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## ADMINISTRATIVE MEMO 034 – *ETPL Registration Guidelines*

**TO:** Training Providers  
VDOL Workforce Development Division Employees

**Cc:** State Workforce Development Board Chair, Adam Grinold  
State Workforce Development Board Executive Director, Victoria Biondolillo

**FROM:** Sarah Buxton, State Director of Workforce Development

**RE:** Process for Registering and Maintaining Eligible Training Provider List Status

**DATE:** June 10, 2022

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In response to recent compliance findings, this administrative bulletin outlines the process, information, and application requirements that training providers must follow to become and remain eligible to list their programs on Vermont’s Eligible Training Provider List (ETPL) as of July 1, 2022. It also describes the initial and ongoing performance reporting requirements of providers who wish to be listed on the ETPL and described opportunities and requirements for Registered Apprenticeship Programs to be listed on the ETPL.

The workforce development system established under WIOA promotes informed consumer choice, job-driven training, performance transparency, and continuous improvement. The ETPL is used by individuals who are enrolled Workforce Innovation and Opportunity Act (WIOA) Title I programs to make decisions about enrollment in training programs for which Title I funds will be used to pay tuition and other education-related costs.<sup>1</sup> The ETPL provides information to jobseekers about training programs to help make decisions related to career advancement. WIOA participants use this and other information to develop a training plan with their VDOL case manager. Plans that include training program listed on the ETPL may use WIOA Title I funds to help pay for allowable costs. Plans may include non-ETPL listed trainings but may not use WIOA Title I funds to pay for those costs.

WIOA requires states to approve a training provider’s program eligibility, initially and at least every two years, before WIOA Title I funds can be used to pay for training services, unless the

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<sup>1</sup> Non-WIOA Title I funds may be used to pay for training costs of programs not listed on the ETPL.



type of training is exempt from this requirement.<sup>2</sup> The Vermont Department of Labor (VDOL) is charged with administering the processes for determining and maintaining provider eligibility, in consultation with the State Workforce Development Board (SWDB). The ETPL Procedures approved by the SWDB<sup>3</sup> outline criteria that must be met to meet federal regulations<sup>4</sup> intended to ensure that a training provider offers a program that is responsive to in-demand and emerging industry need and meets other federal and state eligibility criteria.

Vermont's ETPL can be found [here](#) until June 30, 2022. After July 1, 2022, it can be found at [www.vermontjoblink.com/training](http://www.vermontjoblink.com/training).

## INITIAL PROGRAM APPROVAL FOR TRAINING PROVIDERS

Each provider must submit a separate application and report required performance data for every program of study<sup>5</sup> and every location it is offered. Initial applications must be completed using the Vermont Department of Labor's online application located at [www.vermontjoblink.com/training](http://www.vermontjoblink.com/training), available beginning July 1, 2022. The application ensures that the statutorily required information is supplied for the Vermont Department of Labor to determine if the program meets initial eligibility criteria.

Eligible training provider entities are:

- An institution of higher education that provides a program that leads to a recognized postsecondary credential
- An entity that carries out an apprenticeship program registered with VDOL
- Another public or private provider of training services, which may include a joint labor-management organization, and eligible providers of adult education and literacy activities, under Title II of WIOA, if such activities are provided in combination with occupational skills training.

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<sup>2</sup> On-the-Job Training (OJT), Incumbent Worker Training (IWT), and Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training are all exempt from the requirement to be listed on the ETPL.

<sup>3</sup> [https://vwdb.vermont.gov/sites/vwdb/files/doc\\_library/WIOA%20ETP%20Procedures%2012.2018.pdf](https://vwdb.vermont.gov/sites/vwdb/files/doc_library/WIOA%20ETP%20Procedures%2012.2018.pdf)

<sup>4</sup> <https://www.ecfr.gov/current/title-20/chapter-V/part-680/subpart-D?toc=1>

<sup>5</sup> A program of study is one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential or secondary school diploma or its equivalent, employment, or measurable skills gain toward a recognized postsecondary or secondary school diploma or its equivalent credential or employment.

The initial application requires providers to submit the following information in the application platform Providerlink:

- Contact information for applicant submitter and training provider
- FEIN and debarment status
- Type of training institution and accreditation status
- Compliance with nondiscrimination and equal opportunity laws
- Whether the training provider program
  - Provides reasonable accommodations for people with disabilities
  - Is in partnership with a business
  - Provides access to training for individuals who are employed
  - Provides access to training for individuals with barriers to employment
- Description, detail, and cost of each program of training services to be offered
- Uploaded Copies of
  - Provider's refund policy
  - Provider's equal employment opportunity and accessibility policies
  - Current Class Schedule and Policies
- Type of credential awarded
- Financial Aid Availability or Access
- Occupations that training program is designed to support
- Verifiable program specific performance information, including at least one of the following:
  - Total number of students in the program
  - Total number of students exiting the program
  - Rate of unsubsidized employment during the second quarter after exit
  - Rate of unsubsidized employment during the fourth quarter after exit
  - Median earnings during the second quarter after exit
  - Average earnings during the second quarter after exit
  - Average earnings during the fourth quarter after exit
  - Credential attainment rate

Complete applications will be reviewed by VDOL as soon as possible and approved if they meet the following criteria:

- The program and provider meet state and federal compliance regulations

- The program and provider meet qualifications described in the WIOA Training Provider Eligibility Procedure approved by the State Workforce Development Board (SWDB)<sup>6</sup> and 20 CFR § 680<sup>7</sup>
- Initial performance information is not less than 30% under than the state’s target performance rate for all Title I programs in the current program year<sup>8</sup>
- The program relates to an in-demand industry or employment need in Vermont
- If the provider is not located in Vermont, it is listed as an eligible training provider by another state with a current reciprocity agreement with Vermont and/or has identified a Vermont based business that endorses the program of study<sup>9</sup>

Providers will be notified in writing of their approval status and ongoing reporting requirements within 30 days. If a denial is issued, providers will be notified of their appeal rights. Initial approval is valid for one year from the date of approval, after which the provider must reapply for continued eligibility and submit a complete set of required performance data annually.

<b>CONTINUED PROGRAM ELIGIBILITY APPROVAL FOR TRAINING PROVIDERS</b>
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Programs receiving initial approval will remain on the list for one year. After one year of their approval notification, providers will have 30 days to submit an application for continued eligibility on [www.vermontjoblink.com/training](http://www.vermontjoblink.com/training). Programs for which a continued eligibility application is not submitted will be removed from the list. If they wish to reapply within five years, they must reapply using the continued program eligibility application process.

A program will be granted continued eligibility status for two years if it meets the following criteria:

- The program and provider meet state and federal compliance regulations, including licensing requirements if applicable

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<sup>6</sup> <https://vwdb.vermont.gov/wioa-eligible-training-providers>

<sup>7</sup> <https://www.ecfr.gov/current/title-20/chapter-V/part-680?toc=1>

<sup>8</sup> <https://www.dol.gov/agencies/eta/performance/goals/negotiated-performance-levels>

<sup>9</sup> Out-of-State Training Providers must upload a word document that contains a link to where their program is listed on another state’s list and the name of a Vermont business that endorses the training program to be listed.

- The program and provider continue to meet qualifications described in the WIOA Training Provider Eligibility Procedure approved by the State Workforce Development Board (SWDB)<sup>10</sup> and 20 CFR § 680<sup>11</sup>
- The provider has submitted all required performance reports to VDOL accurately and on time
- Program performance meets the state’s target performance rate for all Title I programs in the current program year<sup>12</sup>
- The program relates to an in-demand industry or employment need in Vermont
- Current demand exists for the training service offered by the program
- If the provider is not located in Vermont, it is listed as an eligible training provider by another state with a current reciprocity agreement with Vermont and has identified a Vermont based business that endorses the program of study
- The training program is physically and programmatically accessible to individuals who are employed and individuals with barriers to employment, including those with disabilities
- The provider demonstrated that the training program is of quality and leads to a post-secondary credential, and
- The program offers an industry-recognized certificate or credential.

Providers will be notified within 30 days of their approval status and ongoing reporting requirements and, if a denial is issued, of their appeal rights. Providers who are approved for continued eligibility to be listed will be listed for two years and must reapply after two years using the process outlined above.

<b>ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTING REQUIREMENTS</b>
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Federal law requires that training providers who list a program on the ETPL provide performance data for all participants each year. This requirement is intended to provide critical information regarding the employment, earnings, and credentials outcomes attained by individuals in the programs of study deemed eligible to receive funding under WIOA Title I.<sup>13</sup> The purpose of these reports is to assist WIOA participants, and members of the general public, in identifying effective training programs.

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<sup>10</sup> <https://vwdb.vermont.gov/wioa-eligible-training-providers>

<sup>11</sup> <https://www.ecfr.gov/current/title-20/chapter-V/part-680?toc=1>

<sup>12</sup> <https://www.dol.gov/agencies/eta/performance/goals/negotiated-performance-levels>

<sup>13</sup> Providers are reminded that WIOA participants may still enroll in training programs not listed on the ETPL so long Title I funds are not used to subsidize the cost of the training. Please contact VDOL for more information.

For continued eligibility, providers **must report the following information by August 15th on an annual basis**, on all individuals engaged in the approved program of study:

1. The total number of students in the program of study;
2. The total number of students exiting the program of study and their completion status (completed/did not complete);
3. The total number who were in unsubsidized employment during the second quarter after program exit;
4. The total number who were in unsubsidized employment during the fourth quarter after program exit;
5. The median earnings of those in unsubsidized employment during the second quarter after program exit;
6. The average earnings of those in unsubsidized employment during the second quarter after program exit;
7. The average earnings of those in unsubsidized employment during the fourth quarter after program exit; and
8. The total number who attained a recognized post-secondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program.

VDOL will supply each provider with a form to provide this data by July 1 of each year. Failure to submit complete, accurate, and timely reports will impact the providers continued eligibility to remain on the ETPL.

More information on this federal reporting requirement can be found at:

[https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_8-19.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_8-19.pdf)

[https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_3-18.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_3-18.pdf)

## REGISTERED APPRENTICESHIPS

Apprenticeship Programs registered by VDOL or the federal Office of Apprenticeship are exempt from initial eligibility procedures. Programs will be notified of their eligibility upon program approval and will be provided with an opportunity to consent to being included on the list before being placed on the list. They will remain on the list unless they are deregistered, notify VDOL that they wish to be removed, intentionally supply inaccurate information, or substantially violate any provision of WIOA. VDOL's Apprenticeship Division will conduct the initial notification about publishing their program information on the ETPL and assist with Providerlink account creation.

Inclusion of a registered apprenticeship program on the ETPL allows WIOA eligible individuals to use Title I training funds for tuition for required related instruction courses and supportive services to enable the individual to participate in training activities. Registered Apprenticeships listed on the ETPL are not subject to initial or ongoing performance reporting requirements required of other eligible training providers for the purposes being on the list.