



Hennepin-Carver

Workforce Development Board

WDA 09 WIOA Adult and Dislocated Worker (WIOA and State) Policy: Training Services Allowable Activities

Policy Summary

This policy outlines the training activities under the Workforce Innovation and Opportunity Act (WIOA) and Minnesota State Statute 116L.17 programs administered by the Minnesota Department of Employment and Economic Development (DEED).

Relevant Laws, Rules, or Policies

Workforce Innovation and Opportunity Act (WIOA) (42 USC 3101 et seq)

Code of Federal Regulations (CFR) 20 CFR Part 680

Training and Employment Guidance Letter (TEGL) 19-16 (March 1, 2017)

Training and Employment Guidance Letter (TEGL) 13-16 (January 12, 2017)

Training and Employment Notice (TEN) 23-23 (March 5, 2024)

Minnesota State Statute 116L.17

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Contact: Jen Albrecht, Workforce Development Manager jen.albrecht@hennepin.us

Local Policy Required

Local providers must have an updated and current policy on file that includes, at minimum, the information required by this policy. Provider policies must be made available to DEED upon request, either in hard copy or electronic formats. *This local policy adopts that of the MN Department of Employment & Economic Development.*

This policy includes the following Dislocated Worker and Federal Adult Programs (DWFAP):

- WIOA Adult Program,
- WIOA Dislocated Worker Program,
- State Dislocated Worker Program,
- National Dislocated Worker Grants (DWGs), and,
- Certain special programs such as the:
 - Minnesota Retaining Employment and Talent After Injury/Illness Network (RETAIN) Program, and,
 - Re-Entry Pilot Program.

Note: Terms that are *Italicized* are also defined within the “Dislocated Worker and Federal Adult Programs (DWFAP) Terms and Definitions” document in the “Related Links” at the bottom of this policy.

See “Table One” below for a selected list of training services which may be provided to program participants. The list is meant to provide examples of services and is not exhaustive.

Policy

This policy outlines the training activities under the Workforce Innovation and Opportunity Act (WIOA) and Minnesota State Statute 116L.17 programs administered by the Minnesota Department of Employment and Economic Development (DEED).

Table One: Selected List of Training Services

<p>Work-Based Training</p>	<p>Theses trainings include:¹</p> <ul style="list-style-type: none"> • <i>Occupational Skills Training (OST)</i>, including for <i>Nontraditional Employment</i>, • On-the-Job Training (OJT), • Registered Apprenticeship Programs (RAPs), • Incumbent Worker Training (IWT), • Cooperative education programs, • Private sector training programs, • Skills Upgrading and Retraining, • Entrepreneurial Training, • Customized Training (CT), • Basic and remedial education to enhance current skills,² and, • Transitional Jobs (TJs). <p>For the purposes of this policy, DWFAP notes <i>that Pre-Apprenticeships may</i> also be considered a training service, particularly if the training leads to an <i>Industry-Recognized Credential</i> or is approved by RAP sponsors that will prepare students with the skills needed to enter one or more RAP.³ Where <i>Pre-Apprenticeships</i> are not considered a training service, they may be considered a career service.⁴</p>
<p>Job Readiness Training</p>	<p>Includes <i>Job Readiness Training (JRT)</i> provided concurrently with:⁵</p> <ul style="list-style-type: none"> • <i>Occupational Skills Training (OST)</i>, including for <i>Nontraditional Employment</i>, • On-the-Job Training (OJT), • Incumbent Worker Training (IWT),

	<ul style="list-style-type: none"> • Workplace training and related instruction, which may include cooperative education programs, • Private sector training programs, • Entrepreneurial Training, • Customized Training (CT), and • Transitional Jobs (TJs).
Adult Education and Literacy Activities	<p>Includes <i>Adult Education and Literacy Activities</i> including English language acquisition and integrated education, <u>when provided concurrently with:</u>⁶</p> <ul style="list-style-type: none"> • <i>Occupational Skills Training (OST)</i>, including for <i>Nontraditional Employment</i>, • On-the-Job Training (OJT), • Incumbent Worker Training (IWT), • Workplace training and related instruction, which may include cooperative education programs, • Private sector training programs, • Skills upgrading and retraining, and, • Entrepreneurial Training.
Non-Credentialed Training	<p><i>Non-Credentialed Training</i>, which is an organized program or course of study that provides occupationally specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at intermediate or advanced levels but does not result in an <i>Industry-Recognized Credential</i> when successfully completed.</p>

Who Can Receive Training Services?

An individual must receive, at a minimum, a documented interview, evaluation or assessment and career planning or other means by which eligibility for WIOA-funded training services can be determined.⁷

Training services may be provided if the individual:⁸

- Is unlikely or unable to obtain or retain employment that leads to *Economic Self-Sufficiency* (Refer to DEED’s “Economic Self-Sufficiency” policy in the “Related Links” at the bottom of the policy) or wages comparable to or higher than wages from previous employment through career services alone;
- Needs training services to obtain or retain employment that leads to *Economic Self-Sufficiency* (Refer to DEED’s “Economic Self-Sufficiency” policy in the “Related Links” at the bottom of the policy) or wages comparable to or higher than wages from previous employment;
- Has the skills and qualifications to successfully participate in the selected program of training services;

- Is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds or Federal Pell Grants or requires WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants;
- Is a member of a worker group covered under a petition filed for Trade Adjustment Assistance (TAA) and is awaiting a determination. If the petition is certified, the worker may then transition to TAA approved training. If the petition is denied, the worker will continue training under WIOA;
- Is determined eligible in accordance with the State and local priority system in effect for adults if training services are provided through the adult funding stream; and;
- Has been selected for a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individual is willing to commute or relocate.

Note: Refer to “TAA Approval of Classroom/Online Training” policy in the “Related Links” at the bottom of this policy for additional guidance for TAA-impacted workers.

Training Documentation:

All individuals interested in attending training must first complete a training proposal in consultation with their job counselor. Training proposals determine if a particular training is needed. The proposal should compare training institutions, cost, availability/start date, length of training and labor market data related to that specific training. Short term training is supported with a focus on training that results in a credential.

These services must be documented in the participant's Individual Employment Plan (IEP). A participant is not required to receive career services before receiving training services, however, there must be sufficient documentation in the participant's case notes to justify providing training services alone.

- Providers must coordinate training funds available and make funding arrangements with one-stop partners and other entities. One-stop centers/providers must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources of training grants.
- A WIOA participant may enroll in WIOA-funded training while his/her application for a Pell Grant is pending as long as the one-stop center/provider has planned with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the one-stop center/provider the WIOA funds used to underwrite the training for the amount the Pell Grant covers, including any education fees the training provider charges to attend training. Reimbursement is not required from the portion of Pell

Grant assistance disbursed to the WIOA participant for education-related expenses.

Individual Training Accounts (ITA)

Training services, when determined appropriate, must be provided either through an Individual Training Account (ITA) or through a separate training contract (See below for more information on training contracts). Additionally, providers may use a combination of ITAs and training contracts to provide training services.

When *WIOA funds* are used to pay for training services, the training provider must be listed on the WIOA Eligible Training Provider List (ETPL) unless the training is one of the five which are excluded (See “Training Contracts” below). *Pre-Apprenticeship* programs may also be funded using an ITA if it is a training service and on the ETPL.⁹

Note: The State of Minnesota observes ETPL reciprocity with other states, so WIOA trainings funds could be used with an out of state training institution if the program/course is on another state’s ETPL. When State funds are used to pay for training services, the training institution must be licensed, registered, or legally exempt by the Minnesota Office of Higher Education (OHE) or other appropriate state agency.

Note: You can find lists of registered training institutions and licensed career schools on OHE’s website. And out-of-state institutions recognized by OHE on SARA. There is not an online list of exemptions, as exemption letters issued by OHE expire two years after issuance. Proof of registered (print out from OHE website or SARA), licensed (print out from OHE website), or exemption status is required in the participant’s case file.

Training Contracts

As noted above, Individual Training Accounts (ITAs) are the primary method for procuring training services under WIOA. However, in certain circumstances, a training contract may be used to provide training services instead of an ITA. This is referred to as a "training exemption".¹⁰ Training contracts can only be used if at least one of the five circumstances listed below applies and the process for their use is clearly described by the Local Workforce Development Board in their Local Plan. The contract exemptions include:¹¹

1. On-the-Job Training (OJT), which may include paying for the OJT portion of a:
 - a. Registered Apprenticeship Programs (RAPs),
 - b. Customized Training (CT),
 - c. Incumbent Worker Training (IWT), or,
 - d. Transitional Job (TJ);
2. If the local Workforce Development Board determines that there are an insufficient number of Eligible Training Providers in the local area to accomplish the purpose of a system of ITAs. This determination process must include a 30-day public comment period for interested providers and must be described in the local plan;
3. To use a training services program of demonstrated effectiveness offered in a local area by a community-based organization or other private organization to serve

individuals with barriers to employment. The Local Workforce Development Board must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to Individuals with Barriers to Employment to be served. The criteria may include:

- a. Financial stability of the organization
 - b. Demonstrated performance in the delivery of services to *Individuals with Barriers to Employment* through such means as program completion rates; attainment of skills, certificates, or degrees the program is designed to provide; placements after training in *Unsubsidized Employment*, and retention in employment; and
 - c. How the specific program relates to the workforce investment needs identified in the local plan;
4. If the Local Workforce Development Board determines that the most appropriate training could be provided by an institution of higher education or other provider of training services in order to facilitate the training of a cohort for jobs in-demand sectors or occupations, provided that the contract does not limit consumer choice;¹² and,
 5. If the Local Workforce Development Board determines a pay-for-performance contract is suitable consistent with 20 CFR 683.500 (Note: No more than 10% of the local funds may be spent on pay-for-performance contract strategies).¹³

Local WDBs may determine that providing training through a combination of ITAs and contracts is the most effective approach. This approach could be used to support placing participants in programs such as RAPs and other similar types of training.¹⁴

Related Links

- Dislocated Worker and Federal Adult Programs (DWFAP) Terms and Definitions
- TAA Approval of Classroom/Online Training Policy

¹ 20 CFR 680.200, 20 CFR Part 680 Subpart F, and TEGL 19-16 (Page Seven)

² MN State Statute 116L.17 Sub. 4(3)

³ TEN 23-23 (Page 11)

⁴ TEN 23-23 (Page 13)

⁵ 20 CFR 680.200(i) and TEGL 19-16 (Page Seven)

⁶ 20 CFR 680.200(j) and TEGL 19-16 (Page Seven)

⁷ 20 CFR 680.220(a)

⁸ 20 CFR 680.210 and TEGL 19-16 (Pages Five and Six)

⁹ TEGL 13-16 (Page 11) and TEN 23-23 (Page 13)

¹⁰TEGL 19-16 (Page Seven)

¹¹ TEGL 19-16 (Pages Seven and Eight)

¹² TEGL 19-16 (Page Eight)

¹³ TEGL 19-16 (Page Eight)

¹⁴ TEGL 19-16 (Page Eight)