

## **The Workforce Innovation and Opportunity Act of 2014 (WIOA)**

On July 22, 2014, President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law, which supersedes the Workforce Investment Act of 1998 (WIA) and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. The Act takes effect on July 1, 2015, the first full program year after enactment. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.

Every year the key programs that form the pillars of WIOA help tens of millions of job seekers and workers to connect to good jobs and acquire the skills and credentials needed to obtain them. The enactment of WIOA provides opportunity for reforms to ensure the American Job Center system is job-driven—responding to the needs of employers and preparing workers for jobs that are available now and in the future.

### **Tennessee WIOA Eligible Training Provider List Performance and Reporting Requirements Q&A**

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#### **Why does WIOA require the submission of performance data?**

An essential feature of the Workforce Innovation and Opportunity Act is the “Customer Choice” orientation of the program. Individuals seeking assistance through WIOA funding have the freedom of choice in selecting the training program that best fits their personal and career needs. As such, it is important that customers receive accurate information regarding the performance records of all training providers eligible to participate in the WIOA program. Informed customer choice requires a stringent system of accountability for all certified training providers. Since a goal of the Workforce Innovation and

Opportunity Act is to help students obtain gainful employment, providers must demonstrate that those students who complete their certified program have increased employment opportunities in their corresponding fields of study.

### **How are providers to submit the WIOA quarterly performance report?**

All WIOA quarterly performance reports, currently in Excel form, are to be password protected and emailed to Ryan Allen, Director of Workforce Services at [Ryan.Allen@tn.gov](mailto:Ryan.Allen@tn.gov) as well as to Jennifer Snow at [Jennifer.Snow@tn.gov](mailto:Jennifer.Snow@tn.gov). This method of report submission will change due to the WIOA related updates happening within the Jobs4TN.gov system. All training providers that appear on Tennessee's ETPL will be notified of future report submission updates and changes.

### **When are the quarterly performance reports due?**

The quarterly performance reports are due on the 15<sup>th</sup> day following each quarter. Specifically, the report periods and due dates are as follows:

Quarter	Time Period	Due Date
1 <sup>st</sup>	July 1 through September 30	October 15
2 <sup>nd</sup>	October 1 through December 31	January 15
3 <sup>rd</sup>	January 1 through March 31	April 15
4 <sup>th</sup>	April 1 through June 30	July 15

Note: TDLWD staff commonly refer to specific quarterly reports by the combination of the year and quarter. For example, the 4<sup>th</sup> quarter report for 2015 is referenced as "20154".

### **What are WIOA providers required to report?**

Section 116 of the Workforce Innovation and Opportunity Act spells out in detail what is required performance information. All WIOA certified training providers are required to submit quarterly reports detailing program progress for both their WIOA and ALL of student populations. "ALL of student" refers to the total number of students, and not just to the number of Non-WIOA students. WIOA students are a component of the figures describing the ALL of student population. In each report, the certified provider documents the following student information: social security number, race, gender, type (WIOA or non-WIOA), program, entry date, and completion or withdrawal date. Effective evaluation of each training program requires that providers submit all of the above information for both the WIOA and ALL of student populations.

The way quarterly reports are completed and submitted will change in the future due to additional requirements of WIOA along with TDLWD's use of the Virtual One Stop (VOS) system.

### **What are the consequences for failure to report or submitting late reports?**

Providers who fail to submit a performance report or submit their report late are subject to the *Schedule of Consequences* designed to address such issues. The *Schedule of Consequences* involves two levels of action beginning at level one with a temporary suspension. Quarterly reports are due on the 15<sup>th</sup> day of the month following the conclusion of each quarter. As such, any provider not submitting their quarterly report by the conclusion of the first business day following the report due date, will be temporarily suspended from the statewide for a mandatory period of 30 days beginning with the initial suspension date. For example, if a provider failed to submit their April 15<sup>th</sup> report before the deadline, they would be suspended from the statewide list until May 15<sup>th</sup>. During a temporary suspension, a training provider will not appear on Tennessee's *Eligible Training Provider List*, in which case no new WIOA students may enroll during that time. In addition, at level one of the *Schedule of Consequences* all of the Local Workforce Development Area contacts are notified of which providers have been temporarily suspended from the statewide list.

If the quarterly report is not received by the end of the suspension period, the provider will be deleted from the *Eligible Training Provider List* for a period of two consecutive quarters beginning with the quarter following the temporary suspension and includes the remainder of the current report quarter. For example, if a provider missed the April 15<sup>th</sup> report deadline and failed to submit their report by May 15<sup>th</sup>, then this provider would be deleted from the Statewide List until January 1<sup>st</sup>. The provider must request readdition to the ETPL at the end of the removal period to be added back to the ETPL. The request must be received within 1 year of removal. After a provider has been off of the ETPL for 1 year, a new provider application must be submitted for approval.

### **Are there any exemptions from the WIOA reporting obligation?**

There are five exemptions concerning the WIOA quarterly reports.

1. Registered Apprenticeships are not required by WIOA to submit quarterly performance information therefore making them exempt. A Registered Apprenticeship program may still elect to submit performance information in order to be included in the ETPL Annual Performance Report amongst the other training providers in TDLWD's ETPL Annual Performance Report to highlight their level of performance in completing and placing participants.
2. Providers who submit annual enrollment and graduation data to the Tennessee Board of Regents (TBR), i.e. Tennessee Colleges of Applied Technology, state Four-year Universities, and Community Colleges, do not have to report performance data for the "ALL of student" population, since TDLWD obtains this information annually from TBR. However, these providers **are required to submit enrollment and completion data for their WIOA student population.**
3. Any provider whose initial application into WIOA was certified during the report quarter and they did not receive a WIOA student during that time is not required to begin submitting WIOA quarterly reports to TDLWD until they receive their first WIOA student. However, if the minimum of one WIOA student was enrolled during the time after certification, the provider is

required to submit a performance report for the program(s) with at least one WIOA participant. For example, if the provider has 10 programs on the ETPL, WIOA students enroll into 2 of those programs then the provider is required to report all students within the 2 programs the enrolled the WIOA students.

4. Any provider that has **NEVER** received a WIOA student does not have to complete a quarterly performance report until they receive their first WIOA student. This exemption does not refer to the quarter of the report, but rather to the period that covers the provider's initial inception into WIOA up through the report deadline. Subsequently, after one WIOA student is received, the provider is required to forever report on that particular program until the scenario in (4) below occurs.
5. If a provider has not received a WIOA student for eight consecutive quarters they can apply for an exemption from submitting quarterly reports. The dormancy period starts from the date the last WIOA exited the institution with a terminal event (completion or withdrawal). To apply for this exemption please contact TDLWD at 615-253-5678.

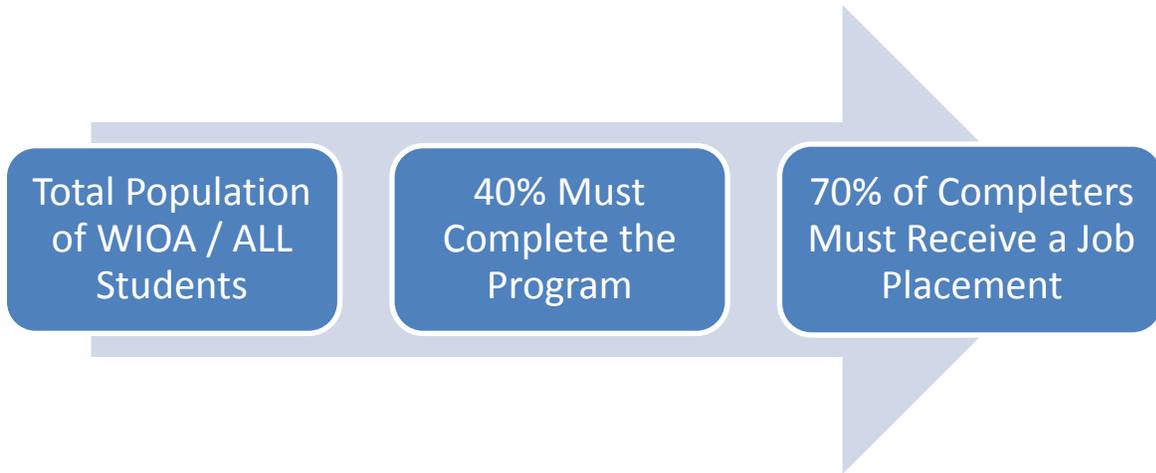
#### **What are the performance standards that a program must meet in order to remain on the ETPL?**

To remain subsequently eligible to receive WIOA funds, each certified program that has received a minimum of 10 WIOA students during a reporting year must meet one of four performance standards.

Performance Standards – In Words:

1. The **WIOA student completion rate** for each program must be equal to or greater than 40%.
2. The **WIOA student placement rate** for each program must be equal to or greater than 70%.
3. The **ALL of student completion rate** for each program must be equal to or greater than 40%.
4. The **ALL of student placement rate** for each program must be equal to or greater than 70%.

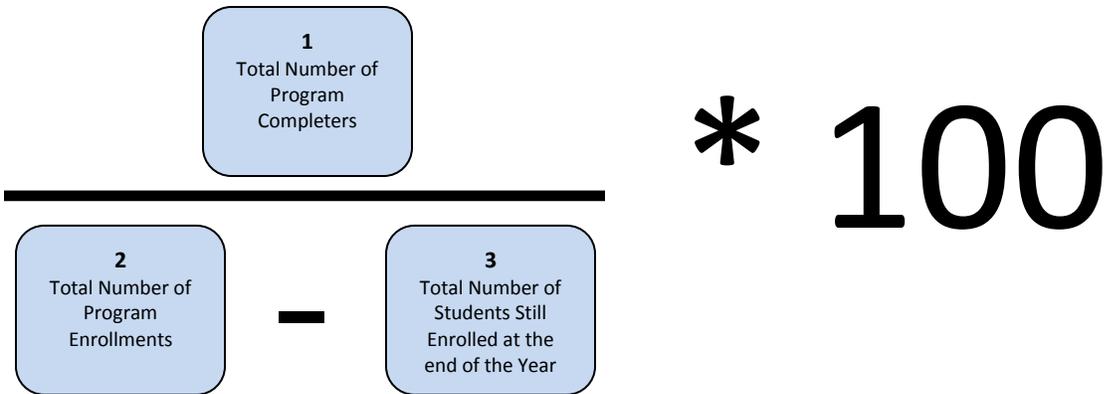
Performance Standards – Illustration: (Same graph applies for WIOA & ALL of student populations)



Any certified program receiving at least 10 WIOA students that fails to meet a minimum of one of the four performance measures is subsequently ineligible for placement on the *Statewide List of Eligible Training Providers*. Those programs removed from the list are eligible for reinstatement at the end of the suspension period, which expires at the conclusion of each fiscal year.

**How are the ETPL completion rates calculated?**

The completion rates are calculated as follows:



In detail, the completion rate reflects the following fraction: Numerator = Total number of program completers during the report year (1); Denominator = Total number of program enrollments (2) minus the total number of students still enrolled in the program at the conclusion of the report year (3). The final number is then multiplied by 100 to convert it into a percentage.

*Alternate Equation for TBR Community Colleges & Four Year Universities (ALL of Student)*

The ALL of student completion rates for the four-year universities and the community colleges are calculated using a slightly different equation given the absence of an indicator for the number of students still enrolled. The first step in computing the ALL of student completion rate for this subset of providers involves finding the total population of eligible completers.

The total population of eligible completers at the four-year universities is established by extracting from the *TBR Regular and Supplemental Enrollment Reports* only those students classified as a “Senior or a Fifth Year Undergraduate.”

Note: According to the Data Dictionary for the *TBR Regular and Supplemental Enrollment Report*, a fifth-year undergraduate is a student enrolled in a program that normally takes five years to complete, i.e. some engineering programs or medical technology degrees. The term does not describe students who take five years to complete a four-year degree.

For the community colleges, the total population of eligible completers is established by extracting from the *TBR Regular and Supplemental Enrollment Reports* only those students classified as a “Sophomore” or those classified as “Undergraduate Special.”

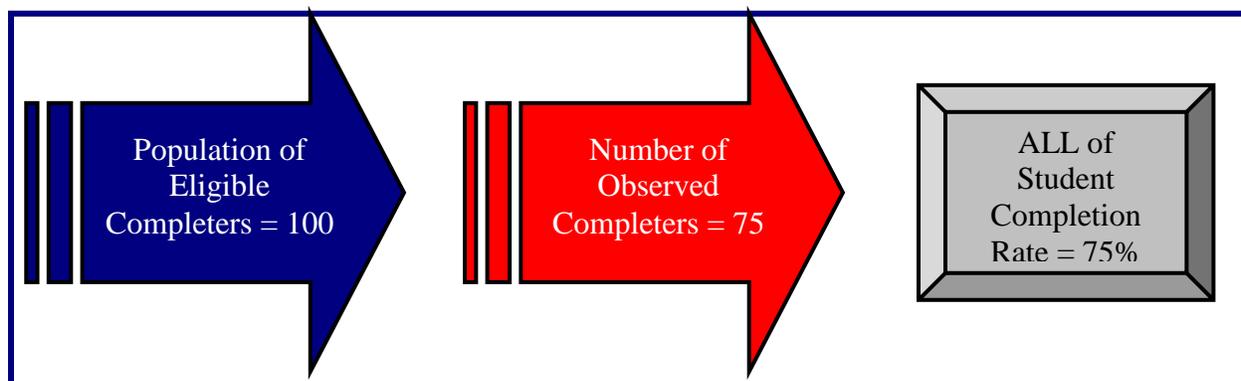
Note: According to the Data Dictionary for the *TBR Regular and Supplemental Enrollment Report*, an Undergraduate Special student is classified as one who is 1) non-degree seeking and holds no degree or certificate; or 2) non-degree seeking, holding any level degree, but taking only courses for undergraduate credit; or 3) non-degree seeking, holding no bachelor’s degree, and taking courses for both graduate and undergraduate credit; or 4) one seeking a Technical Certificate or Credit.

The community college ALL of student performance rates include undergraduate special students, because a significant proportion of WIOA students fall into this category (particularly condition 4).

The ALL of student completion rate for the four-year universities and community colleges are estimated by computing the percentage of population of eligible completers that are found in the *TBR Annual Report of Graduates*.

For example, assume that Middle Tennessee State University (MTSU) has 100 students enrolled in their psychology program that are classified as a senior according to the *TBR Regular and Supplemental Enrollment Reports*. If 75 of these students are reported in the *Annual Report of Graduates*, then MTSU’s annual completion rate for their psychology program is figured as 75% (see illustration).

Illustration of ALL of Student Completion Rate for 4–Year Universities & Community Colleges



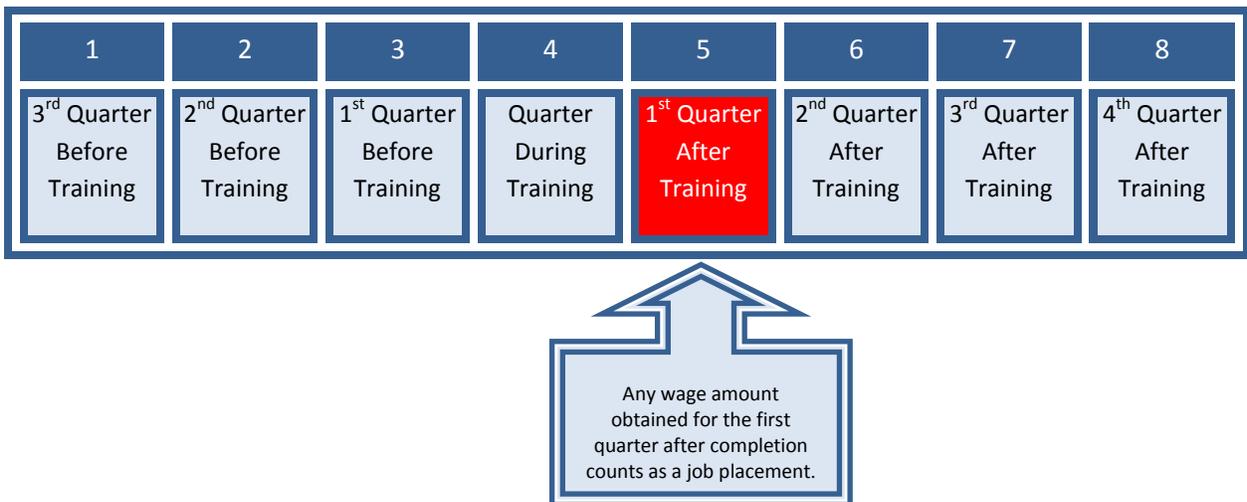
**How are the ETPL placement rates calculated?**

Placement rates are determined based on the percentage of gainfully employed program completers as determined by wage records obtained through the unemployment insurance system. Upon program completion, the social security number for each completer is processed through two systems to check for existing wage data. The first system is managed by the TDLWD and checks exclusively for wage information in the state of Tennessee. The second system is managed by the United States Department of Labor and checks for wage information in the remaining 49 states, the District of Columbia, and Puerto Rico. The placement rate is calculated as the total population of completers for each program with a recorded wage amount in the quarter immediately following completion, divided by the total number of program completers. The final number is then multiplied by 100 to convert it to a percentage. The placement rate equation is as follows:

$$\left( \frac{\text{Total Number of Completers with Wages in the Quarter After}}{\text{Total Number of Program Completers}} \right) * 100$$

**How much wage information is obtained on each completer?**

In a secured file, our office receives six to eight quarters of wage information for each program completer. Only those individuals with a reported wage amount during the quarter immediately following the completion of a certified training program are classified as a job placement. The obtained wage amount does not have to be in the individual’s particular field of study, and our office does not know which employer the particular wage came from.



### **What if a student does not obtain their initially desired credential?**

All WIOA students should have a WIOA Training Participant Form that specifies their precise educational goal. This should be obtained from the WIOA caseworker at the American Job Center that referred the student. Some students may have as a goal to complete one or a series of courses, while others may desire as a goal to complete an entire program. If a student obtains their pre-stated goal, then that student is to be recorded on the quarterly performance report as a completer. If the student does not obtain the goal specified on their Training Participant Form, but he or she did obtain a lower level credential that also appears on the *Statewide List of Eligible Training Providers* then this student should also be counted as a completer. For example, if a student desired to obtain an Associate Degree in a particular program, but they left training after obtaining a Certificate of Completion, they may still be counted as a completer as long as both credentials appear on the Statewide List.

### **When does a program become eligible for subsequent eligibility considerations?**

The procedures for determination of subsequent eligibility include a review of each certified training program that has served at least 10 WIOA students during the report period. TDLWD performs statistical analysis for all certified programs that received a minimum of one WIOA student. However, only those programs with a minimum of 10 WIOA students enrolled are considered in subsequent eligibility decisions. Essentially, if a program has not served a minimum of 10 WIOA students during the fiscal year, it cannot be removed from the Eligible Training Provider List for failure to meet the performance standards.