

## **Northwest TN Workforce Board Executive Committee Meeting**

July 26, 2023 – 10:00 a.m.

Administrative Office, 208 N. Mill Ave., Ste. B, Dyersburg, TN 38024

### **Minutes**

**Committee Members Attending:** Ted Piazza, Jimmy Williamson, Lori Burdine; **via Zoom:** Brad Hurley, Rita Alexander, Ben Marks, Glad Castellaw

**Staff Members and Contractors Attending in person:** Jennifer Bane, Gina Johnson, LeAnn Lundberg, **via Zoom:** Ginger Powell, Lana Burchfiel, Kena Hamm

**Welcome and Call to Order:** Ted Piazza welcomed everyone and confirmed that a quorum was present.

**Review and Approval of Minutes:** Minutes for the 4/26/23 meeting were reviewed.

- **MOTION:** Lori Burdine moved to approve the 4/26/23 Executive Committee minutes as presented, and Jimmy Williamson seconded the motion. All were in favor and the motion carried.

**Facilities and Technology:** LeAnn Lundberg shared that she has surplus items to be picked up the State and she is working on setting up a few new computers for the GROWWTH staff.

**Performance & Program Oversight:** Jennifer Bane presented the following reports:

- Quarterly Complaint Logs: No complaints have been received.
- Monitoring Status Report: One-Stop Operator (OSO) and Career Service Provider (CSP) invoices continue to be monitored monthly. Only a few new On-the-Job Training (OJT) contracts have been added so far this program year and have not had any invoices or participants to monitor yet. Almost all of the Incumbent Worker Invoices have been monitored already and there have been no issues to report. The full report is attached.
- Local Performance Results—Estimated PY22Q3 Results: The attached report of estimated results was reviewed. All measures are being met at least 90% of the goal with the exception of the Dislocated Worker Employment Rate for 4<sup>th</sup> quarter which was at 74.5%, or 89.8% of the goal of 83%. Final results for the program year will be available in August.

### **Budget & Administration Reports:**

- Financial Status Report & Budget Update: Gina Johnson presented the attached Financial Status Report detailing expenditure and obligation rates as of June. All grants ending 6/30/23 with the exception of about \$2,100 in CBG funding, but we expect to also expend those funds. Title I expenditures were under budget overall, but the Youth program share of expenditures was over the amount allotted, so new year youth money had to be used. We are on target for all our fiscal goals.
- Program Year (PY) 23 Budget Update: Jennifer Bane presented the attached PY 2023 budget updates. We carried over \$144,000 more than estimated, with the majority of the carry over amount being administrative funding. Jennifer has already asked for an additional \$337,000 in participant funds to meet anticipated needs based on the prior year's spending and it as been approved. It appears the administrative funds also requested will also be approved. The GROWWTH program spending is a little behind due to the delayed start. We are possibly getting some funding from the EDA Good Jobs Grant since they are now looking at using some existing training providers instead of developing new training centers as originally proposed.

**Other Business:** Jennifer Bane presented the following:

- State Workforce Board Updates: Jennifer reported that
  - PY 2023 Key Performance Indicator (KPI) Goals: The attached handout details the State's proposed targets and our counterproposals based on available participant funding and staff capacity. The state has not yet responded to the counterproposals. Ted asked about if the Southwest region also proposed lower goals. Jennifer stated that she did request a lower Adult / Dislocated Worker enrollment and indicated that

additional funding might be needed to reach the goal. The Youth goal was accepted since there is sufficient youth participant funding expected to be available.

- **Policy Updates:** The attached policies are currently posted for public comment and will be voted on at the August State Board meeting. One policy issues minor corrections to existing policies. The proposed Employment-Based Training policy would require that businesses be in operation in the United States for a year to be eligible. Our policy has been 6 months with a waiver for companies making substantiable financial investments. The Eligible Training Provider (ETP) policy proposes 60% instead of 70% overall completion and employment rates for programs with at least 10 WIOA students. We struggle accurately measuring these things since the training providers must provide social security numbers for all of the non-WIOA participants. The policy also notes that reciprocal agreements with other states, allowing programs on other states' ETP lists to be funded, ended 6/30/23. It has been requested that an agreement with Kentucky be established since we have participants in training there.
- **Other:** Committee members were asked if there were other business items to be addressed, but none were raised. Jennifer Bane gave a quick update on progress with the Southwest area and some of the continued obstacles. Staff are working with TN Department of Labor and Workforce Development staff on possible solutions in areas where State policies are a barrier.

**Future Meeting Dates & Upcoming Events:** Ted Piazza reviewed the upcoming meeting dates and events listed on the agenda.

*Respectfully submitted,  
Lana Burchfiel, Public Information Specialist*

**Northwest TN Workforce Board  
Executive Committee Meeting**  
July 26, 2023 – 10:00 a.m.

Administrative Office  
208 N. Mill Ave., Ste. B  
Dyersburg, TN 38024

[Join Zoom Meeting](#)  
Meeting ID: 841 0884 4472  
Passcode: 030815

Agenda

Welcome and Call to Order	Ted Piazza, Chair
Review and Approval of Minutes of 4/26/23 Meeting ( <b>Vote Required</b> )	
Facilities and Technology	LeAnn Lundberg
Performance & Program Oversight	Laura Speer
<ul style="list-style-type: none"><li>Quarterly Complaint Logs Update</li><li>Monitoring Status Report</li><li>Local Performance - Estimated PY 22 Q4 Results</li></ul>	
Budget & Administration	
<ul style="list-style-type: none"><li>Financial Status Report &amp; Budget Update</li><li>PY 2023 Budget Update</li></ul>	Gina Johnson Jennifer Bane
Other Business	
<ul style="list-style-type: none"><li>State Workforce Board Updates<ul style="list-style-type: none"><li>PY 2023 Key Performance Indicator (KPI) Goals</li><li>Policy Updates</li></ul></li><li>Other</li></ul>	Jennifer Bane  All
Future Meeting Dates & Upcoming Events	

<i>Meeting / Event</i>	<i>Date and Time</i>	<i>Location</i>
Joint Northwest / Southwest Tennessee Workforce Board Meeting	August 22 <sup>nd</sup> , 10:30 am	Greater Jackson Chamber & Zoom (197 Auditorium St.)
State Board Meeting	August 25 <sup>th</sup> , 8:30 am – 12:00 pm	Nashville / YouTube
Northwest Reentry Simulation	August 29 <sup>th</sup> , TBD	TBD
West Tennessee Regional Planning Council Meeting	September 12 <sup>th</sup> , 10:00 am	TBD
Future 2023 Committee Meetings	October 25 <sup>th</sup> , 10:00 am	TBD / Zoom
Future 2023 Board Meetings	November 28 <sup>th</sup>	TBD / Zoom
Future Virtually Speaking Webinars	September 7 <sup>th</sup> , and December 7 <sup>th</sup> , 9:00 am	Zoom

## **Northwest TN Workforce Board Executive Committee Meeting**

April 26, 2023 – 10:00 a.m.

Administrative Office, 208 N. Mill Ave., Ste. B, Dyersburg, TN 38024

### **Minutes**

**Committee Members Attending:** Ted Piazza, Jimmy Williamson; **via Zoom:** Rita Alexander, Mayor John Penn Ridgeway, Mayor Jake Bynum, Lori Burdine, Ben Marks

**Staff Members and Contractors Attending in person:** Jennifer Bane, Gina Johnson, LeAnn Lundberg, Erica Nance (OSO); **via Zoom:** Ginger Powell, Lana Burchfiel

**Others Attending via Zoom:** Kristie Bennett, Brenda Vogley (TPMA), Michaela Wischmeier (TPMA)

**Welcome and Call to Order:** Ted Piazza welcomed everyone and confirmed that a quorum was present.

**Review and Approval of Minutes:** Minutes for the 1/25/23 meeting were reviewed.

- **MOTION:** Mayor Ridgeway moved to approve the 1/25/23 Executive Committee minutes as presented, and Ben Marks seconded the motion. All were in favor and the motion carried.

**Facilities and Technology:** LeAnn Lundberg shared that inventory has been completed. There is quite a bit of surplus tagged equipment for the state to pick up. TCAT will help dispose of the non-tagged equipment.

**Performance & Program Oversight:** Jennifer Bane presented the following reports:

- Quarterly Complaint Logs: No complaints have been received.
- Monitoring Status Report: No issues to report. The full report is attached.
  - OSO 6-Month Monitoring Report: Monthly fiscal monitoring is continuing and we are working on a 6-month monitoring report. A draft copy is attached. The only concerns noted were continued low traffic in the AJCs, no new access points being added, and a few Key Performance Indicator (KPI) goals not being met.
- PAR & Data Validation Update: The PAR monitoring report is included in the handouts. There were no findings but a few concerns were noted from the programmatic part of the review. Several items have already been addressed. The preliminary results from data validation were received and corrections submitted. Final results are still pending, but it is expected that we will be under the 5% error threshold.
- Local Performance Results—Estimated PY22Q2 Results: The attached report of estimated results was reviewed. All measures are being met with Dislocated Worker employment for second quarter after exit being the only measure below 100% of the goal, but still above the 90% required to be passing.

### **Budget & Administration Reports:**

- Financial Status Report & Budget Update: Gina Johnson presented the attached Financial Status Report detailing expenditure and obligation rates as of March, as well as fiscal performance results for the minimum participant cost rate (MPCR), Work Experience expenditures, PY 21 Out-of-School Youth expenditures, and In-School Youth (ISY) expenditures under the PY 22 funds. All measures are being met.
- PY23 Budget: Jennifer Bane presented the attached estimated budget for Program Year (PY) 2023. Local allocations have not yet been received, but the State's allocations were cut about 4% for Adult and Youth, and about 8% for Dislocated Worker. The estimated local allocations are allocations from last year minus the state's cut. With the new TANF GROWWTH grant, about \$683,000 is being added to the budget for a total estimated budget of \$2.75 million. After accounting for about \$2.05 million in operating expenses, and carryover needed for the first quarter of PY 2024, only about \$630,000 will be available for participants, which would result in only a 36% MPCR. An additional \$112,000 in participant funding would need to be requested to reach a 40% MPCR. Lori Burdine inquired if any funding would be added for the EDA Good Jobs Grant and Jennifer clarified that our partnership on the grant would not include any funding.
  - **MOTION:** Jimmy Williamson moved to approve the budget as presented and Lori Burdine seconded the motion. All were in favor and the motion carried.
- One-Stop Operator Procurement Results: Michaela Wischmeier of Thomas P. Miller & Associates (TPMA) gave a brief summary of the request for proposal (RFP) process and results as outlined in the attached

recommendation report. Two bids were received for both NW and SW from Mid-Cumberland Human Resource Agency (MCHRA) and the University of Tennessee Center for Industrial Services (UT CIS). MCHRA had an average score among the three TPMA reviewers that was 5.03 points higher than the UT CIS average score and proposed the allotted budget of \$165,000 while UT CIS proposed \$223,000. TPMA staff recommended MCHRA to be the contractor for OSO services. Jennifer Bane reported that during review of MCHRA's financial statements, it was noted that a finding from a prior year for an employee accepting cash and improper reconciliation procedures had been resolved. Ted Piazza asked for additional information on the proposed budget for UT CIS being higher than the budget identified in the RFP. Jennifer noted that it appeared the main difference was due to the proposed One-Stop Assistant salary being more in line with the current OSO salary, and the proposed OSO salary being higher than the current salary. The UT CIS indirect rate, though reduced, is also higher than the MCHRA rate.

- **MOTION: Rita Alexander moved to approve the recommendation of MCHRA as the OSO contractor and Jimmy Williamson seconded the motion. All were in favor and the motion carried.**

**Other Business:** Jennifer Bane presented the following:

- Bylaws Changes: All materials were provided ahead of time and proposed changes are indicated in red. The majority of changes included updates and additional details to describe processes as required in the State's revised Local Governance policy. The majority definition for private-sector representatives was changed to "defined as the greater sum of the whole (largest percentage)" to match the State's policy, but it is recommended that 51% still be the goal. The requirements for the Vice-Chair for the AJC and Outreach & Opportunities Committee and the Regional Representative for the Board of Directors were updated to include representatives of a labor organization, apprenticeship program, or economic and community development entity in addition to a private business in order to expand those eligible to serve.
  - **MOTION: Rita Alexander moved to approve the changes to the Bylaws as presented and Jimmy Williamson seconded the motion. All were in favor and the motion carried.**
- Recission of Partnership Agreement: The State's revised Local Governance policy removes the requirement to have a separate partnership agreement between the mayors and board as the majority of items are already covered in the Bylaws and Interlocal Agreement. Staff recommended rescinding the existing Partnership Agreement as it is no longer required.
  - **MOTION: Jimmy Williamson moved to approve the rescinding of the Partnership Agreement and Lori Burdine seconded the motion. All were in favor and the motion carried.**
- State Workforce Board Updates: Jennifer reported that we should be getting summer youth funding starting as early as mid-May through next August. The majority of funding will be non-WIOA funding, which will allow more youth-aged individuals to qualify. Changes to two policies will also be presented at the next meeting which may require updates to our local policies. KPI negotiations for the next program year have not yet begun, so it is not expected that the State Board will take action on those at the next meeting.
- Adult Education Proposals: Two proposals were submitted to the Adult Education (AE) Division of the TN Department of Labor & Workforce Development and sent to the local board for review to ensure compliance with the local plans. Jennifer reviewed and submitted comments. It was noted that neither proposal covered Benton County, but the AE Division staff will work with the bidders to ensure all counties are covered.
- Other: Committee members were asked if there were other business items to be addressed, but none were raised.

**Future Meeting Dates & Upcoming Events:** Ted Piazza reviewed the upcoming meeting dates and events listed on the agenda. Jennifer Bane noted that the next Board meeting will include a strategy session. We are working on a survey to get feedback from the Board to help steer that meeting. Margaret Prater will be facilitating the session. Members are encouraged to attend in-person if at all possible. Jennifer also asked the mayors when a good time for a required mayors' meeting would be and will check on June 23<sup>rd</sup> as suggested.

*Respectfully submitted,  
Lana Burchfiel, Public Information Specialist*



# Northwest TN Workforce Board MONITORING STATUS REPORT

Subcontractor	Purpose of Subcontract	Scheduled	Date of Review (s)	Corrective Action Needed	Letter Mailed:
2205-2305-OJT-81-5319386 Allergy Lab Solutions LLC 106 Dogwood Trail Martin, TN 38237 Matthew Bane mattb.als@outlook.com 845-820-0057	On-the-Job Training: 05-25-22 to 05-25-23	Scheduled:	Phone Interview: Fiscal:	Programmatic:	No One On Contract
2205-2305-OJT-62-1027397 Birdsong Resort, Marina and RV Camp Attn: Robert Keast 255 Marina Road Camden, TN 38320 (731) 584-7880 bob@birdsong.com	On-the-Job Training: 05-12-22 to 05-12-23	Scheduled:	Phone Interview: Fiscal:	Programmatic:	No One On Contract
RFP CONTRACTACTS THROUGH					
2206-2306-CSP-62-0800930-MULTI Dyersburg State Community College 1510 Lake Road Dyersburg, TN 38024 Dr. Cook, President	Career and Business Services	Dates: 06-27-22 to 06-30-23		Invoices Checked Monthly per Executive Director	
2306-2306-MULTI-61-1350626 Amteck John Dougherty, License Manager 1387 New Circle Road Suite 130 Lexington, KY 40505 JDougherty@Amteck.com (859)551-3336	REAP	Dates: 06-05-23 to 06-30-23			
1909-2009-OSO-62-0923487-SHARE Mid- Cumberland Human Resource Agency 1101 Kermit Drive, Suite 300 Nashville, TN 37217 jhamrick@mchra.com (615) 850-3907	One-Stop Operator Services:	Expires: 06-30-23		Invoices Checked Monthly per Executive Director	

# IWT's

2303-2306-IWT-26-1318112-CB Dana Sealing Products, LLC 100 Plumley Drive Paris, TN 38242 Roberta Fuller or Margaret Crafton (731) 231-1345 margaret.crafton@dana.com	Incumbent Worker:	Expires: 03-06-23 to 06-23-23	Fiscal: 07-06-23	\$17,293.00	Letter Mailed: 07- 07-23
2303-2306--IWT-45-5257134-CB Big Bore, LLC 165 Mockingbord Avenue Henry, TN 38231 jennea@bigbore.com Attn: Ira Sellers Attn: Jennea jenkins (731) 243-7494	Incumbent Worker	Expires: 03-06-23 to 06-23-23	Fiscal: 06-28-23	\$19,268.65	Letter Mailed: 07-06-23
2303-2306-IWT-62-1285394-CB SNELL Manufacturing dba QUAD Industries, Inc. 307 Alexander Street Bradford, Tn 38316 Josh Boals, Plant Manager josh.boals@quadindustriesinc.com (7310 414-6789	Incumbent Worker	Expires: 03-06-23 to 06-23-23	Fiscal: 07-05-23	\$6,000.00	Letter Mailed: 07-06-23
2303-2306-IWT-85-0837531-CB Allied Memory Foam, LLC dba HLJ Foam Products, LLC Attn: Carlos Chicos 3014 Kefauver Drive Milan, TN 38358 cchicas@memoryfoad.com	Incumbent Worker:	Expires: 03-10-23 to 06-23-23	Fiscal: 07-03-23	\$7,500.00	Letter Mailed: 07-06-23
2303-2306-IWT-26-2730204-CB Excel Boat Attn: Tiffinie Hix 601 Sherwood Drive Union City, TN 38261 (731)507-0700 tiffinie@excelboats.com	Incumbent Worker	Expires: 03-15-23 to 05-31-23	Fiscal: 06-28-23	\$25,000.00	Letter Mailed: 07- 06-23



# IWT's

<p>2303-2306-IWT-61-0159355-CB</p> <p>First Community Bank of the Heartland, Inc.  Attn: Cheryl Hartsell, Senior VP 5475  Skyhawk Parkway Martin, TN  38234 (800) 653-4301  cheryl.hartsell@fcbheartland.com</p>	Incumbent Worker	Expires: 03-13-23 to 06-23-23	Fiscal: 05-08-23	\$19,995.00	Letter Mailed: 05-10-23
<p>2303-2306-IWT-56-0754148-CB Tyson  Food, Inc. Attn: Keisha  Hooper, Administrative Assistant  2800 E. Tyson Drive  Union City, TN 38261  (731)886-4720  keisha.hooper@tyson.com</p>	Incumbent Worker	Expires: 03-13-23 to 05-31-23	Fiscal: 05-11-2023	\$21,440.00	Letter Mailed: 05-16-2023
<p>2303-2306-IWT-26-0201100-CB</p> <p>First Citizens National Bank  Attn: Joyce Hanlon, Professional Learning  Director 200  West Court Street  Dyersburg, TN 38024  jhanlon@firstcnb.com  (731) 287-4354</p>	Incumbent Worker	Expires: 03-13-23 to 05-31-23	Fiscal: 06-26-23	\$23,495.00	Letter Mailed: 07-06-23
<p>23036-2305-IWT-88-0335067-CB</p> <p>Firestone Airide  Attn: Angela Smith, HR Manager  1901 Sylvan Road Dyersburg,  TN 380024 smithangela@bfusa.com  (731) 882-3519</p>	Incumbent Worker	Expires: 03-14-23 to 05-31-23	Fiscal: 06-12-2023	\$14,139.00	Letter Mailed: 06-13-2023
<p>2303-2305-IWT-86-2478166</p> <p>Thor Boats, LLC 1420  North 5th Street Union City,  TN 38261 J. Paul  Jackson, Chief Operating Officer  (731) 507-0800  Jpaul@thorboats.com</p>	Incumbent Worker	Expires: 03-15-23 to 05-31-23	Fiscal: 06-28-23	\$25,000.00	Letter Mailed: 07-06-23

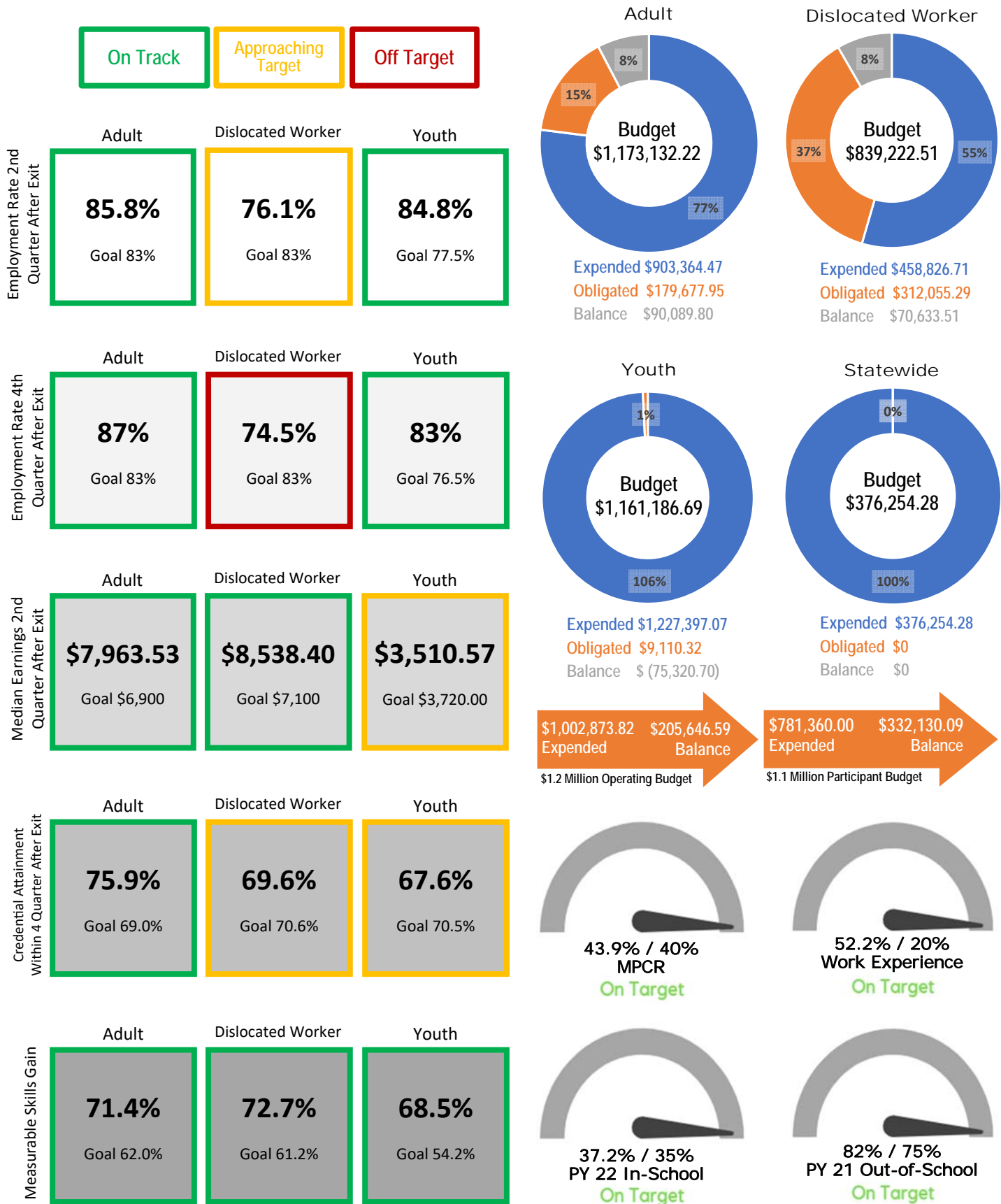
# IWT's

2303-2305-IWT-22-1626865-CB Frazier Industrial Company Attn: Sherry Cole, HR Admin 300 Burks Place Dyersburg, TN 38024 scole@frazier.com (731) 389-9318	Incumbent Worker	Expires: 03-15-23 to 05-31-23	Fiscal: 07-03-23	\$5,598.00	Letter Mailed: 07-06-23
2303-2306-IWT-05-0414381-CB Nortek Global HVAC Attn: Kelley Spry 2800 Hoff Road Dyersburg, TN 38024 kelley.spry@nortek.com (731) 288-3200	Incumbent Worker	Expires: 03-15-23 to 06-05-23	Fiscal: 06-28-23	\$11,000.00	Letter Mailed: 07-06-23
2303-2306-IWT-62-1567075-CB Workcare Resources, Inc. Attn: Lana Orchard, Business Development Manager 1999 St. John Avenue Dyersburg, TN 38024  lana@workcareresources.com	Incumbent Worker	Expires: 03-15-23 to 06-15-23	Fiscal: 07-06-23	\$10,184.98	Letter Mailed: 07-07-23
2304-2306-2IWT-26-3016516-CB Greenfield Products, LLC Attn: Chris Busenbark, General Manager 3920 Greenfield Drive Union City, TN 38261 (731) 599-4552 cbusenbark@greenfieldpi.com	Incumbent Worker	Expires: 04-01-23 to 06-05-23	Fiscal:	\$23,274.63	Letter Mailed:
2304-2305-IWT-61-0701489-CB ERMCO, Inc. Attn: Lori Burdine, Training Manager 2225 Industrial Road Dyersburg, TN 38024 lori.burdine@ermco-eci.com (731) 288-4272	Incumbent Worker	Expires: 04-02-23 to 05-31-2023	Fiscal:	\$15,254.71	Letter Mailed:

IWT's

2306-2306-IWT-94-3273443-CB Hitachi Energy Attn: Jackie Shipp, Training and Development 1133 South Cavalier Alamo, TN 38001 (731) 501-0910  jackie.shipp@hitachienergy.com	Incumbent Worker	Expires: 05-14-23 to 06-23-23	Fiscal:	\$10,275.00	Letter Mailed:
				\$254,717.97	

# Performance & Fiscal



Northwest PY 23 Budget Rev. July 2023	Admin. (Title I + RESEA)	Adult Prg (w/ Adult Transfer)	DW Prg (w/o AT)	Youth Program	Title I Program Total	Total Title I Budget	RESEA Program	GROWWTH Admin / Program	Total Budget
Estimated PY 22 Carryover	\$ 195,253.91	\$ 321,494.99	\$ 155,094.00	\$ (66,210.37)	\$ 410,378.62	\$ 605,632.53	\$ 17,404.31	\$ 297,314.99	\$ 920,351.83
PY 23 Allocations*	\$ 144,964.32	\$ 485,071.40	\$ 341,215.80	\$ 478,391.71	\$ 1,304,678.91	\$ 1,449,643.23	\$ 25,555.50	\$ 385,565.32	\$ 1,860,764.05
Total PY 23 Funding Available	\$ 340,218.23	\$ 806,566.39	\$ 496,309.80	\$ 412,181.34	\$ 1,715,057.53	\$ 2,055,275.76	\$ 42,959.81	\$ 682,880.31	\$ 2,781,115.88
*\$216,729.77 decrease from PY 22	\$ 99,673.97	\$ 36,913.14	\$ 38,268.04	\$ (30,745.72)	\$ 44,435.46	\$ 144,109.43	above estimated		

IFA Expenses (including OSO)	\$ 2,973.95	\$ 41,468.42	\$ 25,229.68	\$ 25,046.19	\$ 91,744.29	\$ 94,718.24	\$ 1,476.88	\$ 48,072.14	\$ 144,267.26
Career Service Provider	\$ -	\$ 313,600.00	\$ 145,280.00	\$ 181,120.00	\$ 640,000.00	\$ 640,000.00	\$ 41,482.93	\$ 467,502.15	\$ 1,148,985.08
Board / Fiscal Agent Expenses	\$ 240,026.05	\$ 186,175.32	\$ 86,248.57	\$ 107,525.75	\$ 379,949.64	\$ 619,975.69	\$ -	\$ 145,921.02	\$ 765,896.71
Total Operating Expenses*	\$ 243,000.00	\$ 541,243.74	\$ 256,758.25	\$ 313,691.94	\$ 1,111,693.93	\$ 1,354,693.93	\$ 42,959.81	\$ 661,495.31	\$ 2,059,149.05

\*May be adjusted between line items / programs

Balance for Participants (Minus PY 24 Q1 Expenses)	\$ 225,412.98	\$ 239,551.55	\$ 98,489.40	\$ 563,453.93	\$ 50,035.56	increase
				Revised Participant % of Program Funds	34%	
				Amount Needed to Reach 40% MPCR	\$ 177,675.36	

PY23 Key Performance Indicators		PY23 Target	
<b>Adult, Dislocated Worker, New Enrollment</b>		<b>4,928</b>	Baseline +5%: 3 year average (PY19 Q4 to PY22 Q3)
Northwest		275	Additional notes:
Greater Memphis		1,290	Distribution of target:
Southwest		226	1) Grand Region by dividing factor- PY23/24 allocation
Northern Middle		1,062	2) GPR -> LWDB proportionately by 3 year historic
Upper Cumberland		338	3) Fairness Check: no more than +/- 20% vs. PY22 actual
Southern Middle		261	4) Redistributed remainder evenly
Northeast		196	
East		859	
Southeast		421	Resource:
Grand West		1,663	Allocations
Grand Middle		1,705	<a href="https://docs.google.com/spreadsheets/d/1jWMS3prdNLTzHHYpmxC25bZ6QM7nlsN1hGKsyQvsDm4/edit#gid=2988484&amp;range=B2">https://docs.google.com/spreadsheets/d/1jWMS3prdNLTzHHYpmxC25bZ6QM7nlsN1hGKsyQvsDm4/edit#gid=2988484&amp;range=B2</a>
Grand East		1,560	

Do you accept the above proposal?

If not, provide a quantified counter proposal  
along with a written explanation as to why the proposed target should be increased/decreased.

How would you prefer to divide this annual goal into quarters?

Would you like to share any additional thoughts about this KPI?

<b>Apprenticeship, Peak Enrollment</b>		<b>6,774</b>	Baseline +10%
Grand West		1,091	Additional notes:
Grand Middle		2,322	Distribution of target:
Grand East		3,362	1) Grand Region by dividing factor- historic

In alignment with program service delivery, these targets will remain at the State and GPR level.

Would you like to share additional thoughts about this KPI?

<b>Apprenticeship, State Certified Pre-Apprenticeship Programs</b>		<b>55</b>	Baseline +10%
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This is a state-wide measure.

Would you like to share any additional thoughts about this KPI?

<b>Jobs for Veterans, New Enrollment</b>		<b>442</b>	3 yr baseline + 13% (2020 Q2 to 2023 Q1) +5%
Northwest		50	Additional notes:
Greater Memphis		69	Distribution of target:
Southwest		35	1) Grand Region by dividing factor- staff
Northern Middle		147	2) Fairness Check: no less than - 20% vs. last 12 months
Upper Cumberland		21	3) Fairness Check: no more than +50% vs. last 12 months
Southern Middle		15	4) Redistributed remainder
Northeast		28	
East		51	Morristown (Northeast) short a DVOP until further notice
Southeast		26	Gallatin (Northern Middle) short a DVOP until further notice
Grand West		154	
Grand Middle		183	JVSG Staffing:
Grand East		105	<a href="https://docs.google.com/spreadsheets/d/1jWMS3prdNLTzHHYpmxC25bZ6QM7nlsN1hGKsyQvsDm4/edit#gid=830822539&amp;range=AQ1">https://docs.google.com/spreadsheets/d/1jWMS3prdNLTzHHYpmxC25bZ6QM7nlsN1hGKsyQvsDm4/edit#gid=830822539&amp;range=AQ1</a>

Do you accept the above proposal?

If not, provide a quantified counter proposal

How would you prefer to divide this annual goal into quarters?

Would you like to share any additional thoughts about this KPI?

<b>Justice-Involved Individuals, New Enrollment</b>		<b>5,175</b>	Align with CFG goal- Increase by 22.3% of 3 year average
Northwest		119	Premise(s):
Greater Memphis		502	1) Assumes Adult Education will serve at least 80% of what they did last year
Southwest		162	2) Assumes Vocational Rehabilitation will serve 188
Northern Middle		1,069	Distribution of target: 3,685 by LWDB
Upper Cumberland		276	1) Remainder distributed proportionately by historic (last 12 months)
Southern Middle		156	2) Remainder distributed proportionately by potential to serve (last 12 months)
Northeast		438	3) Split the difference
East		622	
Southeast		341	
Grand West		1,258	
Grand Middle		2,157	
Grand East		1,760	<a href="https://docs.google.com/spreadsheets/d/1jWMS3prdNLTzHHYpmxC25bZ6QM7nlsN1hGKsyQvsDm4/edit#gid=1447883942&amp;range=B3">https://docs.google.com/spreadsheets/d/1jWMS3prdNLTzHHYpmxC25bZ6QM7nlsN1hGKsyQvsDm4/edit#gid=1447883942&amp;range=B3</a>

Do you accept the above proposal?

If not, provide a quantified counter proposal

How would you prefer to divide this annual goal into quarters?

Would you like to share any additional thoughts about this KPI?

<b>Reemployment Services, Co-enrollment</b>		<b>236</b>	Full alignment with RESEA guidance- 12.5% of referrals are co-enrolled with Title I Dislocated Worker.
Northwest		10	
Greater Memphis		33	
Southwest		17	
Northern Middle		49	
Upper Cumberland		18	
Southern Middle		29	
Northeast		9	
East		41	
Southeast		30	
Grand West		60	
Grand Middle		96	
Grand East		80	

Do you accept the above proposal?

Yes

If not, provide a quantified counter proposal		n/a
How would you prefer to divide this annual goal into quarters?		Q1: 2, Q2: 2, Q3: 3, Q4: 3
Would you like to share any additional thoughts about this KPI?		We continue to struggle with RESEA participants being interested in Title I services.
<b>Senior Employment, New Enrollment</b>	<b>56</b>	1/3 of SCSEP slots
Workforce Mid-South	16	
Workforce Innovations	6	
TNCSA	10	
The Career Team	7	
First TN HRA	8	
ETSU	9	
How will your business services team support the achievement of this goal?		SCSEP partners are included in AJC functional team meetings to coordinate services. Business Services staff market all AJC services and partner programs to employers.
Would you like to share any additional thoughts about this KPI?		
<b>SNAP Employment and Training, New Enrollment</b>	<b>2,970</b>	Baseline +10%: PY21
Northwest	61	Additional notes:
Greater Memphis	579	Distribution of target:
Southwest	127	1) Grand Region by dividing factor- potential to serve
Northern Middle	1,178	2) Proportioned regionally by proportionate baseline
Upper Cumberland	187	3) Fairness: no target less than a 5% increase (lowering other LWDBs to a 20% maximum increase)
Southern Middle	47	4) Determined surplus
Northeast	113	5) Split surplus into GPR by baseline
East	491	6) LWDBs = GPR proportioned by baseline
Southeast	187	
Grand West	768	
Grand Middle	1,412	
Grand East	790	
Do you accept the above proposal?		Yes
If not, provide a quantified counter proposal		n/a
How would you prefer to divide this annual goal into quarters?		Q1: 15, Q2: 15, Q3: 15, Q4: 16
Would you like to share any additional thoughts about this KPI?		
<b>Trade Adjustment Assistance, Co-enrollment with Dislocated Worker</b>	<b>90%</b>	Maintain PY22 KPI
Northwest	90%	
Greater Memphis	90%	
Southwest	90%	
Northern Middle	90%	
Upper Cumberland	90%	
Southern Middle	90%	
Northeast	90%	
East	90%	
Southeast	90%	
Grand West	90%	
Grand Middle	90%	
Grand East	90%	
Do you accept the above proposal?		Yes
If not, provide a quantified counter proposal		n/a
How would you prefer to divide this annual goal into quarters?		90% all quarters
Would you like to share any additional thoughts about this KPI?		Does this measure only apply to new TAA enrollments?
<b>Wagner-Peyser, New Enrollment</b>	<b>23,048</b>	Baseline +15.5%: 3 year average (PY19 Q4 to PY22 Q3)
Northwest	1,014	Additional notes:
Greater Memphis	2,955	Distribution of target:
Southwest	876	1) Grand Region by dividing factor- potential to serve, U-6
Northern Middle	5,702	2) Proportioned regionally by annualized average of last 2 quarters
Upper Cumberland	1,702	
Southern Middle	2,996	
Northeast	1,174	
East	3,998	
Southeast	2,631	
Grand West	4,844	
Grand Middle	10,401	Potential to Serve, U-6
Grand East	7,804	<a href="https://docs.google.com/spreadsheets/d/1PH7R2Ah5vgerguo-keZqWGI_xYgkUgbn0aGOZVDkrl/edit#gid=1019342210&amp;range=A15">https://docs.google.com/spreadsheets/d/1PH7R2Ah5vgerguo-keZqWGI_xYgkUgbn0aGOZVDkrl/edit#gid=1019342210&amp;range=A15</a>
Do you accept the above proposal?		Yes
If not, provide a quantified counter proposal		n/a
How would you prefer to divide this annual goal into quarters?		Q1: 253, Q2: 253, Q3: 254, Q4: 254
Would you like to share any additional thoughts about this KPI?		
<b>Youth, New Enrollment</b>	<b>2,149</b>	Baseline: 3 year average (PY19 Q4 to PY22 Q3) + 5%
Northwest	105	Additional notes:
Greater Memphis	571	Distribution of target:
Southwest	86	1) State target into GPR by allocation
Northern Middle	495	2) LWDB split by 3yr GPR
Upper Cumberland	112	3) 'split the difference' between (2) and PY22
Southern Middle	129	4) GPR = sum of LWDBs
Northeast	84	
East	362	
Southeast	205	
Grand West	762	
Grand Middle	736	Allocations
Grand East	651	<a href="https://docs.google.com/spreadsheets/d/1jWMS3pzdNLtZHHYpmxC25bZ6QM7nlsN1hGKsyOvsDm4/edit#gid=2988484&amp;range=B2">https://docs.google.com/spreadsheets/d/1jWMS3pzdNLtZHHYpmxC25bZ6QM7nlsN1hGKsyOvsDm4/edit#gid=2988484&amp;range=B2</a>
Do you accept the above proposal?		No, propose 61 instead.
If not, provide a quantified counter proposal		
along with a written explanation as to why the proposed target should be increased/decreased.		The Title I Youth participant budget for PY 23 is only \$95,615.13 which can support only an estimated 27 TOTAL participants, including new and carryover participants. A request for an additional \$105,000 to serve 42 individuals has been submitted. If approved, the participant budget can only support 69 TOTAL participants. There are 8 current participants needing funding in PY 23, leaving room in the budget for only 61 new enrollments.

How would you prefer to divide this annual goal into quarters?

Would you like to share any additional thoughts about this KPI?

Q1: 17, Q2: 17, Q3: 9, Q4: 18

Continued decline in funding should be taken into consideration. Service levels are at capacity.

Youth Work Experience, New Enrollment		1,517	Sum of LWDB proposals for 'SYEP' phase 2
Northwest		120	Additional notes: Distribution of target: 1) Phase two agreements.  A previous email had included non-profits. Non-profit YWE will be tracked independently by provider.
Greater Memphis		75	
Southwest		120	
Northern Middle		500	
Upper Cumberland		100	
Southern Middle		282	
Northeast		80	
East		90	
Southeast		150	
Grand West		315	
Grand Middle		882	
Grand East		320	

Do you accept the above proposal?

If not, provide a quantified counter proposal

How would you prefer to divide this annual goal into quarters?

Would you like to share any additional thoughts about this KPI?

Yes

n/a

Q1: 24, Q2: 32, Q3: 17, Q4: 47

The numbers to be served through the SYEP have been factored into the staff's capacity and proposed Title I KPIs.

In-School Youth, New Enrollment		645	30% of negotiated new Youth enrollment.
Northwest		32	Additional notes: Distribution of target: 1) 30% of Youth new enrollments, rounded.
Greater Memphis		170	
Southwest		26	
Northern Middle		148	
Upper Cumberland		34	
Southern Middle		39	
Northeast		25	
East		109	
Southeast		62	
Grand West		229	
Grand Middle		221	
Grand East		195	

Do you accept the above proposal?

If not, provide a quantified counter proposal

along with a written explanation as to why the proposed target should be increased/decreased.

How would you prefer to divide this annual goal into quarters?

Would you like to share any additional thoughts about this KPI?

No, propose 18 instead.

The proposed goal of 18 is 30% of the proposed Youth enrollment goal of 61.

Q1: 3, Q2: 10, Q3: 4, Q4: 1

Continued decline in funding should be taken into consideration. Service levels are at capacity.

PY23 Pilot	Proposed PY23 Target	Most Recent 12 Months': 2021
Living Wage	3,816	Reporting and definitions are still being worked out on how best to unify MIT definitions with existing datasets.
Participants who received a MIT Living Wage w/in 1 year of exit		

Would you like to share any additional thoughts about this KPI pilot measure?

Funding-Dependent KPIs

National Dislocated Worker- [GRANT NAME]

New Enrollment

Incumbent Worker and On-the-Job Training

New Enrollment

Would you like to share any additional thoughts about these financially dependent KPIs?





**State of Tennessee  
State Workforce Development Board**

220 French Landing Drive, 4A

Nashville, TN 37243-1002

(615) 741-0409

The following Board Policies are hereby revised or rescinded, as follows:

**1. Local Governance Policy Correction.**

The Department is authorized to issue an updated version of the Local Governance Policy that corrects an error in 4.13 that currently reads:

"If a new county mayor is elected, the LWDB must inform the new LEO(s) – within **thirty (60)** business days of their responsibilities and liabilities..."

To Read:

"If a new county mayor is elected, the LWDB must inform the new LEO(s) – within **sixty (60)** business days of their responsibilities and liabilities..."

**2. Removal of Dates in the Regional and Local Plans PY 20-22 Policy.**

This auto-renewable policy references dates in the past. The Department is authorized to issue an updated Regional and Local Plans policy that removes *passim* reference to dates with years in the title and body of this auto-renewable policy.

**3. Youth Eligibility Policy Correction.**

The Department is authorized to issue an updated version of the Policy that corrects an error in the second bullet point of II.B, which currently reads:

"Not under the age of 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment (participants may continue to receive services beyond the **age of 24** once they are enrolled in the program 20 CFR 681.220);"

To read:

"Not under the age of 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment (participants may continue to receive services beyond the **age of 21** once they are enrolled in the program 20 CFR 681.220);"

**4. The [Pre-Apprenticeship](#) Policy is rescinded.**

The Board rescinds this policy with the understanding that the State Apprenticeship Office and the Department may issue guidance relative to Pre-Apprenticeship, as needed.

**5. The [TN WIOA 16-1 SPARQ Security](#) Policy is rescinded.**

The Board rescinds this policy with the understanding that the Department may issue guidance relative to SPARQ Security, as needed.

Proposed



**State of Tennessee  
State Workforce Development Board**

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Nashville, TN 37243-1002

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# State Workforce Development Board Policy

## *Employment-based Training Grants*

**Effective Date: To be presented August 25, 2023**

**Expiration Date: Auto-renewal**

### **Purpose**

In accordance with the State Workforce Board responsibility to set statewide policy under the Workforce Innovation and Opportunity Act (WIOA), this policy seeks to set forth:

1. The minimum requirements for Local Workforce Development Boards (LWDB's) in making an Employment-based Training Grant (ETG) Policy and setting application requirements.
2. The minimum qualifications for employers.
3. The minimum qualifications for employees.
4. Distinguishing ETG categories, as well as:
  - a. Setting forth a policy on Customized Training.
  - b. Clarifying Incumbent Worker Training policies, as Department of Labor and Workforce Development (the Department) guidance previously expired.
  - c. Stating the minimum and maximum allowable costs for each category of ETG.
5. Clarifying potential ambiguity regarding the roles (and resulting obligations) of parties to an ETG.

The policy further directs the Department to assist LWDB's in development of local policies and forms with further guidance and templates.

## Scope

- WIOA Core Partners
- American Job Center Partners
- State Workforce Development Board
- Local Workforce Development Board
- Fiscal Agents
- Career Service Providers
- One-Stop Operators
- Regional Planning Councils

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# Definitions

Employment-based Training Grant (ETG) - includes Incumbent Worker Training (IWT); On-the-Job Training (OJT); or Customized Training grants to an employer.<sup>1</sup>

Regional Employer – an Employer with multiple locations in different Local Workforce Development Areas (LWDA's) or one who employs its workforce from multiple LWDA's.

Self-Sustaining Wage- a wage sufficient for living independently in the LWDA, stated relative to a percentage of the HHS poverty level, determined and posted by the Local Workforce Development Board (LWDB).

Training Participant Employee (TPE)- The employees who receive training under an ETG.

Viable Business – a business not reasonably expected to close or cease operation and able to meet its cost share requirements, as documented by the LWDB.<sup>2</sup>

## 1. Local Workforce Development Board Responsibility

LWDB's are required to determine the eligibility of the employer and TPE's before awarding an ETG.<sup>3</sup> This responsibility cannot be delegated. LWDB's must develop an ETG award policy that properly includes:

- Setting the LWDB's Self-Sustaining Wage.<sup>4</sup>
- Prioritization to serving populations with barriers to employment.<sup>5</sup>
- Invoicing frequency and required documentation.
- Regional goals as outlined by the Regional Plan and additional goals agreed upon by the Regional Planning Council (RPC).
- Service to Regional Employers, to include:
  - Sharing Resources and Coordination with LWDA's within the respective region
  - Adaptation or waivers to LWDB policy to be consistent with LWDA's in the respective region.
  - Define how the LWDB will come into agreement with other LWDA's within the respective region for consistent service delivery.
- Grant Application Review Criteria that includes:
  - A cost-benefit analysis.<sup>6</sup>
  - Rating and considering the employer's grant performance history.<sup>7</sup>

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<sup>1</sup> [20 CFR § 680.810.](#)

<sup>2</sup> An employer in bankruptcy or recently discharged from bankruptcy is not ineligible automatically, but the LWDB must be certain that the employer will continue to operate and be able and liable to meet its cost-sharing obligations.

<sup>3</sup> [20 CFR § 680.810](#); see also [§ 680.710](#).

<sup>4</sup> [20 CFR § 680.710\(a\)](#); [680.770\(a\)](#).

<sup>5</sup> WIOA §2(1) & (3)(24).

<sup>6</sup> [20 CFR 680.810\(b\)&\(c\)](#).

<sup>7</sup> [20 CFR § 680.700\(b\)](#).

- Consideration of other existing training opportunities.<sup>8</sup>
- Any other appropriate considerations.<sup>9</sup>

## 2. Employer Qualifications

For an employer to qualify for an ETG, it must meet all the following:

- Must be a Tennessee for-profit business, non-profit business, or public sector employer.
- Must be in operation in the United States for at least one year.
- If relocation results in loss of jobs, must not have relocated to the training location in the one-hundred and twenty (120) days preceding the training.<sup>10</sup>
- Must not rely on ETG funding to relocate business operations.<sup>11</sup>
- Must employ at least five full-time employees.
- Must be current on all local, state, and federal tax obligations.
- Must be a Viable Business.
- Have written consent of any TPE's collective bargaining unit.

Priority must be given to employers who have not received an ETG in the twelve (12) months immediately prior to the grant start date. The LWDB may consider other relevant criteria in considering employer eligibility, as stated in its ETG award policy.<sup>12</sup> A group of employers may form a consortium for ETG purposes, but each employer in the consortium must meet these requirements, except the minimum number of employees, which may be met jointly.

## 3. Employee Qualifications

All TPEs must be registered on TDLWD's case management system (currently Jobs4TN) and a list of those employees must be maintained by the LWDB. TPEs must be in compliance with Selective Service registration.<sup>13</sup> TPEs enrolled in any Customized Training or OJT must not be earning a Self-Sustaining Wage.<sup>14</sup>

## 4. Program Requirements

### 4.1 On the Job Training (OJT)<sup>15</sup>

An OJT grant reimburses the employer for up to fifty (50) percent of the wage rate of the participant.<sup>16</sup> OJT can be applied for:

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<sup>8</sup> [20 CFR § 680.810\(c\).](#)

<sup>9</sup> [20 CFR 680.710\(c\); 680.770\(c\).](#)

<sup>10</sup> WIOA §181(d)(2).

<sup>11</sup> WIOA §181(d)(1).

<sup>12</sup> [20 CFR §680.810\(c\)](#)

<sup>13</sup> <https://www.sss.gov/register/men-26-and-older/>

<sup>14</sup>; [20 CFR §680.710\(a\); 680.770\(a\).](#)

<sup>15</sup> This policy is focused on OJT grants to employers. This policy does not apply to Pre-apprenticeship, Apprenticeship, Registered Apprenticeship Programs (RAP), and Eligible Training Program List (ETPL).

<sup>16</sup> [20 CFR §680.700\(a\).](#)

- The introduction of new technologies;
- The introduction to new production or service procedures;
- Upgrading to new jobs that require additional skills;
- Workplace literacy; or
- Other appropriate purposes identified by the LWDB.<sup>17</sup>

LWDB's are permitted, under limited, specific, and well-documented circumstances, to increase OJT wage reimbursement to seventy-five percent (75%).<sup>18</sup>

## 4.2 Incumbent Worker Training (IWT)

IWT is training for employees who have been employed an average of six (6) months or more by the employer. IWT must be beneficial to both the employer and employee. IWT is intended to help the employer obtain or retain a skilled workforce or prevent layoffs.<sup>19</sup>

Employers must pay the salaries of TPE's during IWT. Wages are not an allowable grant expense. However, wages may count towards the employer's share of IWT training.<sup>20</sup> The employer's share of IWT varies from 10% to 50% depending on the size of the employer.<sup>21</sup>

IWT Grant Allowable Costs include:

- The actual cost of contracted training, instructors, programs, equipment rental, and classroom rental, as well as purchased textbooks and supplies.
- Tuition expense for instruction provided by an institution regulated by the Tennessee Higher Education Commission.
- For training provided internally by the employer:
  - Actual wages of internal trainers, up to \$50/hr.
  - Internal training curriculum development. (Limited up to 5% of the total allowable cost of IWT and requires supporting documentation.)

The following are not allowable for IWT Grant reimbursement:

- Employee wages.
- Equipment usable outside of training.
- Travel expenses of any kind.
- Assessment, testing, and certification fees.
- Advertising and recruitment.
- Language training, unless required for job duties.
- Assisting or resisting union organization or labor dispute.<sup>22</sup>

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<sup>17</sup> [20 CFR §710\(c\).](#)

<sup>18</sup> [20 C.F.R. § 680.730.](#)

<sup>19</sup> [20 CFR §680.790.](#)

<sup>20</sup> WIOA § 134(d)(4)(D)(iii).

<sup>21</sup> WIOA § 134(d)(4)(ii)(C) and (D).

<sup>22</sup> [20 CFR §680.830](#); [§680.840](#)

- Any costs not in the grant budget approved by the LWDB.

### 4.3 Customized Training Programs

Customized Training<sup>23</sup> is an IWT or OJT that supports an employer needing one or more of the following:

1. Training for recently purchased equipment or software.
2. Training to expand employer's offerings of new services, products, or markets.
3. Training new or current staff to advance into hard to fill positions.
4. Training to make the business more competitive.
5. Training or cross-training to stabilize operations.

Unlike IWT and OJT in general, Customized Training is more focused on the specific needs of the employer. Employers applying for a Customized Training grant must emphasize the unique circumstances warranting the training. However, Customized Training is still intended to be beneficial to the TPE. The employer must make a sufficient commitment, as determined by the LWDB, to continuing the TPE's employment, as Customized Training may not translate to the other employers.<sup>24</sup> For Customized Training, the employer's share must exceed 50% of the total training cost.<sup>25</sup>

## 5. Template Forms and Grant Roles

The Department staff will provide template ETG forms as guidance. These templates may include application forms, contracts, reports, and application evaluation forms for use by LWDB's in administering ETG's.

Use of the templates is not mandatory. However, ETG's, contracts, forms, records, and reports must use these defined grant roles:<sup>26</sup>

- The LWDB (or its fiscal agent) is the Grantor.
- The employer is always the subrecipient Grantee.
- Any outside training service or training supply provider is a contractor of the Grantee.
- TPE's are considered the beneficiary participants.

## 6. Automatic Renewal

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year, unless federal regulations come into conflict. A list of policies that

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<sup>23</sup> [20 CFR §680.760](#). Customized Training, as used herein, is distinct from vocational rehabilitation customized training.

<sup>24</sup> [20 CFR §680.760\(b\)](#).

<sup>25</sup> See WIOA §134(d)(4)(ii)(C) and (D); [20 CFR §680.760\(c\); 680.820](#).

<sup>26</sup> See [2 CFR §200.331](#)



will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year.

## Contact

For any questions related to this policy, please contact the Program Integrity Unit at [Workforce.Board@tn.gov](mailto:Workforce.Board@tn.gov).

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Tim Berry, State Workforce Development Board Chair



**State of Tennessee  
State Workforce Development Board**

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# State Workforce Services Policy Eligible Training Provider

## Effective Date:

**Duration: Automatic Annual Renewal Pending Statute Limitations**

## Purpose:

This policy provides information and direction required under the Workforce Innovation and Opportunity Act of 2014 (WIOA) for training providers on Tennessee's statewide Eligible Training Provider List (ETPL).

## Scope:

- American Job Center Partners
- Fiscal Agents
- Local Workforce Development Boards
- One-Stop Operators
- State Workforce Development Board
- Potential and Approved Eligible Training Providers

## Background:

Only approved programs listed on the State's ETPL are authorized for referral and enrollment of participants who receiving WIOA funding. Eligible applicants can use the ETPL to make an informed choice regarding training providers.

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## 1. Training Providers

Potential Eligible Training Providers must be authorized to offer training services in Tennessee.

Entities eligible to apply to become Eligible Training Providers (ETPs)<sup>1</sup> are:

- A. Institutions of higher education providing a program of study that leads to a recognized postsecondary credential;
- B. Apprenticeship programs, including Registered Apprenticeship Programs (RAPs) registered under the National Apprenticeship Act;
- C. Other public or private providers that provide training services, which may include Community-Based Organizations (CBOs) and joint labor-management organizations;
- D. Eligible providers of adult education and literacy activities under WIOA Title II if such activities are provided in combination with training services described in 20 CFR § 680.350<sup>2</sup>; or,
- E. Other groups as determined by the Governor.

## 2. Programs of Training Services/Programs of Study

Programs may be delivered in person, online, or via a blended approach and must lead to at least one ETPL Qualifying Credential, defined as<sup>3</sup>:

- A. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State of Tennessee or federal government;
- B. A postsecondary credential, including an associate or baccalaureate degree;
- C. A secondary school diploma or its equivalent;
- D. Employment; or
- E. Measurable skills gains toward a recognized postsecondary or secondary school diploma or its equivalent credential.

<sup>1</sup> Employment and Training Administration, US Department of Labor, *Training and Employment Guidance Letter No. 8-19*, Attachment I, I-3; Jan. 2, 2020. (Subsequently referenced as TEGL 8-19); 20 CFR § 680.410

<sup>2</sup> 20 CFR § 680.350 ; WIOA § 134 (c)(3)(D)(x). g

<sup>3</sup> TEGL 8-19, p. I-3.

### 3. Initial Eligibility

Potential ETPs may seek initial eligibility for one (1) or more programs of study. Programs approved for initial eligibility will remain on the ETPL for twelve (12) months from the date the program was approved.<sup>4</sup> RAPs are exempt from initial eligibility procedures. (RAPs that elect to participate must be included on the ETPL, subject to the procedure in Section 5.)<sup>5</sup>

#### A. Requirements for Consideration of Initial Eligibility:

1. Applications, accessed through Tennessee's Department of Labor and Workforce Development's (TDLWD) case management system, must describe each program of training services offered and include accurate and timely performance data and cost information for each program under consideration.<sup>6</sup>
2. Performance information must include one of the following: Unsubsidized Employment 2<sup>nd</sup> Quarter or 4<sup>th</sup> Quarter after exit, median earnings, credential attainment<sup>7</sup>
3. Information concerning whether the provider is in partnership with a business.<sup>8</sup>
4. Evidence that program successfully leads to an ETPL Qualifying Credential.
5. Information addressing the alignment of training with in-demand industry sectors and occupations, to the extent possible.<sup>9</sup>

#### B. Local Workforce Development Board (LWDB) – Responsibilities During Initial Eligibility:

1. Notify providers of the opportunity to apply for the ETPL.
2. Verify that potential ETPs are compliant with State laws by possessing a current license, certification, registration, approval or exemption from the appropriate State or federal licensing agency.
3. Confirm initial eligibility applications are complete and accurate.
4. Evaluate the experience and reputation of the potential ETP/programs of study.
5. Make a LWDB staff determination of completeness regarding ETP's application within thirty (30) business days of receipt, and once complete, place on the agenda for the next regularly scheduled LWDB meeting. Notify provider and State ETPL office of LWDB decision to approve, postpone, or deny within ten (10) business days of decision.

### 4. Continued Eligibility

During the final three months of a program's initial eligibility, the LWDB must perform a subsequent review to determine whether the program will be granted Continued Eligibility. If granted, ETPs will remain on the list until the next continued eligibility determination. Programs approved for continued eligibility will remain on the ETPL for twenty-four (24) months from the date the program was approved after subsequent review.

#### A. Information Requirements for Consideration of Continued Eligibility:

1. During the final three months of an ETP's initial eligibility the ETP must review their applications to ensure the information included therein is accurate.

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<sup>4</sup> TEGL 08-19, Attachment II, p. II-2; WIOA § 122 (b)(4)(B).

<sup>5</sup> TEGL 08-19, Change 1, p. 2 & 20 CFR § 680.450 (b)

<sup>6</sup> TEGL 08-19, Attachment III, p. III-1 & 20 CFR § 680.450 (e)(1).

<sup>7</sup> TEGL 08-19, Attachment III, p. III-1 & 20 CFR § 680.450 (e)(2).

<sup>8</sup> TEGL 08-19, Attachment III, p. III-1 & 20 CFR § 680.450 (e)(3).

<sup>9</sup> TEGL 08-19, Attachment III, p. III-1; 20 CFR § 680.450 (e)(5).

2. ETP's must submit accurate performance data and program cost information as directed by the LWDB.
- B. LWDB Responsibilities During Continued Eligibility
  1. Assess program-specific information provided by the ETP to determine whether to grant continued eligibility or remove program from the ETPL:
    - a. Whether the providers timely and accurately submitted all of the information required for completion of eligible training provider performance reports required under WIOA § 116(d)(4) and all of the information required for initial and continued eligibility<sup>10</sup>
    - b. ETP performance on WIOA performance indicators: Unsubsidized Employment 2<sup>nd</sup> Quarter or 4<sup>th</sup> Quarter after exit, median earnings, credential attainment
    - c. Access to training services throughout the state, including rural areas and through technology use
    - d. Information reported to state agencies on federal and state training programs other than programs within WIOA Title I-B
    - e. The degree to which training programs relate to in-demand industry sectors and occupations in the state
    - f. State licensure requirements of training providers, and licensing status of providers of training services, if applicable
    - g. ETP's ability to offer quality training services leading to an ETPL Qualifying Credential.
    - h. ETP's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities
    - i. ETP's ability to provide training services to individuals who are employed and individuals with barriers to employment
    - j. State performance standard measures for programs with a minimum of ten (10) WIOA students at the end of each program year (July 1 – June 30):
      1. WIOA student completion rate for each program must be ≥ to 40%
      2. All student completion rate for each program must be ≥ to 60%
      3. WIOA student placement rate for each program must be ≥ to 40%
      4. All student placement rate for each program must be ≥ to 60%<sup>11</sup>
  2. Notify provider and State ETPL office of LWDB decision to approve, postpone, or deny within ten (10) business days of decision.

## 5. Registered Apprenticeship Programs (RAPs)

RAPs registered under the National Apprenticeship Act are not subject to the same application and performance information requirements or LWDB approval process as other training providers. To be included on the ETPL RAPs must express interest by opting-in.<sup>12</sup>

- A. RAPs must provide the following basic information:
  1. Occupations included within the RAP
  2. Name and address of the RAP sponsor

<sup>10</sup> WIOA §116(d)(4).20 CFR § 680.460 (f)(10).

<sup>11</sup> State of TN established additional performance measures.

<sup>12</sup> TEGL 8-19, p. I-4.

3. Name and address(es) of the related technical instruction provider(s) and the locations(s) of instruction if different from the program sponsor's address
4. Cost of the instruction, if the provider of the Related Technical Instruction is different from the program sponsor
5. Method and length of instruction
6. Number of active apprentices<sup>13</sup>
- B. RAPs are exempt from performance reporting requirements in WIOA § 116(d)(4) and 122 but may voluntarily report performance outcomes.<sup>14</sup>
- C. RAPs are maintained on the ETPL until:
  1. They are deregistered
  2. The RAP notifies the State that it no longer wants to be included
  3. The RAP is determined to have intentionally supplied inaccurate information or to have substantially violated any provision of title I WIOA or the WIOA regulations, including 29 CFR Part 38.<sup>15</sup>
- D. LWDB Responsibilities for RAPs
  1. LWDBs will act on a RAP's application within thirty (30) business days of receipt
  2. LWDBs will contact State ETPL office to verify the registration status of all RAPs that express interest in being included on the ETPL and re-verify no less than every two (2) years.<sup>16</sup>

## **6. Denial/Revocation of a Provider from the ETPL**

A training provider must meet performance and provide accurate information to the LWDB & the TDLWD. Eligibility may be denied/revoked for the following reasons:

- A. Denial based on Eligibility Requirements
  1. Provider does not have the appropriate State and/or Federal approval to operate
  2. The application is incomplete
  3. The program under consideration does not meet the definition of WIOA training services
  4. Program does not meet the established eligibility criteria or the established minimum performance levels
  5. Provider that intentionally supply inaccurate performance information
- B. Denial based on Training Provider Responsibilities
  1. Providers that do not submit annual performance data by the designated due date (exceptional circumstances beyond the provider's control, such as natural disasters, will be taken into account)<sup>17</sup>
  2. Providers that intentionally supply inaccurate performance information
  3. Providers that violate any provision of WIOA or its regulations, including 29 CFR part 38

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<sup>13</sup> TEGL 8-19, p. I-4.

<sup>14</sup> TEGL 8-19, p. I-4.

<sup>15</sup> 20 CFR § 680.470 (b)(1-3); 29 CFR part 38 references nondiscrimination and equal opportunity provisions of WIOA

<sup>16</sup> TEGL 8-19, p. II-2.

<sup>17</sup> 20 CFR § 680.460(1)

4. Providers that fail to demonstrate the business capacity or integrity to successfully deliver training
- C. LWDB Denial/Revocation Responsibilities
  1. Though the recommendation to deny or revoke a provider/program may originate from either the LWDB or the TDLWD, the LWDB will be responsible for denying/revoking an ETP's eligibility
  2. Revocation is for a period not less than two years for providers that intentionally supply inaccurate information or substantially violate any provision of WIOA or its regulations, including 29 CFR part 38. The training provider is liable to repay all WIOA Title I training funds received during the period of noncompliance
  3. Providers that wish to appeal a denial or revocation of eligibility may appeal to the LWDB. After a decision has been rendered by the LWDB a provider may appeal to the State ETPL office.<sup>18</sup>

## 7. Appeals

If a program is denied eligibility, the training provider may take the following steps:

- A. Training providers have the right to appeal denial of eligibility status and may begin that process with the LWDB.
- B. If the LWDB does not reverse their original denial, the training provider may appeal to the State ETPL office.

## 8. Reciprocal Agreements

A LWDB can send a participant to training located in a different state if the training provider is on the ETPL in that state and the state has a reciprocal agreement with Tennessee.

- A. The State ETPL office will be responsible for entering into reciprocal agreements.
- B. All reciprocal agreements signed prior to June 30, 2023 will no longer be valid after that date.

## 9. Automatic Renewal

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

### Contact:

For any questions related to this policy, please contact the Program Integrity Unit at [Workforce.Board@tn.gov](mailto:Workforce.Board@tn.gov).

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Tim Berry, State Workforce Development Board Chair

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<sup>18</sup> 20 CFR § 680.480