

COWIB Policy on Informed Consumer Choice



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Policy on Informed Consumer Choice

for the Central Oklahoma Workforce Investment Area

October, 2016

(Approved by the COWIB – October 27, 2016)

PURPOSE: To establish a local policy with regard to the Consumer Choice requirements of Section 134(c)(3)(F) of the Workforce Innovation and Opportunity Act:

(F) CONSUMER CHOICE REQUIREMENTS.—

(i) IN GENERAL. — Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services....

AUTHORITY: The authority for this policy derives from Sections 107(d) and 108(b) of the Workforce Innovation and Opportunity Act (WIOA).

Section 107(d) describes the functions of the local workforce board. Particular program requirements with respect to Consumer Choice are outlined in Section 107(d)(10)(E) of the law:

SEC. 107. LOCAL WORKFORCE DEVELOPMENT BOARDS....

(d) FUNCTIONS OF LOCAL BOARD.—Consistent with section 108, the functions of the local board shall include the following:

(10) SELECTION OF OPERATORS AND PROVIDERS....

*(E) CONSUMER CHOICE REQUIREMENTS. — Consistent with section 122 and paragraphs (2) and (3) of section 134(c), **the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services** (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved **in a manner that maximizes consumer choice**, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.*

Section 108(b) sets forth the content requirements for the local plan. Pursuant to Section 108(b)(19) of the Act, the local plan for the COWIB area must include:

(19) 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 individual training accounts 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**;*

BACKGROUND: Section 134(c)(3) of WIOA authorizes the use of local WIOA Adult and Dislocated Worker funds to deliver Training Services to eligible participants. Here is an excerpt from that section of the law:

(3) TRAINING SERVICES.—

(A) IN GENERAL.—

(i) ELIGIBILITY. — ...Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);

(bb) 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; and

(cc) have the skills and qualifications to successfully participate in the selected program of training services;

*(II) **who select programs of training services** that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate...*

As described in Section 134(c)(3)(A)(i)(II), eligible participants who meet the other requirements of the law have the freedom to choose (“select”) the program of training services that will best help them to obtain or retain employment.

As envisioned by the U.S. Department of Labor, “choice” is an important value in the One-Stop delivery system.

In Training and Employment Guidance Letter 04-2015¹ (“*Vision for the One-Stop Delivery System....*”), the U.S. Department of Labor describes the characteristics of a high-quality One-Stop Center. Here is an excerpt:

a. One-Stop Centers Provide Excellent Customer Service to Job Seekers, Workers and Businesses. Meeting the needs of job seekers, workers and businesses is important in developing thriving communities where all citizens succeed and businesses prosper. High-quality one-stop centers....

- *Create opportunities for individuals at all skill levels and levels of experience by providing customers, including those with disabilities, as much timely, labor market, job-driven information and, **choice** as possible related to education and training, careers, and service delivery options, while offering customers the opportunity to receive both skill-development and job placement services.*

There are several types of Training Services that may be provided with WIOA Adult and Dislocated Worker funds. These are described in Section 134(c)(3)(D) of the Act:

(D) TRAINING SERVICES.—Training services may include—

- (i) occupational skills training, including training for nontraditional employment;*
- (ii) on-the-job training;*
- (iii) incumbent worker training in accordance with subsection (d)(4);*
- (iv) programs that combine workplace training with related instruction, which may include cooperative education programs;*
- (v) training programs operated by the private sector;*
- (vi) skill upgrading and retraining;*
- (vii) entrepreneurial training;*
- (viii) transitional jobs in accordance with subsection (d)(5);*
- (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);*
- (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and*
- (xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.*

¹ Reference: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6455

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Most commonly, WIOA training services are provided through Individual Training Accounts (ITA's). COWIB has published a comprehensive local policy governing the delivery of training services through ITA's. The COWIB's ITA policy includes a section on "Consumer Choice."

Additionally, it should be noted that the WIOA law does *not require* training to be delivered through the use of an ITA. That is, several non-ITA alternatives are permitted in specified circumstances. As stated in Section 134(c)(3)(G) of the law, "*Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if...*" certain conditions are met.

This Policy on Informed Consumer Choice is intended to give the COWIB's guidance on how to maximize informed customer choice in the delivery of WIOA training services – whether the training is delivered through an ITA or through a contract for services.

STATE & FEDERAL REQUIREMENTS: In developing a local policy on demand occupations, the Central Oklahoma Workforce Investment Board must be mindful of the requirements of its State and Federal funding sources.

Federal Policy: The Federal Regulations at § 680.340 describe the requirements of federal law that must be met by local workforce investment areas.

§ 680.340 What are the requirements for consumer choice?

(a) Training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider....

State Policy: The concept of consumer choice is addressed in a couple of official documents that have been published by the Oklahoma Office of Workforce Development.

First, Oklahoma Workforce Development Issuance (OWDI) 03-2016 was issued by the Oklahoma Office of Workforce Development on May 2, 2016. The OWDI covers the subject, "Eligible Training Provider List," and it includes this message:

*The Workforce Investment Act (WIA) required the establishment of the eligible training provider list (ETPL) to ensure **informed customer choice**, performance accountability and continuous improvement. WIOA expands the WIA requirements by increasing accountability and transparency through reporting and biennial review.*

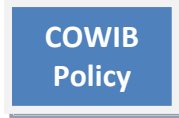
Second, Oklahoma's WIOA Unified Plan emphasizes the state's goal of maximizing an individual's choice in the selection of a training provider. This is from Page 127 of the July 15th version of the Unified Plan:

"Individual Training Accounts (ITAs) are the primary method to be used for procuring training services in Oklahoma. Training services must be provided

in a manner that **maximizes the individual's choice** in the selection of a training provider. To accomplish this, each local board must make available an Eligible Training Provider List (ETPL) as described in Sec. 122 of the Act.”

LOCAL POLICY:

It shall be the policy of the Central Oklahoma Workforce Investment Board (COWIB) and its Board of Chief Elected Officials (BCEO) that all training services provided with WIOA resources shall be delivered in a manner that fully complies with the WIOA law and regulations.



A. Scope of This Policy

As described in the “Background” portion of this document, the COWIB Policy on Informed Consumer Choice is intended to provide guidance on the delivery of Training Services to eligible participants through the use of WIOA Adult and Dislocated Worker funds described in Chapter 3 of the law.

This policy does *not* apply to services delivered as part of the WIOA Youth program (Section 129 of WIOA). Further, it does not apply to WIOA programs delivered under other chapters or Titles of the WIOA Act. For example, this policy does not govern the Adult Education and Literacy activities of Title II; the Wagner-Peyser services described in Title III; nor the Rehabilitation Act provisions of Title IV. Additionally, it is not applicable to the National Programs described in Subtitle D of Title I (including Native American programs, Migrant and Seasonal Farmworker Programs, National Dislocated Worker Grants, nor the YouthBuild program).

B. Categories of Training: ITA versus Contract Options

Oklahoma’s WIOA Unified Plan includes this statement: *“Individual Training Accounts (ITAs) are the primary method to be used for procuring training services in Oklahoma.”*

The statement in the Unified Plan is true. Historically, ITA’s have been the most common method of paying for training services for WIOA Adults and Dislocated Workers. In addition, though – as described in the “Background” section of this policy – Adult and Dislocated Worker funds may be used to provide WIOA Training Services through several non-ITA options.

(1) Exceptions to the Use of an ITA

The WIOA law provides several “contract” options that may be used to provide training services to eligible Adult and Dislocated Worker participants. Pursuant to Section 134(c)(3)(G) of the law, *“Training services authorized under this paragraph may be*

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provided pursuant to a contract for services in lieu of an individual training account...”
under certain specified circumstances.

When is it permissible to use a contract for services in lieu of an ITA? The circumstances are described in Section 134(c)(3)(G) of WIOA, as follows:

(G) USE OF INDIVIDUAL TRAINING ACCOUNTS.—

(i) IN GENERAL. — Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

(ii) TRAINING CONTRACTS. — Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—

(I) the requirements of subparagraph (F) are met;²

(II) such services are on-the-job training, customized training, incumbent worker training, or transitional employment;

(III) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts;

(IV) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;

(V) the local board determines that—

(aa) it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and

(bb) such contract does not limit customer choice; or

(VI) the contract is a pay-for-performance contract.

The COWIB’s strategy for using Training Contracts (in lieu of ITA’s) will be described in detail in our local plan. It is anticipated that we will use Training Contracts in a limited fashion and only in appropriate circumstances, as described in Section 134(c)(3)(G) of WIOA.

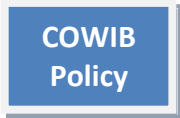
Whether training is delivered through an ITA or through a Training Contract, COWIB is committed to honoring the value of informed customer choice. Therefore, when an

² Subparagraph (F) is titled, “Consumer Choice Requirements.”

eligible participant has been properly determined to have the skills and qualifications to successfully participate in more than one program of training services, we will always provide an opportunity for the consumer to make an informed choice of training programs / providers.

(2) Maximizing Customer Choice

To maximize customer choice among ITA and non-ITA options, the COWIB's One-Stop Operator / WIOA Service Provider will:



(a) Make available to customers the State list of eligible training providers required in WIOA sec. 122(d).

This list is published by the Oklahoma Office of Workforce Development as part of the online OKJobMatch system. The Eligible Training Provider List includes a description of the programs which have been approved to deliver services through an ITA payment mechanism. It also includes performance and cost information about those programs as described in WIOA sec. 122(d).

(b) Additionally: Make available a list of Training Contracts that are available to customers in lieu of an ITA.

This list will include all training contracts that are presently available for on-the-job training, customized training, incumbent worker training, or transitional employment, etc.

(c) Pre-determine – through an interview, evaluation, or assessment, etc. -- each participant's need for and eligibility to participate in a training service activity, in accordance with WIOA Section 134(c)(3)(A)(i):

(i) ELIGIBILITY. — ...Funds allocated to a local area for adults... and... dislocated workers... shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);

(bb) 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; and

(cc) have the skills and qualifications to successfully participate in the selected program of training services....

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An individual who has been determined eligible for training services may, after consultation with a career planner, select any of the training programs described in (a) or (b), above. Unless the program has exhausted training funds for the program year, the WIOA Service Provider must refer the individual to the selected provider.

If the training provider appears on the Eligible Training Provider List described in paragraph (a), above, the WIOA Service Provider will establish an ITA to pay for training for the individual.

If the individual selects a training program from the list of Training Contracts (that are available to customers in lieu of an ITA), the WIOA Service Provider will refer the individual to the training program. The training provider will choose to accept the individual into training or not based on selection criteria that are specific to the Training Contract. For example, an OJT Agreement generally provides that the employer has the choice of hiring the OJT trainee or not. Similar provisions are likely to be present in Incumbent Worker training contracts, Customized Training contracts, etc. In this sense, referral to training provided through a Training Contract is not a guarantee that the WIOA program participant will be accepted by the training provider.

Any individual who is not accepted by his/her first choice of training provider may make a second selection from the lists described in (a) or (b), above.

For more guidance on assuring informed customer choice of training delivered through an ITA, see the next section of this policy, “ITA’s and the Eligible Training Provider List.”

C. ITA’s and the Eligible Training Provider List

“Training services for eligible individuals are typically provided by training providers who receive payment for their services through an ITA.”

...That’s from § 680.300 of the WIOA Final Rule. The Regulations go on to say:

“The ITA is a payment agreement established on behalf of a participant with a training provider. WIOA title I adult and dislocated workers purchase training services from State eligible training providers they select in consultation with the career planner, which includes discussion of program quality and performance information on the available eligible training providers. Payments from ITAs may be made in a variety of ways, including the electronic transfer of funds through financial institutions, vouchers, or other appropriate methods. Payments also may be made incrementally, for example, through payment of a portion of the costs at different points in the training course.”

When the WIOA Final Rule refers to “*State eligible training providers*,” it means the training providers described in Section 122 of the Workforce Innovation and Opportunity Act.

According to § 680.410³ of the WIOA Final Rule, an Eligible Training Provider (ETP) is “the only type of entity that receives funding for training services... through an individual training account.”

Section 122(a)(2) of the Act describes several different types of Eligible Training Providers, including:

(2) *PROVIDERS.* — Subject to the provisions of this section, to be eligible to receive those funds for the provision of training services, the provider shall be—

(A) an institution of higher education that provides a program that leads to a recognized postsecondary credential;

(B) an entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

(C) another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training.



Section 122 goes on to describe how the State will maintain a list of Eligible Training Providers. Each state is required to create “criteria, information requirements, and procedures” governing the recognition of Eligible Training Providers and their programs of training.

To be recognized as an “Eligible Training Provider,” a school (institution, entity, provider, etc.) must generally comply with the requirements established by each state. But, there is a substantial exception for Registered Apprenticeship programs. Here is an excerpt from Section 122(a)(3) of WIOA:

(3) *INCLUSION IN LIST OF ELIGIBLE PROVIDERS.* — A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria, information requirements, and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included and maintained on the list of eligible providers of training services described in subsection (d) for so long as the corresponding program of the provider remains registered as described in paragraph (2)(B).

³ “What is an eligible training provider?”

(1) Identifying Eligible Training Providers

The identification of Eligible Training Providers is a task that is managed by the state in cooperation with local workforce development boards.

Pursuant to § 680.430 of the WIOA Final Rule, the Governor establishes the procedures for determining the eligibility of training providers and programs of training services:

§ 680.430 Who is responsible for managing the training provider eligibility process?

(a) The Governor, in consultation with the State WDB, establishes the criteria, information requirements, and procedures, including procedures identifying the respective roles of the State and local areas, governing the eligibility of providers and programs of training services to receive funds through ITAs.

(b) The Governor may designate a State agency (or appropriate State entity) to assist in carrying out the process and procedures for determining the eligibility of training providers and programs of training services. The Governor or such agency (or appropriate State entity) is responsible for:

(1) Ensuring the development and maintenance of the State list of eligible training providers and programs, as described in §§ 680.450 (initial eligibility), 680.460 (continued eligibility), and 680.490 (performance and cost information reporting requirements);

(2) Ensuring that programs meet eligibility criteria and performance levels established by the State, including verifying the accuracy of the information;

(3) Removing programs that do not meet State-established program criteria or performance levels, as described in § 680.480(c);

(4) Taking appropriate enforcement actions against providers that intentionally provide inaccurate information, or that substantially violate the requirements of WIOA, as described in § 680.480(a) and (b); and

(5) Disseminating the State list of eligible training providers and programs, accompanied by performance and cost information relating to each program, to the public and the Local WDBs throughout the State, as further described in § 680.500.

Local workforce development boards have a limited role in identifying Eligible Training Providers and managing the ETP system. The duties of the local boards are defined by the state agency or state entity that is designated by the Governor.

In particular, the WIOA Final Rule at § 680.430(c) specifies that the Local WDB must:

(1) Carry out the procedures assigned to the Local WDB by the State, such as determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers and programs....;

(2) Work with the State to ensure there are sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E), serving the local area; and

(3) Ensure the dissemination and appropriate use of the State list of eligible training providers and programs through the local one-stop delivery system, including formats accessible to individuals with disabilities.

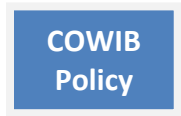
§ 680.430 goes on to say:

(e) The Local WDB may, except with respect to registered apprenticeship programs:

(1) Require additional criteria and information from local providers as criteria to become or remain eligible in that local area; and

(2) Set higher levels of performance than those required by the State as criteria for local programs to become or remain eligible to provide services in that local area.

In carrying out our duties related to the management of the ETP system, it shall be the policy of the Central Oklahoma Workforce Investment Board to observe the Consumer Choice Requirements described in Section 107(d)(10)(E) of the WIOA Act:



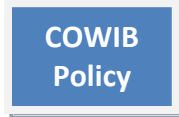
SEC. 107. LOCAL WORKFORCE DEVELOPMENT BOARDS....

(d) FUNCTIONS OF LOCAL BOARD.—Consistent with section 108, the functions of the local board shall include the following:

(10) SELECTION OF OPERATORS AND PROVIDERS....

*(E) CONSUMER CHOICE REQUIREMENTS. — Consistent with section 122 and paragraphs (2) and (3) of section 134(c), **the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services** (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved **in a manner that maximizes consumer choice**, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.*

In order to support these Consumer Choice Requirements, COWIB will develop an Eligible Training Provider Policy / procedure that avoids the imposition of unnecessarily restrictive performance levels, information requirements, and related criteria.



Additionally, it will be our policy to will encourage appropriate entities to participate in the state’s ETP system, including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities.

(2) Making the List Available to Consumers

The Eligible Training Provider List is a valuable resource for WIOA participants who are seeking occupational skills training. In fact, it can be a valuable resource for any worker who is interested in options for training in Oklahoma.

The value of the ETP List is recognized in § 680.400(b) of the WIOA Final Rule:

*“The State list of eligible training providers and programs and the related eligibility procedures ensure the accountability, quality and labor-market relevance of programs of training services that receive funds through WIOA title I, subtitle B. **The State list of eligible training providers and programs also is a means for ensuring informed customer choice for individuals eligible for training.**”*

Properly managed, the ETP List can be a rich source of information on the cost and performance of training programs available to WIOA participants through an ITA.

The WIA Final Rule describes the kind of performance and cost information that each eligible provider of training (other than a Registered Apprenticeship program) must provide for each program of training services on the ETP List. Here is an excerpt from § 680.490:

(a) In accordance with the State procedure under § 680.460(i), eligible training providers, except registered apprenticeship programs, must submit, at least every 2 years, appropriate, timely, and accurate performance and cost information.

(b) Program-specific performance information must include:

(1) The information described in WIOA sec. 122(b)(2)(A) for individuals participating in the programs of training services who are receiving assistance under WIOA. This information includes indicators of performance as described in WIOA secs. 116(b)(2)(I)-(IV) and § 680.460(g)(1) through (4);

(2) Information identifying the recognized postsecondary credentials received by such participants in §680.460(g)(5);

(3) Program cost information, including tuition and fees, for WIOA participants in the program in § 680.460(g)(6); and

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(4) Information on the program completion rate for WIOA participants in § 680.460(g)(7).

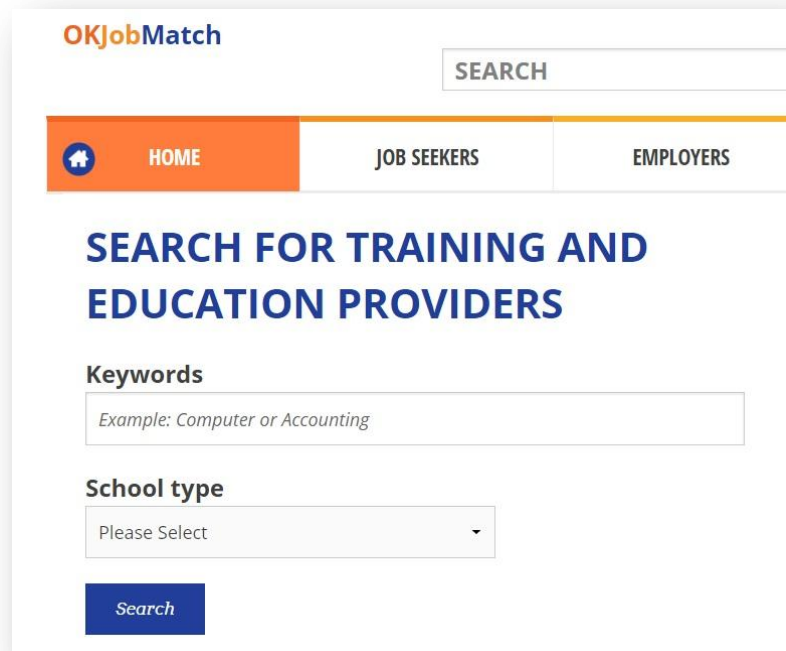
(c) Governors may require any additional performance information... that the Governor determines to be appropriate to determine, maintain eligibility, or better to inform consumers....

As stated in section 4.B.2 of this policy, the COWIB’s One-Stop Operator / WIOA Service Provider is responsible for making available to customers / clients the State list of eligible training providers required in WIOA sec. 122(d).

Generally, the One-Stop Operator will fulfill this responsibility by referring WIOA participants and other interested individuals to the online ETP database which is published at www.okjobmatch.com/ada/training:

By knowing the School Type or the Keywords describing the kind of training the individual is interested in, a participant can search for Eligible Training Providers across the state of Oklahoma.

After a program is found in the online database, the participant can then peruse information about programs that have been approved for ITA’s – including information about program cost and performance.



Career Planners in the COWIB’s One-Stop Centers will be responsible for sharing information about the ETP List with every consumer who is interested in WIOA-funded training.

Career Planners are expected to be familiar with the cost and performance data that is maintained in the ETP system. In this way, they will be able to interpret this information for the consumer – for example, helping participants to make their training provider selection based on objective, verifiable data.



In this regard, COWIB recognizes that consumers have the freedom to choose eligible training programs based on any number of factors – including the location of the training provider, the intensity and duration of the training, the class schedule, recommendations from friends and family, and other considerations in addition to cost and performance data. Career Planners should be prepared to help their clients to clarify the features of a training program that are most relevant to their personal goals. Values clarification is an important part of every Career Planners' counseling role.

More importantly, though, providing information from the ETP List is essential. It is a mandated part of each Career Planner's job duties. Career Planners should, therefore, be prepared to answer questions about and interpret information that appears in the ETP system – including information about cost and program quality.

The U.S. Department of Labor has given guidance on how the ETP List should be disseminated. This guidance is provided in §680.500 of the WIOA Final Rule:

§680.500 How is the State list of eligible training providers and programs disseminated?

(a) In order to assist participants in choosing employment and training activities, the Governor or State agency must disseminate the State list of eligible training providers and programs and accompanying performance and cost information to Local WDBs in the State and to members of the public online, including through Web sites and searchable databases, and through whatever other means the State uses to disseminate information to consumers, including the one-stop delivery system and its program partners throughout the State.

(b) The State list of eligible training providers and programs and information must be updated regularly and provider and program eligibility must be reviewed biennially according to the procedures established by the Governor....

(c) In order to ensure informed consumer choice, the State list of eligible training providers and programs and accompanying information must be widely available to the public through electronic means, including Web sites and searchable databases, as well as through any other means the State uses to disseminate information to consumers. The list and accompanying information must be available through the one-stop delivery system and its partners including the State's secondary and postsecondary education systems. The list must be accessible to individuals seeking information on training outcomes, as well as participants in employment and training activities funded under WIOA, including those under §680.210, and other programs. In accordance with WIOA sec. 188, the State list also must be accessible to individuals with disabilities.

(d) The State list of eligible training providers and programs must be accompanied by appropriate information to assist participants in choosing employment and programs of training services. Such information must include:

(1) Recognized postsecondary credential(s) offered;

(2) Provider information supplied to meet the Governor’s eligibility procedure...;

(3) Performance and cost information as described in §680.490; and

(4) Additional information as the Governor determines appropriate.

(e) The State list of eligible training providers and programs and accompanying information must be made available in a manner that does not reveal personally identifiable information about an individual participant....

Pursuant to §680.500, it shall be the COWIB’s policy that our One-Stop Operator and WIOA Service Provider will make the ETP List available to individuals seeking information on training outcomes (whether or not they have been enrolled as a program participant), as well as participants in employment and training activities funded under WIOA. We will also advise our One-Stop Partners – as well as schools within the State’s secondary and postsecondary education systems -- that they have an obligation under §680.500(c) to make the list available.



In terms of making the ETP List *accessible to individuals with disabilities*, it is our understanding that the online version of the list is compliant with the requirements of Section 188 of WIOA. Even so, we will require our One-Stop Operator / WIOA Service Provider to offer personal assistance to WIOA program participants who request help in accessing and using the ETP List within our One-Stop centers.

D. Selection of a Training Program from the ETP List

After a WIOA program participant has had a chance to review the ETP List and consult with a Career Planner, the WIOA Final Rule provides that the participant may select an approved program of training from the ETP List.⁴ Then, pursuant to Section 680.340(c) of the Final Rule:

“...Unless the program has exhausted training funds for the program year, the one-stop center must refer the individual to the selected provider, and establish an ITA for the individual to pay for training. For purposes of this paragraph (c), a referral may be carried out by providing a voucher or certificate to the individual to obtain the training.”

(1) Consultation with a Career Planner

It is the COWIB’s belief that a WIOA program participant may make an informed choice of a training program and provider only after they have properly consulted with a Career

⁴ Provided that the participant has met the eligibility requirements for receiving a training service, as determined by the WIOA Service Provider.

Approved – October 27, 2016

Planner. “Career Planner” is a term that the WIOA Final Rule uses in place of “case manager” or “career coach,” etc.

In the Preamble portion of the WIOA Final Rule, the U.S. Department of Labor offers this comment on the important role that is played by the Career Planner:

“The Department emphasizes the importance of performance information on training providers to ensure consumers may make an informed assessment of their training options. The Department considers the role of the career planner as critical to support individuals to make well-informed training decisions. Career planners are responsible for making training eligibility determinations, and these determinations require that States and local make available high quality performance information to participants to make informed training choices.”

The consultative role of the Career Planner is emphasized in §680.300 of the WIOA Final Rule:

“...WIOA title I adult and dislocated workers purchase training services from State eligible training providers they select in consultation with the career planner, which includes discussion of program quality and performance information on the available eligible training providers.”

Beyond the “program quality and performance information” mentioned in §680.300, the WIOA Final Rule makes clear that Career Planners may discuss additional information with the WIOA program participant. It is not necessary to limit the discussion only to information that is captured in the ETP List.

For example, §680.510 suggests some supplemental information that may be made available to WIOA program participants:

§680.510 In what ways can a Local Workforce Development Board supplement the information available from the State list of eligible training providers and programs?

(a) Local WDBs may supplement the criteria and information requirements established by the Governor in order to support informed consumer choice and the achievement of local performance indicators. However, the Local WDB may not do so for registered apprenticeship programs.

(b) This additional information may include:

(1) Information on programs of training services that are linked to occupations in demand in the local area;

(2) Performance and cost information, including program-specific performance and cost information, for the local outlet(s) of multi-site eligible training providers;

(3) Information that shows how programs are responsive to local requirements; and

(4) Other appropriate information related to the objectives of WIOA.

COWIB interprets §680.510 to mean that Career Planners may share “additional information” with WIOA participants – including additional information that has been supplied by the eligible training provider as well as “appropriate information” that may be derived from other valid and reliable sources. We recognize that we are prohibited from compiling or disseminating additional information on registered apprenticeship programs.

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The COWIB’s CEO is authorized to develop guidelines for Career Planners to use regarding supplemental information that may be shared with WIOA program participants.

In addition to providing guidance and information on program quality, cost, performance, etc., the Career Planner has one more duty with regard to supporting informed consumer choice. That is, the Career Planner must assure that “priority consideration” is given to training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved.

(2) Priority Consideration to Programs Leading to Recognized Postsecondary Credentials

Section 134(c)(3)(F) of the Workforce Innovation and Opportunity Act describes the Consumer Choice Requirements of the WIOA law:

(F) CONSUMER CHOICE REQUIREMENTS.—

(i) IN GENERAL. — Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

(ii) ELIGIBLE PROVIDERS. — Each local board, through one-stop centers, shall make available the list of eligible providers of training services described in section 122(d), and accompanying information, in accordance with section 122(d).

(iii) INDIVIDUAL TRAINING ACCOUNTS. — An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a career planner, select an eligible provider of training services from the list of providers described in clause (ii). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through an individual training account.

(iv) COORDINATION. — Each local board may, through one-stop centers, coordinate funding for individual training accounts with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

(v) ADDITIONAL INFORMATION. — Priority consideration shall, consistent with clause (i), be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved.

The requirement in clause (v) is consistent with WIOA’s increased emphasis on credential attainment.

The phrase “recognized postsecondary credential” is defined in Section (3) of WIOA:

(52) RECOGNIZED POSTSECONDARY CREDENTIAL. — The term “recognized postsecondary credential” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

COWIB’s policy shall be that Career Planners in our One-Stop centers must suggest or recommend to their clients the choice of a training program that leads to a recognized post-secondary credential as described in clause (v) of Section 134(c)(3)(F). However, consistent with other provisions of the WIOA law and regulations, the ultimate choice of training program and training provider is to be made by the consumer.



E. Selection of a Non-ITA Training Program

When a client chooses a non-ITA training program, the general principle of Consumer Choice continues in effect. The Consumer Choice Requirements for these types of training programs are easily stated, and they are easy to understand.

The WIOA Final Rule states the basic requirement very clearly in Section 680.340:

§680.340 What are the requirements for consumer choice?

(a) Training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider.

As noted in 4.B(1) of this policy, the WIOA law provides several “contract” options that may be used to provide training services to eligible Adult and Dislocated Worker participants. These options include OJT, customized training, incumbent worker training, transitional employment, etc.

It is completely allowable to refer an Adult or DLW participant to a training contract. But, the WIOA law provides that the Consumer Choice Requirements of the law must be met first. Here is the relevant portion from the law:

SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

(c) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES....

(3) TRAINING SERVICES....

(G) USE OF INDIVIDUAL TRAINING ACCOUNTS....

(ii) TRAINING CONTRACTS. — Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—

(I) the requirements of subparagraph (F) are met;

Subparagraph (F) is the “Consumer Choice Requirements” portion of the law.

COWIB interprets this requirement of the law to mean that an Adult or DLW client may be allowed to select training under a non-ITA contract, but first they must be given the option to select a training provider from the ETP List. This interpretation is consistent with §680.320 of the WIOA Final Rule:

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§680.320 Under what circumstances may mechanisms other than Individual Training Accounts be used to provide training services?

(a) Contracts for services may be used instead of ITAs only when one or more of the following five exceptions apply, and the local area has fulfilled the consumer choice requirements of §680.340....

In all cases, the Career Planners in our One-Stop Centers will adhere to the Consumer Choice Requirements of the law. We believe that training success is best achieved when the client has made an informed choice of training program and training provider.

F. Coordination of Funding for ITA’s with Funding from other Sources

There is one final provision of the Consumer Choice Requirements of the WIOA law that should be mentioned in this policy. It is in regard to the coordination of funding for training provided with an ITA.

Section 134(c)(3) of WIOA includes this statement:

(F) CONSUMER CHOICE REQUIREMENTS. —

(i) IN GENERAL. — Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

...
(iv) COORDINATION. — *Each local board may, through one-stop centers, coordinate funding for individual training accounts with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.*

This simple statement is designed to ensure that One-Stop Operators and WIOA Service Providers have the flexibility to use other training resources – not just those of the WIOA Adult and Dislocated Worker programs – to support a client in his / her chosen program of training. It is not a violation of customer choice if the COWIB’s WIOA Service Provider chooses to coordinate funding in this way.

This provision of the law is re-stated in the WIOA Final Rule:

§680.340 What are the requirements for consumer choice?

(a) Training services, whether under ITAs or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider.

...
(e) Each Local WDB, through the one- stop center, may coordinate funding for ITAs with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

Additional Guidance. The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, forms, etc., to further implement the requirements of this policy.

Questions. Questions about this policy may be directed to:

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