



## Policy as Related to On The Job Training (OJT)

As approved by the CSS WFNY Board: February 2, 2012.

**Policy:** Effective February 1, 2012, for those individuals who are seeking approval for Workforce Investment Act (WIA) Adult or Dislocated Worker On-The-Job Training (OJT) being paid for, in whole or in part, by Chemung Schuylers Steuben Workforce New York (CSS WFNY,) the following policy will be in effect:

- 1) CSS WFNY does not currently do WIA Youth funded OJT.
- 2) OJT contracts funded by TAA resources follow the guidelines according to the federal laws and regulations related to the petition number.
- 3) CSS WFNY defines OJT Training services as part of the services that a LWIB may provide to the Business Community under WIA.
- 4) Businesses must reside in the tri-county area to take advantage of local WIA funded OJT Training opportunities, unless a MOA agreement with the CSS WFNY Board of Directors to service those residing outside the local area is active. Participant residency does not apply.
- 5) For a business to enter in to a contract for OJT training services, the potential participant must meet all relevant WIA eligibility, and core information must be collected/completed before training begins.
- 6) If there is a "Priority of Service" in place, priority of service will be given to businesses with no past violations of federal, state or local WIA requirements; in ascending order of occurrences.
- 7) All participant(s) and employer(s) shall be provided the CSS Workforce New York Grievance Policies & Procedures either as a stand-alone document or as part of a program manual.
- 8) Businesses may use a simple, three step process to apply for an OJT. This simple process will gather the required information.
  - a. Complete and submit to CSS WFNY Administrative Staff (1) NYSDOL Vetting paperwork and (2) pre-application agreement and survey.
  - b. Assist with the recruitment of applicant(s) for open position(s).
  - c. Design a training plan and enter in to a training contract.

*To minimize paperwork redundancy, some data elements required by NYSDOL policy for pre-approval may be found on applicant training packet.*

- 9) Minimum criteria for business consideration:
  - a. Determination by NYSDOL stating the business is "Found to be Responsible"
  - b. CSS WFNY Staff review of pre-application agreement and survey shows sufficient program eligibility is met.

- c. When re-contracting with a previous OJT employer, past performance including job retention in job training or related activities, fiscal accountability, and ability to meet performance standards should be taken into account. OJT contracts will not be written with a business who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment (defined as six months minimum) as regular employees.
  - d. When re-contracting with a previous OJT employer, failure to meet training plan criteria may be grounds for suspension from receiving further training funds; as determined by the Executive Director.
- 10) Successful performance standards are defined as follows:
- a. For companies with less than seven OJT contracts in the previous 24 months; the following defines the acceptable past performance:
    - i. If less than 80% successful training plan completion, then the Business Services Manager (BSM) will conduct an investigation into the circumstances and determine if the site is suitable for future OJT training. If the site is determined not to be suitable, then the business may request an investigation by the Executive Director.
  - b. For companies with eight or more OJT contracts in the previous 24 months, the following defines the acceptable past performance:
    - i. If less than 90% successful training plan completion, then the Business Services Manager (BSM) will conduct an investigation into the circumstances and determine if the site is suitable for future OJT training. If the site is determined not to be suitable, then the business may request an investigation by the Executive Director.
- 11) OJT training for public sector employers, gambling establishments, swimming pools, aquariums, zoos, and golf courses is not permitted.
- 12) It is the responsibility of the business to provide a current job description of the open position, if available. If there is no Job Description, CSS WFNY will assist with the development of a basic job description. The job description shall be utilized as the basis for the training outline.
- 13) It is the responsibility of the CSS WFNY to utilize the NYSDOL Vetting information, pre-award agreement and survey, applicant training packet, job description, and other tools as may be necessary, to develop the contract in alignment with Federal, State and Local regulations and requirement.
- 14) Individuals to be trained using OJT must meet minimum eligibility and suitability criteria:
- a. The participant(s) must meet WIA eligibility as established by federal law and regulation.
  - b. The participant(s) must thoroughly complete the "Training Information & Referral Forms" with one form of identification (driver's license, passport or birth certificate, DD-214, green card, work permit, or tribal record). All core information must be collected/completed before training begins.
  - c. All males over the age of 18 must be registered with selective service to be eligible. If they were born before 1960, registration is not necessary. Males born after 1960 who did not register must provide a written reason.

15) Suitability of the OJT Training and Employment Site:

- a. New Hire OJT participant(s) must complete the intake package prior to beginning their first day of work.
- b. Upgrade OJT participant(s) must complete the intake package prior to starting new job title and increase in wage, if applicable.
- c. Position must be hired for, or currently work, a permanent, full-time position of 30/hours per week or more. Temporary & seasonal workers do NOT qualify.
- d. CSS WFNY will not OJT independent contractor, nor will we OJT positions that pay based upon commissions, tips, piece work or incentives.
- e. CSS WFNY will not provide OJT for a past employee of a company.
- f. CSS WFNY currently caps its reimbursement percentage at 50%, unless a specific waiver for unique funding resources is secured.
- g. Participant overtime, vacation, sick, personal, holiday and other non-regular hours are not included in the allowable reimbursement calculations.
- h. All training participants must earn less than the self-sufficiency level approved by the CSS WFNY Board of Directors (currently \$35.00 per hour) to meet the wage criteria at the time of application and throughout the duration of the OJT contract period.
- i. Employed OJT participants must earn less than the self-sufficiency rate and employers must agree to provide a \$1.00/hr. increase & a new job title change at the start of the contract period.

16) The participant training plan will meet the following minimums:

- a. The job description shall be utilized as the basis for the training outline.
- b. The training plan will -
  - i. outline the skills and competencies the trainee is expected to learn,
  - ii. Identify training start/end dates,
  - iii. number of anticipated hours of training.
- c. Successful completion of training may include one or more of the following (not an exhaustive list) –
  - i. 90% or more of training plan hours were completed,
  - ii. Trainee still employed at end of training term,
  - iii. Employer determines that employee has attained the training outcomes identified in the plan.
- d. Trainee will sign the OJT contract acknowledging (not an exhaustive list) –
  - i. Contract maximum cost, term, duration, reimbursement percentage and reimbursement schedule,
  - ii. Concurrence under any relevant collective bargaining agreement, if applicable,
  - iii. All of the assurances being provided as part of the contract terms.

17) A skill gap assessment will be conducted for each candidate to determine if there is a need for training, and that OJT is anticipated to be able to meet the need(s).

- a. Assessment items reviewed may include some or all of the following (not an exhaustive list):
  - i. Prior work experience,
  - ii. Prior education and training,
  - iii. The job title shall be matched to O'NET and DOT.

- iv. An SVP Code shall be utilized to determine the maximum allowable hours the individual can be trained.
- v. It is at the discretion of the business services staff to deduct hours for education, work experience & transferrable skills sets they feel the individual possesses for their new position.
- vi. Once the hours/weeks are determined the hours are then multiplied by the hourly rate and divided in half for the 50% reimbursement, not to exceed the current allowable maximum rate set by the CSS WFNY Board of Directors.
- vii. Certain grants may require additional skills gap assessments above and beyond the allowable WIA OJT staff assessment of comparing the work history, education and SVP model. In such cases, the applicable regulations will be followed.

18) The vouchering process for business will proceed as follows:

- a. Business and trainee shall both sign-off on the OJT Reimbursement Voucher signifying the completion of training, and that the employee has retained employment.
- b. All required payroll documentation is attached to the voucher.
- c. All above documentation is submitted to CSS WFNY Administrative Offices, attention BSM.
- d. The contractor agrees upon payment of this final claim that all payments due have been received and there is no further claim upon CSS WFNY or the state of New York under such contract

19) The BSM will be the lead staff assigned to contact administration unless otherwise noted, or as may be assigned by Executive Director.

- a. The contract shall contain all Federal, State and Local regulatory mandates for the program and should be read thoroughly as it will be legally binding once the CSS WFNY Executive Director signs and executes the contract.
- b. Minimum contract package contents:
  - i. Applicant Intake package(s)
  - ii. Standard OJT Contract Template
  - iii. Relevant amendments specifying exceptions based upon unique funding requirements, if applicable.
- c. Original copies of the contract shall be signed by the business, union, if applicable, and the trainee. Once the contract is formally executed, the business will receive their copy via mail for their records

20) CSS WFNY is required to monitor OJT contracts in alignment with applicable federal, state and local regulations. As such, the following apply:

- a. At least one monitoring event will occur during the period of the training contract. These may take the form of onsite visit, phone, email or other communication means determined effective for the situation. Onsite is always preferred.
- b. Participant payroll records for the entire term of the contract are collected as verification of proper wages and tax withholdings. In instances whereby the payroll records do not specifically record and document the breakdown between regular, vacation, sick, personal, holiday or other non-regular hours, employee time records will be reviewed for compliance and contract administration.

- c. For any issues arising out of items a. or b. above requiring corrective action, the Contractor will be given 30 days to respond to the report and make corrective action. A follow up monitoring visit will then be completed within 30 days (within 60 days of presentation of findings to Contractor) A monitoring report will be prepared with the result of the follow up visit.
- d. All OJT contracts are monitored by CSS WFNY Administrative Staff to ensure compliance with contract terms, allowable costs, and conditions.

21) Supplemental Information for Specific OJT Funding Sources:

- a. Special-funded OJT Program shall follow the terms of the policies and procedures as set forth by either the federal or state rules and regulations distributed. Staff shall add them to the current Policies and follow them with the guidance of the NYS DOL.
- b. Trade Act Adjustment OJT
  - i. Caps and relevant rules and regulations will follow federal law related to petition number.
  - ii. Currently, maximum training dollars per eligible trainee is capped at \$20,000 if the total training period is more than 52 weeks, and \$10,000 if the training period is 52 weeks or less.
- c. National Emergency Grant (NEG) OJT
  - i. Program Eligibility requirements:
    - 1. OJT/NEG program provides funding for OJT with private for profit and not -for- profit businesses. They cannot, however, be used to fund OJTs with public entities, gambling establishments, swimming pools, aquariums, zoos and golf courses.
    - 2. Eligible participants must; be enrolled in the WIA Dislocated Worker program, have a dislocation date of January 1, 2008 or later, be long term unemployed (27 weeks or longer), and have a skills assessment through JobZone.
  - ii. To qualify for NEG OJT reimbursement, a position must be full time (minimum of 30 hours per week), and pay an hourly wage up to \$24.42 (NYS average wage rate), OR if the position pays more than the state's average wage, the reimbursement would be based on the state average and not the actual wage paid.
  - iii. Reimbursement can be for a maximum of 6 months
  - iv. CSS WFNY did not request waiver for business size.
  - v. NOA request & de-obligation process:
    - 1. To initiate a Notice of Obligational Authority (NOA) submit a completed request form to [labor.sm.OJT-NEG@labor.ny.gov](mailto:labor.sm.OJT-NEG@labor.ny.gov) with the subject line NOA Funding for [Company name] and in the body of the e-mail put the trainee's name.
    - 2. Approval must be received before OJT contract can proceed.
    - 3. To de-obligate funds, send an e-mail to [ojt-neg@labor.state.gov](mailto:ojt-neg@labor.state.gov) with the subject line OJT/NEG Deobligation – [Individuals name] and in the body of the e-mail put the amount to be deobligated.

Procedural Specifics

- 1) Outreach activities to Businesses may include, but is not limited to: Job Fairs, Employer-sponsored Recruitments, Job Orders, Media, Training Assistance, Human Resource Assistance, etc.. Additionally, job seekers are encouraged to market the program directly to employers.
- 2) From time to time, employers may seek a pool of candidates that would benefit from OJT training. When this occurs, we will work to recruit individuals through the One Stop Career Centers. Additionally, job seekers are encouraged to market the program directly to employers. Career Center Staff will refer customers to the BSM in these instances.