

Work-based Training: Adult & DLWs

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Approval	GNWDB

Reference

Workforce Innovation and Opportunity Act (WIOA) 134; 20 CFR §§ 680.180-680.195, 680.710-680.840; TEGL 19-16, Nebraska Department of Labor (NDOL) Work-based Training Policy.

Policy

Background

Work-based training can be an effective training strategy that provides additional opportunities for employers and adult and dislocated worker program participants. Work-based training presents a great opportunity for fostering increased employer engagement, implementing sector strategies, and encouraging industry partnerships, as these types of training allow employers to train their employees while continuing to be productive members of the workforce.

Internships and Work Experience

An internship or work experience:

- is a planned, structured learning experience that takes place in a workplace for a limited period of time;
- may be paid or unpaid, as appropriate and consistent with laws such as the Fair Labor Standards Act (FLSA); and
- may be arranged within the public, private or non-profit sectors.

Labor standards apply in any work experience setting where an employee-employer relationship exists as defined by FLSA.

Transitional Jobs

The Workforce Innovation and Opportunity Act (WIOA) allows local boards to provide transitional jobs, defined as time-limited work experiences that are wage-paid and subsidized, and are in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the board.

Transitional jobs must be combined with comprehensive career services and supportive services. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

There is no requirement that the employer retain the individual upon completion of the transitional job; however, retention is preferred for the benefit of the worker and employer when appropriate.

Funds

The local area may use up to 10 percent of their combined total of adult and dislocated worker allocations.

Example: If a local area receives \$1.5 million in adult funds and \$1.0 million in dislocated worker funds, the local board may use up to \$250,000 for transitional jobs.

Participant Eligibility

In addition to meeting general eligibility requirements for the WIOA program and being unemployed at the date of application to the WIOA program, the participant must also have one or more barriers to employment and be chronically unemployed or have an inconsistent work history. These eligibility requirements must be documented in the participant file.

Barriers to Employment

For participant eligibility for transitional job activities, participants must meet one or more of the following barriers:

1. Ex-offender
2. Homeless individual
3. English language learner
4. Displaced homemaker

Chronically Unemployed / Inconsistent Work History

Individuals with chronic unemployment or an inconsistent work history are those who:

1. Have been unemployed for 24 weeks or longer prior to application;
2. Were unemployed at least 26 of the 52 weeks prior to application;
3. Have held four or more jobs in the 12 months prior to application and are currently unemployed; or
4. Are on parole or probation, or have been released from prison/jail within the 12 months prior to application.

Eligible Employers

Eligible employers can be from the public, private, or non-profit sectors. As transitional jobs are structured to help participants achieve success in the workplace and develop skills needed to obtain and retain unsubsidized employment, the employer must be able to provide supervision and appropriate feedback to the participant at regular intervals during the course of the activity and be willing to participate in the required monthly monitoring conducted by the Career Planner.

An employer will be ineligible if they meet one or more of the following:

1. The employer has recently laid off an individual of the same or equivalent position.

2. The transitional job placement would infringe upon the promotion of or displacement of any currently employed worker or lead to a reduction in their hours.
3. The employer is a private for-profit employment agency including but not limited to temporary employment agencies, employee leasing firms or staffing agencies.

Future transitional job requests from employers will be denied if the requirements set forth in previous worksite agreements were not honored.

Transitional Job Components

Transitional jobs at a minimum must include the following components:

1. Paid work experience of a fixed duration
2. Individualized career services
 - a. At least one must be provided prior to or during the transitional job. (Examples include, but are not limited to: group and/or individual counseling, short-term prevocational services including soft skills training, workforce preparation activities, financial literacy activities, English language acquisition, etc.)
3. Supportive services
 - a. At least one must be provided during the transitional job. (Examples include, but are not limited to: linkages to community services, assistance with child care, housing or transportation, assistance with education testing, referrals to health care). See Supportive Services policy for an all-inclusive list.

Length & Wage Limits

Transitional jobs are time limited to no more than 500 hours. Participants can work up to 40 hours or less a week. The participant may be placed with more than one employer during the transitional job activity, but the total number of hours for all worksites may not exceed 500 hours or 26 weeks, whichever comes first.

GN WIOA will pay 100% of the participant's wages. Wages are set at the Nebraska minimum wage (\$9/hr at the effective date of this policy).

The maximum cost to be paid per participant for the work experience component of the transitional job is \$4,500. The supportive service maximum cost to be paid per participant is \$4,000 and must be based off of participant need.

Documentation/ Monitoring

The participant need, eligibility, and all three components of the transitional job must be documented in a case note and the IEP. An NEworks activity must also be opened. Transitional jobs are exempt from the WIOA Eligible Training Provider and Individual Training Account requirements.

A signed Eligibility Summary for Transitional Jobs Activities is required in the participant file prior to opening the activity.

A signed worksite agreement between the service provider and a qualified employer is required in the participant file prior to the start of work.

Monitoring will be completed at least once a month, in person or via phone or email, and must be documented in a case note and IEP. The monitoring should include an evaluation of soft skills and occupational skills.

Customized Training

Customized training (CT) is training designed to meet the special needs of an employer or group of employers by allowing them to tailor and design work-based training. CT is conducted with a commitment by the employer or employers to employ an individual or group of individuals upon successful completion of the training. CT should be considered when available training programs and/or curriculum do not meet the specific training requirements of an employer(s).

Participant Eligibility

CT participants must meet general adult or dislocated worker eligibility requirements.

CT is generally used for hiring new employees or recently-hired employees and not for retraining existing employees. For individuals who are employed at program entry, the career planner must determine that the individual:

- Is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment; and
- The CT 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, or other appropriate purposes identified by the board.

General Guidelines

CT providers are not required to be eligible providers on the State's ETPL, as CT is provided through a contract, not an ITA.

CT training methods include, but are not limited to:

- Classroom training through a traditional classroom setting with a group of trainees and a qualified instructor;
- Laboratory training with hands-on instruction or skill acquisition under direct guidance of a qualified trainer;
- Electronic or computer-based training delivered through a computer program at a pace set by the trainee or through video conferences that are live, interactive instruction with a trainer; or
- Other training that is customized to the employer's specific training needs.

The employer or group of employers develop the training plan and measurable goals and determines the method by which the training is provided.

Customized Training Contract

Customized training must be provided through a contract with an employer or group of employers, which may include partnerships with other entities to deliver the training. Contracts are required for every employer participating in the CT program and must be signed by the employer and Regional Manager prior to the start of training.

Customized Training Plan/ Reimbursement Invoice

A CT training plan must be established for each CT contract outlining the skills to be obtained.

Funds

The employer or group of employers must pay a significant portion of the training costs. The employer share is based on the size of the employer as follows:

At least **10 percent** of the cost for employers with 10 or fewer employees;

At least **25 percent** of the cost for employers with 11-50 employees;

At least **35 percent** of the cost for employers with 51-75 employees; or

At least **50 percent** of the cost for employers with more than 76 employees or more.

Maximum CT reimbursement per participant is \$5,000. Each employer can receive a maximum total reimbursement of \$25,000 for the twelve month period following the effective date of the contract.

In the case of an employer or group of employers located in multiple local areas in the state, the employer or group of employers receiving work-based training services must pay a significant portion of the cost of the training as determined by Nebraska Department of Labor (NDOL), taking into account the size of the employer or group of employers and other factors NDOL determines appropriate.

Allowable costs must be directly related to the training. CT funds may only be used to alleviate a portion of training expenses. Examples include instructor's training related wages, curriculum development, training curriculum and registration fees, textbooks, instructional materials and supplies, and certification exams.

Unallowable costs are costs not directly tied to the training. Examples include trainee's wages and fringe benefits, travel, food, lodging, training equipment, and any costs incurred prior to the approval date of the contract.

Incumbent Worker Training

Incumbent worker training (IWT) is training designed to meet the special requirements of an employer or group of employers. IWT must not be used to provide occupational training for new hires. IWT services may be provided to either help avert potential layoffs of employees or assist employees in obtaining the skills necessary to retain employment, such as increasing skill level

so they can be promoted within the company or create backfill opportunities for less-skilled employees.

IWT services must be conducted with a commitment by the employer to retain or avert the layoffs of the workers training.

Funds

The local area may reserve up to 20 percent of their combined total of adult and dislocated worker allocations for a program year for IWT services. This 20 percent may be used for programmatic IWT activities. IWT administrative activities must be paid out of administrative funds.

Employers participating in IWT must pay the non-Federal share of the cost of providing training to their incumbent workers. The minimum amount of the employer's non-Federal share depends on the size of the employer and must not be less than:

- 10 percent of the costs, for employers with 50 or fewer workers;
- 25 percent of the costs, for employers with 51 to 100 workers; and
- 50 percent of the costs, for employers with more than 100 workers.

The employer share must be reported by the local board as program income in its quarterly financial reports.

Greater Nebraska does not currently offer incumbent worker training.

Registered Apprenticeship Programs

Registered Apprenticeships (RA) offer job seekers immediate employment opportunities that pay sustainable wages and offer advancement along a career pathway. Graduates of RA programs receive nationally-recognized, portable credentials, and their training may be applied toward further postsecondary education. WIOA funds may be used to support RA program through the following services:

- **Youth Occupational Skills Training (OST):** Youth program funds may be used for RA as an OST option for youth ages 16-24.
- **Individual Training Accounts (ITAs):** ITAs can be used to support the educational portion of the RA for eligible apprentices, provided the RA program is included on the ETPL and pre-apprenticeship training in preparation for formal RA, provided the pre-apprenticeship program is on the ETPL.
- **On-the-Job Training (OJT):** OJT contracts may be entered into with RA program sponsors, or employers participating in RA programs, for the OJT portion of the program. Depending on the length of the program and the requirements of State and local OJT policies, WIOA funds may cover some or all of the OJT. If WIOA-funded, the OJT portion of the RA must be conducted according to the requirements of 20 CFR 680.700-680.710 and State and local OJT policies.

- **Supportive Services:** WIOA funds may support a variety of supportive services for apprentices, including books, supplies, childcare, transportation, tools, and uniforms.
- **Contracted Classes for Training Cohorts for Related Instruction:** In certain cases, a local board may contract with an ETP to train a cohort of potential apprentices in in-demand industry sectors or occupations, provided the apprentices meet the youth, adult, or dislocated worker eligibility requirements for training services. Such a contract must adhere to the procurement standards found in the Uniform Guidance and the requirements of the State's adult and dislocated worker program policy.
- **Customized Training:** A local board can support RA program sponsors and apprentices through customized training agreements.
- **Incumbent Worker Training:** A local board may use up to 20 percent of the local allocations for adult and dislocated worker programs to pay the Federal share of the cost of incumbent worker training, enabling current workers to remain on the job while in training provided through an RA program.

Prohibited Activities

Funds provided to employers for work-based training must not be used to directly or indirectly assist, promote, or deter union organizing or aid in the filling of a job opening which is vacant because the former occupant is on strike, is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

Disclaimer

This policy is based on Greater Nebraska's reading of the applicable statutes, regulations, rules and guidance released by the U.S. Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.