

<b>Central Western Maine Workforce Development Board (CWMWDB) General Policies and Procedures</b>	
<b>Policy: On-the-Job-Training</b>	<b>EFFECTIVE DATE: 6/26/19</b> <i>Review Date: 4/20/2022 Reviewed &amp; Approved: 10/26/23</i>
<b>Approved by: CWMWDB</b>	

### **I. General Information**

The following policies and procedures will govern the application of On-the-Job Training (OJT) options for WIOA Title I eligible adult, dislocated worker, and youth customers. They are based on the Workforce Innovation and Opportunity Act Sec. 134(c)(3)(A – D)(H), and 20 CFR 680.700-740 (Adult & DW), and WIOA Sec. 129(c)(2)(C)(iv) and 20 CFR 681.460(a)(3)(iv) and 681.600(a-c) (Youth).

### **II. Definition**

The term “on-the-job training” for Adults & DWs means training by an employer that is provided to a paid participant while engaged in productive work in a job setting. For youth, OJT is classified as a work experience, that is a planned, structured learning experience that takes place in a workplace for a limited period of time. Employers receive partial subsidy for an OJT participant because of the extraordinary costs associated with employees-in-training, the additional need for supervision related to the training, and the costs associated with lower productivity of the trainees. Employers are not required to document such extraordinary costs. For all three WIOA programs, the OJT must:

- a. provide knowledge or skills essential to the full and adequate performance of the job;
- b. be made available through a program that provides reimbursement to the employer of up to 50% of the wage rate of the participant; and
- c. is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

### **III. Participant Screening –criteria trainee needs to meet:**

- Person is not already skilled in the occupation for which they would be trained;
- They must be eligible for one of the WIOA Title 1B training programs;
- An assessment will be completed. The assessment may be either an intensive interview or a Career Interest Profiler (CIP), Work Interest Profiler (WIP), and/or the Comprehensive Adult Student Assessment Systems (CASAS). Results should meet employer expectations.
- Person must be appropriate for the training and be able to complete the training;
- A training plan needs to list OJT and document the need for training; and
- Service Provider staff must contact the participant monthly, at a minimum, throughout the duration of the OJT.

### **IV. Employer Criteria:**

- Positions must be full-time based on employer’s definition of full-time but never less than 30 hours.
- Part-time positions are only permissible if there is documentation that the trainee has conditions limiting them to part-time work such as a disability or health concern.
- No OJT will be written for seasonal or temporary positions.
- It is not permissible to do OJT with temp agencies for Temp-to-Hire positions.

- Employer has not relocated causing the loss of jobs, or it has been more than 120 days since the relocation.
- There must be a formal payroll system where employee hours are tracked and standard deductions taken for IRS, social security, etc.
- Training does not impair existing contracts for services or collective bargaining agreements.
- Training does not involve working on those parts of sites used for sectarian activities or religious worship.
- Preference given to an employer whose positions fall under the LWB sectors (Healthcare, Information Technology, Advanced Manufacturing & Machining, Construction & Related Trades, Retail and Service, as well as Agriculture and Ecotourism in Franklin and Somerset Counties), but not mandatory.
- Employer has not exhibited a pattern of failure (not fired or laid off trainees upon completion of OJT).
- No OJTs will be written at minimum wage and preference will be given to businesses that pay at or above 110% of the current state minimum wage rate. If a business' starting wage falls under 110% of minimum, considerations such as job seeker challenges, available jobs within the immediate geographic area, and customer choice will be reviewed. In addition, those businesses must offer at least one of the following:
  - Wage progression resulting in an increase by end of 1st year
  - Sign on bonus of \$1000 or more
  - Benefits Package
  - Training that results in transferable skills
  - Opportunity for advancement
- If it is an earn-while-you-learn situation where the person is working toward a license or certificate, wages may start at less than the customary starting wage (but never below minimum). However, once the trainee receives the license or certificate, they must receive the same wages as other workers who are already licensed or certified. Preference will be given to employers who will provide an increase within 6 months of the start date. Under earn-while-you-learn, the trainees are hired in a different capacity (trainee position) than those that are already certified, so it is permissible to pay them a different wage for that period of time.
- OJT is a hire first program so all OJT participants need to be paid the same as other people in the same position who have the same experience and education, even though it's training. An incentive the service provider can offer employers to hire people with significant barriers, is to offer a work experience for a period of time in place of or ahead of an OJT.
- Preference will be given to an employer that offers benefits, but it is not a mandate.
- **Before WIOA OJT funds can spent on an apprentice, the sponsor of the apprenticeship must be listed on the ETPL.**
- All participants are protected from discrimination under the Equal Employment Opportunity Commission federal laws that are designed to safeguard participants from discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, genetic information, political affiliation, military service, or other non-merit-based factors. No current employee will be laid off or displaced to accommodate an OJT trainee.
- Employers are expected to commit to permanently retaining trainees who successfully complete all OJT training requirements.
- Employer certifies that no member of the OJT trainee's immediate family is engaged in an administrative capacity for the employer or will directly supervise the OJT trainee. For the

purpose of this policy, immediate family is defined as spouse, children, parents, grandparents, grandchildren, brothers, sisters or person bearing the same relationship to the OJT trainee's spouse.

- Trainees must be “regular” employees and not contracted employees.
- Trainees receive the same benefits and working conditions as all other employees.
- Employees must be covered by Worker’s Compensation.
- Supervision must be provided and progress on training components must be tracked. An evaluation will be done at mid-term and end of contract.
- Employer agrees to periodic visits by Service Provider staff and to do monthly invoices.
- Employer agrees to inform the Service Provider and trainee of any problems and to work out a correction plan, if appropriate.

#### **V. Contract Variables that must be met:**

- Conduct a pre-OJT review to make sure that employer criteria will be met, especially for new companies. Employer screening items listed above may serve as the pre-OJT review.
- Employer must sign the contract prior to the trainee beginning work.
- Service provider will reimburse up to 50% of actual hours worked; classroom training, seminars, etc., for which the employer pays wages and considers part of training will be considered hours worked. There will be no reimbursement for holidays, vacations, or sick time, when training does not occur. There will be no reimbursement of “non-regular” wages such as overtime pay, shift differential, premium pay, etc. The service provider can pay up to 50% of the regular wages for overtime hours if training occurs during those hours, but reimburse will not be made at the time and a half rate—only at the regular wage rate.
- Length of contract will be determined by Specific Vocational Preparation (SVP) code of the occupation. Contracts for SVP codes of 4 or under will not exceed 12 weeks (max of 480 hours) with the average being 8 – 10 weeks (max of 320 – 400 hours). Contracts for SVP codes of 5 and above will not exceed 26 weeks (max of 1040 hours) with the average being 12 – 16 weeks (max of 480 – 640 hours).
- Wage increase at end of training will be the preference.
- Additional costs may be covered if they are necessary for the occupation, required by the employer, and necessary in order to maintain employment, for example a specific class required for all employees.
- Skills training outline will be developed by/with the employer based on the number of hours necessary to obtain appropriate skills.
- Tracking training progress will be done by reviewing the evaluations during the contract period.
- All OJTs are contingent upon the availability of funding.
- Combining OJT with apprenticeship is encouraged and will be considered on an individual basis.

#### **VIII. Employer Services Tracking Requirement:**

According to the Maine Department of Labor’s Employer Services Tracking Guide, employers receiving WIOA services, such as reimbursement through an OJT, must have an account in Maine JobLink (MJL). Staff may not create an account for the employer, but may provide a guide, located in the Employer Services Tracking Guide, that outlines easy to follow steps to help create an account. Staff must enter the employer service contact note regarding training into the MJL employer account within 10 days of the business receiving the service.

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