**Attachment J**

# PROCEDURE FOR TRAINING SERVICES

**Purpose**

To provide general direction in providing training services to adults and dislocated workers, including displaced homemakers.

**Policy**

**Training Services:** Training services may be made available to employed and unemployed adults and dislocated workers (including displaced homemakers) who have met the eligibility requirements for intensive services, have received at least one intensive service, and have been determined to be unable to obtain or retain employment or obtain self-sufficient wage without receiving training services. In addition, after the need for training services is determined through an interview, objective assessment, evaluation, or case management, the One Stop operator or service provider must determine:

* The participant has the skills and qualifications necessary to successfully complete the selected training program.
* The training program is directly linked to employment opportunities in the local area or in another area to which the participant is willing to relocate upon completion of training.

**Available Services:** Training services include, but are not limited to, the following:

* Occupational skills training, including training for non-traditional employment
* On-the-Job Training
* Training that combines workplace training with related instruction, which may include cooperative education programs
* Training programs operated by the private sector
* Skill upgrading and re-training
* Entrepreneurial training
* Job readiness training
* Adult education and literary-skills training provided in combination with the training services identified above
* Customized training

**Financial Assistance:** Financial assistance under the Workforce Innovation and Opportunity Act is available for training services for adults and dislocated workers who are unable to obtain grant assistance from other sources to pay for their training, or who require financial assistance beyond the assistance available from other sources to pay for their training. Other grant assistance include Pell Grants, Welfare to Work funds, State training funds, scholarships, and Trade Adjustment Assistance funds.

All participants receiving training services under the Workforce Innovation and Opportunity Act program must have an Individual Training Account (ITA) established on their behalf to finance training activities and associated costs. The following exceptions apply:

* On-the-Job Training or customized training projects.
* Instances where the Workforce Development Board has determined there are an insufficient number of eligible training providers in the local area to establish an individual training account system. (The Greater Nebraska Workforce Development Board has not made this determination.)
* A training program of demonstrated effectiveness, if offered in the local area by a community­ based organization or private organization, which serves special populations who face multiple barriers to employment.

To identify the requirements for on-the-job training contracts and customized training projects.

# Policy

On-the Job Training: On-the-job training (OJT) is training by an employer provided to a paid client while engaged in productive employment. The employer may be from the public, private non-profit or private sectors. The OJT training program:

* Provides knowledge or skills essential to the full and adequate performance of the job.
* Provides reimbursement to the employer for up to fifty percent of the wage rate of the clients, for the extraordinary costs of providing the training and additional supervision related to the training.
* Is limited in duration as appropriate to the occupation the client is being trained for, taking into account the training content, participant's prior experience, and the service strategy of the participant.

Customized Training: Customized training means training:

* Designed to meet the special requirements of an employer or a group of employers.
* Conducted with a commitment by the employer(s) to employ the client upon successful completion of the training.
* Employer pays for not less than 50 percent of the training costs.
* Customized training projects must be approved by the Workforce Development Board.

On-The-Job Training Contract: A training contract must be developed between the service provider and the employer providing the training. The service provider must conduct a pre-award review to determine if the employer is qualified and capable of entering into a contractual agreement to provide on-the-job training. The pre-award review, in addition to the client's employment plan, will provide supporting documentation for the appropriateness of the on-the-job training assignment. A pre-award review must be completed prior to the negotiation and approval of the OJT contract.

Limitations:

* The OJT contract must be limited to the period of time required for the client to become proficient in the occupation for which the training is being provided.
* Employers who have exhibited a pattern of failing to provide OJT clients with continued long term employment and wages, benefits, and working conditions equal to regular employees who have worked a similar length of time at the same type of work, shall not be considered for OJT contracts.
* Employers who have been debarred or suspended from receiving federal contracts shall not eligible for an OJT contract.
* OJT contracts shall not be developed for:
	+ Positions which do not provide a self-sufficient wage. (A self-sufficient wage is defined as a wage that provides sufficient income to support a minimally decent standard of living, without public cash assistance.)
	+ Positions which receive a majority of pay from commission or piece rate wages.
	+ Positions which are intermittent or seasonal.
	+ Temporary employees who are supplied to an employer by a temporary agency/contractor.
	+ Temporary positions except when the employer has the common practice of hiring all employees on a temporary basis, and letting them work into full-time permanent status after achieving pre-determined productivity levels, meeting qualitative standards, maintaining satisfactory attendance record, and/or other criteria as specified in the company's personnel policy.
	+ Occupations in companies which have experienced a greater than average turnover rate during the preceding twelve-month period for similar types of industries.
	+ Industries with a substantial number of experienced and able workers who are presently unemployed within the same labor market area (50 - mile radius).
	+ Any establishment, or part thereof, that has relocated within the United States,

Washington DC, and its territories, until 120 days after the date on which such establishment commences operations at the new location, if the relocation results in a loss of employment for any employee at the original location.

Workers' Compensation: All employers covered by the Nebraska Workers' Compensation law are required to provide Workers' Compensation Insurance for OJT employees. Employers exempt from Workers' Compensation (farm/ranch laborers and household domestic workers) are required to provide adequate on-site medical and accident insurance. Workers' compensation provides medical care and income maintenance protection to workers disabled from work-related injury or illness.

Income maintenance coverage is not required for clients who are employed by exempt employers.

Exempt employers are required to certify in writing they provide adequate on-the-job training site medical and accident insurance. In addition, the OJT client should document that he/she understands the job is not covered by Workers' Compensation insurance and in the event of an injury; he/she would have no claim against the State of Nebraska, the Greater Nebraska Workforce Development Board or the Service Providers.

Types of Contracts: Most OJT contracts will be for full-time employment, or 40 hours per week. Part time OJTs may be written for 20 or more hours per week for persons whose need for employment is best served by less than full time work (for example, as appropriate, older workers, handicapped, single parents). In addition, a part time OJT contract of 20 or more hours per week may be written for a person seeking full time employment when no appropriate full time employment is realistically available. A client may not receive training concurrently on two part time OJT contracts.

Work Opportunities Tax Credit (WOTC): For employers to receive a tax credit under these programs, the application for such credit must be forwarded to the Nebraska Employment Service on or before the start date of the job. Even though the one-year clock for WOTC starts on the first day of the OJT, the employer cannot claim a tax credit until the contract is completed. Questions on WOTC should be referred to the Employment and Training WOTC office at (402) 471-9977 .

Employer Referrals: Employers may refer individuals to the service provider for a determination of program eligibility and assessment of suitability for the-job training. Employer referrals cannot exceed thirty three percent (33%) of the total OJT contracts developed by the Service Provider.

OJT Tool Contract: Workforce Development is the purchaser and owner of all OJT tools and/or equipment for the client's use during the OJT. Upon successful completion of the OJT the tools and equipment purchased will become the client's property. If the client does not complete the contracted OJT for any reason, all tools and equipment must be returned to Workforce Development.

Forms: Templates of the OJT Plan and the OJT Related Education Online forms are available. The service provider may elect to use these forms or develop forms that better suit their purpose.