

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

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Date:	April 3, 2024
Keyword:	Apprenticeship; WIOA
Effective:	May 3, 2024

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Courtney Arbour, Director, Workforce Development Division

Subject: **Boards, Contract Operators, and Registered Apprenticeship Programs**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance relating to Boards and contract operators that act as the employer and/or sponsor of a Registered Apprenticeship Program (RAP).

RESCISSIONS:

None

BACKGROUND:

A RAP is a federal designation given to apprenticeship programs that have been registered by the US Department of Labor Office of Apprenticeship (OA) and provides training in a specific occupation through a combination of paid on-the-job training (OJT) and related instruction. Employers may use RAPs to attract and retain highly qualified employees while improving productivity and their quality of services and products. Additionally, RAPs provide job seekers with sustainable careers and help businesses meet their need for a skilled workforce.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

NLF: Boards must be aware that:

- each RAP has a sponsor and at least one participating employer;
- RAP employers, among other responsibilities, provide apprentices with OJT and pay apprentices wages as they advance through the program; and
- a RAP sponsor registers a program with OA and manages program operations and administration.

LF: Boards may operate as a RAP sponsor.

Workforce Innovation and Opportunity Act (WIOA) Formula-Funded RAPs

NLF: Boards must be aware that RAPs for WIOA program participants are an allowable use of WIOA formula funds.

NLF: Boards are not allowed to serve as an employer for a WIOA formula-funded RAP as they are restricted from providing direct workforce services, including the OJT portion of a RAP.

NLF: Boards must be aware that contract operators may act as a RAP employer, in which case, the following conditions apply:

- The contract between the Board and the contract operator must expressly permit the contract operator to act in such a capacity.
- Sufficient firewalls and internal controls and policies must be in place to ensure that the contract operator is not responsible for both the training of the apprentices and the monitoring of the training being provided, which may involve use of a third party to monitor the training.
- Policies and procedures must be adopted to address cases in which contract operators plan to use OJT contracts while acting as a RAP employer. Such policies must be described in the Board's local plan.
- A contract operator may not be compensated under both a grant provided by the Board and an apprenticeship grant for the same activities; therefore, the OJT portion of the RAP must not include any wage rate reimbursement that is funded through Board or partner programs.

Staff Development RAPs

LF: Boards may implement a RAP and serve as the employer in the RAP if the purpose of the RAP is for Board and/or Workforce Solutions Office staff development.

NLF: Boards must be aware that, if a Board chooses to operate a staff development RAP, the following requirements apply:

- The Board and/or Workforce Solutions Office staff members must not be enrolled in any WIOA program.

- The Board must not provide OJT services.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

ATTACHMENTS:

None

REFERENCES:

Workforce Innovation and Opportunity Act §107(d), §107(1)(A-B), §107(g)(1)

20 CFR §679.410(c)

29 CFR §29.5

Texas Government Code §2308.302(b)

Texas Government Code §801.29

Texas Government Code §802.43

Workforce Innovation and Opportunity Act Guide to Texas Workforce System
Operations