

APPROVAL DATE:

7/14/10

APPROVED BY:

Betty Baker, WIB Chair



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF SOCIAL SERVICES**

POLICY NO: 22-08
TO: Service Providers
EFFECTIVE: July 14, 2010 (Revised August 28, 2014)
SUBJECT: Customized Training Policy

REFERENCES:

- WIA Section 101 (8)
- WIA Section 101(31)
- WIA 181(a)(1)(A)
- Title 20 Code of Federal Regulations (CFR), WIA Final Rule, Sections 663.700(b)(c), 663.705, 663.720, 667.272
- 20 CFR Part 652 et al. Subpart G
- San Luis Obispo County WIB Local Policy 15-08

PURPOSE:

This directive provides guidance on policies and procedures for customized and upgrade training.

BACKGROUND:

WIA authorizes the local Workforce Investment Board to establish policies and procedures for customized and upgrade training. The WIA regulations at 20 CFR Part 652, Section 663.720, state that customized training of an eligible employed individual may be provided for an employer or a group of employers when;

- A. The employee is not earning a self-sufficient wage as determined by [Local Board policy 15-08](#);
- B. The requirements in 20 CFR Part 652, Section 663.715 are met; and,
- C. The customized training relates to the purposes described in 20 CFR Part 652, Section 663.705 or other appropriate purposes identified by the Local Board.

DEFINITION:

The WIA statute at Section 101 (8) and the regulations at 663.715 define “customized training” as:

- A. That which is designed to meet the special requirements of an employer (including a group of employers);
- B. Is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, individual on successful completion of the training; and
- C. For which the employer pays for not less than 50 percent of the cost of training.

POLICY:

Customized training activities under WIA include, but are not limited to, the following:

- Skills upgrade as required to operate new technology, new production or new service procedures.
- Skills needed to perform job duties more efficiently or to handle additional responsibilities.
- Work based literacy.
- Soft skills.
- Disability-related job accommodation.
- Skills assessment.
- Assistance to employers in designing the training plan.
- Monitoring participant progress and promoting successful completion of training objectives.

Customized training funds do not allow the following activities:

- Construction, maintenance, or operation of any facility used or to be used for sectarian instruction or as a place of religious worship.
- Directly or indirectly assisting, promoting or deterring union organizing.
- Training for jobs that depend largely on commissions or that are intermittent or seasonal in nature.

- Training during a strike, lockout or other labor disputes.
- Working with an employer who has relocated to the area when the relocation resulted in a loss of employment for a large number of employees of the original location.
- Involving occupations related to political, electoral, or partisan activities.
- Involving employers who exhibited a pattern (two or more times) of failing to provide customized training participants with higher wages once training is complete.

The participants of customized training services must meet the criteria and requirements to receive training service as listed in 20 CFR 663.310.

Customized training may take place in the workplace or another convenient location, during or after work hours. Since the training is usually arranged by the employer with a specific training provider, there is no customer choice on the part of the individual other than whether or not to participate in the training.

All Customized/Upgrade Training must be sponsored by an employer/association.

All training must be in a demand occupation, be transferable across the industry, and have significant skills transferability.

Participants must be employed:

1. In the training occupation
2. Permanent full-time (32-40 hours per week or standard for the industry)

Payment will be made upon completion of not less than 90 consecutive days of permanent full time employment after completion of training.

EMPLOYER MATCH:

California maintains a waiver through June 30, 2017, of the requirement at WIA 101(8) (C) that employers must match at least 50 percent of the cost of customized training. The waiver granted by the Department of Labor (DOL) allows use of a sliding scale in order to encourage greater employer participation rates:

- No less than 10 percent match is required of employers with 50 or fewer employees.
- No less than 25 percent match is required of employers with 51-100 employees.
- No less than 50 percent match is required of employers with more than 100 employees.

PROCEDURE:

A written, signed agreement is required between the AJCC representative , an authorized employer representative and an authorized training provider representative prior to delivery of training to ensure that workers are provided a structured training opportunity in which to gain the knowledge and competencies necessary to be successful in the occupation or industry in which they receive training.

Participant Eligibility

All customers' identified, current employees (incumbent workers) and new referrals must be registered in CalJOBS. If the customer is to be supported through WIA funds, each must meet the WIA enrollment criteria and be enrolled prior to the beginning of training. For customers supported by non-WIA funds, files must support the eligibility and enrollment requirements of that specific funding source.

Approval of Customized Training Employer

The WIA Services Manager, prior to execution of an agreement, must approve all Customized Training Providers and Programs. Future agreements will undergo an intensive review if the employer exhibits a pattern of not hiring 95% customers who successfully complete the training and do not retain customers in employment for nine (9) months. The training agreement will indicate the funds awarded and identify the services to be provided.

Approved Employer Must:

Provide a detailed line-item budget that identifies a minimum cash contribution consistent with the sliding scale above, unless State Waiver has been issued.

Employer Hiring Commitment

The employer must sign a written commitment to hire and retain all participants who successfully complete training .

Training Components

Training may include one or both worksite and classroom training components (classroom training is not restricted to the State Eligible Training Providers List (ETPL)).

Worksite Training

Training must enhance knowledge or skills essential to the full and adequate performance of the job.

Classroom Training

Classroom training may be provided by the employer directly or by a vendor of their choosing following procurement policies or procedures of the employer, as applicable. The training provider selected does not have to be listed on the ETPL. Training may include Vocational English as a Second Language (VESL) as appropriate. Employer may pay subsidies for time spent in classroom training.

Earnings /Wages

Each agreement must identify the anticipated hourly wage paid at time of employment. Unless waived by the WIA Services Manager, each agreement will identify

earnings gains, replacement wages, wage at placement and retention rates, which meets or exceeds the goal of attaining self-sufficiency standards, per current published self-sufficiency standards.

Occupational Demand

Training must be in a demand occupation within the targeted training sector defined and/or allowed by the Workforce Investment Board (WIB) unless a Waiver is granted by the WIA Services Manager.

Incumbent Worker Training

Up to 10 percent of WIA Adult and up to 10 percent of Dislocated Worker Formula funds may be used for incumbent worker training only as part of a layoff aversion strategy. In addition, use of Adult Formula funds for incumbent worker training is limited to serving low-income adults. Prior State approval is required in either instance. Therefore, no CT funds may be used to support training of incumbent workers without prior State approval.

- The WIA does not reimburse wages paid to incumbent workers while participating in customized training;
- Incumbent workers training must lead to self-sufficiency unless an exception is granted based on one of the following:
 - A new or changing regulation that requires a change in technology, software, waste reduction, energy conservation, etc.
 - The changing skill requirements as a result of external economic or market forces, significant changes in operating processes, rapidly changing industry or occupational job requirements or emergence of new products.
 - Direct communication with employers or joint labor-management committees such as joint apprenticeship training committees.
 - Use of industry recognized skills standards and curriculum.
 - Use the EDD LMID or other credible data industry projections to identify industry trends.

AJCC Procedures

Business Services staff will take the lead in marketing customized training opportunities to businesses through existing outreach efforts. Business Services staff will also be responsible for conveying to the employer the required business license, insurance certification, and 1-9 requirements.

Businesses expressing interest in CT will be required to complete a "Request for Preparation of Customized Training Project Agreement" (Attachment A) with assistance from the local AJCC Business Services staff and submitted to the AJCC for review.

Subject to successful negotiations with the business, fund availability and appropriateness, Business Services staff will make a recommendation to the WIA

Services Manager, who must approve the recommendation prior to execution of a formal contract.

If authorized by the WIA Services Manager, contract execution will follow the approval procedures established by the AJCC Operator and include the CT Agreement, detailed budget, terms and conditions, and signatures of authorized representatives.

In addition, AJCC's CT agreements will specify the funds awarded and identify the services to be provided. Once the agreement is executed and the participant is participating in the CT program, the participation must be recorded in the participant's file.

Monitoring Requirements

CT agreements are required to be monitored by the AJCC on-site midway during the training period as stated in the training agreement. The Business Services staff shall have primary responsibility for conducting monitoring. Monitoring will ensure that the training is being provided as specified in the on-site Agreement and ensures that any issues identified through an on-site visit may be resolved within a sufficient amount of time. A copy of the monitoring report and or corrective action must be provided to the Administrative Entity (WIA Program Manager). The monitoring results will be shared with the WIA Services Manager in the event a future agreement is in consideration.

ACTION:

The Administrative Entity for the WIB and its Service Providers shall follow this policy. This policy shall remain in effect until such time that a revision is required.

INQUIRIES:

Inquiries should be addressed to WIB Admin at wibadmin@co.slo.ca.us.

REVISION HISTORY:

DATE	DETAILS
8/28/14	Clarification on AJCC responsibilities and monitoring requirements.

Attachment

Attachment A
San Luis Obispo County WIB
Request For Preparation Of Customized Training
PROJECT AGREEMENT

Business Name:	
Address:	
Contact Person:	Title:
Email Address:	
Phone:	Fax:

Total Number of Employees: _____

Have you had any recent lay-offs over the last 120 days?

Yes No How many? _____

Federal ID#: _____ Standard Industrial Classification Code: _____

Legal Status: Private For-Profit Date Incorporated: State: _____
 Not-for-Profit Date Incorporated: State: _____
 Public Agency
 Sole Proprietorship
 Partnership
 Other (Specify)

Does the business have a collective bargaining agreement? YES NO

Does the business have General Liability & Workers' Compensation Insurance?

YES NO

SECTION 1 - BUSINESS INFORMATION

Describe your business:

Discuss reason(s) this training is requested:

SECTION 2 - JOB DESCRIPTION

List the qualifications and job description for the job(s) to be filled at the completion of training (please include any required drug screenings, health screenings, and background checks):

SECTION 3 - RECRUITMENT

Project Length (in months):

Proposed Start Date:

Completion Date:

Describe any coordination with the American Job Center of California (AJCC) that has already occurred:

SECTION 4 - TRAINING

Describe the training plan including class titles, dates, times, and duration of program (hours/weeks/months):

Describe the training curriculum:

List all training providers including contact name, address, and phone number:

Does the training provider have public liability and property damage insurance coverage?

SECTION 5 - PROGRAM OUTCOMES

Total number of individuals to be trained/hired per cohort:

Total number of proposed cohorts:

Starting hourly wage for individuals to be trained:

What employee benefits (if any) are offered?

Will successful completers of training attain skills certified by the industry? YES NO

SECTION 6 - PROPOSED COST: Please provide an all-inclusive cost-per-class (e.g., minimum-maximum number of participants per cohort including cost of training, books, supplies, and other regulatory/mandated expense.) PLEASE ATTACH COST PROPOSAL.

Company Representative:

Signature: _____ Date: _____

Administrative Use Only

Is the proposed training (or similar) on the ETPL? _____

AJCC Representative: _____

Signature: _____ Date: _____

Administrative Entity Representative: _____

Signature: _____ Date: _____

Customized Training: Approved or Denied (circle one)