



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF SOCIAL SERVICES
WORKFORCE DEVELOPMENT BOARD

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POLICY NO: 04-19
TO: Service Providers
FROM: Department of Social Services
EFFECTIVE: January 01, 2020
SUBJECT: Eligibility for Training Services

REFERENCES:

- Workforce Innovation and Opportunity Act (WIOA) Section 134
- Title 20 Code of Federal Regulations (CFR), 680.200-680.230;
- Title 20 CFR 680.300-680.350; 20 CFR 680.700-680.840.

PURPOSE:

This policy provides guidance eligibility for training services under the Workforce Innovation and Opportunity Act (WIOA) programs.

This policy is based on SLOWDB's interpretation of WIOA law, regulations and policies and federal, state and local laws, regulations and policies. This policy will be reviewed and updated based on any additional federal or state guidance.

POLICY:

Training services may be made available to employed and unemployed adults and dislocated workers who:

- An America's Job Center of California (AJCC) or AJCC partners determine, after an interview, evaluation or assessment and career planning are:
 - Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services:
 - In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable or higher than wages from previous employment; **and**

- Have the skills and qualifications to participate successfully in training services;
- Select a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate
- Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance (TAA), and Federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants (provisions relating to fund coordination are found as §680.320 and WIOA sec. 134(c)(3)(B)); and
- If training services are provided through the adult stream, are determined eligible in accordance with the State and local priority system in effect for adults under WIOA sec. 134(c)(3)(E) and §680.600.

Individuals must, at a minimum, receive either an interview, evaluation, or assessment, and career planning with sufficient detail to enable the AJCC or partner staff to make a determination that the individual is eligible for training services. Where appropriate, a recent interview, evaluation, or assessment may be used for the assessment purpose. The case file must contain a determination of need for training services as determined through the interview, evaluation or assessment and career planning. The decision must also be informed by local labor market information and training provider performance information or through any other career services.

Career services are not mandatory prior to training services, however, if they are not provided prior to training, the case file must include documentation to justify the determination to provide training without an interview, evaluation or assessment and career planning.

Pell Grant Provisions

WIOA funding for training shall be limited to individuals who:

- Are unable to obtain grant assistance from other sources to pay the costs of their training; or
- Require assistance beyond available grant assistance from other sources to pay the costs of such training.

Service providers must coordinate training funds available and make funding arrangements with AJCC partners and other entities. Training providers must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources of training grants.

A WIOA participant may enroll in WIOA-funded training while his/her application for a Pell Grant is pending as long as the AJCC service provider has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the AJCC service

provider the WIOA funds used to underwrite the training for the amount the Pell Grant covers. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIOA participant for education-related expenses.

Training Services

Training services that may be provided to a WIOA adult or dislocated worker and include:

- Occupational skills training, including training for nontraditional employment
- On-the-job training (See OJT Policy #)
- Incumbent worker training
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Transitional jobs
- Job readiness training, in combination with other training services;
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services identified above; and
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

On-the-Job Training

On-the-job training (OJT) is provided under a contract with an employer or registered apprenticeship program sponsor in the public, private non-profit, or private sector. Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, to compensate for the employer's extraordinary costs of providing training and supervision related to the training. In limited circumstances, and in accordance with local policy, the reimbursement may be up to 75 percent of the wage rate of the participant.

Service providers will not contract with an employer who has previously exhibited a pattern of failing to provide OJT 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.

An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan. See the OJT Policy Number 05-19.

OJT contracts may be written for eligible employed workers when:

- The employee is not earning a self-sufficient wage as determined by Local Board policy; and

- The OJT 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 appropriate purposes identified by the Local Board.

Regarding the conditions that govern OJT payments to employers, on-the-job training payments to employers are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of the participants. Employers may be reimbursed up to 50 percent of the wage rate of an OJT participant for the extraordinary costs of providing the training and additional supervision related to the OJT. Employers are not required to document such extraordinary costs.

Customized Training

Customized Training is training:

- That is designed to meet the special requirements of an employer (including a group of employers);
- That is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual on successful completion of the training; and
- For which the employer pays for the prescribed percent of the cost of the training listed on the Customized Training Policy Number 22-08.

Customized training of an eligible employed individual may be provided for an employer or a group of employers when:

- The employee is not earning a self-sufficient wage as determined by Local Board policy;
- The customized training relates to the purposes identified by the Local Board.

Priority in Training

Priority of service shall be given to adult participants as identified in the local area "Priority for Services" policy.

Training in Targeted Occupations

Training services shall be directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

Training Providers

It is the policy of the WDB to fund training through the use of Individual Training Accounts (ITAs) only with those vendors listed on the State of California Eligible Training Providers List (ETPL).

ACTION:

All DSS WDB staff and service providers shall comply with this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Any questions regarding this policy may be directed to the DSS WIOA Program Manager at 805-781-1838.

Workforce Development Board (WDB) Approval Required? Yes No X

Initial approval date: N/A

WDB revision approval date: