

PRINCE GEORGE’S COUNTY LOCAL WORKFORCE DEVELOPMENT BOARD

Local Area Training Provider Exception Policy

POLICY NUMBER: 1.4000.100.005

EFFECTIVE: February 17, 2021

APPROVING AUTHORITY: Board Chair
Prince George’s County Local Workforce Development Board

RESPONSIBLE STAFF: Executive Director, Board Administrator, Policy & Compliance Director

RESPONSIBLE OFFICE: Office of the President, Employ Prince George’s, Inc.

SUMMARY:

The Prince George’s County Public Workforce System, branded as the Prince George’s County American Job Center Community Network, is the workforce system for the Prince George’s County Local Workforce Development Area, which is one of 12 Local Workforce Development Areas in Maryland. Each Local Workforce Development Area is led by a Chief Local Elected Official and governed by a Local Workforce Development Board. The County Executive is the Prince George’s County Chief Local Elected Official, and the Local Workforce Development Board is the Prince George’s County Local Workforce Development Board (PGCLWDB). Based on the Prince George’s County Local Workforce Area agreement between the County Executive, the Prince George’s County Local Workforce Development Board and Employ Prince George’s (EPG), EPG serves as the administrative staff and fiscal agent of the Prince George’s County Local Workforce Board.

POLICY:

The process set forth below shall be utilized when a training provider is not on the Maryland Eligible Training Provider List (ETPL), but wishes to provide training to Workforce Innovation and Opportunity Act (WIOA) Title I participants enrolled in Prince George’s County Local Workforce Development Board WIOA Title I Career Services provider programming. Pursuant to the Maryland Department of Labor, previously the Maryland Department of Labor, Licensing and Regulations, Policy Issuance 2017-09, “A Local Board may use a contract for services instead of an Individual Training Account (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 the ETPL, including the handling of Personally Identifiable Information (PII) and the Family Educational Rights and Privacy Act (FERPA).”

To meet the guidelines outlined in the Maryland Department of Labor (MD DOL) Policy Issuance 2017-09, while meeting the needs of Prince George’s County Public Workforce System Stakeholders, the PGCLWDB created a Local Training Provider List (LTPL). The PGCLWDB LTPL is designed to provide a central location for WIOA Title I Career Services Providers and WIOA Title I Career Service Participants to identify trainings that are eligible for WIOA Title I funding. This Local Area Training Provider Exception Policy provides guidance to training providers who want to have their courses eligible for WIOA Title I funding and inclusion on the Prince George’s County Local Training Provider List, to Prince George’s County WIOA Title I Career Services Providers who want to execute Individual Service Accounts (ISA), and to Prince George’s County job seekers who want to enroll in occupational skills trainings that aren’t included on the Maryland Eligible Training Provider List (ETPL).

EXCEPTIONS AND PROCESS:

Pursuant to the MD DOL Policy Issuance 2017-09, the PGCLWDB will approve trainings offered by training providers on the LTPL in the instance that one or more of the following exceptions apply and the PGCLWDB has fulfilled the consumer choice requirements of 20 CFR 680.340.

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

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.

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.

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 share⁴¹ 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).

Transitional Jobs are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment⁴² 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 #1 PROCESS: Pursuant to the Prince George's County Local Workforce Development Area Workforce Innovation and Opportunity Act Local Governance Agreement, the PGCLWDB and County Executive have elected to not have the PGCLWDB serve as a WIOA Title I Career Services Provider. The PGCLWDB does not enter into direct contracts or training agreements with training providers to deliver services to WIOA Title I Adult, Youth and Dislocated Worker participants.

Employers must partner, and enter into an agreement, with a PGCLWDB WIOA Title I Career Service Provider to employ this exception. PGCLWDB WIOA Title I Career Services Providers are not required to receive approval by the PGCLWDB prior to executing an OJT, Customized Training, Incumbent Worker Training, or Transitional Jobs contract, but they must receive written approval by the staff of the PGCLWDB.

EXCEPTION #2: When the Local Board documents a determination that an insufficient number of Eligible Training Providers (ETP) exists in the Local Area to accomplish the purpose of a system of ITAs.

The PGCLWDB has noted MD DOL's response to 20 CFR 680.320 and lack of federal guidance, that MD DOL will annually perform the function of the United States Department of Labor's (USDOL) requirement that local areas hold a 30-day public comment period for providers interested in qualifying for Exception #2. While notating MD DOL volunteering to hold a 30-day public comment period annually for providers interested in qualifying for Exception #2

on behalf of the PGCLWDB, the PGCLWDB has identified that the need for training providers interested in Exception #2 is greater than an annual 30-day public comment period. To meet the needs of Prince George's County Public Workforce System stakeholders, the PGCLWDB will host the 30-day public comment period for training providers interested in Exception #2 on an as-needed basis.

EXCEPTION #2 PROCESS: The PGCLWDB will utilize an index to determine insufficient areas of training. This index will be updated every four years, aligning with, and included in, the local plan, as well as posted on the Prince George's County Public Workforce System (Prince George's County American Job Center Community Network) website, www.pgcajc.com.

Local training providers who provide trainings that align with areas that are deemed insufficient by the LWDB, may complete an application to receive a Waiver for Exception #2 and inclusion on the Prince George's County Local Training Provider List. A local training provider may only apply for a Local Training Provider List Waiver for Exception 2 **after** they have applied for the State of Maryland Eligible Training Provider List and been denied by the Maryland Department of Labor. The denial from the Maryland Department of Labor must be included in the application as an attachment. The application is located on the Prince George's County American Job Center Community Network (AJCCN) website, www.pgcajc.com. All applications must include the requested information, be completed in full, and include the mandatory attachments to be considered for a Local Training Provider List Waiver. Incomplete applications will receive an automatic denial.

Submitted applications will be reviewed by PGCLWDB Staff to ensure completion of application. Once applications have been deemed complete, they will be submitted to the PGCLWDB's American Job Center (AJC) System/One Stop Operations Standing Committee and/or Business Services Standing Committee for review and approval. If approved by a PGCLWDB Standing Committee, the application will be posted on the AJCCN website for 30 days to receive public comment. After the 30-day public comment period, the comments and PGCLWDB Standing Committee recommendations will be submitted to the full PGCLWDB at the next available meeting for approval and inclusion on the Prince George's County Local Training Provider List.

Upon review by PGCLWDB, the training provider will receive the Board's decision within 10 business days of the Board Meeting. Approved trainings will receive a certification of approval and inclusion on the Prince George's County Local Training Provider List. The Local Training Provider List will be updated with the training provider and training information, and the addition to the LTPL will be sent to all PGCLWDB WIOA Service Providers (WIOA Adult, WIOA Youth, WIOA Dislocated Worker and AJC/One Stop Operator). Training provider must submit the PGCLWDB's Certification of Approval to WIOA Title I Services Providers when attempting to receive WIOA funding for occupational skills training. WIOA Title I Career Service Provider training and contracting policies differ by provider and the PGCLWDB is not included in those processes.

Local Training Provider List Waivers for Exception 2 are limited to three program/fiscal years of the PGCLWDB. Partial year approvals are still counted as a full year. Year One is to gain access to WIOA training funds, administrative process and procedure development, and developing program performance outcomes. Year Two is used to increase program performance outcomes and improve training provider capacity. Year Three is to ensure system changes and program improvements are continued and sustainable, and the training provider is eligible, and has the capacity, to meet the Maryland Eligible Training Provider List requirement of the MD DOL. Training provider must apply for and be approved for the Maryland Eligible Training Provider List by the close of year three of their local waiver.

PGCLWDB staff will provide annual monitoring and conduct performance reviews annually while a training provider is receiving a waiver. Annual recommendations to be removed or remain on the LTPL will be submitted to the Board the first quarter of every PGCLWDB program/fiscal year.

Pursuant to the Prince George's County Local Workforce Development Area Workforce Innovation and Opportunity Act Local Governance Agreement, the PGCLWDB and County Executive have elected to not have the PGCLWDB serve as a WIOA Title I Career Services Provider. The PGCLWDB does not enter into direct contracts or training agreements with training providers to deliver services to WIOA Title I Adult, Youth and Dislocated Worker participants.

Training providers must partner, and enter into an agreement, with a PGCLWDB WIOA Title I Career Service Provider to employ this exception. PGCLWDB WIOA Title I Career Services Providers are not required to receive approval by the PGCLWDB prior to executing a training agreement or contract, but they must receive written approval by the staff of the PGCLWDB.

EXCEPTION #3: When the Local Board determines that there is a training services 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 list below:

Maryland’s Target Populations: Individuals with Barriers to Employment
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
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

When employing Exception #3, the PGCLWDB is mandated to develop criteria to be used in determining effectiveness, particularly as it applies to individuals with barriers to employment to be served. The criteria mandated for the PGCLWDB to include is listed below.

- Financial stability of the organization;
- 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;
- Placement after training in unsubsidized employment;
- Retention in employment; and,
- How the specific program relates to the workforce development needs identified in the WIOA Local Plan.

The PGCLWDB has included this criterion in its LTPL application. When using Exception #3 the PGCLWDB will mandated a minimum standard of this criterion be met. Training providers will be required to complete and submit an application for the LTPL for every Exception.

EXCEPTION #3 PROCESS: The PGCLWDB will utilize an index to determine if the required criterion has been met to receive a Waiver for Exception #3. This index will be updated every four years, aligning with, and included in, the local plan, as well as posted on the Prince George’s County Public Workforce System (Prince George’s County American Job Center Community Network) website, www.pgcajc.com.

A local training provider may only apply for a Local Training Provider List Waiver for Exception 3 **after** they have applied for the State of Maryland Eligible Training Provider List and been denied by the Maryland Department of Labor. The denial from the Maryland Department of Labor must be included in the application as an attachment. The application is located on the Prince George’s County American Job Center Community Network (AJCCN) website, www.pgcajc.com. All applications must include the requested information, be completed in full, and include the mandatory attachments to be considered for a Local Training Provider List Waiver. Incomplete applications will receive an automatic denial.

Submitted applications will be reviewed by PGCLWDB Staff to ensure completion of application. Once applications have been deemed complete, they will be submitted to the PGCLWDB’s American Job Center (AJC) System/One Stop Operations Standing Committee and/or Business Services Standing Committee for review and approval. If approved by a PGCLWDB Standing Committee, the application will be submitted to the full PGCLWDB at the next available meeting for approval and inclusion on the Prince George’s County Local Training Provider List.

Upon review by PGCLWDB, the training provider will receive the Board’s decision within 10 business days of the Board Meeting. Approved trainings will receive a certification of approval and inclusion on the Prince George’s County Local Training Provider List. The Local Training Provider List will be updated with the training provider and training information, and the addition to the LTPL will be sent to all PGCLWDB WIOA Service Providers (WIOA Adult, WIOA Youth, WIOA Dislocated Worker and AJC/One Stop Operator). Training provider must submit the PGCLWDB’s Certification of Approval to WIOA Title I Services Providers when attempting to receive WIOA funding for occupational skills training. WIOA Title I Career Service Provider training and contracting policies differ by provider and the PGCLWDB is not included in those processes.

Local Training Provider List Waivers for Exception 3 are limited to three program/fiscal years of the PGCLWDB. Partial year approvals are still counted as a full year. Year One is to gain access to WIOA training funds, administrative process and procedure development, and developing program performance outcomes. Year Two is used to increase program performance outcomes and improve training provider capacity. Year Three is to ensure system changes and program improvements are continued and sustainable, and the training provider is eligible, and has the capacity, to meet the Maryland Eligible Training Provider List requirement of the MD DOL. Training provider must apply for and be approved for the Maryland Eligible Training Provider List by the close of year three of their local waiver.

PGCLWDB staff will provide annual monitoring and conduct performance reviews annually while a training provider is receiving a waiver. Annual recommendations to be removed or remain on the LTPL will be submitted to the Board the first quarter of every PGCLWDB program/fiscal year.

Pursuant to the Prince George’s County Local Workforce Development Area Workforce Innovation and Opportunity Act Local Governance Agreement, the PGCLWDB and County Executive have elected to not have the PGCLWDB serve as a WIOA Title I Career Services Provider. The PGCLWDB does not enter into direct contracts or training agreements with training providers to deliver services to WIOA Title I Adult, Youth and Dislocated Worker participants.

Training providers must partner, and enter into an agreement, with a PGCLWDB WIOA Title I Career Service Provider to employ this exception. PGCLWDB WIOA Title I Career Services Providers are not required to receive approval by the PGCLWDB prior to executing a training agreement or contract, but they must receive written approval by the staff of the PGCLWDB.

EXCEPTION #4: When the Local Board determines that it would be most appropriate to contract with an institution of higher education 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.

EXCEPTION #4 PROCESS:

A local training provider may only apply for a Local Training Provider List Waiver for Exception 4 **after** they have applied for the State of Maryland Eligible Training Provider List and been denied by the Maryland Department of Labor. The denial from the Maryland Department of Labor must be included in the application as an attachment. The application is located on the Prince George’s County American Job Center Community Network (AJCCN) website, www.pgcajc.com. All applications must include the requested information, be completed in full, and include the mandatory attachments to be considered for a Local Training Provider List Waiver. Incomplete applications will receive an automatic denial.

Submitted applications will be reviewed by PGCLWDB Staff to ensure completion of application. Once applications have been deemed complete, they will be submitted to the PGCLWDB’s American Job Center (AJC) System/One Stop Operations Standing Committee and/or Business Services Standing Committee for review and approval. If approved by a PGCLWDB Standing Committee, the application will be submitted to the full PGCLWDB at the next available meeting for approval and inclusion on the Prince George’s County Local Training Provider List.

Upon review by PGCLWDB, the training provider will receive the Board’s decision within 10 business days of the Board Meeting. Approved trainings will receive a certification of approval and inclusion on the Prince George’s County Local Training Provider List. The Local Training Provider List will be updated with the training provider and training information, and the addition to the LTPL will be sent to all PGCLWDB WIOA Service Providers (WIOA Adult, WIOA Youth, WIOA Dislocated Worker and AJC/One Stop Operator). Training provider must submit the PGCLWDB’s Certification of Approval to WIOA Title I Services Providers when attempting to receive WIOA funding for occupational skills training. WIOA Title I Career Service Provider training and contracting policies differ by provider and the PGCLWDB is not included in those processes.

Local Training Provider List Waivers for Exception 4 are limited to three program/fiscal years of the PCGLWDB. Partial year approvals are still counted as a full year. Year One is to gain access to WIOA training funds, administrative process and procedure development, and developing program performance outcomes. Year Two is used to increase program performance outcomes and improve training provider capacity. Year Three is to ensure system changes and program improvements are continued and sustainable, and the training provider is eligible, and has the capacity, to meet the Maryland Eligible Training Provider List requirement of the MD DOL. Training provider must apply for and be approved for the Maryland Eligible Training Provider List by the close of year three of their local waiver.

PGCLWDB staff will provide annual monitoring and conduct performance reviews annually while a training provider is receiving a waiver. Annual recommendations to be removed or remain on the LTPL will be submitted to the Board the first quarter of every PGCLWDB program/fiscal year.

Pursuant to the Prince George’s County Local Workforce Development Area Workforce Innovation and Opportunity Act Local Governance Agreement, the PGCLWDB and County Executive have elected to not have the PGCLWDB serve as a WIOA Title I Career Services Provider. The PGCLWDB does not enter into direct contracts or training agreements with training providers to deliver services to WIOA Title I Adult, Youth and Dislocated Worker participants.

Training providers must partner, and enter into an agreement, with a PGCLWDB WIOA Title I Career Service Provider to employ this exception. PGCLWDB WIOA Title I Career Services Providers are not required to receive approval by the PGCLWDB prior to executing a training agreement or contract, but they must receive written approval by the staff of the PGCLWDB.

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 § 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

EXCEPTION #5 PROCESS: Pursuant to the Prince George’s County Local Workforce Development Area Workforce Innovation and Opportunity Act Local Governance Agreement, the PGCLWDB and County Executive have elected to not have the PGCLWDB serve as a WIOA Title I Career Services Provider. The PGCLWDB does not enter into direct contracts or training agreements with training providers to deliver services to WIOA Title I Adult, Youth and Dislocated Worker participants.

Training providers and employers must partner, and enter into an agreement, with a PGCLWDB WIOA Title I Career Service Provider to employ this exception. PGCLWDB WIOA Title I Career Services Providers must receive written approval by the PGCLWDB prior to executing a Pay-for-Performance contract.

POLICY VIOLATIONS:

N/A

REASON FOR POLICY:

This Policy ensures compliance with WIOA Title I requirements, Wagner-Peyser Act requirements, US Department of Labor requirements, Maryland Department of Labor requirements, and all local, state, and federal laws.

EXCLUSIONS TO THE POLICY:

None

FORMS:

None

APPROVING SIGNATURES:

Feb 25, 2021



[Charnetia Young \(Feb 25, 2021 12:26 EST\)](#)

Board Chair
Prince George's County Workforce Development Board

Date