

## On-the-Job Training Policy

**Approved:** ~~June 14, 2019~~ Pending

**Purpose:** To provide program requirements for On-the-Job Training (OJT) services under the Workforce Innovation and Opportunity Act (WIOA).

**Policy:** The Workforce Innovation and Opportunity Act (WIOA) defines On-the-Job Training (OJT) as training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job, especially when training relates to the introduction of new technologies or new production or service procedures, or an employment promotion requiring additional skills or workplace literacy,
- Is made available through a program that provides reimbursement to the OJT Training Provider/Employer up to 50% (or up to 75% with Nevadaworks approval) of the wage rate of the participant for the extraordinary costs of providing the training, and
- Is limited in duration, as appropriate, to the occupation for which the participant is being trained, considering the content of the training, the prior work experience and skills level of the participant, and the service strategy of the participant.

An employer will NOT be eligible to receive WIOA OJT training reimbursements if:

- The employer has any other individual on layoff from the same or substantially equivalent position.
- The OJT would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours.
- The same or substantially equivalent position is open due to a hiring freeze.
- The positions are for seasonal employment.
- The employer is a private for-profit employment agency, i.e., temporary employment agency, employee leasing firm or staffing agency.
- The position is not full time, i.e., minimum of 32 hours per week.
- If the employer has exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

This form of work-based training is available to Adult (AD), Dislocated Worker (DW), and Youth (YTH) through a contract with an OJT Training Provider/Employer or registered apprenticeship program sponsor in the private, private nonprofit, or

**Commented [MK1]:** Added this language from SCP 1.14 to highlight prohibitions included in "OJT Pre Award Evaluation Form" (NW-106)

public sectors. The OJT Training Provider/Employer does not need to be included on the Nevada Eligible Training Provider List (ETPL). OJT positions must be at least 32 hours per week and are to be non-seasonal in nature. ~~WIOA funded OJT contracts cannot represent more than 20% of an OJT Training Provider/Employer's current total staffing levels.~~

~~The Service Provider must develop an Individual Employment Plan (IEP)/Individual Service Strategy (ISS) as appropriate with the participant. The participant must have been unable to gain or retain employment in the OJT field and have demonstrated a need for the training.~~

Participants who are unemployed prior to entering into an OJT contract must have received at least one career service (AD or DW) or must have received at least one of the 14 required program elements (YTH).

Participants who are employed prior to entering into an OJT contract must earn less than the Nevadaworks Board approved definition of Self-Sufficiency Wage (NWP-1105), and the OJT must relate to at least one of the following:

- Introduction of new technologies;
- Introduction of new production or service procedures; or
- An employment promotion requiring additional skills or workplace literacy.

**Skills Gap Assessment and Length of OJT Contract:** The proposed training plan must align with the employment goals of the participant, as outlined in the participant's IEP (AD or DW) or ISS (YTH). A Skills Gap Assessment shall be conducted using the Nevadaworks WIOA On-the-Job-Training (OJT) Skills Gap Assessment Form (NW-27), or a pre-approved equivalent, to determine the skills required to be met by the end of the training. An employer job description, or an O\*NET occupation profile in cases where the employer does not have a written job description, must be used when determining the skills gap.

The OJT contract duration is limited to the amount of time required for a participant to become competent in the occupation for which the training is being provided, based on the skills gap analysis and job description. In determining the appropriate length of the contract, consideration should be given to the skills requirements of the occupation (see O\*NET Specific Vocational Preparation Levels), the academic and occupational skills level of the participant, prior work experience, and the participant's IEP/ISS. Training Provider/Employer input regarding the length of the OJT should be considered and the duration of the training agreed upon by all parties. Nevadaworks limits an OJT to 12 weeks; if the training is deemed to require more than 12 weeks, prior approval from Nevadaworks is required.

**WIOA Service Provider's Role:** The Service Provider is responsible for:

- Conducting a pre-award evaluation of the prospective Training Provider/Employer using the Nevadaworks On-the-Job-Training (OJT) Pre-Award Evaluation Form (NW-106);

NWP-3501

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**Commented [MK2]:** GWDB voted to remove this requirement per 4/15/2021 meeting minutes in alignment with the WIOA federal regulations.

"The request involves taking the up-to-20 percent of an existing company's OJT employee requirement down to zero. The 20 percent had prevented very small companies from participating in the program."

**Commented [MK3]:** Moved to next page under "Service Provider Role."

- Confirming the length of training aligns with the skills gap assessment;
- Ensuring the program participant attends training;
- Monitoring the participant's OJT experience;
- Conducting the on-site monitoring visit as agreed upon by employer and trainer;
- Reviewing all correspondence and financial documentation from the employer;
- Requiring the Training Provider/Employer to submit a corrective action plan or cancelling the OJT contract if violations occur.

**Commented [MK4]:** Added at the recommendation of the Policy Committee for clarification.

The Service Provider must develop an Individual Employment Plan (IEP)/Individual Service Strategy (ISS) as appropriate with the participant. The participant must have been unable to gain or retain employment in the OJT field and have demonstrated a need for the training.

**Commented [MK5]:** Moved from up above.

**OJT Training Provider/Employer Role:** A potential OJT Training Provider/Employer that is interested in providing OJT opportunities to potential employees must:

- Meet the requirements of the Nevadaworks On-Job-Training (OJT) Pre-Award Evaluation Form (NW-106);
- Sign a contract and abide to the terms;
- Provide the highest quality training to participant;
- Provide participant progress reports to the WIOA Service Provider as agreed upon by provider and employer;
- Allow on-site monitoring by the Service Provider at least once during the OJT period; and
- Collect and share OJT performance information with Nevadaworks.

**Commented [MK6]:** Added at the recommendation of the Policy Committee for clarification.

**Nevadaworks Role:** Nevadaworks is responsible for determining if the OJT Training Provider/Employer:

- Has met acceptable performance levels;
- Has followed financial and regulatory requirements;
- Has executed effective contracts; and
- Has not exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages, benefits, and working conditions at the same level and extent as other employees working a similar length of time in the same type of work.

If Nevadaworks determines the OJT Training Provider/Employer has not met these conditions, OJT contracts may be terminated, and the OJT Training Provider/Employer may be prohibited from future OJT contracts.

At a minimum, the OJT Training Provider/Employer will be required to provide the following performance information:

- Data on placement of trainee at end of contract.
- 2<sup>nd</sup> quarter and 4<sup>th</sup> quarter employment retention rates.
- Rate of successful OJT completion.

- Wage of OJT Training Recipients.
- Increase or decrease of Training Recipient's wage after training ends.

Nevadaworks will collect and disseminate the OJT Training Provider/Employer performance information to the public on an aggregate basis. An OJT Training Provider/Employer who does not provide the required performance information, or does not meet acceptable levels of performance, may be prohibited from entering into future OJT contracts.

**Commented [MK7]:** Added language for clarity on recommendation of the Policy Committee.

**Monitoring:** All OJT contracts are subject to Nevadaworks monitoring for performance, appropriate duration, non-discrimination, and financial activities.

**Documentation Requirements:** The requirements for participant file contents and MIS Case Note documentation are listed in State Compliance Policy (SCP) 1.14 (AD or DW) and SCP 2.6 (YTH). At a minimum, documentation will include a signed copy of the IEP/ISS, OJT Skills Gap Assessment Form (NW-27), signed OJT Contract (NW-104), progress reports, and payroll records. The Training Provider/Employer must preserve all participant payroll, fringe benefit, and personnel records (including time and attendance sheets normally kept by the employer for employees) for three years from the close of the applicable program or longer if any litigation or audit has begun or any claim is instituted which involves these records. In that case, the Training Provider/Employer shall retain the records beyond the three-year period until the litigation, audit findings, or claim has been resolved. The employer must allow access to those records by authorized entities. Nevadaworks program staff will train Service Providers that offer OJT services for participants.

**References:**

WIOA Sec 3 (44) A-C

TEGL 02-07 Leveraging Registered Apprenticeship as a Workforce Development Strategy for the Workforce Investment System

TEGL 3-15 Guidance on Services Provided Through the Adult and Dislocated Worker Program

SCP 1.14 On-the-Job Training (OJT) and Customized Training

SCP 2.6 Youth - Work Experience (WEX)/Internships, Pre-Apprenticeship, Registered Apprenticeship (RA) and On the Job Training

TEN 13-12 Defining a Quality Pre-Apprenticeship Program and Related Tools and Resources

TEN 44-11 Encouraging Enhanced Partnerships and Collaboration between the Workforce Investment System and Registered Apprenticeship Programs

Nevadaworks Forms: NW-27, NW-104, NW-106

Nevadaworks Definition: Self-Sufficiency (NWP-1105)