



WORKFORCE INVESTMENT NETWORK  
LOCAL WORKFORCE DEVELOPMENT AREA (LWDA) 13

DATE: January 27, 2016

POLICY NUMBER: 2014:08

SUBJECT: WIN (LWDA 13) EMPLOYER TRAINING POLICY PROCEDURES

PURPOSE: To provide uniform policy procedures for Employers wanting to participate in WIN's On-the -Job and Apprenticeship Training Programs.

Replaces: OJT Policy 9/24/14

REVISION: 1

(Pursuant to Workforce Innovation & Opportunity Act (WIOA))

**OJT - On-the-Job Training** is training by an employer in the public, private non-profit, or private sector that is provided to a paid participant who is engaged in productive work while learning the skills and information essential to the full and adequate performance of the job. OJT provides occupational training by an employer designed to enable a participant to learn specific occupational skills at an actual worksite while earning a wage. The intent of on-the-job training is to lead to full-time, unsubsidized employment.

**Apprenticeship** is defined as training by an employer in the public, private non-profit, or private sector that is provided to a paid participant who is engaged in productive work that provides knowledge or skills essential to the full and adequate performance of the job. Apprenticeship is employment that features work place training to perform a specific job. Participants become full-time employees of the Employer and receive training targeted to doing that job.

A. **Employer Eligibility Requirements**

Employer:

1. Has not previously exhibited a pattern of failing to provide participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are performing similar work.
2. Must be licensed to conduct business in the State of Tennessee and be able to provide proof of such license.
3. Must have and be able to provide sufficient documentation evidencing Worker's Compensation in accordance with Statutory requirements, General Liability insurance coverage of at least \$1,000,000, Employee Dishonesty coverage and other insurance coverage as deemed necessary by WIN / City of Memphis.
4. Must not utilize a Grant Contract to displace currently employed workers or to reduce the hours of those employed workers below their normal work schedule.

5. Must not utilize a Grant Contract to fulfill a position in which a worker is currently on layoff or for a position which will deny a current worker promotional opportunities.
6. Cannot hire to train a participant under the Grant Program if a member of that person's immediate family is engaged in an administrative capacity for that Contractor/Employer and will supervise the employee.
7. Must certify to continue to employ the participant upon successful completion of the Grant training.
8. Agrees to offer similar pay and benefits (including working conditions, insurance coverage, etc.) to the participant as those benefits afforded to other similarly situated employees.
9. Must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the Grant Program by any Federal or State department or agency.
10. Must possess or show the ability to acquire the necessary equipment, materials and supervision to train the employee.
11. Must have sufficient work to provide the participant permanent, full-time employment upon successful completion of the Training Grant.
12. Must complete the Pre-Award Contract information and be approved for a Grant by the LWDA 13 Evaluation Committee.
13. Must receive a voucher from WIN to employ an individual under the Grant Contract.

B. Applicant/Participant Eligibility Requirements

Applicant/Participant:

1. Must first apply for services and be determined eligible for WIOA-funded training programs.
2. Must have an Individual Employment Plan (IEP) that has been developed prior to receiving training. The IEP must
  - (a) Demonstrate the participant's need for training;
  - (b) Capture the past work history of the applicant;
  - (c) Identify how the training will assist the applicant in achieving their goals and improving their strengths.

[The primary purpose of the IEP is to determine that there is a need for the particular Training Plan and that the applicant is likely to benefit from the provision of the training.]

3. Must not currently possess the skills the Training Plan teaches.
  - (a) Participant cannot have significant experience, training and/or education in the specific occupation for which is desired.
  - (b) New skills to be learned must be different, greater difficulty, and/or unique to the new job and are necessary to perform the new job task.
  - (c) Participant cannot be a current employee of the employer, unless:
    - (i) The employee is not earning a self-sufficient wage as determine by the local board policy;
    - (ii) The requirements herein are satisfied; and
    - (iii) The Training Plan relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other purposes identified by the LWDA 13 Board.
4. Is not earning a self-sufficient wage as determined by Local Board policy, pursuant to Policy No. 2012:01 (as revised).
5. Must meet Employer's minimum requirements for the candidate position sought.

C. Work Experience Occupation Requirements

Work Experience Occupation:

1. Must relate to:
  - (a) The introduction of new technologies, new production or new service procedures;
  - (b) Upgrading to new jobs that require additional skills; or
  - (c) Other appropriate purposes identified by the Local Board, e.g., implementation of employment sector strategies.
2. Must not involve payment of commission wages as the primary source of reimbursement to the employee/trainee.
3. Cannot be used to directly or indirectly assist, promote or deter union organizing.
4. Must not involve political or sectarian activities. [For example, participants may not be used to carry out the construction, operation, or maintenance of any part of any facility used or to be used for religious instruction or as a place for religious worship.]
5. Should have career advancement potential.
6. Should be conducted at or out of the employer's place of business and not be subcontracted.
7. Must not have a license requirement for continued employment unless the Contractor/Employer certifies that it is the company's intention to continue employment and further occupational training for the employee until all licensing requirements are met.

8. Must be full-time employment.
9. Must lead to permanent, full-time unsubsidized employment that will increase the Participant's likelihood of earning the hourly self-sufficiency wage established by LWDA13.
10. Can be customized to include classroom-training related instruction followed by "hands-on" training. Apprenticeship has a mentor status requirement with certain stipulation of a ratio, based on the industry field as stipulated in Federal Registered Apprenticeships.
11. Cannot be used for the construction or purchase of facilities or buildings, except
  - (a) To fund repairs, renovations, alterations and capital improvements as provided for in 20 CFR 667.260;
  - (b) To meet the employer's obligation to provide physical and programmatic accessibility and reasonable accommodation, as defined in 29 CFR 37.4, as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended; or
  - (c) To fund disaster relief employment on projects for demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed facilities located within a disaster area as provided in WIOA.

D. Compensation to employers

1. Employers may be reimbursed **up to seventy-five (75%)<sup>1</sup>** of the employee's gross training wage, not to exceed \$19.55 per hour.
2. Purpose is to compensate for the employer's extraordinary costs of training participants and in compensation for the costs associated with the lower productivity of such participants. However, employers are not required to document the extraordinary costs.
3. May not be based on overtime, illnesses, holidays, plant downtime or other events in which no training occurs.
4. Maximum Grant Award Funds are \$50,000.00 per year/ per company.

E. Duration of training

The maximum duration of training through WIN is limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. When determining the appropriate length of the training, the following factors should be considered:

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<sup>1</sup> The standard reimbursement is 50%, but 20 CFR §680.730 authorizes local areas to increase the reimbursement percentage for individuals with barriers to employment as defined in WIOA Section 3(24).

1. Skill requirements of the occupation;
2. Participant's academic and occupational skill level;
3. Participant's prior work experience;
4. Participant's individual employment plan (IEP);
5. Suggested training lengths in the Occupational Information Network (O\*NET).

F. Method of Job Referral

The Workforce Investment Network will make written referrals to the Employer after the Participant has satisfactorily met the minimum requirements specified by the Workforce Investment Network (WIN).

G. Start Date for Employees

WIN will not be responsible for any training costs incurred outside the contract term or out of compliance with WIN policy.

1. A voucher is issued to an employer when the following is approved:
  - (a) Training Plan
  - (b) Eligibility of Individual Participant, and
  - (c) Funds are available.

H. New or relocating Businesses

1. Such businesses are eligible to receive funding; however, funds shall not be used or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in any employee losing his/her job at the original location and such original location is within the United States.
2. Funds shall not be used to fund/assist the start of a new or relocating business. Funds shall not be used for a relocating business until 120 days after the date on which such business commences operations at the new location if the relocation of such business or part of the business results in loss of employment for any employee of such business at the original location and such original location is within the United States.
3. In the event of relocation, the employer certifies that the relocation did not result in increased unemployment in the original location.

I. Exception: The Executive Director (or his/her designee) may make exceptions to the requirements herein.

J. Inquiries: Please contact WIN's Business Services Supervisor with any questions or concerns regarding this policy.

K. Effective Date: This policy shall be effective upon the date referenced above and remain in effect until further notice.

and Services are available upon request to individuals with disabilities.  
TTY: 1-800-848-0299