

**On-the-Job Training Policy and Procedures
for the
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act**

POLICY C-10

I. Purpose.

The WIOA On-the-Job Training (“OJT”) Program is administered by the Area under the authorization of the Workforce Innovation and Opportunity Act. This policy is drafted with the intention that it be interpreted consistent with all applicable federal and state laws, regulations, and policies, and the Training Procedures Manual issued by ODJFS.

OJTs may be provided to eligible adult workers, dislocated workers, and/or CCMEP youth WIOA and/or TANF eligible and enrolled who are assessed as in need of training services in order to obtain or retain self-sufficiency employment. The customer must demonstrate a need for training. The following policy and procedure applies to managing all WIOA OJT activity.

II. Effective Date.

The initial effective date of this policy is August 5, 2015. Subsequent revisions were adopted on or about September 5, 2018.

III. Background.

Under the Workforce Innovation and Opportunity Act, OJT is an allowable form of training for adults, dislocated workers, and youth pursuant to terms and conditions set forth by the Area Workforce. This policy is intended to establish those terms and conditions.

Administration of the OJT program consists of the following five (5) major components:

1. The completion of an application by the employer and a determination of an employer’s eligibility. A new application must be taken from an employer on no less than at least an annual basis. Each provider must utilize the Area application provided to it by the NOC COG, or it may generate its own application and use the same after having the content of the form document approved by the Area Workforce Executive Director, with all subsequent changes to the form also being approved. The determination of the employer’s eligibility to participate in the program based upon an application of all federal, state, and local laws, regulations and policies to the employer’s circumstances.

2. The entry into a written OJT Agreement between the employer and the Area Workforce's provider. The agreement is to be between the provider administering the adult, dislocated worker, and youth programs and the employer. The OJT Agreement shall only be entered into after the provider has established the employer's willingness, ability, and eligibility to provide employer-based training. The provider shall enter into an agreement with each Employer for an initial term no longer than one year. A provider only need have one current written Agreement with an Employer regarding OJT, and pursuant to that Agreement, multiple OJT plans can be entered into. OJT Plan is in essence considered sub-part, addendums to each Agreement. Prior to, or after the conclusion of the Agreement, the employer and the provider may enter into a new Agreement after the employer has established eligibility by completing a new application. Each provider must either utilize an Area OJT Agreement provided to it by the Area Workforce, or it may generate its own Agreement and use the same after having it approved by the Area Workforce Executive Director, with all subsequent changes to the form also being approved.
3. The determination of the eligibility and suitability of any individuals that the employer wants to train pursuant to an OJT. This requires the intake and assessment of all individuals under possible consideration for an OJT, a determination that the individual is eligible and additional WIOA services are appropriate, pursuant to this policy and all other Area Workforce policies concerning the provision of career services. **See Area Policy A-02.**
4. The entry into a written OJT Plan between the provider and the employer. The OJT Plan is an agreement between a Sub-Area provider on behalf of it and the Area Workforce, the employer, and the customer outlining the specific skills that the employer will convey to the eligible WIOA customer during the OJT, the length of the training, and the wage during the training. Each provider must either utilize a form Area Training Plan provided to it by the Area Workforce, or it may generate its own Training Plan form and use the same after having it approved by the Area Workforce Executive Director, with all subsequent changes to the form also being approved.
5. The completion of a checklist or checklists demonstrating that all terms, eligibility, and conditions precedent have been established before the individual commences employment. Each Sub-Area provider must either utilize an Area Checklist provided to it by the Area Workforce, or it may generate its own Checklist and use the same after having it approved by the Area Workforce Executive Director, with all subsequent changes to the form also being approved.

IV. Terms and Conditions Associated with the Provision of On-the-Job Training Programming.

A. Employer's Determination of Eligibility.

Prior to the placement of an OJT participant, an employer pre-screening must be conducted and the Area's application for employer training assistance, must be completed to ensure that the employer meets the minimum standards and can provide both training and long-term employment to the OJT participant.

If the employer has one or more collective bargaining agreement(s) in place with its employees for which an OJT might be put into place, the OJT Employer form must indicate this fact and the employer must provide a letter from the union indicating union concurrence before the OJT begins.

Employers will be required to complete Area's application for employer training assistance prior to participating in an OJT. The OJT employer must furnish information demonstrating that is eligible to participate in OJT by completing an application. The application may require the provision of certain employer specific information, including but not limited to the employer's IRS identification number, State Unemployment Insurance Account Number, and information proving coverage for the OJT trainee under Worker's Compensation Insurance for the duration of the OJT training. Included within the application will be affirmative representations by the employer demonstrating that it believes it will be able to employ the individuals hired for at least one year, and other representations demonstrating that the employer is eligible.

A new form will be required to be completed, no less often than once every year. The Area's application for employer training assistance form must be updated:

- If the business is sold or transferred;
- If other significant changes affecting training, hiring, or job retention occur; and
- at least once every year from the date of issuance.

The Area's application for employer training assistance contains at a minimum, the provision of all of the following information. The information submitted shall be reviewed for completeness by the review group formed by each Sub-Area's provider prior to approving an application for OJT training.

1. Basic Eligibility Criteria. Federal and State Requirements.
 - a. OJT's are provided pursuant to an agreement with an employer in the following sectors:
 - i. public,
 - ii. private non-profit, or
 - iii. private for-profit sector.
 - b. Pursuant to Area policy, a private placement or temporary work agency may not be an eligible employer for WIOA-funded OJT's.

Host employers of those firms may, when certain criteria are met. See Section IV.B.2.b. of this policy.

- c. Employers will be disqualified from participating in the OJT program in the following situations:
 - i. Businesses presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio. Below are three websites that may be helpful in checking tax, environmental compliance, and debarment status.
 - Federal Debarment Site: <https://www.sam.gov>
 - Ohio Department of Taxation: <http://www.tax.ohio.gov>
 - Business Filing Search: <http://www.sos.state.oh.us>
 - ii. Businesses must not have any outstanding tax liability for over six (6) months to the state of Ohio. Local workforce development boards (WDB) or CCMEP lead agencies must require the businesses to disclose any known outstanding tax liabilities with Ohio and other states prior to entering into the contract. The local WDB or CCMEP lead agencies may consider existing out-of-state violations when determining eligibility to receive OJT funds. The local WDB or CCMEP lead agency must document any resolution of outstanding tax liability, which may include letters from the business or from the State from which the tax liability occurred.
 - iii. Businesses must not have any outstanding civil, criminal or administrative fines or penalties owed to or pending in the state of Ohio.
 - iv. Businesses who have previously exhibited a pattern of failing to provide OJT participants with continued long-term employment, defined by the Area as any business which in the past two years did not have seventy-five (75%) percent of those that completed training employed nine (9) months following the completion of training, and fifty percent (50%) of that same group employed eighteen (18) months following the completion of training.
 - v. The employer must comply with all applicable federal, state, and local laws and regulations related to providing reasonable working conditions. OJT participants are not permitted to train or work in buildings or surroundings under working conditions that are unsanitary, hazardous, or dangerous to the trainee's health or safety.

- vi. If during completion of the employer information form, it is determined that a business has relocated from one U.S. labor market to another and caused dislocation at the original location, OJTs may be available at the new location only after the business has conducted work at the new location for more than 120 days.
- vii. If the employer has laid off someone from similar or "substantially equivalent" work at the same local operation, no OJT or other subsidized employment is permitted. The work is considered substantially equivalent if the overlap between the work (duties and job titles) is 80% or greater. If more than one person is laid off from a substantially equivalent job, and all these persons worked their last day more than six months before the training plan begins, the OJT may proceed and the employer may be reimbursed regardless of the previous layoffs.
Absent a clear and applicable layoff definition within a collective bargaining agreement or personnel policy governing a local operation, a layoff is defined as termination due to lack of work either with or without the intent to recall. A laid off employee who refuses a recall request is no longer considered to be in layoff status. Layoff recall rights will last six (6) months from the last day of work prior to the layoff.
- viii. Training positions covered may not have been created by the displacement of an unsubsidized employee by a WIOA subsidized employee. This includes partial displacement such as reduction in the hours of non-overtime work, wages, or employment benefits. There is no requirement for the job to be similar or substantially equivalent. The key is employer intent: if an unsubsidized employee's earnings are reduced by hiring a WIOA subsidized participant to offset the lost productivity, it is considered displacement.
- ix. Funds provided to employers for an OJT may not be used to employ the participant/trainee in a position involving political or sectarian activities. Furthermore, OJT participants may not assist, promote or deter union organizing, or engage in political activities during work hours.x. OJT participants are prohibited from being employed in the construction, operation, or maintenance of any facility which is used for religious instruction or worship.

2. Enhanced Eligibility Criteria. Area/Regional Requirements.

- a. The employer must provide workers' compensation coverage and unemployment benefits either through the states' coverage systems or otherwise be self-insured.
 - b. The employer must commit in the application and again in the written OJT Agreement the following:
 - i. that the individuals to be trained are permanent hires;
 - ii. the individuals to be trained will not be laid off or let go due to reduction in work for the first twelve (12) months that they are employed, unless for unforeseeable and uncontrollable circumstances.
3. Pre-award review. To verify that a business is not relocating employment from another area, a pre-award review must be undertaken and documented by the Sub-Area provider. The review must include the names under which the establishment conducts business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIOA assistance is being sought about past or impending job losses at other facilities of their company. The pre-award review should also include a review of whether appropriate notices have been filed, as required by the Worker Adjustment Retraining Notification (WARN) Act. The review may also include consultations with labor organizations and others in the affected local area(s).

B. Written OJT Agreement.

1. General Terms of the OJT Agreement.

One JFS 80649, On-the-Job Training Agreement, or its locally or regionally modified equivalent, is required to be entered into between the Area and/or Sub-Area and each employer regardless of the number of participants trained or hired. The agreement may be effective for a maximum period of one (1) year and cover all training plans approved with the employer prior to the On-the-Job Training Agreement's expiration date.

The OJT agreement, while establishing the reimbursement procedures, remains non-financial in nature, and no money is obligated until the training plan is approved for an eligible participant. Moreover, in case a collective bargaining agreement exists, the employer must obtain a letter of concurrence to the OJT agreement from the union, and provide it to the Area and/or Sub-Area provider.

The OJT agreement will be modified before expiration only if there are significant, material changes, such as layoffs or changes in federal, state, and local rules and policies pertaining to the implementation of OJTs.

2. Specific Terms To be Addressed within the OJT Agreement.

OJTs involve the provision of compensation by the Sub-Area providers using adult, dislocated worker and/or youth funds provided to employers to compensate them for a percentage of the regular, hourly wages that the employer pays to WIOA eligible individuals while they are being trained. That compensation is subject to the following terms and conditions:

a. **Reimbursement Rate.**

i. **Minimum reimbursement rate 10%. Maximum reimbursement rate 50%, unless the special circumstances provided for below in section ii. are met** Each Sub-Area provider has the authority to negotiate the reimbursement rate with each employer, and reduce the results of that negotiation to writing within the OJT Agreement. The minimum reimbursement percentage shall not be below 10%, and the maximum reimbursement rate shall not exceed fifty percent (50%). Each Sub-Area provider is encouraged to either set its own reimbursement percentage structure that complies with the Area's, or to maximize the use of its funding by selecting a reimbursement rate that makes the most sense on a case by case basis, so long as its rates do not exceed the limits provided for above.

ii. **Maximum Reimbursement Rate 75%.** If the following special circumstances are met, maximum reimbursement may go up to, but not exceed 75% of the training wages per each trainee's OJT training plan:

- The participant is determined to have more than one barrier to employment recognized and documented within the ARIES case management system.
- The employer employs fifty (50) full-time employees or less at all the training location.
- If in addition to the OJT training, the employer will provide at no cost to the trainee, training that will result in the employee securing an industry recognized credential or certificate as defined and set forth within Area 19's other policies.
- The wages of the employees during training, and thereafter are at all times twenty dollars (\$20.00) an hour or more.

- At least one-third of the trainee wage reimbursement is withheld until 90 days or more have passed after completion of the training, and the employer establishes that the employee remains employed at the appropriate wage rate before that withheld compensation is paid.
- b. **Sub-Area may condition up to half of payment based upon completion of training, and/or retention.** Each Sub-Area provider has the authority to set within its Agreement the terms and conditions of payment of the wage rate reimbursement. This includes the authority of each provider to withhold a certain percentage, not exceeding 50% of the reimbursement compensation agreed upon within a Training Plan, until the individual completes all of the training, and/or completes training and remains employed for a period of time following training, so long as that period of time is not longer than ninety (90) days after completion. If the withholding percentage is applied to all of the employer's trainees, this language will appear in the OJT Agreement and Training Plan. If the withholding percentage only applies to some of the trainees, this language will appear just in the Training Plans of the trainees to which it applies.
- c. **Training may occur of placed employees.** Each Sub-Area provider has the authority to determine whether it will or will not agree to enter into OJT Plans for individuals who are placed with the training employer through a temporary or manpower agency. In those circumstances in which an otherwise eligible employer is training individuals that are actually employed by a temporary or manpower agency, the provider may enter into an OJT Agreement and Training plans so long as all of the terms and conditions are met:
 - i. The employer doing the training has made a good faith representation in the application, and a promise within the OJT Agreement that it has the intention and work available to employ the individual in question for a minimum of one (1) year.
 - ii. The employer will make an offer of employment to the individual before the training plan has ended for a rate of pay at or above what was provided to the trainee when they worked for the temporary or manpower agency.
 - iii. All wage reimbursement rates paid to the employer will be based upon the actual hourly rate of compensation paid to the individual being trained, and will not take into consideration any amounts paid to the temporary or manpower agency in excess of the wage rate paid to the

- trainee.
- iv. The training employer will be responsible for the training of the individual and for providing all documentation regarding training hours and wages, regardless of who prepares and maintains the same.
 - v. All wage compensation will be paid directly to the organization which is doing the training.
- d. **Training must occur for individuals making a minimum Area defined wage.** At a minimum, each provider will only enter into OJT Plans where the individual will receive a minimum of fifteen dollars and 00/100 cents \$15.00 an hour during training. At the provider's discretion, it may enter into an OJT Plan at less than twelve dollars and fifty cents (\$15.00) an hour, only where the customer being trained will receive a wage rate of fifteen dollars and 00/100 cents (\$15.00) an hour at the conclusion of the training, the provider requires the employer to promise the same, and also requires the employer to prove that it has adhered to that promise at the conclusion of the training before providing at least 50% of the wage reimbursement.
- e. **Training is subject to certain maximum limits.** Each Sub-Area provider has the authority to set the maximum amount of reimbursement it will provide to each employer either within its own internal policy, or on a case-by-case basis with each employer regarding each individual being trained at rates lower than the maximum caps that follow. In all cases, the Training Plan will not exceed the following caps:
- i. Training plans will not exceed 1040 hours or reimbursement, except where an individual has a disability no training plan will exceed 1560 hours, and except where the training is part of an apprenticeship no training plan will exceed 2,080 hours.
 - ii. No training plan will allow for an employer to be reimbursed for more than forty (40) hours of training in any individual workweek.
Reimbursement to employers shall also be for straight time only.
Reimbursements to employers shall be made only for actual OJT training time and shall not include reimbursement for wages paid to customer trainees for holidays, sick leave, vacation time, etc.
- f. **OJT participants must be treated equally.** The wages, benefits, and working conditions provided to all regular hires that do the same work as those OJT trainees, must be afforded to those OJT Trainees.

- g. **Qualifications to provide training are to be determined by Sub-Area Provider.** The eligibility of on-the-job training by employers shall not be subject to the same eligible provider requirements as post-secondary and other WIOA training providers, including those for ITAs, IWTs, or customizable training. Each Sub-Area provider administering the Adult and Dislocated Worker program, has the authority to determine whether or not an employer is equipped to provide the training agreed upon.
3. OJTS may only be entered into only for in-demand and/or critical industries or occupations, as defined within this Policy.

Training services provided shall be directly linked to an in-demand industry sector or occupation or a high potential for sustained growth in the local Workforce area or planning region. To receive an OJT, a participant must select a training program that is directly linked to employment that is either considered high demand or considered critical as identified by state strategic priority as follows:

- a. State In-Demand Occupations and Critical Jobs (85%).

In-demand occupations were chosen using various industry- and occupation-focused measures. These measures include projected openings; projected growth; select JobsOhio industry cluster occupations; and historic job posting data. The list of in-demand occupations will be validated or further enhanced using business data from the online Workforce Information Exchange job forecasts monthly.

Critical jobs are determined through state strategic priority and considered critical to the health and well-being of Ohioans. Some examples of critical jobs may include those outlined by RecoveryOhio that educate employers about hiring individuals in recovery and addressing substance use in the workplace plus children's initiatives focused on pediatric mental health.

Each program year, at least 85% of new ITA enrollments for the local area must be in an in-demand occupation or critical job as defined by the state of Ohio. Participants who have a current program year training service start date and whose ITA will carry into the next program year, will not be counted in the next program year's percentage.

The link below provides access to in-demand occupation and critical jobs data: <https://topjobs.ohio.gov/wps/portal/gov/indemand/list>.

- b. Local Area In-Demand Occupations (15%).

4. The remaining 15 percent of ITA enrollments for the local area may be for occupations defined as in-demand by the Workforce Area. For the Area's definition of the same See Area Policies C-11.

- a. **In-Demand Occupations as defined by the Area Workforce or its Providers.** The Area Workforce has the authority to also establish what positions of employment are in-demand either by establishing a list, or through the real time intelligence developed by its Sub-Area providers. Of all of the OJT placements made within a program year by a provider, a maximum of fifteen percent (15%) of those placements must be made within occupations that are deemed by the Area Workforce to be within in-demand.

- i. If the Area Workforce establishes a list of occupations it deems to be in-demand that are not provided for within the State of Ohio's list, it will be provided to each provider, and the providers may use this list for engaging in placements.

- ii. In addition to, or in place of a list prepared by the Area Workforce, providers are also permitted to use their discretion in determining whether a position is in-demand on a case-by-case, individual basis. Some reason why a provider may deem a position to be an in-demand occupation may include, but are not limited to, the following:

- The position of employment is associated with regional industry sector or career pathway consortium for workforce development, set by the Area or Sub-Area.
- Intelligence developed by the Area's or Sub-Area's staff, including staff involved in placements, and/or business services has established that the position is currently in demand within the Area. This could include intelligence regarding new businesses established in the Area, expansion by current businesses, a large number of retirements in a occupation that need to be replaced, a large influx of job position postings for a particular occupation, etc.

- iii. The provider's staff will document within the case file of each individual placed within an OJT with a position that is deemed to not be on the State's "in-demand" list the reasons for which it determined the position of employment to meet the local's reasons for considering the position of employment to be in-demand at the time that the placement is made.

- iv. Should a provider have a need or desire to go over the fifteen percent (15%) maximum threshold, it must notify

the Area Workforce Director, who will advise the provider whether it can or cannot make placements in excess of the fifteen percent (15%) maximum threshold. The Area Workforce Director will manage this request by either seeking relief from other providers within the Area who are below their fifteen percent (15%) threshold, or by alternatively successfully petitioning the state to exceed the fifteen percent (15%) threshold.

5. An original negotiated Agreement shall be executed by each provider and an authorized representative of the employer. The original signed agreement shall be retained by the provider. Copies shall be delivered to the Area Workforce and employer.

C. Determination of the Eligibility and Suitability of OJT Participants.

1. OJTs are available for eligible:
 - Under-employed adult, dislocated workers, special grant participants where OJTs are allowed, and CCMEP Youth ages 14-21 where the completion of the OJT will result in the youth being successfully exited from the program within two quarters upon completion of the training. Under-employed workers , are those workers who are employed and earning wages from income in some capacity, but the worker is not earning a self-sufficient wage as established by the Area within its individual and family self sufficiency policies. Alternatively, an adult and/or dislocated worker that is working in temporary, interim job. See the definition section for the definition of a temporary, interim job. **See Area Policy C-03.**
 - Un-employed adult and dislocated workers, special grant participants where OJTS are allowed, and CCMEP Youth where the completion of the OJT will result in the youth being successfully exited from the program within two quarters upon completion of the training. Unemployed workers who at the time of applicant are not receiving wages from income, or who are working in temporary, interim jobs. See the definition section for the definition of a temporary, interim job.
2. Provision of Two Condition Precedent Services.
 - a. The participant must have an account developed in his/her name in OhioMeansJobs.com.
 - And-
 - b. An adult, dislocated worker, or special grant recipient must have developed on their behalf an Individual Employment Plan (“IEP”); a CCMEP Youth must have developed on their behalf an Individual

Opportunity Plan (“IOP”), so staff can obtain enough information to determine the appropriateness for an OJT of an individual participant. If an IEP or IOP is developed on behalf of a participant, s/he must be registered and enrolled into ARIES system within thirty (30) days following the drafting of the same, if any other individualized career services are provided or are to be provided in the future.

3. Immediate family members may not participate.

OJT participants are not eligible to receive needs related payments (NRPs) and cannot be immediate family members of the business owner or direct supervisor. Immediate family members are defined as sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandson, granddaughter, grandparents, stepparent and stepchild).

4. No displacement of currently employed workers.

The employer must not utilize an OJT Training Plan to displace currently employed workers or to reduce the hours of those employed workers below their normal work schedule. An OJT contract cannot be written for a position in which a worker is currently on layoff, or for a position which will deny a current worker promotional opportunities. In addition, no OJTs may be provided to any employer who by moving operations or shifting work from one location to another within the United States has displaced employees at another location within the previous one hundred twenty (120) days.

D. Entry into a Written OJT Plan.

1. The OJT Training Plan in General.

The JFS 80642, On-the-Job Training Plan, or its locally or regionally modified equivalent, obligates training or work experience funds for a participant and outlines the planned training activities to be accomplished during the training period. Unlike the OJT agreement, the training plan is required for each participant. The On-the-Job Training Plan constitutes the financial obligation between the agency or service provider and the employer, and is the document which authorizes reimbursement of the agreed upon amount upon pursuant to the timing set forth within this policy, the OJT Agreement, or the OJT Training Plan.

The On-the-Job Training Plan also identifies the skills to be learned during the OJT. OJT providers may base the identification of skills needed, as well as the justification of training duration, upon the Occupational Information Network (O*NET) and specific vocational preparation (SVP), company job description, input from the employer/supervisor, and/or other appropriate data sources.

2. Determining the Content of the OJT Training Plan.
 - a. The actual training time for an OJT Training Plan is determined by the tasks required by the specific job compared to the skills, knowledge, experience, and abilities of the WIOA customer. The OJT Training Plan must be individualized for the customer, taking into consideration the participant's prior education, training, work experience, barriers to employment, physical/mental; capacities and limitations, level of functional literacy, recentness and duration of prior training or experience, and any other relevant factors.
 - b. Reduction in OJT training time to be reimbursed by WIOA should be made for customers with prior work experience, training or education that is directly related to the planned OJT training. In such instances, the general rule to be followed in OJT Training Plan formulation is not to duplicate prior occupational training, education, and/or work experience with OJT training. Customers with prior training or experience that is directly or indirectly related to the planned OJT training may be enrolled in OJT if that training will enhance or expand job skills already possessed by the customer. For example: a general secretary placed in an OJT as a legal or medical secretary with training tasks/hours planned for job specific skills which the customer does not currently possess (such as specific legal or medical knowledge).
 - c. The length and duration of on-the-job training shall be limited to a period not in excess of that generally required for the acquisition of skills needed for the entry level within a particular occupation.
 - d. The OJT training need must be justified and documented in all instances in the customer's IEP or IOP.
 - e. Award of an OJT Training Plan is based on availability of WIOA funds.
 - f. The OJT training occupation must not involve payment of commission wages as the primary source of wage payment to the OJT customer/trainee.
 - g. The OJT training occupation must not involve political or religious activity.
 - h. The training occupation should have career advancement potential.
 - i. The OJT must be conducted at, or out of, the employer's place of

- business and may not be subcontracted.
- j. Training in occupations requiring a license to perform certain work shall not be allowed unless the OJT contractor/employer certifies that it is the firm's intention to continue employment and further occupational training for the OJT employee specified until all license requirements are met.
 - k. The OJT training occupation cannot be seasonal, intermittent, or temporary in duration.
 - l. It shall be at the discretion of the provider to determine whether there should be any limits placed on the number of OJT placements with any one employer.
3. Amending the OJT Plan.

There are times when an OJT participant or work conditions may justify an exception to the original training plan. The Sub-Area provider may amend the OJT Plan under the following circumstances:

- a. Extending the agreed upon length of OJT duration if the mandated maximum number of hours are not exceeded;
- b. Adjusting the maximum or minimum number of hours/week to accommodate a participant's learning or other disability if mandated maximum number of hours are not exceeded;

All exceptions must be documented on the JFS 80650, On-the-Job Training Exception Request, or its locally or regionally modified equivalent, before the end date of the training plan. Also, exceptions must be documented in the participant's case notes.

E. Employer Reimbursement.

Payments to employers should be managed by an invoice system that documents the number of hours worked by the OJT participant and the hourly rate of pay.

Payment point procedures are to be developed by the Sub-Area provider and set forth within the Agreement with the employer or the OJT plan. The Sub-Area provider may determine how often to reimburse the employer. The Sub-Area provider may also determine if they wish to withhold reimbursement for up to ninety (90) days to ensure retention after the end of training. The State does not mandate or prohibit OJT holdback tied to employment or retention.

During the WIOA-funded OJT, participants might also become eligible for other funding streams, such as Trade Adjustment Assistance (TAA), that would preclude their receiving continued funding under the OJT. In such an instance, the Sub-Area provider must develop a plan regarding payment points and transitioning

participants from one program to another without negatively affecting the employer or the participant.

The reimbursement base is regular "straight time" hours and does not include commissions, overtime pay, holidays, vacation, sick pay or pay for other hours not worked. Further, payments to employers must be based on scheduled raises and regular pay increases if they occur.

F. Sub-Area OJT review/monitoring process.

Each Sub-Area provider shall be responsible for reviewing and monitoring the performance of employers pursuant to the terms and conditions of the OJT Agreement, Training Plan, and this policy, while the training is occurring.

The review and monitoring shall at a minimum include all of the following:

1. A review all applicable statutes and State and Area Policies as required for a complete monitoring review.
2. Perform a desk top audit of the participant's file and the affected contract.
3. Compile a listing of any questions from the desk top review prior to the monitoring visit.
4. Make an on-site monitoring visit at least once during the training period, or shortly thereafter its completion. Preferably the on-site visit will occur as close to as possible, when the customer has completed anywhere from 25% to 75% of his or her training. However, the on-site visit may occur after the training is over, although this is not preferred. The on-site visit will be waived if a positive on-site visit has already occurred for another employee doing the same work with the same employer within the six (6) months prior to the time that the individual is set to complete his/her training.
5. Complete a Monitoring Report either generated by the Area Workforce, or develop a Monitoring Report, the content of which is approved by the Area Workforce, with special attention to the following:
 - a. Completely review the OJT contract, Training Plan/s and any/all modifications.
 - b. Visually inspect the Worker's Compensation Account recording the account number and effective dates of coverage.
 - c. Review time and attendance, payroll, and personnel records.
 - d. Conduct a participant interview to accurately answer the report questions.
 - e. Review the IEP or IOP, justification for training, and the training

- outline.
- f. Perform a visual inspection of the training area to ensure safe and sanitary conditions.
 - g. Note any comments and any corrective action that may be needed.
 - h. Make sure all required signatures are obtained.
 - i. Report any/all discrepancies to an immediate supervisor no later than 5:00 p.m. on the business day following the visit.
 - j. Construct a corrective action plan, if required, including anticipated dates of completion and review. This action must be completed within five (5) working days.
 - k. Problem sites/customers will be reviewed for follow up no later than ten (10) days after corrective action is initiated, or, sooner if the situation warrants.
 - l. Follow up reports are to be submitted to the provider Program Managers within three (3) days to determine the effectiveness, continuation, or closeout.
 - m. The Sub-Area provider shall affect the final action as determined from information derived from follow-up reports.

G. Coordination with Registered Apprenticeship.

Every registered apprenticeship program includes a structured OJT. Companies hire apprentices and provide hands-on training from an experienced mentor. This training is developed by mapping the skills and knowledge the apprentice must learn over the course of the program to be fully proficient at the job. Therefore, registered apprenticeships are time-based and require a specific number of hours of OJT. Consequently, OJTs with longer duration, not to exceed 2,000 hours, may be used when the OJT is completed as part of the registered apprenticeship program.

H. Coordination with the TRADE ("TAA") Program.

Individuals who are eligible for assistance under TAA (Trade Adjustment Assistance) are not eligible for WIOA-funded OJTs.

If a participant is eligible for training dollars under Trade Adjustment Assistance (TAA), TAA should be used to fund the OJT. An exception would be situations where the cost exceeds the TAA program's ability to fund the training; WIOA funds can pay the portion of the cost that exceeds the TAA maximum.

If a participant is already enrolled in a WIOA-funded OJT and subsequently becomes eligible for funding through TAA, the local area must determine whether

to continue funding the OJT with formula dollars or to fund the remainder of the training with TAA funds based on the following criteria:

1. If the WIOA-funded OJT uses a different wage reimbursement rate than the Trade program's OJT policy allows, the participant's OJT may continue to be funded by formula dollars until completion;
2. If the WIOA-funded OJT uses a different payment point than the Trade program's required OJT payment point, the participant's OJT may continue to be funded by formula dollars until completion;
3. If the WIOA-funded OJT uses the same wage reimbursement rate and payment point as the Trade program OJT, the local area must plan for the remainder of the OJT to be funded by TAA beginning at the next payment point. Local areas must coordinate with Trade staff to develop a plan for transitioning participants from one funding stream to another without negatively affecting the employer or the participant.

Regardless of whether participants remain in the WIOA-funded OJT or transition to TAA funding, it is required that the participant be co-enrolled in both the WIOA-funded OJT and Trade programs and that the OJT be approved under both programs (even if it is being fully funded by formula dollars) to ensure the participant may qualify for other associated Trade benefits and services.

VI. Definitions.

Comprehensive Case Management and Employment Program (CCMEP): An integrated intervention program that combines the Temporary Assistance for Needy Families (TANF) program and the WIOA Youth program to provide employment and training services to individuals ages 14 through 24.

Critical jobs: jobs determined through state strategic priority and considered critical to the health and well-being of Ohioans. Some examples of critical jobs may include those outlined by RecoveryOhio that educate employers about hiring individuals in recovery and addressing substance use in the workplace plus children's initiatives focused on pediatric mental health.

Displaced homemaker: An individual who has been providing unpaid services to family members in the home and who:

1. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; **AND**

2. Has been dependent on the income of another family member, but is no longer supported by that income; **OR**
3. Is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of Title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of Title 10, United States Code, or pursuant to paragraph (4) of such section); a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code; a permanent change of station; or a service-connected (as defined in section 101(16) of Title 38, United States Code) death or disability.

In-demand occupation: an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy as listed on the State In-Demand Occupations list or as defined by the local area.

Individuals with barriers to employment: A member of one or more of the following populations:

1. Displaced homemakers;
2. Low-income individuals;
3. Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166 of WIOA;
4. Individuals with disabilities, including youth who are individuals with disabilities;
5. Older individuals;
6. Ex-offenders;
7. Homeless individuals or homeless children and youth;
8. Youth who are in or have aged out of foster care;
9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworkers;
11. Individuals within 2 years of exhausting lifetime TANF eligibility;

12. Single parents (including single pregnant women);
13. Long-term unemployed individuals; and
14. Such other groups the State determines to have barriers to employment.

Individual with a disability: An individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990, (42 U.S.C. 12102).

In-demand occupation: an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy as listed on the State In-Demand Occupations list or as defined by the local area.

Homeless children and youth (section 725(2) of the McKinney-Vento Homeless Assistance Act): An individual who lacks a fixed, regular, and adequate nighttime residence and includes the following:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children who qualify as homeless because the children are living in one of the previously mentioned circumstances.

Homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994, 42 U.S.C. 14043e-2(6)): An individual who lacks a fixed, regular, and adequate nighttime residence and includes:

1. An individual who:
 - a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

- c. Is living in an emergency or transitional shelter;
 - d. Is abandoned in a hospital; or
 - e. Is awaiting foster care placement.
2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
 3. Migratory children who qualify as homeless because the children are living in circumstances listed above.

Lead agency: The entity designated by the board of commissioners to administer CCMEP.

Low-income individual: As defined in section 3(36)(a) of WIOA, an individual who:

1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), or the supplemental security income (SSI) or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of:
 - a. The poverty line; or
 - b. 70% of the lower living standard income level.
3. Is a homeless individual;
4. Receives or is eligible to receive a free or reduced price lunch;
5. Is a foster child on behalf of whom State or local government payments are made; or
6. Is an individual with a disability whose own income meets the eligibility income requirement of paragraph (2)(b) above but who is a member of a family whose income does not meet this requirement.

On-the-job training: Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

1. Provides knowledge or skills essential to the full and adequate performance of the job;
2. Is made available through a program that provides reimbursement to the employer of up to 50% of the wage rate of the participant, except as provided in

section 134(c)(3)(H) of WIOA, for extraordinary costs of providing the training and additional supervision related to training; and

3. 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.

Planning region: Two or more local workforce development areas assigned by the State to align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers.

Registered apprenticeship program: A program meeting Federal and State standards of job preparation that combines paid on-the-job training and related instruction to progressively increase workers' skill levels and wages.

Temporary, interim job or employment: Employment during which workers are engaged only for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labor; or during which workers are employed indefinitely without any expectation of continued employment, so long as the period of employment does not total a single continuous year of employment, or total one year of employment spread out over noncontiguous periods of employment during any two (2) year period of time.

VII. Systems Reporting.

A. Fiscal Reporting.

Any and all funds used to fund OJT programming will be reported as program costs. The fiscal agent for the Sub-Area and Area must track funds used for individual training accounts by funding stream and by the year of appropriation. These fiscal agents will report OJT expenditures using the ITA adult, dislocated, and/or youth CCMEP code established by the Office of Fiscal and Monitoring Services. ODJFS will monitor costs reported against the OJT program.

B. Program Reporting.

OJT programs will be reported in OWCMS with at least the minimal amount of data required. If the Sub-Area wishes to co-enroll an ITA participant, co-enrolled participants must meet all eligibility requirements for each of the adult, dislocated worker, and/or youth programs for which they are enrolled.

As recipients of WIOA funds, the Area Workforce, the OMJ operators, partners, and providers will be required to maintain and report accurate program and financial information. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio Workforce Case Management System (OWCMS) accurately and timely. OWCMS may be used to assist in the determination of eligibility. However, OWCMS cannot be used as verification of adult or dislocated worker eligibility. **Area Workforce WIOA Policy C-09** regarding Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA adult and dislocated worker programs.

VIII. Area Monitoring.

The Area will conduct oversight and monitoring of the implementation of all WIOA programming by all OMJ Center operators, partners, and/or providers pursuant to **Area Workforce Policy D-03**. The Sub-Area providers will be responsible for monitoring the employer's training.

The Area will be responsible for monitoring the Sub-Area's adherence to this policy. For its monitoring of Sub-Area OJTs, the Area shall review the following for any OJT it elects to monitor:

1. There was a need for training;
2. Training was provided to the participant;
3. The length of OJT training was reasonable;
4. The employer reimbursement rate complied with policy; and
5. Other applicable OJT rules and requirements were followed.

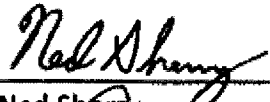
IX. Technical Assistance.

To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the NOC COG at craig@noccog-area19.com.

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce

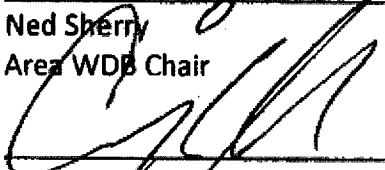
Development: WIOAQNA@ifs.ohio.gov; and by copying your request to the Executive Director of the NOC COG.

X. Signatures.



Ned Sherry
Area WDB Chair

05/14/2024
Date



Casey R. Kozlowski
Ashtabula County Commissioner
Northeast Ohio Consortium Council of Governments,
Chief Elected Official

5-21-24
Date

Original Version Approved: August 5, 2015

Subsequent Revisions: April 4, 2018
March 4, 2020
March 6, 2024