



Workforce Connections Program Services and Activities Work-Based Training	ADW-030-05
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Policy Approved By: WC Executive Director Policy Adopted on: 07-01-2016	

Policy purpose

To provide guidance on authorized program parameters for the provision of work-based training (WBT). Applicability under Title I of the Workforce Innovation and Opportunity Act (WIOA): Registered Apprenticeships (RA); Customized Training (CT); Incumbent Worker Training (IWT); and Transitional Jobs (TJs).

Background

WBT activities are employer-driven with the goal of full time unsubsidized employment after participation. Generally, WBT involves a commitment by an employer or employers to fully employ successful participants after they have completed the training program. WBT can be an effective strategy that provides additional opportunities for program participants and employers in both finding high quality work and developing a high quality workforce. There is a wide variety of WBT models, each of these models can be effectively used to target different job seeker and employer needs. It is important that all models have a strong ability to provide program participants with in-demand skills, opportunities for career advancement and employers with a skilled workforce. WBT models shall provide new skills for the participant, exposure to new occupations and careers, and work experience that can be highlighted on a resume and may help move the unemployed worker into permanent employment with the employer providing the training program.

Policy

In compliance with Title I of WIOA and its associated regulations, the Southern Nevada Workforce Development Board (SNWDB)/Workforce Connections (WC), will provide WBT opportunities for eligible program participants. WC has established that WBT programs are permissible only when the need for services have been properly identified through initial assessment and properly recorded in the Individual Employment Plan (IEP). All WBT programs/activities must be approved by WC prior to the commencement of the training activity. Providers of WIOA Title I services shall develop and implement policies and procedures that align with the requirements of this policy.

References

29 U.S.C. §3174 (c); P.L. 113-128 WIOA Secs. 3, 122, 134, 188, 189, 503; 29 CFR Part 38; 20 CFR §678.430; 20 CFR §680.700 – §680.850; TEGL 12-09; TEGL 3-15; TEGL 19-16; SCP 1.14

All information required by Federal, State, and local reporting requirements must be collected for each individual receiving services under WIOA Title I funded programs. The appropriateness of any services provided to an eligible program participant should be timely and accurately documented in the IEP and should show a clear linkage between the provided service and potential improvement in the participant’s employability or career objective goals.

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I. Work-Based Training (WBT)

WBT can be an effective training strategy that provides additional opportunities for participants and employers in both finding high quality work and developing a high quality workforce. Each of these work-based models can be effectively used to target different job seeker and employer needs.

A. Registered Apprenticeships (RA)

RA is an important component of potential training and employment services that the workforce system can provide to its customers. It is recommended to be used as a career pathway for job seekers and as a job-driven strategy for employers and industries. WC is committed to support the integration of RA as an employment and training strategy/solution for the providers of WIOA Title I services. WC encourages its providers of WIOA Title I services to develop strategies that will sustain and support program participants' placement in RA. These strategies may include the following:

1. The development of an ITA for a program participant to receive RA training;
2. The development of an OJT contract with the RA program for training program participants. The OJT contracts are made with the employer, and RA generally involves both classroom and on-the-job instruction. The OJT contract may be made to support some or all of the OJT portion of the RA program;
3. A combination of an ITA to cover the classroom instruction along with an OJT contract to cover on-the-job portions of the RA; and
4. Incumbent worker training may be used for upskilling apprentices who already have an established working/training relationship with the RA program.

Pre-apprenticeships may be used to provide work experiences that can help program participants obtain skills needed to be placed into RA.

B. Incumbent Worker Training (IWT)

IWT provides both workers and employers with the opportunity to build and maintain a quality workforce.

1. IWT shall be designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce, or avert the need to lay off employees, by assisting the workers in obtaining the skills necessary to retain employment.
2. IWT may be conducted at the business facility, the training provider's facility, or at a combination of sites.
3. The IWT shall be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.
4. Employer(s) must pay the non-Federal share of the cost of providing the training to their incumbent workers. Under Sec. 134 of WIOA, the minimum amount of employer share in the IWT depends in the size of the employer:
 - a) At least 10 percent of the cost, for employers with 50 or fewer employees;
 - b) At least 25 percent of the cost, for employers with 51 to 100 employees; and
 - c) At least 50 percent of the cost, for employers with more than 100 employees.
5. The following criteria must be taken into account prior to the approval of IWT:
 - a) The characteristics of the participants in the program;
 - b) The relationship of the training to the competitiveness of a participant and the employer;
 - c) The number of employees participating in the training program;
 - d) Wage and benefit level of participants (both pre- and post-participation);



- e) The employer must not have laid anyone off in the last 12 months to relocate to Nevada from another State; and
- f) Other training and advancement opportunities provided by the employer.

To receive incumbent worker funding under WIOA Title I an incumbent worker must have an employer-employee relationship and an established employment history of at least six (6) months with the employer. Incumbent workers are employed at the time of their participation and the contract funds are paid to the employer for training provided to the incumbent worker to either avert a lay-off or otherwise retain employment.

An ideal IWT would be one where a participant acquires new skills allowing him or her to move into a higher skilled and higher paid job within the company, thus allowing the company to hire a job seeker to backfill the incumbent worker's position. The IWT should, wherever possible, allow the participant to gain industry-recognized training experience and ultimately should lead to an increase in wages.

C. Customized Training

1. Defined:
 - a) The training is designed to meet the special requirements of an employer (or group of employers).
 - b) The training is conducted with a commitment by the employer to employ, or in the case of incumbent workers continue to employ, trainees upon successful completion of the training program.
 - c) The employer pays no less than 50 percent of the cost of training program.
 - d) The training program takes place at the job site or off-site, and is conducted by either the employer or by trainers that have been retained by the employer.
2. CT – Service Requirements
 - a) Training services may be provided through community colleges, local area vocational/technical centers, State universities, or licensed and certified private institutions.
 - b) CT may be conducted at the business facility, the training provider's facility, or at a combination of sites.
 - c) Instructors can be either full or part-time educators, or professionals from the local business community.
3. CT for an individual that is currently employed may be provided when:
 - a) The individual is not earning a livable wage, as determined by WC; or
 - b) The training relates to the introduction of new technologies, new production or service procedures, or upgrade to new jobs that require additional skills, workplace literacy, or other appropriate training approved by WC.
 - c) The participant must have an employer-employee relationship, and an established employment history of at least six (6) months, with the employer.
4. Participating employers shall be required to pay a significant cost of the CT, meaning paying at least 50% of the cost per individual. Exceptions to the established requirement may be granted based on the following factors:
 - a) Size of the employer;
 - b) Number of employees participating in training;
 - c) Trainees receive an industry recognized credential, or other recognized certificate of industry/occupational skills completion, sufficient to qualify for entry-level or advancement in employment;



- d) Wage and benefit level of those employees (at present and anticipated upon completion of the CT);
- e) Participating employers are utilizing the One-Stop Career Center services more than once;
- f) Unemployed trainees will be hired full time as a result of the CT program; and
- g) Relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities.

Request for exceptions must be in written format, the request shall indicate with accuracy the factors needed to validate the basis for the request. Request for exceptions must be directed to program managers for review. Additional information and/or support documentation may be required, as appropriate, if determined necessary by WC.

D. Transitional Jobs (TJs)

1. TJs are a new type of work-based training allowed under Title I of WIOA.
 - a) TJs are time-limited work experiences that are subsidized for individuals with barriers to employment who are **chronically unemployed** or have an inconsistent work history.
 - b) TJs can be effective solutions for individuals to gain necessary work experience that they would otherwise not be able to get through training or an OJT contract.
 - c) TJs may be in the public, private, or non-profit sectors.
 - d) The goal of TJs is to establish a work history for the individual, demonstrate work success, and develop the skills that lead to entry into and retention in unsubsidized employment.
 - e) TJs offer the opportunity for a program participant to earn a wage while learning the norms and behaviors of work, gaining on-the-job success, increasing stability at the job, and increasing soft and hard skills.
 - f) The difference between a **transitional job** and an **OJT** contract is that in a transitional job there is no expectation that the individual will continue his or her employment with the employer after the training is complete.
 - g) TJs must be combined with individualized career services and supportive services.
2. An ideal TJ program would have the following goals:
 - a) Stabilize individuals and families with earned income;
 - b) Teach expectations of the workplace experientially;
 - c) Address barriers to employment;
 - d) Build a work history and references;
 - e) Provide skills and experience to transition into unsubsidized employment; and
 - f) Address employment retention.
3. Core components of TJs:
 - a) Orientation;
 - b) Job readiness;
 - c) Support services;
 - d) Real wage paid;
 - e) Linkage to education and/or training; and
 - f) Unsubsidized job placement and retention.



4. WC established criterion for program participant compensation.
 - a) Compensation: minimum wage \$8.25 per hour – a minimum of four (4) hours and no more than eight (8) per training day.
 - b) Timeframe: shall not exceed 60 days (the number of days shall be determined based on assessment of skills development need).
 - c) Allowed supportive services: employment focused supportive services (e.g., transportation, child care, work related clothing).
 - d) The hourly rate cannot be more than that paid to any employee in the same or similar position.
5. TJs program models:

TJs placement may vary, depending on the type of TJ program. There are three (3) main program models: a) individual placement, work crews, and social enterprises. Regardless of the implemented program model, in each TJ program model the program participants must work with a mentor at the work site. Program staff must focus on determining the most feasible routes into unsubsidized employment for program participants.

E. Internship or Work Experience (WEX)

1. An internship or WEX is a planned, structured learning experience that takes place in a workplace for a limited period of time. These WBT activities may be paid or unpaid, as appropriate and consistent with other laws such as the Fair Labor Standards Act (FLSA) of 1938. An internship or WEX may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any WEX setting where an employee/employer relationship, as defined by FLSA, exist.
2. The main goal of a WEX is to establish a work history for the individual, and to develop the work-based skills necessary that lead to entry into and retention in unsubsidized employment. An internship or WEX can offer the opportunity for a program participant to earn a wage while learning the norms and behaviors of work, gaining on-the-job success, increasing stability at the job, and increasing soft and hard skills.
3. WC established criteria:

An internship or WEX may be made available to individuals who are **chronically unemployed**, or have an inconsistent work history (gap in employment of at least 12 months prior to enrolling) and have a substantial barrier to employment, including:

 - a) Returning citizens (offenders);
 - b) Displaced homemakers;
 - c) Refugees;
 - d) Individuals with disabilities;
 - e) Individuals with poor work history (less than six (6) months with 2-4 employers); and
 - f) Individuals whose prior occupation or industry has been eliminated or is in decline (must be supported by labor market information (LMI)).
4. Wages for paid internship or WEX shall not exceed an hourly rate of \$10.00 per hour. Exceptions may be requested in writing, with appropriate justification, from WC program manager.
5. The total maximum number of hours for a subsidized WEX or internship shall not exceed 480 hours.



6. An internship or WEX placement should be facilitated to align with the employment goal or career pathway identified in the participant's IEP. Justification must be documented.
7. In the event a sub-recipient seeks to also be a worksite, prior written approval with appropriate justification from WC program manager is required.

II. WBT General Provisions

- A. Shall only be approved for participants who have been properly assessed, and where an individual employment plan has been developed with a career coach to identify and document participant skills, interests, need for training, and employment goals.
- B. Case file must contain a determination of need for the WBT services, as identified in the individual employment plan (IEP) where the participant and career coach will identify employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment and career objective goals.
- C. In determining the appropriateness of the need for WBT, consideration shall be given to the skill requirements of the occupation, employer requirements, the academic and occupational skill level of the program participant, prior work experience, and the IEP. Skills gap analysis is required.
- D. A comprehensive training plan must be developed prior to WBT program start. The description of training must indicate the occupational areas or skills the program participant will be trained to perform, specific measurable objectives (along with number of hours of training required to obtain those skills), and the criteria for measuring and monitoring the attainment of those skills. Once skills have been identified and a method for measuring them has been established, trainee progress can be determined.

E. Provision of WBT for Employed Individuals

Consistent with section 134(c)(3)(A) of WIOA and its associated regulations codified at 20 CFR Part 680, WBT may be provided to an eligible employed individual when the employee **is not** earning a self-sufficient wage or wages comparable to, or higher than, wages from previous employment.

These guidelines are to be used for administrative purposes such as determining financial eligibility for WBT activities under WIOA Title I programs.

WC defined self-sufficient wage as:

- Employment that provides the worker with a household wage before deductions that is equal to, or greater than, 150% of the established LLSL for the past six (6) months prior to enrollment in the WIOA Title I program; **or**
- Employment that provides the worker a wage which is equal to 100% of the individual's wage at prior employment.

An eligible employed individual may be placed in a WBT activity when:

The requirements of this policy are met; and

The individual is not earning a self-sufficient wage as indicated above.



- F.** Providers of WIOA Title I services must not contract with an employer who has previously exhibited a pattern of failing to provide work-based program participants with continued long-term employment wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
- G.** WBT activities must be provided under an agreement with the employer. Prior to entering into an agreement with the employer, a pre-screening and/or pre-award assessment must be conducted to ensure that the employer meets the minimum standards and can provide both training and long-term employment to participants where applicable.

The pre-screening and/or pre-award assessment must include, at a minimum:

1. Compliance:

- a) Federal, State and local regulations;
- b) Fair Labor Standards Act of 1938;
- c) Non-discrimination and equal opportunity provisions of WIOA and its regulations;
- d) Americans With Disabilities Act;
- e) Health and safety standards; and
- f) State worker compensation law requirements.

2. Assurances

- a) The company has not exhibited a pattern of failing to provide WBT participants with continued long-term employment where applicable.
- b) The company verifies that WIOA funds will not be used to relocate operations in whole or part.
- c) The company has operated at current location for at least 120 days, or has planned a new or expanded operation within the local area.
- d) The company commits to providing employment for successful trainees as applicable and appropriate.
- e) WIOA training funds will not be used to directly or indirectly assist, promote or deter union organizing.
- f) The company must furnish information, including the company's IRS identification number, State unemployment insurance account number, and proof that all trainees will be covered under workers' compensation.
- g) The company must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any federal department or agency.
- h) Trainees shall not displace (including partial displacement, such as a reduction of hours of non-overtime work, wages, or employment benefits) any current employee, as of the date of the training agreement or contract.
- i) Training funds will not be approved for any company that has relocated until 120 days after the relocation, if that relocation resulted in the loss of employment for any employee at the previous location and the previous location was within the United States.



- j) To verify that an establishment which is new or expanding is not relocating employment from another area, the pre-award review must include names under which the establishment does business, including predecessor and successors in interest; and the name, title, and address of the company's official certifying the information, and whether WIOA Title I assistance is sought in connection with past or impending job losses at other facilities, including a review of whether WARN notices relating to the employer have been filed.
- H. What safeguards are there to ensure that participants in WIOA Title I employment and training activities do not displace other employees?**
- 1. A participant in a program activity authorized under Title I of WIOA must not displace (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed individual (as of the date of the participation).
 - 2. A program or activity authorized under Title I of WIOA must not impair existing contracts for services or collective bargaining agreements. When a program activity authorized under Title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.
 - 3. A participant in a program or activity under Title I of WIOA may not be employed in or assigned to a job if: 1) any other individual is on layoff from the same or any substantially equivalent job; 2) the employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; 3) the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.
 - 4. Regular employees and program participants alleging displacement may file a complaint under the applicable and/or established grievance procedures.
- I. WBT – The Agreement**
- 1. Must be fully executed, and will not be considered valid unless it is properly signed and dated by both the employer and the provider of WIOA Title I services. A copy of the fully executed agreement must be part of the program participant file.
 - 2. Required support documentation:
 - a) Properly completed pre-award assessment;
 - b) Copy of company's certificate of liability insurance – both commercial/industrial and workers' compensation;
 - c) Copy of valid business license;
 - d) Fully executed agreement between the provider of WIOA Title I services and the employer;
 - e) Skills gap analysis;
 - f) Fully executed training plan;
 - g) Copy of job description and/or O*NET occupation profile;
 - h) Copy of employer commitment to hire training program participant;
 - i) Copy of attendance records – signed by employer and WBT trainee (legible copies);
 - j) Copy of employer's invoices (legible copies); and
 - k) Copy of payment to employer for training hours.



J. WBT authorized program expenses CT & IWT only

1. Reimbursable training program expenses:
 - a) Authorized Federal share for the type of training program;
 - b) Delivery of training; and
 - c) Textbooks and instructional materials/manuals.
2. Non-reimbursable training program expenses may include, but are not limited to, the following:
 - a) Instructors/trainers salaries for the actual time of instruction/training;
 - b) Curriculum development costs;
 - c) Training equipment;
 - d) Travel expenses for instructors/trainers; and
 - e) Purchase of capital equipment (production equipment).

K. Prior Approval

The following information must be provided, as appropriate, to WC for WBT funding consideration under WIOA Title I programs.

1. Name and address of requesting organization, business, or agency.
2. Contact information, title, and telephone number, fax number and e-mail address.
3. Cost of the proposed training program:
 - a) Total cost of the training program;
 - b) Total WIOA Title I funds requested; and
 - c) Total employer contribution, describe in detail where applicable.
4. Description of proposed training program:
 - a) Need for training;
 - b) Occupational demand for trained individuals;
 - c) Type of training to be provided;
 - d) Length of proposed training;
 - e) Location of training site;
 - f) Target group for training; and
 - g) Number of individuals to receive training.
5. Training plan:
 - a) Objectives of the training program;
 - b) Specific skills to be learned;
 - c) Method of instruction; and
 - d) Measurement of objectives and skill attainment for trainees.
6. Employer involvement and commitment:
 - a) Curriculum design meeting needs of the employer; and
 - b) Written commitment of the employer to employ/retain WIOA participants who successfully complete the training program.
7. Budget:
 - a) Provide a narrative explaining how the funds will be utilized; and
 - b) Provide an itemized budget.

III. Occupational Eligibility

- A. WBT programs are allowable for occupations which are consistent with the participant's capabilities, are in-demand occupations which will lead to local employment opportunities enabling the participant to become economically self-sufficient, and which will contribute to the occupational development and upward mobility of the participant on a career pathway.



B. Occupations under which individuals may not participate in WBT include, but are not limited to, the following:

1. Occupations depending on commission as the primary income source;
2. Professional occupations for which the trainee already possesses a license (e.g., real estate agent, insurance agent);
3. Occupations dependent on tips or gratuities as the primary income source;
4. Occupations which provide for only temporary or intermittent employment;
5. Occupations with high labor turnover;
6. Occupations in lower wage industries where prior skill or training is not prerequisite for hiring;
7. Occupations which lead to relocation of establishment from one area to another;
8. Seasonal occupations; and
9. Occupations with a substantial number of experienced and able workers who are presently unemployed.