Scaling Apprenticeship Through Sector-Based Strategies  
Key Policy Clarifications  
Updated December 2019 to Add Questions 3-10

This document provides answers to frequently asked questions regarding key policy guidance for Scaling Apprenticeship Through Sector-Based Strategies (Scaling Apprenticeship) grantees. It should be viewed as a supplement to other technical assistance materials that have been and will be provided to Scaling Apprenticeship grantees. Additional policy clarifications will be disseminated as needed.

If you have further questions after reviewing these policy clarifications, please contact your Federal Project Officer (FPO).

1. Grant Period of Performance

The Period of Performance for Scaling Apprenticeship grants is July 15, 2019 to July 14, 2023. These are the dates stated in the Scaling Apprenticeship grant agreements.

2. Modifications for Adding Employer Partners

DOL encourages Scaling Apprenticeship grantees to increase the number of their employer partnerships in order to expand apprenticeship broadly within an industry sector. As the Funding Opportunity Announcement (FOA) states, grantees’ “efforts to promote apprenticeship to a broad network of employers, including small employers, will be foundational to their ability to take apprenticeships to scale, whether through the creation of new apprenticeship programs or the expansion of existing ones.” (Section 1.E.2.)

DOL anticipates that there will be a variety of situations in which grantees may add employer partners without submitting a grant modification. Generally speaking, a grant modification may not be needed if a grantee is adding additional employer partners in an industry/occupation that is in the original Statement of Work.

However, adding an employer partner may require a modification under certain circumstances, including (but not limited to) the following:

- The grantee is adding an employer partner to replace a partner that it originally included in its Statement of Work in order to meet the FOA requirements for a Required Private Sector Partner (see Section III.A.3.a);
- The new employer partner will provide matching funds; and/or
- The new employer partner is playing a significant role in meeting the grant’s performance outcomes.
Please discuss the addition of new employer partners with your FPO to determine whether a modification is needed.

3. Location of FOA-ETA-18-08 and its Amendments

The SA FOA and its two amendments—Amendment One (issued 8/22/2019) and Amendment Two (issued 9/11/2018)—are located here: https://www.doleta.gov/grants/2018grants.cfm

Of the two amendments, Amendment Two remains relevant to SA grant activities post-award, as it revised the Educational and Instructional Component of the FOA’s Training Standards. The amended text of Section I.E.1.b) 3) is as follows (the new language that DOL added to the original FOA language via the amendment is in bold):

3) Educational and Instructional Component

Apprenticeship programs must provide or arrange for classroom or related instruction that is high-quality and adequate to help apprentices achieve their proficiency goals and earn certifications or equivalent credentials. As an important indication of quality, programs must lead to an industry-recognized, nationally portable credential, and may also be designed to ensure that apprentices receive college credit for classroom or related instruction.

4. Definition of a Participant

A participant is any individual who receives an H-1B grant-funded service beyond a determination of eligibility. Additional information specific to Scaling Apprenticeship grants can be found in the Scaling Apprenticeship Performance Handbook, which is available as a “Related Resource” here: https://www.workforcegps.org/events/2019/08/29/17/30/H-1B-Scaling-Apprenticeship-Performance-Reporting-Orientation-Webinar-1-0.

5. Populations Eligible to Be Served

As the FOA indicates, this grant program will train individuals who are “unemployed and seeking entry or reentry into the workforce, underemployed workers, and incumbent workers who need to increase their skills to remain competitive.” For definitions of those categories, please see Section III.C.3.a). The purpose here is to clarify two requirements regarding eligible participants.

- As the FOA states, “individuals must be older than 16 years of age and not currently enrolled in school within a local educational agency.” Therefore, H-1B participants must be 17 years of age or older and not currently enrolled in secondary schools (such as high school).

- Individuals who are incarcerated may not receive grant-funded services. All individuals served through the H-1B Scaling Apprenticeship program must meet the definitions of participants eligible to receive training—specifically, unemployed, incumbent, or underemployed.
workers. The FOA defines an unemployed worker as “an individual who is without a job, is seeking employment, and is available to work.” See Section III.C.3.a). Incarcerated individuals are not available to work; therefore, they are not eligible participants for the Scaling Apprenticeship program.

6. Co-enrolling Scaling Apprenticeship Participants

A. Co-enrolling with H-1B-Funded Programs

The intent of co-enrollment is to meet the training and employment needs of program participants and provide as many participants as possible with comprehensive services that may not otherwise be available or allowable under an individual grant or funding source. Therefore, it is not acceptable to leverage resources that would result in co-enrollment in other H-1B-funded programs that are providing the same or similar services. Specifically, grantees should not co-enroll participants in more than one H-1B job training program grant (enrollment in both an H-1B Scaling Apprenticeship program and an H-1B American Apprenticeship Initiative program, for example) as a strategy to facilitate the attainment of grantee service levels and performance outcomes across multiple H-1B job training programs.

B. Co-enrolling with non-H-1B-Funded Programs

The Employment and Training Administration (ETA) encourages apprenticeship training program grantees to maximize the use of their resources and minimize the duplication of efforts through partnership building, system alignment, and leveraging of other Federal and non-Federal funding sources. As programs braid funds together to increase impact, they have the opportunity to show integration in the form of participant co-enrollment, provided this co-enrollment aligns with eligibility criteria and allowable activities for each grant and meets the criteria below.

For Scaling Apprenticeship activities, leveraging resources may include co-enrolling participants in programs such as:

- the Workforce Innovation and Opportunity Act (WIOA);
- appropriated apprenticeship funds, such as State Apprenticeship Expansion (SAE) grants, Apprenticeship State Expansion (ASE) grants, and AACC Expanding Community College Apprenticeships (ECCA) activities as they are used to expand Registered Apprenticeships;
- other Federally funded programs; and
- non-Federal programs.

Grantees may co-enroll Scaling Apprenticeship participants in non-H-1B grant programs only if they satisfy each of the following conditions:

- Participants are determined eligible for each grant as the program’s eligibility policy aligns with the Funding Opportunity Announcement (FOA) and the grantee’s Statement of Work. Every program has very specific and distinct eligibility requirements.
- Participants are enrolled in allowable, non-duplicated grant activities, as the program’s activities pertain to each grant program.
• The grantees **adhere to cost allocation**, if appropriate.
• The grantees report on leveraged resources (both Federal and non-Federal funded) on the ETA-9130 financial report form and quarterly narrative reports (QNR), as appropriate for both grants.
• Fiscal and Performance Reporting policy and practice are in keeping with the Uniform Guidance (appropriate cost allocation, etc.), and Program Office reporting guidelines for the grant, contract, or cooperative agreement.
• The grantees report on performance outcomes in accordance with the performance reporting requirements for each co-enrolled program, as appropriate.
  o Grantees can report on all outcomes and other deliverables that result from activities and services funded with both leveraged resources and grant funds in the Quarterly Performance Report (QPR) and QNRs for each co-enrolled grant program. For example, for an H-1B Scaling Apprenticeship grant, the grantee may report any outcomes achieved as a result of leveraged DOL funds supporting AACC ECCA grants, the H-1B Scaling Apprenticeship grant funds, or a combination of both.

Guidance related to co-enrollment does not prevent grantees from leveraging tools, materials, curriculum or other resources that other DOL-funded training grant programs, including other H-1B-funded grant programs, developed, provided these activities do not result in co-enrollment.

### 7. Intellectual Property Rights

Scaling Apprenticeship grantees will need to make work created with the support of the grant available and public under a Creative Commons Attribution 4.0 (CC BY) license. Work that grantees must license under the CC BY includes both new content created with the grant funds and modifications made to pre-existing, grantee-owned content using grant funds.

For additional information on grant requirements regarding open licensing and intellectual property, please view the following guidance:  [https://grantsapplicationandmanagement.workforcegps.org/-/media/Communities/grantsapplicationandmanagement/Files/CCBY-open-licensing-IP-2018,-d,-12,-d,-06,-d,----CC-BY-One-Pager.ashx?la=en](https://grantsapplicationandmanagement.workforcegps.org/-/media/Communities/grantsapplicationandmanagement/Files/CCBY-open-licensing-IP-2018,-d,-12,-d,-06,-d,----CC-BY-One-Pager.ashx?la=en)

### 8. Selective Service Registration Requirements

H-1B Scaling Apprenticeship grants are authorized under Section 414(c) of the American Competitiveness and Workforce Improvement Act (ACWIA) of 1998. ACWIA does not require that a determination of Selective Service registration be made prior to enrollment or in determining eligibility to participate in a Scaling Apprenticeship grant program. While grantees may be checking Selective Service registration for other reasons, such as co-enrollment in Workforce Innovation and Opportunity Act (WIOA)-funded programs, Scaling Apprenticeship does not require grantees to check if participants are registered for selective service.
9. Incentive Payments to Collect Employment Outcomes

Grantees may use up to 1.5 percent of grant funds for the provision of gift cards or other payments to participants for providing information on their employment status after they leave the program, for the purposes of reporting these employment and retention outcomes to DOL/ETA. These incentive payments must be tied to the goals of the grant. Grantees must have policies and procedures in place governing the awarding of incentive payment and the incentives provided under the grant must comply with these organizational policies. The use of grant funds for incentive payments other than to collect participant information on employment status after they leave the program is not allowed.

10. Notice of Proposed Rulemaking for Industry Recognized Apprenticeship Programs

On June 24, 2019, the Department issued a Notice of Proposed Rulemaking titled Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations (IRAP NPRM). The comment period for the IRAP NPRM closed on August 26. The Department is currently reviewing all public comments on the proposed rule.

Currently, there is not a process in place for an entity to apply to be a DOL-recognized standards recognition entity (SRE), nor is there a process in place for an entity to receive a favorable determination from the Department that it has policies and procedures for developing and validating standards of high-quality, industry-recognized apprenticeship programs. At this time, no entity should be holding itself out as one that has received approval, recognition, or a favorable determination from the Department of Labor.

For more information on the proposed IRAP program, please see https://www.apprenticeship.gov/industry-recognized-apprenticeship-program.