



Eligible Training Provider System Policies

December 3, 2021

PURPOSE:

To provide the subrecipients, vendors, and training providers of the Workforce Solutions of West Central Texas Board (WSWCTB or “Board”) with the Board’s policies for:

- Development of the Demand and Target Occupations Lists;
- Development of the In-Demand Industries List;
- Training provider eligibility and performance requirements;
- Procedure for requesting to add programs to the Statewide Eligible Training Provider List;
- Approval of training provider program requests;
- The local appeals process; and
- Other related policies.

REFERENCES:

- [WIOA Law Text](#)
- [40 TAC Chapter 840](#)
- WD 05-19, Change 1, Workforce Innovation and Opportunity Act, Eligible Training Provider Program, Eligibility Criteria, and Performance Expectations
- WD Letter 12-19, Change 2, Funding Training Programs Outside of LWDA through ITAs



Email Policy
Clarification from TV

- [Texas Education Code Section 61.003](#)
- [Texas Education Code Chapter 132](#)

BACKGROUND:

Under the Workforce Innovation and Opportunity Act (WIOA) federal and state rules, Local Workforce Development Boards are required to identify and maintain lists of in-demand occupations, target occupations, and in-demand industries.

Customers who receive training services using Individual Training Accounts (ITAs) must select training providers from the Texas Workforce Commission (TWC) Statewide List of Eligible Training Providers (Statewide List or ETPL), which is guided by the combined statewide list of target occupations from all 28 boards. Training providers are required to submit requests to workforce boards for training programs they would like to add to the Statewide List. Requests that receive board approval are then reviewed by TWC for approval (certification) and subsequent addition to the Statewide List.

On October 25, 2021, TWC issued an update to WB Letter 12-19 that requires boards to communicate additional information to training providers. The update to this policy incorporates that information in Section D., and is being published on the Board’s website. In addition, a formal notice to training providers is being sent concurrent with the issuance and publication of this policy that communicates the required information. The update to this policy also removes the requirement to send an annual invitation to providers to submit program applications, since that requirement is no longer contained in the TWC ETP rules. The changes in this latest revision are administrative in nature and do not impact the rights, privileges, or benefits of customers.

POLICIES/PROCEDURES:

A. The Demand Occupations List (DO List)

A demand occupation is an occupation that leads to self-sufficiency and that currently has or is projected to have a high number of openings. The Board maintains a Demand Occupations List, in part, because it is the first step in developing the Target Occupations List. The Target Occupations List determines which types of training programs the Board will fund with federal (Workforce Innovation and Opportunity Act/WIOA) dollars. More on that in the next section on Target Occupations.

In order to be included on the Demand Occupations List, an occupation must pay the Board's designated Self-Sufficiency Wage, as noted in WB Letter 20-01. In addition, the Board considers various labor market data, such as the following, when evaluating occupations for inclusion on the Demand Occupations List.

- **Hiring**—How much hiring is projected? Ideally, the occupation will have projected annual openings of at least 60 per year. This is a count of total demand, which includes openings from growth (expansion/new positions created) and replacement (exits and transfers of workers).
- **Current Unemployment**—The occupation should have an unemployment rate below that of the overall area unemployment rate. This criterion should take into consideration the seasonal nature of the occupation.
- **Recent Hiring Trends**—How many postings were listed for the occupation in the previous 12 months? Does the source indicate a lot of hiring for this occupation? This criterion should take into consideration the hiring practices and methods typical of employers for the occupation in question (do those employers tend to post openings in public job recruitment sites?). It should also consider the seasonality of the occupation.
- **Anticipated Growth**—What is the growth projection? Ideally, the occupation will have an annual average growth projection of at least 1% and/or a 10-year growth projection of at least 10%.

These criteria are considered in tandem and may be evaluated with other data such as the average number of days to fill a position or the current number of openings in WorkInTexas.

Note: All of this is evaluated together with the local knowledge board staff has regarding the labor market. Staff communicates regularly with individual employers, employer associations, training partners, area independent school districts, and economic development entities to stay abreast of labor market needs, such as emerging, expanding, or declining occupations; skill gaps; and expanding/contracting industries.

It is also important to note that occupations may be included for reasons other than being in high demand. Some occupations/training programs may be part of a special partnership or grant initiative with Texas Workforce Commission (TWC). Federal legislation also allows boards to include “emerging” occupations, even though data may be limited to determine the eventual scope of the new function. Emerging occupations are those whose requisite knowledge, skills, and abilities are not defined by occupations in current occupational coding structures (i.e., Standard Occupational Classification) or career planning guides. Basically, these are new occupations in the workforce: new titles with new skills. New occupations develop when employers need workers to do tasks that have never been done before—managing websites in the early 1990s, or repairing wind towers in the 2000s, for example. Workers in existing occupations may add these

new tasks to their jobs, sometimes creating a specialty. However, if the needed task is sufficiently different and becomes the primary job of enough workers, the specialty grows to be an occupation in its own right.

The Board must approve the occupations that are included on the Demand Occupations List by a vote of the full Board.

B. The Target Occupations List (TOL)

A target occupation meets demand occupation criteria, and is also an occupation the Board targets for Workforce Innovation and Opportunity Act (WIOA) training funds. Occupations are targeted based on their training needs, as well as meeting the following policies regarding the use of training funds.

- The occupation must require formal training.
- The formal training must be able to be completed/achieved in 2 years or less.
- The training must result in a certificate or credential.

An occupation can only be included on the Target Occupations List if it meets all three of the above criteria. Each workforce board's Target Occupations List (and any changes thereto) must be submitted to the Texas Workforce Commission. TWC then combines all of the boards' lists into the Statewide Target Occupations List.

On a case-by-case basis the Board will consider adding occupations that have been determined to have a high potential for sustained demand and growth in this workforce area, based on sufficient and verifiable documentation. Therefore, if a provider wishes to submit a training program that does not represent an occupation on the local or statewide Target Occupations List, the provider must present documentation to support the following items:

1. Justification for including the occupation on the Demand and Target Lists (e.g., new industry moving into the area),
2. Projected growth in the workforce area for the next three years,
3. Number of projected annual job openings in the area,
4. Average entry wage in the workforce area, and
5. Job qualifications/training requirements.

Upon consideration of the request and accompanying documentation, the Board will determine whether to add the occupation to the list. Acceptable documentation includes any of the following:

1. Recent economic statistics (labor market information);
2. Information/letter(s) provided by employer(s);
3. Posted job openings;
4. Newspaper articles;
5. Information provided by a professional organization(s) related to the occupation or industry;
6. Local employer-based advisory groups; and/or
7. A letter of support from the community economic development director.

C. The In-Demand Industry List

The In-Demand Industry list provides guidance on where to invest limited resources—including training dollars and staff time. It also drives focus to sectors that have a significant economic impact as well as workforce impact, and assists in identification of potential industries that should be recruited/assisted with expansion because they are likely to be more successful. An industry sector is “in-demand” if it:

- Has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy: and
- Contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

To determine which industries to include, board staff runs a list of all industries and sorts it from largest to smallest, in terms of the number of individuals employed in the industry. The top 30 are extracted and evaluated for average wages paid. Using the Board-determined “living wage” as noted in WB 20-01, board staff remove the industries that do not have average wages at or above that level. With the remaining industries, the following data is examined.

- Location Quotient (LQ)—This speaks to the relative size of an industry in a region compared to the average size in the nation. An LQ of 1.0 indicates an industry is the same size in the region as is average in the nation; an LQ of 2.0 means the industry is twice as large in the region compared to average; and an LQ of 0.5 indicates the industry is half as large regionally as average in the nation. With an LQ of 1.25 or higher, a region is considered to possess a [comparative advantage](#) in that industry. For purposes of the local list, ideally an industry would have an LQ of 1.5 or higher.
- Hiring—How many positions are projected to be open/filled? Ideally, the industry will have projected annual openings of at least 100 per year. This is a count of total demand, which includes openings from growth (expansion/new positions created) and replacement (exits and transfers of workers).
- Anticipated Growth—What is the growth projection? Ideally, the industry will have an annual average growth projection of at least 1%.
- Connection to Demand Occupations—Does the industry employ workers in occupations on the Board’s Demand Occupations List?
 - Ideally, the top 10 occupations within the industry will include at least 2 or 3 demand occupations and the number of positions will consist of at least 40%-50% in demand occupations.
 - In addition, is this a key industry for any of the Board’s Demand Occupations? If this industry is the primary employer for one or more of the Board’s Demand Occupations, then it is considered a key industry.

These criteria are considered in tandem and may be evaluated with other data such as the industry’s:

- connection to supply chain industries,
- relative share of the area GDP,
- number of establishments, or
- geographic distribution.

Again, all of this is evaluated together with the local knowledge board staff has regarding the labor market. For further information, please see the note in the section on Demand Occupations.

D. Training Provider Eligibility Criteria

Training providers must meet the following criteria for initial and continued eligibility.

1. A provider must be:

- a. an institution¹ of higher education providing a program that leads to a recognized postsecondary credential;
- b. an entity that provides Registered Apprenticeship training; or
- c. a public or private training provider, which may include community-based organizations, joint labor-management organizations, and providers of Adult Education and Literacy (AEL) activities under Title II (if AEL training services are provided concurrently or in combination with occupational skills training, on-the-job training, incumbent worker training, and other training cited under WIOA §680.350).

1-Note: Institutions of higher education are defined in Texas Education Code, section 61.003. Per a policy clarification from TWC,

Those institutions are not required to provide additional information related to licensure for consideration.

2. Providers² must be appropriately licensed, regulated, or accredited, or be exempt from regulation under Texas Education Code, Chapter 132, with authorization in a Letter of Exemption from TWC Career Schools and Colleges.

2-Note: Per a policy clarification from TWC,

Proprietary schools must comply with TEC Ch. 132, which relates to TWC Career Schools & Colleges licensure and exemption requirements. These schools must be licensed or exempted by CSC in order to be eligible for the statewide ETPL. Boards may use the [CSC Directory](#) to confirm their licensure or request evidence of licensure or exemption letter(s) directly from the provider.

3. Providers must submit the required program and student information requested by TWC, as specified in the ETP Reporting Requirements (located on the [TWC ETP page](#)); however, some data may not be required for new training programs that have never had any students.

Note: Training providers must be aware of the following information, as required by TWC in WD Letter 12-19, Change 2:

- Approval of a training program does not guarantee that funding will be provided for any student;
- Boards (or their designated WIOA service providers)—not training providers—determine an individual’s eligibility for WIOA, including the need for training; and
- WIOA training funds are not available unless an ITA is approved and fully completed, including all required signatures.

E. Performance Requirements

As noted above, WIOA requires training providers to submit program information to the state, including information for calculating a program’s performance outcomes. TWC uses the

information from training providers to submit its mandatory ETP performance report to the US Department of Labor (DOL) and to meet the federal requirements for informed consumer choice.

TWC has removed the minimum performance standards from the criteria for determining the initial and continued eligibility of training providers. Pursuant to TWC's recommendation, the Board has removed its performance requirements until TWC issues additional guidance and technical assistance related to eligibility determinations and reporting for the ETP program.

F. Registered Apprenticeship Programs

Registered Apprenticeship programs are not subject to the same application and performance requirements as other providers because they go through a detailed application and vetting process to become Registered Apprenticeship program sponsors with the US Department of Labor (DOL). TWC will automatically add any Registered Apprenticeship program to the statewide Eligible Training Providers List (ETPL) that:

- is registered with DOL's Office of Apprenticeship Training; and
- notifies TWC of the desire to be included on the statewide ETPL.

Boards are not permitted to participate in the approval process for Registered Apprenticeship programs. Entities that are interested in adding their Registered Apprenticeship program to the ETPL must contact TWC directly at: etp.helpdesk@twc.state.tx.us

G. Program Criteria

Training programs must meet the following criteria for initial and continued eligibility.

1. Programs submitted for inclusion on the statewide list must align with a target occupation. Training programs must train for an occupation with a SOC/ONET code that matches a code on the WSWCTB Target Occupations List (an exact match at the 6-digit level), or the code of an occupation on the TWC Statewide Target Occupations List. If the program does not train for a target occupation, then the program certification* request is denied.

*Note: The terms "certified" and "approved" are used interchangeably to refer to programs that have received local and state-level approval to be added to the statewide ETPL. The terms "certification request" and "program application" are used interchangeably to refer to the process of a provider requesting to have any of their training programs added to the statewide ETPL.

As the Board periodically updates its Target Occupations List, programs may be removed from the list if they no longer train for an occupation on the Board or Statewide Target Occupations List. For more information about this, see section J.

2. A provider must demonstrate that it offers its training programs in partnership with businesses by providing (only one is required):
 - a. a letter of support from a local³ employer or employers; or
 - b. evidence of the existence of an employer-based advisory committee.

3-Note: Per a policy clarification from TWC,

A letter of support for a program of training from any Texas employer will suffice to meet this expectation.

Providers of programs that demonstrate employer partnership through a letter of support (options a., c., or d.) must maintain current documentation by providing a new letter once the current version is more than 12 months old. Providers of programs that demonstrate employer partnership through an employer-based advisory committee must submit the latest copy of committee meeting minutes as they become available.

H. Procedure for Adding New Programs

Per TWC policy, providers must submit their program requests to the workforce development board in which their primary campus is located, even if the campus of the training program is located in another workforce area. Therefore, providers whose primary campus is located in the West Central WDA and who want training programs listed on the ETPL must submit the required program information to the Workforce Solutions of West Central Texas Board. Training providers should contact the Board's ETP Coordinator to obtain the required form and additional information on how to submit programs for inclusion on the Eligible Training Provider List. The email address for the Board's ETP Coordinator is: wctetp@workforcesystem.org

Adding programs to the statewide list is a two-step process. Once the required form and information are submitted to the Board's ETP Coordinator, the information is reviewed and, upon approval, forwarded from the Board to TWC. Upon receipt of information from the Board, TWC will request the student data previously mentioned in Section D.3. directly from the training provider. Once TWC receives the data and approves the program, it is added to the statewide list.

Separate information is required for each training program. If requesting a given training program to be offered at different training locations, separate information is required for each training location. The training provider's program(s) will not be added to the statewide list until the requests have been approved by the Workforce Solutions of West Central Texas Board and certified by the Texas Workforce Commission.

Note: As noted earlier in this policy, Registered Apprenticeship programs are not subject to the same information and performance requirements as other providers. See section F for more information.

I. Board Notifications

The Board provides information regarding this ETP policy by listing it on the publicly accessible WSWCT website.

Upon Board approval or denial of a training program, notification is emailed within 10 working days to the contact person listed on the program information.

J. Appeal Process

When a training program request does not meet all state and local requirements, the Board will notify the provider and give them the option of withdrawing the request in order to resubmit it with the required information/documentation. If the provider chooses not to withdraw the request it may be subsequently denied. The provider may appeal the denial of a training program using the Board's appeal procedure, located below. If the provider does not appeal or appeals unsuccessfully, they may reapply the denied program (with adjustments) so that the program or provider is currently in compliance with WIOA requirements.

Local boards do not have the ability to remove training programs from the statewide list—program removal can only be done by TWC. Per guidance received from TWC on this issue:

Programs may only be removed from the statewide ETPL for failure to comply with reporting requirements related to Annual Reporting or Eligibility Considerations, or for significant violations of WIOA rules or requirements.

The Board will report to TWC any known or suspected violations of state or local laws, or of WIOA requirements. In addition, if there are health or safety violations at a training location where a program/course is currently offered the Board will consult with TWC as to the appropriate course of action. However, providers wishing to appeal the removal of a program from the statewide list must file the appeal with TWC.

Providers may request the removal of a program that is currently certified and posted on the Statewide Eligible Training Provider List.

Customers attending a training program under WIOA sponsorship at the time it is removed from the Statewide List may continue to receive sponsorship for the training program until they complete or exit.

Filing an Appeal

Note: Training provider appeals may only be filed at the Board level when the program application was denied by the Board. Appeals for denials by TWC, or for program removal (which can only be performed by TWC) must be filed with TWC, as described below.

To file an appeal with the Board, training providers will complete the Complaint and Appeal form, located on the Board's [Public Information page](#), and submit it to the physical address or email address listed on the form. Board staff will attempt to informally address the provider's concerns. However, if the issue is still not resolved, the Board will forward the appeal to the Board's Hearing Officer.

Within 60 calendar days of the filing date of the complaint, the Hearing Officer will notify the complainant and respondent, in writing, of his/her decision. The notice shall include findings of fact and conclusions of law, and shall provide information about appeal rights to the parties. If any party disagrees with the Board Hearing Officer's decision, they may file an appeal with TWC. An appeal to TWC shall be filed in writing with TWC Appeals, Texas Workforce Commission, 101 East 15th St., Room 410, Austin, Texas 78778-0001, within 14 calendar days after the mailing date of the Board's decision. If the Board does not issue a decision within 60 calendar days of the date of the filing of the original appeal or complaint, an appeal to TWC must be filed no later than 90 calendar days after the filing date of the original appeal or complaint.

K. Out of State Training Providers

TWC policy in WD Letter 12-19 states, "effective July 1, 2019, TWC will no longer include out-of-state training providers or programs on the statewide ETPL. Programs removed from the ETPL will no longer have access to ITAs except where local policies have been established." WD Letter 12-19 also requires boards to develop specific local policies that comply with TWC requirements

in order to fund training programs outside of Texas. At a meeting of the full Board on June 17, 2020, members examined this issue in-depth and determined not to include out-of-state providers on the local training provider list. This issue was re-examined at the meeting of the full Board on February 24, 2021. Based on more recent guidance issued by TWC in WD Letter 12-19, Change 1, the Board voted to exclude consideration of out-of-state providers as defined in that letter.

L. TAA Training

TAA participants are not limited to programs on the ETPL, and may access training from any private or public school regulated by a state agency. Other guidelines impacting the choice of training programs that may be selected by TAA participants are listed in the Trade Adjustment Assistance Guide.

ACTIONS REQUIRED:

Training providers desiring to submit training program requests must comply with the requirements contained in this policy.

The workforce program subrecipient must ensure staff is aware of these policies and adheres to the requirements when considering a customer for training sponsorship.

EFFECTIVE DATE:

December 3, 2021

INQUIRIES:

Inquiries regarding this WB Letter should be directed to the Board’s Workforce Contract Manager.

Rescissions: WB 21-02	Expiration: Continuing
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