

ETPL RECIPROCAL AGREEMENTS

EXECUTIVE SUMMARY

This policy provides the guidance and establishes the procedures regarding the establishment and use of a reciprocal agreement with another state to permit the use of their Eligible Training Provider List (ETPL). This policy applies to Local Workforce Development Board (Local Boards), and is effective immediately.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

This Directive finalizes Workforce Services Draft Directive *ETPL Reciprocal Agreements* WSD22-239, issued for comment on November 21, 2022. The Workforce Development Community submitted seven comments during the draft comment period. A summary of comments, including all changes, is provided as Attachment 1.

Retain this Directive until further notice.

REFERENCES

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- *Workforce Innovation and Opportunity Act* (Public Law 113-128) Sections 3 and 122
 - [Title 20 Code of Federal Regulations](#) (CFR) Part 680: Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act (DOL Exceptions), Section 680.520
 - [Training and Employment Guidance](#) Letter 08-19, *Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA)* (January 2, 2020)
 - *California Education Code* Sections 94800 - 94950
 - [Workforce Services Directive](#) WSD21-03, *ETPL Policy and Procedures* (November 10, 2021)
 - WSD19-06, *CalJOBSSM Activity Codes* (December 27, 2019)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

BACKGROUND

WIOA Section 122 requires states to establish and maintain a list of training providers who are eligible to receive WIOA Title I, subtitle B funds for training services. An America's Job Center of Californiasm (AJCC) may issue an Individual Training Account (ITA) to a WIOA Title I, subtitle B eligible individual (out of school youth age 16-24, adult or dislocated worker) to fund training services.

The Employment Development Department (EDD) is the entity responsible for publishing, disseminating, and maintaining the comprehensive California (CA) ETPL with performance and cost information. In addition, the EDD is responsible for ensuring programs meet the eligibility criteria and performance levels established in *ETPL Policy and Procedures* (WSD21-03), removing programs that do not meet the program criteria or performance levels established in WSD21-03, and taking enforcement actions against providers that intentionally provide inaccurate information or that substantially violate the requirements of WIOA.

Likewise, the Local Board is responsible for carrying out the procedures outlined in WSD21-03, work with the state to ensure there are sufficient numbers and types of providers of training services with expertise in assisting individuals with disabilities and adults in need of adult education and literacy activities, developing and maintaining a local ETPL, and ensuring the dissemination of the CA and local ETPL through the AJCCs, including in formats accessible to individuals with disabilities.

To increase the training options available to program participants, states may enter into mutually beneficial agreements that permit eligible providers of training services in a state to accept ITAs provided by another state. This type of agreement is referred to as a reciprocal agreement throughout this Directive.

POLICY AND PROCEDURES

To ensure compliance with various federal and state requirements, the following policy and procedures govern the use of a reciprocal agreement to send a CA program participant to another state for ITA-funded training.

Use of Reciprocal Agreement

CA Local Boards can utilize an approved reciprocal agreement to send eligible program participants who qualify for an ITA to an Out-of-State training provider's program approved to be on that state's ETPL. CA Local Boards cannot use the approved reciprocal agreement to send program participants to Distance Education Training Providers, Apprenticeship programs, or providers with a training site(s) in CA. For additional information on In-State and Distance Education Training Providers, please reference the *ETPL Application Process by Provider Category* section of WSD21-03, Attachment 1.

For a list of states that have an approved reciprocal agreement with CA, please see the *Existing Reciprocal Agreements* section of this Directive.

In an effort to support CA businesses, priority must be provided to CA ETPL training programs. A reciprocal agreement should only be leveraged if an equivalent program within a reasonable commute is not eligible, or is not willing, to be listed on the CA ETPL.

When sending a program participant to a training program on another state's ETPL, the following items must be completed in CalJOBS:

- The training provider and program needs to be created as a local provider. This ensures the training-related information is available for federal reporting purposes.
- CalJOBS Activity Code 346 – *Out-of-State Training Provider other ETPL (Requires Case Note to indicate other State's ETPL)* must be added to their program application and associated to the local training provider created. Please note that this activity code is setup as a non-ITA activity code in CalJOBS; however, the training must be funded through an ITA. The non-ITA designation in CalJOBS enables Local Areas to enter the provider and program as a local provider instead of submitting the provider and program to be listed on the CA ETPL.
- A case note indicating the other state's ETPL and a justification for the use of the reciprocal agreement must be added.
- Local Boards are responsible for collecting and tracking any credentials or measurable skill gains received as a result of the training.

Each Local Board must include procedures regarding their use of a reciprocal agreement in their local ETPL policy.

Existing Reciprocal Agreements

To support an increase in training options, the EDD entered into a reciprocal agreement with Nevada. CA Local Boards may utilize programs offered by approved Out-of-State training providers on the Nevada Department of Employment, Training, and Rehabilitation's (DETR) ETPL. Please reference the [DETR WIOA Eligible Training Provider List](#) for a list of their approved training providers.

This policy will be updated if the EDD enters into a reciprocal agreement with any other states.

Requesting a Reciprocal Agreement with CA

States may submit a request for a reciprocal agreement with CA to the CA State ETPL Coordinator at wsbetpl@edd.ca.gov. A sample reciprocal agreement with the language required by CA can be provided upon request.

ACTION

The information contained in this Directive should be shared with Local ETPL Coordinators, and all other staff involved in the administration of the ETPL.

INQUIRIES

If you have any questions, contact your Regional Advisor, or the State ETPL Coordinator at wsbetpl@edd.ca.gov.

/s/ JAVIER ROMERO, Deputy Director
Workforce Services Branch

Attachment:

1. [Summary of Comments \(DOCX\)](#)