

Region III Workforce Investment Board
WIOA Adult and Dislocated Worker Program

Policy 12-16

SUBJECT: On-the-Job Training
DATE ISSUED: October 14, 2016
EFFECTIVE DATE: July 1, 2016

REFERENCE(S): WIOA Section 3; WIOA Section 134 (d)(2), CFR §680.900 and §680.910, WorkForce WV WIOA Policy 2-16; Region III WIB Policies 03-16 and 08-16

PURPOSE: To provide information and direction for the implementation of WIOA funding On-the-Job Training (OJT) opportunities for eligible Adult and Dislocated Worker program participants.

ACTION: Region III WIB will utilize a portion of WIOA funds to support OJT's in demand occupations. Participants must meet WIOA Adult or Dislocated Worker eligibility. OJT's must be provided through a contract that provides a structured training opportunity for the OJT Trainee to gain the knowledge and skills to be competent in the job for which they are hired. The contract must be completed and signed by all parties before the OJT Trainee may begin the OJT training.

The OJT contract may be sequenced with other WIOA program services such as ITA's or Remedial Training.

Participant Eligibility:

OJT Trainees must meet WIOA Adult or Dislocated Worker eligibility requirements. Trainees must have received a documented assessment that results in the development of an Individual Employment Plan (IEP) that documents the participant has the interest, aptitude, and skills to meet the specific Employer OJT requirements.

OJT's for Employed Workers:

OJT's may be written for eligible employed workers when:

- The employee is not earning a self-sufficient wage;
- All other requirements of this policy are met; and
- The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, or workplace literacy.

Employer Eligibility:

OJT Employer:

- Must be registered and in good standing with the IRS, WV Secretary of State's office, and carry Workers' Compensation Insurance.
- Must be registered with WorkForce WV under Wagner-Peyser.

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- Must be financially solvent to meet the OJT contract obligations through the end of the training and for the participant's 12 month follow up period; have adequate payroll recordkeeping systems that track hours worked, gross pay, deductions, and net pay.
- Must not have laid off any employees within the past 6 months.
- Shall not displace any currently employer worker or alter current workers' promotional opportunities, nor have terminated any regular employee or otherwise reduced the workforce in order to hire OJT Trainees.
- Must not be involved in a labor dispute.
- Must not impair existing contracts for services or collective bargaining agreements. Must gain written concurrence with the appropriate labor organization before the OJT can begin if the OJT agreement would be inconsistent with a collective bargaining agreement. The Employer must attest that the OJT agreement would not assist, promote, or deter any union organizing.
- Must not allow OJT Trainees to work on the construction, maintenance, or operation of any facility that is used for sectarian activities or as a place of worship.
- Must not discriminate in training or hiring practices (WIOA Sec. 188).

OJTs must not be written with an employer who has previously exhibited a pattern of failing to provide OJT Trainees with continued long-term employment. (20 CFR 680.700(b)).

Employer Reimbursement:

Employers will be reimbursed 50% of wages until one of the following is met:

- \$5,000.00
- 1,040 hours
- 6 months

The following factors must be considered prior to approving an OJT:

- The characteristics of the participant(s) with an emphasis on barriers to employed as defined in WIOA Section 3(24);
- The quality of the employer-provided training (an industry recognized credential, advancement opportunities, etc.);
- The number of participants the employer agrees to sponsor;
- The wage and benefit level of the participant (both during and after completion of the OJT);
- The OJT position is an in-demand occupation as defined by WIOA Section 3(23) and determined by WorkForce WV labor market information.

Registered Apprenticeship Programs:

OJT contracts may be written with registered apprenticeship programs or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship.

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The OJT Contract:

Every OJT opportunity will include a contract with the Employer and a Training Plan for the Trainee. The contract must include the requirements of WIOA rules and regulations; the occupation, skills and competencies to be learned; and the length of time the training will be provided. Contract modifications must be in writing, signed and dated by all parties prior to the effective date of the modification. Verbal modifications are not valid.

Overtime:

OJT payments may only be paid for regular wages by the employer. Payments may not be based on overtime, shift differential, premium pay, and other non-regular wages. This does not preclude a participant from working overtime; however, the reimbursement to the employer must be based on the regular wage rate.

Determining Training Duration – Specific Vocational Preparation (SVP):

Training will be limited to a period of time required for a Trainee to become proficient in the position related to the training plan. Training duration is negotiated with the Employer on the basis of the skills that need to be learned to perform the job at a level comparable to an employee who would be hired without the need for OJT. An upper limit for training duration is established using the Specific Vocational Preparation (SVP) estimates for occupations in the U.S. Department of Labor at http://www.occupationalinfo.org/appendixc_1.html#II.

PROCEDURES:

Participant Case Files:

All documentation relative to the selection of a candidate for an OJT opportunity and development and maintenance of the participant's OJT Training Plan should be included in the participant's hard or electronic case file. Participant files must be available to federal, state and local monitors for compliance review.

Employer Files:

WIOA OJT Case Managers are required to keep an individual file for each OJT Employer which includes the Employer Pre-Screening Checklist verifying employer eligibility. Employer files must be available to federal, state, and local monitors.

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Monitoring:

Monitoring at the local, state and federal level will include the WIB-KC's oversight of participant training and corresponding employer payroll records.

On-site monitoring visits should be conducted by the contract manager shortly after the OJT Trainee begins work, with additional visits scheduled at appropriate intervals (determined by the length of the OJT Training Plan).

WIOA OJT Case Managers must regularly review each Trainee's progress in meeting program and service strategy objectives, including the Trainee's acquisition of basic/occupational skills. Any deviations from the OJT Contract should be dealt with and documented promptly.