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The Workforce Innovation and Opportunity Act (WIOA) authorizes several Work-Based Training options that may be utilized, as appropriate, to assist job seekers to re-enter or advance in the workforce. Those to be utilized by the WDB include:

- On-the-Job Training
- Transitional Employment
- Incumbent Worker Training
- Registered Apprenticeship
- Work Experience for Youth

## **General Guidelines**

### **1. Eligibility of Participant**

An individual may not be considered for participation in work-based training until they have been certified as eligible and recommended through the PA CareerLink® of Lancaster County as appropriate for such training.

The work-based training agreement must be executed prior to the participant's first day of work, or in the case of upgrading, commencement of the new assignment.

No employee hired under terms of a work-based training agreement may displace (including partial displacement) an employee currently employed (as of the date of participation).

Normally, current employees will only be considered for incumbent worker training.

Other than incumbent worker training the WDB will normally not authorize agreements for re-hire of former employees with less than a two-year break in service.

## **2. Eligibility of Employer**

No work-based training agreement will be authorized for any organization or part thereof that has relocated until 120 days after the date on which such organization begins operations at the new location if the relocation of such organization or part thereof results in a loss of employment for any employee of such organization at the original location.

The work-based training agreement must not impair existing contracts for services or collective bargaining agreements. In order to assure the integrity of collective bargaining agreements, the signature of a designated union representative, indicating awareness that the work-based training agreement is in place and that they have the right to comment to the WDB relative to any problems bearing on the bargaining agreement, is required on all work-based training agreements covering positions represented by a collective bargaining agent.

Work Opportunity Tax Credit may not be taken at the same time for the same individual participant as an active work-based training agreement.

Current or previous (within 12 months of date of agreement) work-based training agreements with vendors must be identified in the agreement. If previously trained employees are no longer employed by the vendor, the work-based training agreement must identify why the employee is no longer employed.

Work-based training vendors must disclose any potential conflicts of interest with the PA CareerLink® of Lancaster County or the WDB; this sign-off is included in the agreement.

The WDB will not authorize work-based training for occupations where tips, commissions, bonuses, or similar methods of payment provide the primary compensation to the participating employee.

The WDB will not authorize agreements with employer vendors who have 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 doing the same type of work. Neither will the WDB authorize agreements with employers whose past performance is such that they can reasonably be expected to adversely affect the WDB's ability to meet and exceed the Performance Measures agreed to in the course of negotiations with the State Department of Labor and Industry (L&I) and United States Department of Labor (USDOL). In making determinations with respect to an employer vendor's

continued suitability, the WDB shall take into account whether work-based training employees quit voluntarily, were terminated for good cause, or were released due to unforeseeable changes in business conditions.

The WDB will not authorize training for individuals employed through employment, staffing, or employee leasing agencies or organizations unless the work those individuals perform is solely for the benefit of the employing organization rather than another employer where they may have been placed to perform work.

### **3. Payment Provisions**

Employee evaluations demonstrating meaningful dialog between the employee and supervisor reflected by the signature of both on the evaluation must be completed by the vendor at appropriate intervals. Evaluations are to be submitted along with the monthly invoice or timesheets as appropriate.

The maximum individual work-based training cost shall not exceed the maximum amount set by the WDB for Individual Training Accounts (ITAs) at the time the work-based training agreement is executed. This amount may be exceeded due to extraordinary circumstances faced by the work-based training participant as determined by the PA CareerLink® of Lancaster County and agreed to by the PA CareerLink® of Lancaster County Site Administrator and Lancaster County WDB Executive Director.

The maximum combined reimbursement including both work-based training costs and associated classroom training will be the amount set above. The classroom training can be supplied by an employer-selected vendor; if the selected training is to be conducted by a vendor whose training does not appear on the State Eligible Provider List, the prior approval of the WDB is required. The arrangement for the WDB to reimburse employers for classroom training costs is included in a special addendum to the work-based training agreement. Classroom training and work-based training costs are billed on separate invoices. Hours spent in classroom training cannot be billed as work-based training hours. Employers must keep records of the employee's classroom training attendance.

Payments will cease effective with the termination of the employee or the cessation of the employee performing work under terms of the agreement. Payment will also cease effective with the layoff or suspension of the employee. Any such circumstances projected to last more than eight weeks will require termination of the agreement.

## **On-the-Job Training**

### **1. Funding**

On-the-Job Training (OJT) will be available to participants of the PA CareerLink® of Lancaster County who are eligible under the Adult or Dislocated Worker WIOA funding streams and the Employment, Retention and Advancement Network (EARN) Temporary Assistance for Needy Families program.

Funding for OJT may also be available through National Emergency Grants (NEG), National Dislocated Worker Grants (NDWG) or other grants. Specific requirements that vary from this policy will be applied as necessary and will be identified through temporary addendums to this policy.

### **2. Training Plan**

Each OJT agreement will include a Training Plan. Each plan is individualized to meet the needs of the employee by comparing the vendor's job description and/or training plan with the employee's work/training history and skill gaps. The plan will list those tasks and competencies in which the individual requires training.

### **3. Training Unit Price**

The OJT vendor will be paid a training unit price, the total of which will equal not more than 75% of the employee's regular wages during the training period. Payments shall be deemed to be in compensation for the extraordinary costs of providing training to participants. Shift differentials, overtime, premium pay and other non-regular wages will not be considered.

The maximum hourly wage on which the employer's training cost reimbursement calculation is based on Pennsylvania's current mean (average) hourly wage as reported by the Bureau of Labor Statistics.

The training unit price will be paid only for the actual hours the employee is engaged in productive work which provides knowledge and skill essential to the full and adequate performance of the job. No payment will be paid for sick days, vacation, holidays, non-on-the-job training time, classroom training hours, etc. Payment to employers, although based on wages, is for training provided, not as wage reimbursement.

#### **4. Wage Requirements**

OJT agreements will only be executed for full-time positions. Full time is considered 30 hours per week or more. Individuals whose training is paid with Trade Act funds will follow the wage and hour limits set by the PA Department of Labor and Industry.

An OJT employee must be paid an annualized starting wage\* not less than that which the Center for Workforce Information and Analysis has designated to be a self-sufficiency wage for Lancaster County. Occupations paying below this level will be included only if:

- the position is included on the current High-Priority Occupations list for Lancaster County; or
- substantial opportunities exist for advancement into higher-level jobs; or
- opportunities exist to invest workforce dollars in ways that improve job quality and/or strengthen career ladders.

*\*The Center for Workforce Information and Analysis updates this wage yearly.*

#### **5. Quality Assurance**

All OJT employers will be monitored for compliance with the OJT Master Agreement through the use of on-site visits, surveys to the employer and participant, review of participant file, and review of payroll records. A formal report will be issued and kept on file with the WDB.

#### **6. WIOA Funded OJT**

##### **Training Length**

Lancaster County WDB will utilize the O\*NET Job Zone Number published by the United States Department of Labor (USDOL) Employment and Training Administration. Job Zone Numbers distinguish the overall experience, education, and on-the-job training required to learn the techniques, acquire information, and develop the facility needed for average performance in a specific occupation. In determining the period generally needed for the acquisition of necessary skills for an individual on an On-the-Job Training Agreement, consideration shall be given to the Job Zone, employer training plan and content, and the individual's education, prior work experience, and the Individual Employment Plan (IEP). The following table indicates the maximum training times used by Lancaster County WDB to write OJT training plans:

<u>Job Zone Number</u>	<u>OJT Training Allowable</u>
5	1,200 hours
4	1,000 hours
3	800 hours
2	600 hours
1	400 hours

The maximum OJT length permitted will be six months, with the exception of Trade Act Funding, which permits up to 104 weeks of OJT. (Trade does not permit OJT for the same occupation that was covered by the petition.)

Lancaster County WDB reserves the right to reduce training time on an across-the-board basis based on the availability of funds from various sources.

### **Training Length – Reduction**

The reduction of standard allowable training time will be based upon an evaluation of the employee's experience/work history. The individual's IEP will be reviewed to verify any similarities on record that impact upon the projected OJT occupation. Reasons for significant adjustments to the standard training time for a specific occupation will be documented in the OJT file.

Reduction of standard training time may occur in instances when the employee has received specific vocational instruction (i.e. classroom skill training, on-site training) through WIA/WIOA or Trade Act funding within the previous two years. These reductions in training time will be documented in the OJT file.

To assure uniformity, the following ranges will be applied for reductions to the standard allowable training time:

<b>Reason for Reduction</b>	<b>Range of Reduction</b>
Previous related classroom training	10% Job Zone hours
Comparability of previous employment experience as indicated by the match between the Transferable Occupational Relationship Quotient (TORQ)) score of the job the individual is to be trained in to the TORQ score the most recent job the trainee has held for at least 6 months within 24 months of the application date.	96-100% match Normally not eligible for OJT
	90-95% match Reduce time by 40%
	85-89% match Reduce time by 20%
	<85% match No reduction

### **Training Length – Increase**

Should an individual have a documented mental, physical, or learning disability, the CareerLink® case manager may include in the IEP a recommendation for increased training time beyond the maximum Job Zone hours. The need for increases will be documented in the OJT file.

### **Training Unit Price**

WIOA authorizes Local Boards to increase the wage reimbursement up to 75% based on various factors including participant barriers, employer size, quality of employer-provided training and advancement opportunities, the number of employees participating, wage and benefit levels offered, and relation of training to participant competitiveness.

The WDB authorizes wage reimbursement on a scale of 50%-75% of the trainee's regular wage during the training period as indicated in the following instances:

#### **EMPLOYER SIZE**

Total number of employees at training location	Reimbursement Rate
1-50	75%
51-100	70%
101-150	65%
151-200	60%
201-250	55%
251+	50%

#### **TRAINEE SKILL GAP**

Grand TORQ Score	Reimbursement Rate
1-8	75%
9-17	70%
18-25	65%
27-33	60%
34-40	55%
41+	50%



## **7. EARN-Funded OJT**

### **Training Length**

The range of reimbursable training time is between 30 and 90 days. Actual training time between the minimum and maximum limits will be determined by the use of a Lancaster County WDB authorized skill evaluation tool and the O\*NET Job Zone Number.

<u>Job Zone Number</u>	<u>OJT Training</u>
5	520 Hours
4	435 Hours
3	350 Hours
2	265 Hours
1	180 Hours

## **Transitional Employment**

Transitional Employment will provide limited, subsidized work experience for individuals with chronic unemployment or inconsistent/limited work history.

### **1. Funding**

Transitional Employment (TE) will be available to participants of the PA CareerLink® Lancaster County who are eligible under the Youth, Adult or Dislocated Worker WIOA funding streams and the Employment, Retention and Advancement Network (EARN) Temporary Assistance for Needy Families program.

### **2. Training Length**

The maximum transitional employment length shall be 500 hours.

### **3. Training Unit Price**

The transitional employment vendor will be paid a transitional employment unit price, the total of which will equal not more than 50% of the employee's regular wages during the transitional employment period. Shift differentials, overtime, premium pay and other non-regular wages will not be considered.



The maximum hourly wage on which the employer's transitional employment cost reimbursement calculation is based will be based on Pennsylvania's current mean (average) hourly wage as reported by the Bureau of Labor Statistics.

The transitional employment unit price will be paid only for the actual hours the employee is engaged in productive work that provides knowledge and skill essential to the full and adequate performance of the job. No payment will be paid for sick days, vacation, holidays, classroom training hours, etc.

#### **4. Wage Requirements**

Transitional employment agreements will only be executed for full-time positions. Full time is considered 30 hours per week or more.

The minimum wage acceptable for a transitional employment agreement is \$8.50.

#### **5. Supportive Services**

Supportive Services as appropriate and within the guidelines of the WDB Supportive Service Policy must be offered and made available to participants enrolled in transitional employment.

### **Incumbent Worker Training**

Incumbent Worker Training is designed to meet the requirements of an employer to retain a skilled workforce or to avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment. It is expected that the employer will commit to retain or avert the layoffs of those workers trained.

Employers must pay the non-Federal share of the cost of providing training to their incumbent workers.

Refer to Department of Labor & Industry issued Workforce System Guidance 06-2015 and/or subsequent documents for specific requirements.

### **Registered Apprenticeships**

#### **Pre-Apprenticeships**

This policy element is under consideration. The Workforce Board has not

established policy guidance for Registered Pre-Apprenticeships at this time.

## **Registered Apprenticeship**

Apprenticeship training is designed to meet the requirements of an employer to develop, advance and retain a skilled workforce by assisting the workers in obtaining the skills necessary to achieve the status of registered apprenticeship journey person. A registered apprenticeship program is sponsored by an individual business or an employer association (consortia sponsor) and may be partnered with a labor organization through a collective bargaining agreement. It is expected that the employer will commit to sponsorship of a program, registered with the PA Department of Labor & Industry Apprenticeship Training Office, with a documented plan designed to move an apprentice from a low or no skill entry-level position to full occupational proficiency. These programs must meet parameters established under the National Apprenticeship Act that are designed to protect the welfare of the apprentice. An additional long-term benefit to the employee is a stronger skill set to expedite employment in the event of future layoff.

### **1. Employer Eligibility**

- a. The employer must be an organization in a targeted industry cluster as identified in the approved Lancaster WDB Industry Sector Priorities, or an ancillary industry considered to be occupationally essential (e.g. Information Technology) by the WDB, operating within the Lancaster County, and proposing to deliver the training to employees based within the Commonwealth of PA.
- b. Employer must be an individual sponsor or member of a sponsoring consortia of an apprenticeship registered within the Commonwealth of Pennsylvania.
- c. Registered Apprenticeship program sponsors must identify the minimum qualifications to apply for entry into their apprenticeship program.
- d. The employer sponsor must provide documentation of the registered status of the apprenticeship program that includes an employee training plan with projected training outcome benefits to the employee (industry-recognized credentials, advancement

opportunities, wage progression, etc.) and the employer (increased productive man-hours, increased cost savings, increased profitability, etc.).

- e. The employer must provide documentation detailing cash and in-kind training cost company match.
- f. The employer will comply with the federal, state, and local policies and procedures designating the collection and dissemination of subsidized apprenticeship training performance information.

## **2. Employee Eligibility**

- a. Employee must reside within the Lancaster County Workforce Development Board policy area.
- b. Employee must have an established employment history with the employer for six (6) months or more.
- c. Employee must be employed in or aspire to an apprenticeship in a High Priority Occupation as defined by the PA Department of Labor and Industry for the Lancaster County Workforce Development Area.
- d. Employee must be 16 years or above in age to be an apprentice.

## **3. Employers Share of Apprenticeship Related Instruction Cost**

- a. Related instruction, technical training or other certified training is provided by apprenticeship training centers, technical schools, community colleges, and/or institutions employing distance and computer-based learning approaches. It is the responsibility of the employer receiving funds for registered apprenticeship related instruction to contract with the provider of choice and pay the total contracted cash cost in advance of the cost-sharing determination. The employer is responsible for the non-Federal share of the cost of providing related instruction to their apprentices. This non-federal share company match must be proportionate to the federal cost share as described in section E.3.b. The federal cost share (not to exceed 75 percent) shall be paid to the employer in the form of a reimbursement.

- b. Employer reimbursement will be determined by the following factors:
  - Related instruction costs for registered apprenticeships will be reimbursed to a sponsoring employer at a ratio of federal to employer matching funds.
    - 75% of the cost for employers with 1 to 100 employees; and
    - 50% of the cost for employers with more than 100 employees
  - Employers sponsoring "apprentice-like" incumbent worker training, can utilize IWT funds at the higher matching funds ratio as incentive to move on to registered apprenticeship if IWT eligibility requirements are met and an application for apprenticeship sponsorship, documenting compliance with 34 Pa. Code § 81 and 34 Pa. Code § 83: Standards for Registered Apprenticeship, has been submitted to the Apprenticeship and Training Council for the Commonwealth of Pennsylvania for consideration.
- c. The Lancaster County WDB reserves the right to limit the amount of any company reimbursement when a need for equitable distribution of funds is deemed necessary.

#### **4. On-the-Job Training for Apprenticeships**

- a. OJT continues to be a key method of delivering training services to adults and dislocated workers. WIOA provides for State and Local WDB to provide up to 50 percent of the wage rate of the participant to employers for the costs of training while the participant is in the program. OJT contracts may also be entered into with RA program sponsors or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program consistent with 20 CFR 680.700. Depending on the length of the registered apprenticeship and State and Local WDB OJT policies, these funds may cover some or all the duration of the registered apprenticeship. Additionally, the Governor and Local WDBs have the flexibility under WIOA to increase the reimbursement level to up to 75 percent of the total wage considering the following factors:

- The characteristics of the participants taking into consideration whether they are "individuals with barriers to employment" as defined in WIOA sec. 3(24);
- The size of the employer, with an emphasis on small businesses.
- The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and
- Other factors the Governor or Local WDB may determine appropriate (e.g. the number of employees participating in the training, wage and benefit levels of the employees (both pre and post participation earnings), and relation of the training to the competitiveness of the participants).

Governors or Local WDBs must document the factors used when deciding to increase the wage reimbursement levels above 50 percent up to 75 percent.

#### **5. Agreement or Contracting Process with Providers of Apprenticeship Related Training**

The Lancaster County Workforce Development Board does not enter into contractual agreements with training providers. The LCWDB will enter into an agreement with the employer covering administrative, financial, and contractual apprenticeship training requirements for the term specified in the agreement. For the purposes of these agreements, the employer is referred to as "The Vendor," as it is the employer that has supplied the training to its employees. This includes the utilization of WIOA-funded On the Job (OJT) and Incumbent Worker Training (IWT) as specified in this Work-based Training Policy.

#### **Work Experience for Youth**

Work Experience for Youth is time limited with the specific outcome of providing youth exposure to possible careers and the requirements and expectations of employers for their employees. Work experience is fully subsidized by the contracted youth program: no cost is incurred by the employer. However, the WDB expects the employer will provide supervision to the youth participating in a work experience at their work site.

## **1. Funding**

Work Experience for Youth (WEY) will be available to participants of the PA CareerLink® of Lancaster County who are eligible under the WIOA Youth funding stream and to participants in contracted programs funded with the TANF Youth funding stream.

## **2. Training Length**

The maximum length of a specific work experience shall be 360 hours. A youth may participate in multiple work experiences.

## **3. Wage Requirements**

The contractor will work with the potential employer to determine an appropriate hourly rate for the youth. The rate will not equal or exceed the starting rate of a direct hire doing a similar or comparable job.