

STEVE FRANKS
DIRECTOR
OC COMMUNITY RESOURCES

JENNIFER HAWKINS, DVM
DIRECTOR
OC ANIMAL CARE

KAREN ROPER
DIRECTOR
OC COMMUNITY SERVICES

STACY BLACKWOOD
DIRECTOR
OC PARKS

HELEN FRIED
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

July 22, 2015

To: WIOA Service Providers of the Orange County
Workforce Development Area

From: Andrew Munoz
Community Investment Division Administrator/
Orange County Workforce Investment Board
Executive Director

Subject: WIOA Training Services Policy
Information Notice No. OCWDB-15-04

PURPOSE:

This policy provides guidance to all Orange County Workforce Investment Board (OCWIB) One-Stop System service providers on the requirements for the provision of Workforce Innovation and Opportunity Act (WIOA) training services.

Note: This policy is in accordance with WIOA legislation and Notice of Proposed Rulemaking (NPRM).

EFFECTIVE DATE: This notice is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128)
- Title 20 Code of Federal Regulations (CFR) "WIOA, Notice of Proposed Rulemaking" (NPRM) (April 16, 2015)
- U.S. Department of Labor (DOL) Training and Employment Guide Letter (TEGL) WIOA No.03-15. Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser as Amended by WIOA and Guidance for the Transition to WIOA Services, (July 1, 2015)

BACKGROUND

The OCWIB established this training policy to provide information and guidelines for local workforce service providers and partners utilizing training services funded under the WIOA Youth, Adult and Dislocated Worker programs; this policy does not apply to discretionary or other special grants.



**ORANGE COUNTY
WORKFORCE
INVESTMENT BOARD**

1300 SOUTH GRAND
BLDG. B, THIRD FLOOR
SANTA ANA, CA 92705
PHONE: 714.480.6500
FAX: 714.834.7132



TRAINING SERVICES POLICY

The OCWIB WIOA Training Services Policy Matrix, Attachment A, provides guidance and information for implementing training services. The Matrix includes training length, training cost/tuition limit, participant eligibility, employer eligibility and contributions, service provider requirements, waivers and other WIOA requirements. Training services defined under WIOA § 134 (c) (3) (D) include Individual Training Account (ITA), On-the-Job Training (OJT), Customized Training (CT), Incumbent Worker Training (IWT), and Transitional Jobs (TJ). Training services are available to eligible employed and unemployed Adults and Dislocated Workers defined under WIOA §134 (c) (3) (A) and 20 CFR §680.210; and eligible Youth/Young Adult under WIOA §129 (c) (2) (C) (4), and (D), 20 CFR §681.550 and 20 CFR §681.600.

All training services must be linked to an in-demand occupation. Participants may be provided more than one type of training service, if the need for such additional services are established and documented in participant's Individual Employment Plan (IEP)/Individual Service Plan (ISP).

ACTION:

Bring this policy to the attention of all staff.

INQUIRIES:

If you have any questions regarding this policy, contact the OCWIB by calling 714-480-6500 or ocwib@occr.ocgov.com.

ATTACHMENT:

Attachment A - OCWDB WIOA Training Services Policy Matrix

OCWDB WIOA Training Services Policy Matrix

Individual Training Account (ITA)

Training Service	Definition	Time Limit	Participant Eligibility	Training Cost/Tuition Limits	ATPD Training Provider/Programs	Service Provider Requirements	OCWIB Waivers
Individual Training Account (ITA)	<p>A payment voucher established with a training provider on behalf of a participant for training selected in consultation with Staff. (20 CFR § 680.300)</p> <p>ITAs and other training services are coordinated with the development of an Individual Employment Plan (IEP) for Adults and Dislocated Workers and Individual Service Plan (ISP) for Youth. Staff is to identify employment goals, achievement objectives, and appropriate combination of services for the participant to achieve their employment goals, including providing information on eligible providers of training services and career pathways to attain career objectives.</p>	<p>Not to exceed 24 months.</p> <p>Exception: A break in training may be approved by Staff. The total length of the training before and after an approved break shall not exceed 24 months.</p>	<p>Eligible participants are Adults and Dislocated Workers defined under 20 CFR § 680.210; and Youth under 20 CFR § 680.460 and 20 CFR § 681.550. Training services may be provided if staff determines after an interview, evaluation or assessment, and career planning that the participant:</p> <ul style="list-style-type: none"> Is unlikely or unable, or in need of training to obtain or retain employment that leads to self-sufficiency or wages comparable or higher than previous employment than through career services alone; Has the skills and qualifications to successfully participate in selected training; and Is unable to obtain financial assistance from other sources. 	<ul style="list-style-type: none"> Per participant, the training cost/tuition limit for any single or combination of training, as part of an Individual Employment Plan (IEP)/Individual Service Plan (ISP) is: <ol style="list-style-type: none"> up to \$10,000 or, up to \$15,000, for ITAs in high demand and high cost programs, such as in Information Technology (IT) and/or Health Care. Costs for job readiness, ESL and GED are excluded from the ITA limit. If the tuition is greater than the limit and available grant assistance, the participant may be required to pay the balance of costs. 	<p>ITAs will only be established for training providers and programs selected from the most recent published OCWIB Approved Training Partners Directory (ATPD).</p> <p>The ATPD is a local list of training providers and programs that meet demand occupation and State Eligible Training Provider List (ETPL) criteria and is updated monthly.</p>	<p>Staff shall:</p> <ul style="list-style-type: none"> Determine participant's WIOA eligibility and need for training. Develop an IEP/ISP. Ensure the training selected leads to the participant's path towards self-sufficiency. Complete an ITA Obligation Form and a WIOA Participation/Registration Form for One-Stop (OS) Manager approval and submission to OCWIB Accounting for a voucher number. Complete an ITA Authorization Form (ITA voucher) with OS Manager and participant signatures, for the participant to bring to the training provider to enroll in a selected training program. Ensure other available grants to the participant, such as Pell, are coordinated with the funding source to offset the WIOA training costs, if applicable. (20 CFR § 680.230) Track and document participant progress, attendance, completion, industry-related certifications, resulting employment, and job retention. 	<p>The OCWIB Executive Director may approve costs above limits on a case-by-case basis and under certain circumstances as supported by labor market data and/or specific participant need.</p>

Work-Based Trainings (OJT, CT, IWT and TJ)

Training Service	Definition	Time Limit/Other Qualifications	Participant Eligibility	Employer Eligibility	Employer Contribution/Responsibility	Service Provider Requirements	OCWIB Waivers
On-the-Job Training (OJT)	<p>This training is provided by an employer to a participant who becomes a regular employee of the company upon commencement of the training, which provides knowledge or skills essential to the full and adequate performance of the job. (20 CFR § 680.700)</p> <p>OJT is provided under a contract with an employer or a group of employers. The minimum wage rate for OJT contracts must be \$15.25 an hour for Dislocated Workers, and \$12.00 an hour for Adult participants.</p>	<p>OJT must be limited in duration for a participant to become proficient in the occupation being trained for, considering the knowledge or skills essential to the full and adequate performance of the job, (20 CFR § 680.700 (c))</p> <p>Local Policy: May not exceed 500 hours.</p>	<p>Eligible participants are Adults and Dislocated Workers defined under 20 CFR § 680.210; and Youth under 20 CFR § 680.460 and 20 CFR § 681.600. Training services may be provided if a Staff determines after an interview, evaluation or assessment, and career planning, that the participant:</p> <ul style="list-style-type: none"> Is unlikely or unable, or in need of training to obtain or retain employment that leads to self-sufficiency or wages comparable or higher than previous employment than through career services alone; Has the skills and qualifications to successfully participate in selected training; and 	<ul style="list-style-type: none"> Provided by an employer in the public, private non-profit or private sector. (20 CFR § 680.700 (a)) Contracts must not be entered with an employer who has exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages and employment benefits equal to regular employees performing the same type of work for the same length of time. (20 CFR § 680.700 (b)) 	<ul style="list-style-type: none"> OJT is provided for occupational training in exchange for up to 50% wage reimbursement to the employer for providing the training and supervision; 20 CFR § 680.720, and up to 75 % using the criteria in 20 CFR § 680.730 (a) and (b). The training to be provided will be in accordance with WIOA § 181 (a) (1) (A) and (2), and workers protection requirements set forth in WIOA § 181 (a) (1) (A) and (B); WIOA § 181 (b) (1) to (5), and be in compliance with 20 CFR § 680.850. 	<p>Staff shall:</p> <ul style="list-style-type: none"> Determine participant's WIOA eligibility and need for training. Develop IEP/ISP. Ensure the training selected leads to the participant's path towards self-sufficiency. Ensure other available grants to participant are coordinated with the funding source to offset the WIOA training costs, if applicable. (20 CFR § 680.230) Develop and track employer OJT contracts to meet the policy requirements. Track and document participant progress, attendance, completion, industry-related certifications (if any), and job retention. 	<p>The OCWIB Executive Director may approve exceptions to hours and wages on a case-by-case basis within State and Federal regulations.</p>

OCWDB WIOA Training Services Policy Matrix

Training Service	Definition	Time Limit/Other Qualifications	Participant Eligibility	Employer Eligibility	Employer Contribution/Responsibility	Service Provider Requirements	OCWIB Waivers
<p>Customized Training (CT)</p>	<p>This training is designed for employees who are not earning self-sufficient wages, requiring skills upgrade to meet the special requirements of the employer or a group of employers where the employer commits to employ or in case of incumbent workers, continue to employ all individuals upon successful completion of training. (20 CFR § 680.760, and 20 CFR § 680.770)</p> <p>CT is provided under a contract with an employer or a group of employers.</p>	<p>CT must be limited in duration to the time period required for employees to gain proficiency with the new technology, new production or services producers, or with new jobs that require additional skills.</p>	<p>Eligible participants are Adults and Dislocated Workers defined under 20 CFR § 680.210. Training services may be provided if staff determines after an interview, evaluation or assessment, and career planning that the participant:</p> <ul style="list-style-type: none"> • Is unlikely or unable, or in need of training to obtain or retain employment that leads to self-sufficiency or wages comparable or higher than previous employment than through career services alone; • Has the skills and qualifications to successfully participate in selected training; and • Is unable to obtain financial assistance from other sources. 	<ul style="list-style-type: none"> • Provided by an employer in the public, private non-profit or private sector. (20 CFR § 680.700 (a)) • There shall be no contract with employers who have exhibited a pattern of participants not retained and failed to provide long term employment and benefits equal to regular employees with a similar length of time and the same type of work. 	<ul style="list-style-type: none"> • The employer must pay for a "significant cost of training." (20 CFR 680.760) • Must ensure the training to be provided will be in accordance with WIOA § 181 (a) (1) (A) and (2), workers protection requirements set forth in WIOA § 181 (a) (1) (A) and (B); WIOA § 181 (b) (1) to (5), and be in compliance with 20 CFR § 680.850. Provided funds to employers for work-based training, must not be used to directly or indirectly assist, promote or deter union organizations. WIOA § 181 (b) (7). 	<p>Staff shall:</p> <ul style="list-style-type: none"> • Determine participant's WIOA eligibility and need for training. • Develop an IEP/ISP. • Ensure the training selected leads to the participant's path towards self-sufficiency. • Ensure other available grants to the participant are coordinated with the funding source to offset the WIOA training costs, if applicable. (20 CFR § 680.230) • Develop and track employer CT contracts to meet the policy requirements. • Track and document participant progress, attendance, completion, industry-related certifications (if any), and job retention. 	<p>N/A</p>
<p>Incumbent Worker Training (IWT)</p>	<p>Incumbent Worker Training is designed to meet the special requirements of an employer or a group of employers to retain a skilled workforce or avert potential layoffs by assisting the workers to obtain necessary skills to retain employment. (20 CFR § 680.790)</p> <p>IWT is provided under a contract with an employer or a group of employers.</p>	<p>IWT must be limited in duration to the time period required for employee to gain proficiency with new technologies, new production or services producers, or with new jobs that require additional skills.</p>	<p>Eligible participants are Adults and Dislocated Workers defined under 20 CFR § 680.210. Training services may be provided if Staff determines after an interview, evaluation or assessment, and career planning that the participant:</p> <ul style="list-style-type: none"> • Is unlikely or unable, or in need of training to obtain or retain employment that leads to self-sufficiency or wages comparable or higher than previous employment than through career services alone, • Has the skills and qualifications to successfully participate in selected training; and • Is unable to obtain financial assistance from other sources. <p>IWT participants must be employed with the employer for at least six months prior to training. (20 CFR § 680.780)</p>	<ul style="list-style-type: none"> • Provided by an employer in the public, private non-profit or private sector. (20 CFR § 680.810) 	<p>The employer or a group of employers must pay for the non-Federal share of the cost of providing the training to their incumbent workers. The amount of the non-Federal share will depend upon the limits established under WIOA § 134 (d) (4) A (ii), (C) and (D).</p> <p>The employer must ensure:</p> <ul style="list-style-type: none"> • The training to be provided will be in accordance with WIOA § 181 (a) (1) (A) and (2) • They will meet workers protection requirements set forth in WIOA § 181 (a) (1) (A) and (B); WIOA § 181 (b) (1) to (5), and be in compliance with 20 CFR § 680.850. • Provided funds for work-based training, must not be used to directly or indirectly assist, promote or deter 	<p>Staff shall:</p> <ul style="list-style-type: none"> • Determine participant's WIOA eligibility and need for training. • Develop an IEP/ISP • Ensure the training selected leads to participant's path towards self-sufficiency. • Ensure other available grants to participant are coordinated with the funding source to offset WIOA training costs, if applicable. (20 CFR § 680.230) • Develop and track employer IWT contracts to meet the policy requirements. • Track and document participant progress, attendance, industry-related certifications (if any), and job retention. 	<p>Proposed 20 CFR § 680.800 states that local areas may use up to 20% of their combined total of Adult and Dislocated Worker funding allotments.</p>

OCWDB WIOA Training Services Policy Matrix

Training Service	Definition	Training Qualifications	Participant Eligibility	Employer Eligibility	Employer Contribution/ Responsibility	Service Provider Requirements	OCWIB Waivers
Transitional Jobs (TJ)	<p>Transitional jobs are time-limited work experiences that are subsidized for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. The goal is that eligible participants develop skills, gain necessary work experience, establish a work history and demonstrate work success that would lead them into unsubsidized employment. (20 CFR §680.830)</p> <p>TJ is provided under a contract with an employer.</p>	<p>Must be combined with comprehensive career services, 20 CFR § 680.150 and supportive services, 20 CFR § 680.900. Participants are not expected to continue with the same employer after work experience is completed. The training is designed to enable individuals to establish work history, demonstrate work successes, and develop the skills that lead to unsubsidized employment.</p>	<p>Eligible participants are Adults and Dislocated Workers defined under 20 CFR § 680.210. Training services may be provided if Staff determines after an interview, evaluation or assessment, and career planning that the participant:</p> <ul style="list-style-type: none"> • Is unlikely or unable, or in need of training to obtain or retain employment that leads to self-sufficiency or wages comparable or higher than previous employment than through career services alone; • Has the skills and qualifications to successfully participate in selected training; and • Is unable to obtain financial assistance from other sources <p>Participants considered for TJ are individuals with barriers, basic skills deficient, chronically unemployed or have an inconsistent work history.</p>	<ul style="list-style-type: none"> • Subsidized employment under Transitional Jobs is provided by an employer in the public, private non-profit or private sector. (20 CFR § 680.830) 	<ul style="list-style-type: none"> • Enable individuals to establish work history, demonstrate work successes, and develop skills gained that will lead to unsubsidized employment, WIOA § 134 (d) (5). • Funds provided to employers for work-based training must not be used to directly or indirectly assist, promote or deter union organizations. (WIOA § 181 (b) (7)) 	<p>Staff shall:</p> <ul style="list-style-type: none"> • Determine participant's WIOA eligibility and need for training. • Develop an IEP/ISP • Ensure training selected leads to the participant's path towards self-sufficiency. • Ensure other available grants to the participant are coordinated with the funding source to offset the WIOA training costs, if applicable. (20 CFR § 680.230) • Enter into a contract with employer and maintain the participant payroll. • Track and document participant progress, attendance and employment. 	<p>Proposed 20 CFR § 680.840 states that local areas may reserve up to 10% of their combined total of Adult and Dislocated Worker allotments for TJ and must be provided along with comprehensive career services and supportive services.</p>