. MD Labor's ETPL website;
B. The MWE;
C. MD Labor's ETPL annual report.

Local Boards also hold a responsibility for making information on training options available to participants.

MD LABOR ETPL WEBSITE

MD Labor recognizes that WIOA participants need access to information on all training programs that are included on the ETPL to make effective comparisons and weigh options that they may be considering. Therefore, it is important that performance information be publicly available. Maryland's ETPL is available via MD Labor's website: http://www.labor.maryland.gov/employment/train/.

MD Labor is required to present ETPL information in a way that is widely available to the public, and that is easily understood, in order to maximize informed customer choice and to serve all individuals seeking information on training outcomes, including WIOA participants and individuals with disabilities.

MD Labor's WIOA Training Program Manager is responsible for ensuring that the websites are updated regularly. Local Boards also hold a responsibility for making information on training options available to participants.

In accordance with WIOA Section 188 and the related Section 188 Final Rules and 29 CFR Part 38, the ETPL must be distributed in formats that are accessible to individuals with disabilities. The ETPL must be accompanied by appropriate information to assist participants in choosing employment and programs of training services. At a minimum, such information must include:

A. Recognized postsecondary credential(s) offered; and
B. Performance and cost information.

PERSONALLY IDENTIFIABLE INFORMATION & CONFIDENTIALITY

WIOA requires States, Local Areas, and ETPs to report on indicators of performance pertaining to employment outcomes. The need to rely on quarterly wage records to prepare those reports, raise complex privacy and confidentiality issues. Under WIOA, ETPs may include institutions of higher education, entities that carry out programs registered under the National Apprenticeship Act, 29 U.S.C. 50 et seq., or other public or private providers of a program of training services. For an institution of higher education to be an ETP, it must provide a program that leads to a recognized postsecondary credential. Public and private ETPs may include community-based organizations, joint labor-management organizations, or eligible providers of adult education and literacy activities under Title II of WIOA, if such activities are provided in combination with certain training services. The federally required evaluations of WIOA-funded training programs require that MD Labor match wage records to records maintained by training providers, containing PII (e.g., social security numbers) on WIOA program participants. Evaluations are required by the USDOL and WIOA in an effort to promote, establish, implement, and utilize methods for continuously improving WIOA program activities and to achieve high-level performance within, as well as high-level outcomes from, the workforce development system. PII and other sensitive information must be protected. Local Boards and training providers must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals in the ITA invoicing process and to protect such information from unauthorized disclosure. All PII data must be processed in a manner that will protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records by computer, remote terminal or any other means. ETPs, Local Areas, and MD Labor must protect PII and sensitive information as described in MD Labor's policy on "Privacy and Data Security"[56] and in compliance with TEGL 39-11 and with MD Labor's policy concerning privacy and data security.[57]

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The FERPA generally applies to postsecondary institutions that are ETPs, as most postsecondary institutions are also recipients of federal funds under a program administered by the U.S. Department of Education. However, some private providers of training services may not be recipients of funds administered by the U.S. Department of Education, including Pell Grants or student loans funded under Title IV of the Higher Education Act of 1965, as amended, and, if they are not, those providers would not be considered educational agencies or institutions under FERPA.

In response to privacy concerns for the dissemination of the ETPL, the USDOL set forth in § 680.500 of the WIOA Final Rules that in developing the information to accompany the ETPL, disclosure of PII from an education record must be carried out in accordance with FERPA, including the circumstances relating to prior written consent. Therefore, MD Labor requires all providers that are subject to FERPA to adhere to all FERPA requirements in order to maintain ETPL eligibility.

MARYLAND WIOA MEMORANDA OF UNDERSTANDING

USDOL asserts that states will maintain confidentiality and reliability of data by complying with relevant State law and with WIOA itself. WIOA Section 122(d)(3) states that the ETPL and accompanying information must be made available to participants and to members of the public in a manner that does not reveal PII about an individual participant. WIOA Section 122 does not require that the performance information that accompanies the ETPL be statistically reliable in the same way that WIOA Section 116(d)(6)(C) does for the annual performance reports. In fact, WIOA contains a requirement in Section 116(d)(6)(C) that the disaggregation of data for the performance reports "shall not be required when the number of participants in a category is insufficient

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[56] MD Labor DWDAL's policy issuances can be accessed at: http://www.labor.maryland.gov/employment/mpi/.
[57] MD Labor DWDAL's policy issuances can be accessed at: http://www.labor.maryland.gov/employment/mpi/.

to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant."

Through its policy on WIOA Memoranda of Understanding (MOUs) and Resource Sharing Agreements (RSAs), Maryland requires the execution of WIOA-compliant MOUs, which serve as a critical mechanism towards ensuring that the roles and responsibilities of the entities involved with Maryland's workforce system are well-defined and mutually agreed upon for the successful operation of the integrated service delivery system in each Local Area. For example, within the WIOA MOU, Local Workforce Areas and partner entities must:

A. Commit to respect and abide by the confidentiality policies and legal requirements of all of the other parties and enter into data sharing agreements, as appropriate or required, to protect the confidentiality and security of shared data and to comply with governing law;
B. Ensure that the collection and use of any information, systems, or records that contain PII will be limited to purposes that support the programs and activities described within the WIOA MOU; and
C. Ensure that access to software systems and files that contain PII will be limited to authorized staff members who are assigned responsibilities in support of the services and activities described within the WIOA MOU.

MONITORING

The State of Maryland acknowledges that the USDOL has the authority to conduct fiscal and/or programmatic monitoring to ensure that federal awards are used for authorized purposes in compliance with Final Rules, federal regulations, and State policies, and that those laws and regulations are enforced properly. MD Labor, as it deems necessary, may supervise, evaluate, and provide guidance in the conduct of activities performed under WIOA Title I. MD Labor may conduct annual fiscal and programmatic monitoring to ensure that policies are being followed and expectations are being met, including nondiscrimination and equal opportunity provisions. Monitoring may include desk and/or on-site monitoring. Failure of MD Labor to supervise, evaluate, or to provide guidance and direction shall not relieve the Local Area of any liability to comply with the terms of Final Rules, federal regulations, and State policies.

Local Areas are responsible for monitoring the ETPL and/or training providers who receive Title I funding, as they are the entities that oversee and approve these training activities. It should be noted that the MD Labor Monitoring and Compliance Unit may monitor Local Boards on their use and documentation of Exceptions in offering ITAs.

FAIR PRACTICES AND ACCESSIBILITY

It is MD Labor's policy that all persons have equal opportunity and access to services and facilities without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or veteran status. Local Areas working with training providers or participants in need of accommodations are responsible for securing the necessary support. Local Areas may refer to MD Labor's Nondiscrimination Plan[58] and Language Access Plan[59] for more information on accommodations and services.

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[58] MD Labor's Nondiscrimination Plan is available at the following link: http://www.labor.maryland.gov/employment/ndp/.
[59] The DWDAL and Division of Unemployment Insurance Language Access Plan is available at the following link: http://www.labor.maryland.gov/employment/wioa-access.pdf.

REFERENCES

LAW
- [Workforce Innovation and Opportunity Act (29 U.S.C. 310) Title I](#);
- [Age Discrimination Act of 1975](#) (42 U.S.C. 6101);
- [Title IX of the Education Amendments of 1972](#);
- [Title VI of the Civil Rights Act of 1964](#) (42 U.S.C. 2000d et seq.);
- [Family Educational Rights and Privacy Act](#) (20 U.S.C. 1232);
- [National Apprenticeship Act](#) (29 U.S.C. 50);
- [Maryland Code Ann. General Provisions, Title 4 Public Information Act](#);
- [Maryland Code Ann., Labor & Employment Article, §8-625](#);
- Maryland Code Ann., Education Article, §11-202;
- 42 U.S.C. 503.

REGULATION
- [20 CFR 361.230](#) pages 56032-56033, dated June 30, 2016;
- [20 CFR Subpart 680.400](#) pages 56390-56395, dated June 30, 2016;
- [20 CFR Part 603](#), dated June 30, 2016;
- [Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (Section 188)](#), dated December 2, 2016;;
- 20 CFR Part 603, "[Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of State UC Information](#);"
- Code of Maryland Regulations (COMAR) Title 9 – Department of Labor, Licensing and Regulation, Subtitle 33 – Job Service, Chapter 1 – "[Job Service](#)";
- COMAR 13B.01.01.03B, [Private Career School Scope Applicability and Exemption](#)";
- COMAR 09.01.01, "[Implementation of the Maryland Environmental Policy Act](#)";
- COMAR 13A.11.06.01, "[Programs for Adults with Disabilities](#)";
- 20 CFR Part 677, "[Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act](#)"
- 20 CFR Part 679, "[Statewide and Local Governance of the Workforce Development Systems Under Title I of the Workforce Innovation and Opportunity Act](#)"
- 20 CFR Part 680, "[Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act](#)"
- 20 CFR Part 683, "[Administrative Provisions Under Title I of the Workforce Innovation and Opportunity Act](#)"
- 29 CFR Part 38, "[Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act](#)".

USDOL GUIDANCE
- Training and Employment Guidance Letter (TEGL) 8-19, Change 1, "[This Training and Employment Guidance Letter (TEGL), Change 1, provides clarification on Registered Apprenticeship Programs (RAPs) as WIOA Title I Eligible Training Providers (ETP).](#)," dated May 17 2021;
- TEGL 13,16, Change 1, "[This Training and Employment Guidance Letter (TEGL), Change 1, provides clarification on Registered Apprenticeship Programs (RAPs) as WIOA Title I Eligible Training Providers (ETP).](#)," dated May 17, 2021;
- Training Employment Notice (TEN) 24-19, "[Eligible Training Provider Reporting and Data Publication](#)," dated May 21, 2020;
- TEGL 08-19, "[Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs](#)," dated January 2, 2020;
- TEGL 03-18, "[Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA)](#)," dated August 31, 2018.
- TEGL 3-17, "[WIOA Annual Performance Report Submission](#)," dated September 12, 2017;

- TEGL 10-16, Change 1, "Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs," dated August 23, 2017;
- TEGL 19-16, "Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the Final Rules," dated March 1, 2017;
- TEN 36-16, "Release and Availability of Two Reports: Using Workforce Data Quality Initiative (WDQI) Databases to Develop and Improve Consumer Report Card Systems (CRCS) and How States Manage Eligible Training Provider Lists: Findings from a State Survey," dated January 18, 2017;
- TEGL 13-16, "Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA)," dated January 11, 2017;
- TEN 20-16, "Announcing the publication and effective date of the Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Final Rule in the Federal Register," dated December 2, 2016;
- TEGL 7-16, "Data Matching to Facilitate WIOA Performance Reporting," dated August 23, 2016;
- Unemployment Insurance Program Letter (UIPL) 20-15, "Unemployment Insurance and the Workforce Innovation and Opportunity Act of 2014," dated August 13, 2015;
- TEGL 19-14, "Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act", dated February 19, 2015;
- TEGL 39-11, "Guidance on the Handling and Protection of Personally Identifiable Information (PII)," dated June 28, 2012;

OTHER RESOURCES
- USDOL Training Provider Results - https://www.trainingproviderresults.gov/#!/;
- "How States Manage Eligible Training Provider Lists Findings from a State Survey," dated January 2, 2015 and released by the U.S. Department of Labor on January 18, 2017;
- Maryland WIOA State Plan, 2020-2024;
- Maryland WIOA Technical Document 2016-01, "Definitions for WIOA Implementation;"
- Maryland Higher Education Commission, "Policies and Procedures for Maryland Private Career Schools, dated June 15, 2005;"
- WIOA Local Plans;
- MD Labor Division of Workforce Development & Adult Learning Policy Issuances - http://www.labor.maryland.gov/employment/mpi/; and
- MD Labor Division of Workforce Development & Adult Learning ETPL Monitoring Tools – http://www.labor.maryland.gov/employment/train/etplajc.shtml.

ATTACHMENTS

Attachment A – ETPL Application Guide
Attachment B – ETPL Application Checklist
Attachment C – On-the-Job Training under WIOA Fact Sheet

1) Go to: https://mwejobs.maryland.gov

2) Click on: **Sign In / Register**

3) A) If you previously registered as a Provider User and have a program on the ETPL, complete " Option 1 "

B) Otherwise, new training providers and new Provider Users must follow " Option 2 "

Option 1 - Already Registered

User Name: [ ]

Password: [ ] 👁

Sign In

If you have forgotten your user name and/or password, please click Retrieve User Name or Password.

Option 2 - Create a User Account

If you would like to become a fully registered user with MWEJobs and have access to all of our online services, select one of the following account types. If you are not sure if you need to register on the system, learn more about the benefits of registering on page: Why Register?

Individual	Employers and Agents	Analyst	Provider
13 min(s) estimated	12 min(s) estimated	15 min(s) estimated	10 min(s) estimated
Register as this account type if you are an **individual** and wish to search for the latest job openings, post a résumé online, **find career** guidance, search for training and education programs, find information on local employers, etc. This is also where you can register if you wish to file a claim for unemployment.	Register as this account type **on behalf of your company** or on behalf of another company acting as their agent with a valid Power of Attorney. Here you will gain access to industry data, labor market information and job applicants for your business. You can also **post job openings** online. This is also where you can register if you wish to manage any unemployment claims associated with your company.	Register as this account type if you are a labor market information or economic development professional looking to analyze area, occupation, and industry data over different geographical regions and time periods. Analyst accounts require administration approval before being allowed to access suppressed data.	Register as this account type if you are a **training provider** who wishes to enter or update your available courses for use in the system. Once a new account request is approved, you will be able to **enter information about your courses,** such as costs, schedules, credentials, etc. Providers can also request WIOA approval for specific courses.
Individual Registration	Employers and Agents	Analyst Registration	Provider Registration

4) Enter F/EIN then click " Find "

Your Organization

First we need to see if your organization is already in our system. Please enter the Federal Employer Identification Number (EIN) of your organization and click the Find button:

*EIN: [ ] (12-3456789 or 123456789)

Find **Cancel**

5)   A) Existing ETPL Providers: Click on " Select " if your school name appears under " Provider " heading
        **New Training Providers go to 5) B) 1)

Matching Organizations

The following provider(s) match the EIN you entered. Click Select next to your organization (or Change EIN to re-enter your EIN).

EIN: 52-0908863

Provider	Primary Address	Select
Name of School		Select

5) A) 1) Click on " Go to My Dashboard "

⚠ Information 🏠 Home ⊘ Accessibility ℹ My Dashboard → Register/Sign in 👤 Services for Individuals 👥 Services for Employers 📊 Labor Market Analysis

MARYLAND
Workforce Exchange

Provider User Registration

ℹ For help click the information icon

Welcome

Thank you for registering. Your access request will be reviewed and you will be contacted once your information has been verified. Once your access is approved you will be able to add and maintain your institution's programs. If you have any questions, please contact:

WIOA Training Program Manager David Jorgenson david.jorgenson1@maryland.gov

Go to My Dashboard

5) A) 2) Complete and click on " Save "

Provider User Registration

Organization Information

Name:

EIN:

Institution Type:

Institution Ownership: Not Available

URL:

Enter Your Information

*Title:

*First Name:

*Last Name:

*Address 1:

Address 2:

*Zip Code:

*City:

*State: Maryland

*Email Address: [Email Security Policy]

*Primary Phone Number: __ - __ - __   Ext. __

Fax Number: __ - __ - __

Cell Phone Number: __ - __ - __

Login Information

*User Name: Enter User Name (3 - 20 characters, and must include characters, letters or numbers. Allowable characters are + @ . _

*Password: Enter Password (8 - 20 characters, and must include at least one uppercase letter, one lowercase letter, one number and one special character. Allowable characters are # @ $ % ^ . ! * _ +).

*Confirm Password: Please re-enter your password.

*Security Question :   None Selected   This will be used if you need to recover your username and/or password.

*Security Question Response: Enter your answer to the security question you chose above.

*Preferred Notification: None Selected   Select the best way for us to contact you.

Save   Cancel

Existing Providers - Go to 6

5) B) 1) New providers: Complete and click on "Save"

Enter Your Information

* Title: _____

* First Name: _____

* Last Name: _____

* Address 1: _____

Address 2: _____

* Zip Code: _____

* City: _____

* State: [None Selected ▼]

* Email Address: _____   [Email Security Policy](#)

* Primary Phone Number: ____ - ____ - ____ Ext. ____

Fax Number: ____ - ____ - ____

Cell Phone Number: ____ - ____ - ____

Login Information

* User Name: _____   Enter User Name (3 - 20 characters, and must include characters, letters or numbers. Allowable characters are + @ . _

* Password: _____   Enter Password (8 - 20 characters, and must include at least one uppercase letter, one lowercase letter, one number and one special character. Allowable characters are # @ $ % ^ . ! * _ +).

* Confirm Password: _____   Please re-enter your password.

* Security Question : [None Selected ▼]   This will be used if you need to recover your username and/or password.

* Security Question Response: _____   Enter your answer to the security question you chose above.

* Preferred Notification: [None Selected ▼]   Select the best way for us to contact you.

(Save)   (Cancel)

5) B) 2)   Complete and click on " Save "

Add a new Provider

MARYLAND
Workforce Exchange

★ indicates required fields.

Provider Information

*Status:	◉ Active ○ Inactive
FEID/SSN:	888888889
*Provider Name 1:	[_____]
Provider Name 2:	[_____]
*Address 1:	[_____]
Address 2:	[_____]
*Zip:	[_____]

Note: By entering the Zip Code first, the system will automatically populate the City and State fields.

*City:	[_____] !
*State:	Maryland ▼
URL:	[_____]

Enter URL e.g. (http://www.companysite.com)

Type of Business:	None Selected ▼
*Type of Entity:	None Selected ▼
*This provider is an accredited postsecondary education institution:	○ Yes ◉ No
Registered Apprenticeship Provider:	○ Yes ◉ No
Approved Apprenticeship:	○ Yes, Approved Apprenticeship
	◉ No, not Approved Apprenticeship.

Billing Address Information

Populate the Billing Address from: **Provider's Main Address**

*Billing Address 1:	[_____]
Billing Address 2:	[_____]
*Billing Zip:	[_____]
*Billing City:	[_____]
*Billing State:	None Selected ▼
*Attention:	[_____]

Mailing Address Information

Populate the Mailing Address from: **Provider's Main Address** | **Provider's Billing Address**

*Mailing Address 1:	[_____]
Mailing Address 2:	[_____]
*Mailing Zip:	[_____]
*Mailing City:	[_____] !
*Mailing State:	Maryland ▼
*Mailing Attention:	[_____]

(Save) (Cancel)

5) B) 3)   Complete and click on " Save "

Additional Provider Information

Institution Name:	fake
WIOA Provider:	○ Yes ○ No
* Institution Type:	None Selected ▼
* Institution Ownership:	None Selected ▼
Years in Business:	[ ]
* Disabled Access:	○ Yes ○ No
* ADA Compliant:	○ Yes ○ No
Source of Funding:	[ ]
* Institution Description:	[ ]
	(2000 characters max.)
* Main Telephone Number:	[ ] - [ ] - [ ]
TTD/TTY Telephone Number:	[ ] - [ ] - [ ]
Financial Aid Telephone Number:	[ ] - [ ] - [ ]
Main Email Address:	[ ]
* Is this a Community College?	○ Yes ● No
* Accreditation / Approval	○ Yes ○ No
Eligible Provider of Youth Workforce Investment Activities:	○ Yes ○ No

Save   Cancel

5) B) 4)   Click on " Return to Dashboard "

Return to My Dashboard

6) Click on " Menu " icon at top left of page
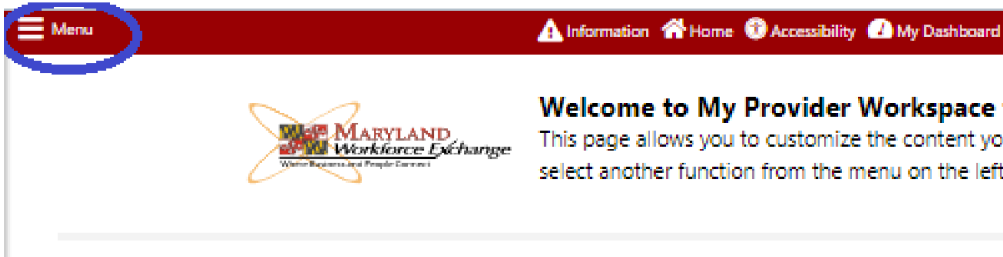
7) Click on " Manage Institution Programs "
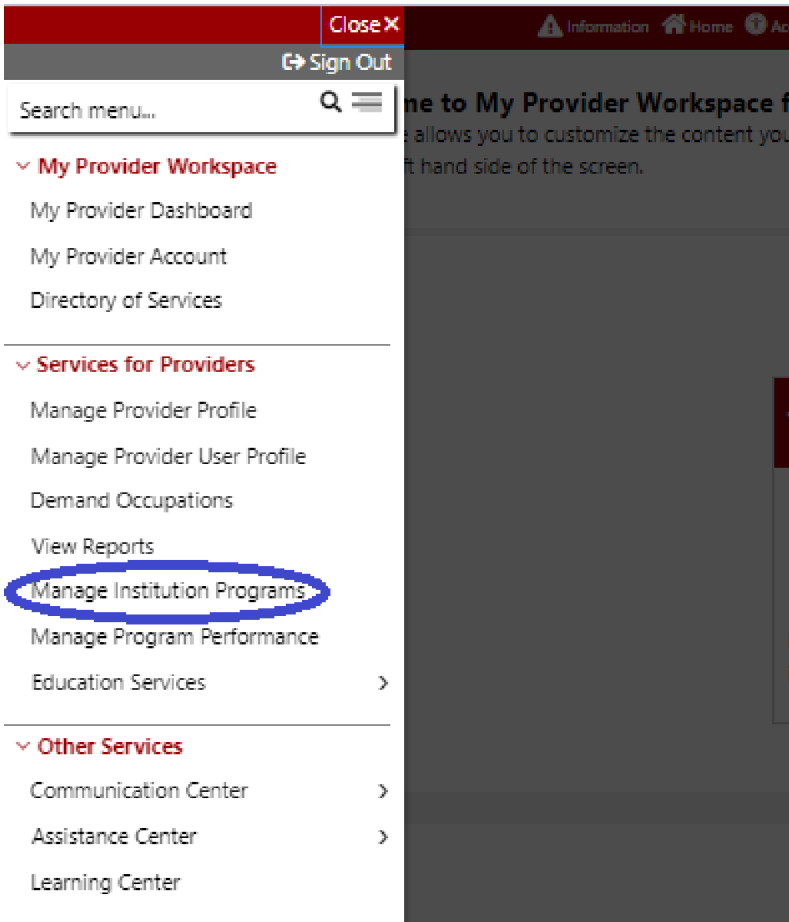
8) All ETPL programs appear here.

8 a) To apply to Add a program, click on " Add **Education or Training Program** "

8 b) To Modify an existing program, click " Edit " and progress through the tabs

8 c) To Remove or delete an existing program from the ETPL, click on " Deactivate "

9) Initial ETPL Program Application

⚠ Information 🏠 Home ⓘ Accessibility 🏠 My Dashboard ⟶ Sign Out 👤 Services for Individuals

Education Program Information

Provider: fake	**Program:**
Program ID:	**CIP Code:** N/A

★ Indicates required fields.

General Information

*Status: ⦿ Active ◯ Inactive

Purpose for adding program:
⦿ Submit for ETPL Approval and accept participants
◯ Accept participants without submitting for ETPL Approval
◯ To be determined or display to the public only

Education Program Type: [Not Applicable]

*This program is an Apprenticeship: ◯ Yes ⦿ No

*CIP Code: None Selected
[Search for CIP Code]

*Education Program Name:
[   ]

Education Program Description:
[   ]

*This program of study or training services has the following potential outcome(s) (please select all that apply):

☐ An industry-recognized certificate or certification ☐ A community college certificate of completion
☐ A certificate of completion of an apprenticeship ☐ A secondary school diploma or its equivalent
☐ A license recognized by the State involved or the Federal Government ☐ Employment
☐ An associate degree ☐ A measurable skills gain leading to a credential
☐ A baccalaureate degree ☐ A measurable skills gain leading to employment

This program leads to a credential or degree ◯ Yes ◯ No

Name of Associated Credential:
[   ]

*Completion Level: [None Selected ▾]

*Attain Credential: [None Selected ▾]

Other, Specify: [   ]

Certification / License Title:
[   ]

Certification / License Type: [None Selected ▾]

Green Job Training: ◯ Yes ◯ No
What is a green job?

*Is this education program in a partnership with business? ◯ Yes ◯ No

Please describe the partnership or plans to develop partnership in 800 characters or less (supporting documentation may be required):
[   ]

LWDB Submitted: [None Selected]

Exit Wizard

(Next >>)

Application for Initial ETPL Eligibility Check-list

Here is a summary of the information needed to complete the Application for Initial ETPL Eligibility.

Basic Information	
Training provider name	☐
Employer Identification Number	☐
Type of entity	☐
Street address	☐
City	☐
State	☐
County	☐
Zip code	☐
Website address of the program	☐
Contact person	☐
Telephone	☐
Email	☐
Training Information	
Date program was established	☐
Classification of Instructional Programs (CIP) code	☐
Applicable O*NET Standard Occupation Classification codes	☐
Training title (Nursing Assistant, Computer Technician, etc.)	☐
Qualifications required of training staff	☐
Certificate(s) awarded	☐
Certification(s) awarded (Security+, MS Certified Systems Engineer, etc.)	☐
Degree(s) awarded	☐
Type of licensing graduates are prepared for	☐
Any work-based learning components	☐
Any Career services provided	☐
How is the training delivered? (in-person, online, hybrid, other)	☐
When is class offered? (day, evening, weekend, other)	☐
Program Cost	
Total tuition	☐
Fees	☐
Books	☐
Supplies	☐

Application for Initial ETPL Eligibility Check-list

Other costs	☐
Is federal financial aid available?	☐
Program Duration and Requirements	
Total credit hours	☐
Total clock hours	☐
Number of weeks to complete training	☐
Scheduled length of training	☐
Required proprietary entry tests (CASAS, TABE, Accuplacer, etc.)	☐
Mathematics Level	☐
Reading Level	☐
Admission requirements (HS diploma or GED, admission test, minimum age, etc.)	☐
"In-Demand" Determination	
Description of your program's existing partnership with Maryland business community	☐
Description of how your services align with industry sectors (see Maryland WIOA Plans)	☐
Data Collection and WIOA Act Assurance	
Data collection assurance	☐
Nondiscrimination and equal opportunity provisions of WIOA assurance	☐
Supplemental Documents	
Copies and/or links to advertisements or promotional materials used to market or recruit for your training program	☐
Verifiable performance data for quality assurance purposes	☐
OPTIONAL: Three (3) letters from employers affirming the value and quality of the program and describing how your training program prepares individuals for employment in in-demand occupations	☐
OPTIONAL: One (1) letter or review from a customer completing and working in the industry of training	☐

Note: If approved, providers must apply for continued eligibility each year alongside annual reporting. For continued ETPL eligibility, providers must adhere to MD Labor's Policy Issuance 2023-03, WIOA Title I Training and the Eligible Training Provider List: http://www.labor.maryland.gov/employment/mpi/.

On-the-Job Training

WIOA allows States and Local Areas to provide up to 50 percent of the wage rate of a participant, while the participant is in the program. Consistent with WIOA 3(44), wage reimbursement is applicable up to the State wage cap, which is the average hourly wage in the State.[1] A State or Local Area may increase the amount of wage reimbursement to 75 percent based on the following factors:

- The characteristics of the participant;
- The size of the employer;
- The quality of employer-provided training and advancement opportunities; and
- Other factors the State or local boards may determine appropriate.

OJT Wage Reimbursement Example:

Hourly Wage Paid to Employee by the Employer	Hourly Amount Reimbursed to Employer (Based on 10% Reimbursement)	Hourly Amount Reimbursed to Employer (Based on 50% Reimbursement)	Hourly Amount Reimbursed to Employer (Based on 75% Reimbursement)
$11.00	$1.10	$5.50	$8.25
$15.00	$1.50	$7.50	$11.25
$20.00	$2.00	$10.00	$15.00
$22.00	$2.20	$11.00	$16.50
$25.00	$2.50	$12.50	$18.75
$25.75	$2.57	$12.88	$19.31
$28.00	$2.57	$12.88	$19.31
$30.00	$2.57	$12.88	$19.31
$35.00+	$2.57	$12.88	$19.31

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[1] TEGL 19-16: Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules, March 1, 2017.