



Capital Region Workforce Development Board

ON-THE-JOB TRAINING

POLICIES AND PROCEDURES MANUAL

Adopted 3/30/2023

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I. PURPOSE OF THE ON-THE-JOB TRAINING PROGRAM

On-the-Job Training (OJT) is one of the allowable program activities authorized by the Workforce Innovation & Opportunity Act (WIOA).

OJT is conducted by a private or non-profit sector business. It occurs while an individual is engaged in productive work learning the skills and information necessary for full and adequate performance on the job.

The two unique features of an OJT program are:

1. The individual begins training as a new employee or an incumbent worker begins training for a new position.
2. The individual receives training at the workplace, under appropriate supervision, thus acquiring occupational skills and knowledge in an “on-the-job” training environment.

An OJT program is appropriate for businesses who have difficulty filling their skilled labor force needs with qualified, experienced workers, or who want to upgrade their current workforce. Businesses may use an OJT in these instances by training eligible WIOA clients. Reimbursement of up to 50% of the trainee’s hourly wages is provided to the business to pay for the extraordinary costs of such training because these costs exceed the expenses normally incurred in training individuals normally hired for the position.

Despite the benefits to businesses who participate as an OJT Business, the focus of the OJT program is on the individual. OJT is designed to provide an opportunity for WIOA eligible individuals to receive the training necessary to acquire skills and knowledge that will enable them to maintain unsubsidized employment and job advancement.

When administered correctly and operated properly, OJT provides the most direct opportunity for unsubsidized employment for WIOA clients.

II. BUSINESS ELIGIBILITY FOR ON-THE-JOB TRAINING PROGRAMS

In general, businesses are eligible to participate as an OJT Contractor/Business if they have been unable to meet their skilled labor force needs through normal recruiting procedures.

Business selected as OJT contractors must meet the following program guidelines:

1. The business must provide information such as their Federal Employer Identification number to demonstrate that they are a legitimate business, with full-time employees, and conducting their trade or business at an appropriate work site **with job opportunities located in New York State**.
2. The business must not be involved in a current labor dispute and must not have a history of frequent layoffs.
3. The business must not utilize an OJT contract to displace currently employed workers or to reduce the hours of those employed below their normal schedule.
4. An OJT contract cannot be written for a position in which a worker is currently on layoff or for a position that will deny a current worker promotional opportunities.
5. OJT must be conducted at the business’s place of business, or off site, under the supervision of the business’s personnel, and may not be subcontracted.

6. The business must express that the individuals hired and trained under the OJT contract would not have been hired in the occupation specified in the absence of such a contract.
7. OJT contractors may not include businesses that have relocated, either in whole or in part, if such relocation resulted in the loss of employment for any employee of the company at the original location.
 - a. An establishment has relocated if any of its operations have moved from facilities located in one labor market area within the United States and its territories to a new or expanding facility in another labor market. As a rule, this restriction extends for a period equal to 120 days following the commencement or the expansion of the relocating company.
 - b. The Capital Region Workforce Development Board (WDB) has established a pre-award review process to verify that a new establishment is not relocating employment from another area. Procedures for completing this pre-award review follow. Reference is made to attachment Number 2, Pre-Award Review for Relocating Establishments.
8. Whenever there is an inquiry from a new business that has relocated from another labor market area regarding the development of an OJT contract, the OJT Specialist will complete the Pre-Award Review form included with these procedures as ATTACHMENT NUMBER 2.
 - a. The purpose of this review is to ascertain whether the relocating business has caused a loss of employment at its original location. The WIOA regulations require that a period of 120 days elapse before an OJT contract can be written. If the relocation has not caused unemployment, the Workforce NY is permitted to develop a contract.
 - b. Questions 1-11 of the Pre-Award Review form are to be completed by the relocating business. The OJT Specialist may assist and may even complete this form for the business during an on-site visit.
9. As a rule, no more than 20 percent of a company's workforce may be enrolled in OJT at any one time. No more than five (5) OJT contracts can be written with a business during the same training time period. Waivers to this policy may be extended where economic development circumstances such as major plant expansions or start-ups exist.
10. The training of an individual in circumstances where there is a sole proprietor may be allowed if the business can demonstrate that sufficient training and supervision will be afforded the OJT Employee/Trainee. Any Business with four or less employees may be considered for one trainee.
11. OJT contracts will be permitted with a company where current and/or past Workforce Development Board members are employed, or otherwise have a financial or personal interest. The WDB Executive Director shall be informed about the type and number of these contracts.

12. All persons providing training to the trainee will be listed in the Contract in the Training Staff portion of the Training Outline. To assure that trainees are receiving instruction and feedback on work performed, at least one of the specified trainers shall be accessible in person to the trainee at the work site a minimum of 50 percent of a standard workday throughout the training period.
13. Business must pay trainees the same rates as employees who are similarly situated in similar occupations, and who have similar training experience and skills. Trainees must also receive the same working conditions and benefits as those in similar employment. The anticipated reimbursement of wages must not be used to provide higher wages to trainees than employees in similar positions not covered by the OJT program.

(The following is a guide to determining eligibility for businesses, which have previously participated in OJT contracts, or similar sponsored training activities.)

14. If the business was previously involved in an OJT training program or similar training activity, prior performance will be utilized to assist in determining contract approval. The specific criteria to be used are as follows:
 - a. The business will provide information regarding the status of participants trained under these contracts. This will include:
 - i. The number of individuals who participated in programs; and
 - ii. The number of participants who completed training and continued employment with business.
 - iii. If appropriate, the business will be asked to provide a narrative to explain a lower retention rate of participants compared to other employees in a similar position. For example, participants may have quit voluntarily or may have been terminated for cause or unforeseeable changes in business conditions.
 - b. In determining business eligibility for multiple contracts, the following circumstances need to be considered:
 - i. The business has demonstrated “satisfactory performance” in previous OJT or other training programs;
 - ii. For businesses wishing to obtain more than 5 contracts within a program year, satisfactory performance will be measured by an business retaining at least 80 percent of its trainees beyond the length of the OJT contract, and by retaining at least 80 percent of the contract completers for one year following the end of the OJT contract;
 - c. If the business has not exhibited a pattern of providing participants with long-term employment or comparable wage the business will be disqualified from OJT program for **one (1) year**. After the one-year disqualification, the business may again be evaluated for OJT program participation if a good faith effort has been made to correct previous problem.

III. OCCUPATIONAL QUALIFICATIONS

In general, all occupations that require a period of significant training and instruction to acquire specific skills and knowledge are eligible for On-the-Job training. The following guidelines will determine occupations that are eligible for OJT.

1. The occupation must be one in which there is anticipated demand.

2. The position must not be intermittent or temporary. Temporary employment is defined as employment with a pre-determined end-date, or employment, which does not provide similar benefits as compared to regular employees.
3. Only hourly or salary wages will be used to determine reimbursement. Commission or other forms of compensation will not be used to determine reimbursement.
4. The position must not include political or religious activity.
5. The position must have career advancement potential.
6. The occupation must be one in which specific occupational training is a pre-requisite for employment. The occupation must require at least four (4) weeks of training to reach a level of performance, which indicates that the trainee is progressing toward an acceptable level of productivity. Priority should be given to high skill occupations appropriate for participants who require long-term training.
7. The position must provide a minimum weekly number of hours totaling 30 (or other specified number of hours with approval of the Director).
8. The position must provide an hourly wage of at least \$2.00 per hour above the NYS minimum wage. Waivers to this policy are allowable at the discretion of the WDB Executive Director. The position must also offer comparable fringe benefits.

IV. CLIENT ELIGIBILITY

The participant must meet the current eligibility criteria as defined by the WIOA under the Adult, Dislocated Worker or Youth definitions. Priority will be given to residents of Albany, Rensselaer, or Schenectady County, but under WIOA regulations as long as the individual meets eligibility requirements, there is no residency restriction for serving either in- or out-of-state residents. The individual must receive an objective assessment by counseling staff, which documents that an OJT is an appropriate activity. The participant should express an interest in the area of training and possess the ability and aptitude to learn the skills offered by the training program.

1. Client Recruitment and Assessment

One Stop Center staff are responsible for client intake and referral, and will evaluate the client's appropriateness and job readiness for OJT.

- a. A client is considered to be OJT-ready if he or she:
 - i. Has identified an occupational area for which immediate employment is a realistic goal;
 - ii. Has the interest and aptitudes necessary to begin an OJT position in a specific occupation;
 - iii. Has resolved or has plans to resolve such employment barriers as transportation, day care, housing, health, or other barriers that can prevent successful OJT participation;
 - iv. Has a positive attitude toward working and is eager to begin OJT participation;
 - v. Will obtain or approach program wage goals at the completion of the OJT contract;
 - vi. Does not lack the basic skills needed to perform on the job. Such basic skills can include math, reading, understanding the English language and others that are necessary to begin OJT training;
 - vii. Does not have significant prior experience and/or education in the occupational area for which OJT is being considered; and
 - viii. Lacks the specific occupational skills required for employment.
- b. OJT will not be considered appropriate for individuals who are presently on temporary lay-off and are expecting to be recalled by their former business.
- c. OJT is not appropriate for individuals awaiting other program activity participation (e.g. Classroom Training). OJT is not to be treated as a temporary program activity.
- d. It is the responsibility of the counseling staff to ensure that an appropriate and complete objective assessment is prepared for every client considered for OJT participation. All of the elements listed above must be contained on the assessment and documented in OSOS as to the appropriateness of the OJT referral, placement and the training length determined for the OJT Employee/Trainee.
- e. The objective assessment not only assists in documenting activity but also provides the client with an understanding of the WIOA training activities that he or she will progress through in order to eliminate barriers to long-term employment.

2. OJT Job Development

- a. One Stop Center staff determines that an OJT position is an appropriate course of action for the jobseeker (and this determination is documented in the objective assessment). OJT development begins with the jobseeker and progresses through job development in which qualified businesses are located and OJT contracts written. It is projected that the Capital Region Business Services Team will refer potential job openings to One Stop business services staff.

- b. In some instances “reverse referrals” may be permitted. This may occur when a potential client is referred to WIOA for eligibility and certification for OJT participation from a business or other agency. This type of contracting will be permitted only when:
 - i. The client progresses through the intake process as would any other client; The completed objective assessment indicates OJT is necessary for the client to perform the work associated with the occupation; and
 - ii. The prospective OJT Contractor/Business meets all of the requirements contained in this Policies and Procedures Manual.
 - iii. The practice of reverse referrals will be closely monitored to ensure that it is practiced as the exception to the normal procedures outlined above.
- c. The appropriateness of referrals to OJT positions must be substantiated by an assessment of the client’s needs, interests, education, and previous work history. In instances where the client possesses previous work experience in the same or substantially similar job, the OJT Specialist will take such information into consideration when reviewing the training outline prepared by the business and in determining an appropriate length of training time. (If in fact, an OJT training program is allowed.)
- d. The OJT will also take into consideration the education and previous training of the client in evaluating the training design.
- e. OJT will not be allowed for clients who were previously employed by the prospective OJT contractor/Business in the same or similar job.
- f. OJT will not be allowed in situations where an individual has been hired by the business prior to the execution of an OJT contract, except for cases where the individual is deemed eligible and appropriate for OJT as an incumbent worker.

V. DETERMINING TRAINING LENGTH

The allowable length of on-the-job training for a business is based upon several guiding principles, including the following:

1. OJT training is provided in order to enable an individual to become skilled and knowledgeable while on-the-job and competitive with co-workers. It is not intended to necessarily last until the individual is 100 percent productive or proficient in the occupation.
2. The OJT training outline provided by the business is one of the determinants for training length. It should be prepared by the business in as much detail as possible. The OJT specialist may assist the business in his or her development of the training outline.
3. Because OJT is primarily client-focused, the individual’s Individual Employment Plan (IEP) should document OJT as the preferred program activity for the client and should contain a description of the skills, knowledge, education and work experience already possessed by the client. The training outline must be developed in consideration of these factors.
4. In theory, the appropriate training length for OJT programs should be determined by utilizing information from the above three areas. For example:

- a. A business has an OJT position for a “Word Processor”. The business expects that the OJT Employee/Trainee will be able to produce a certain quantity of work each day within an acceptable error rate.
 - b. The business has agreed to hire and train a WIOA-eligible client who has some typing ability, but who also has no experience in word processing. The business originally requested a training length that would allow the OJT Employee/Trainee to become 100 percent proficient. The actual training length allowed is less than that requested by the business but is sufficient to enable the OJT Employee/Trainee to become productive. Since the client has some basic typing ability, this skill training area is not included in the training outline.
5. In practice, this method of determining training length may become very subjective and would be successful only to the extent that staff is diligent and comprehensive and consistent in this process.
 6. Under no circumstances shall the amount of OJT reimbursement exceed six (6) months of total training hours (not including unavoidable and/or authorized absences including holidays, vacations, illness, temporary plant shutdowns) including any additional time spent in related classroom training during which wages are paid to the OJT Employee/Trainee by the OJT Contractor/Business.
 7. Reimbursement will not extend wages beyond 40 hours per week. A waiver may be considered for businesses whose standard workweek exceeds 40 hours (e.g. 12-hour shifts, split weeks, etc.). However, total program training hours will be computed as though the Employee worked a standard 40-hour week. Reimbursement for more than 40 hours, when approved, will be at the regular contract rate without any adjustment for the overtime rate.

VII. TRAINING OUTLINE

1. The business is expected to complete the training outline utilizing the maximum hours allowable. The OJT Specialist will be expected to work with the business to shape the training outline to the needs of the OJT Employee/Trainee. In this regard, the training outline will take into account the relevant skills, knowledge, experience, and education of the client as documented in the objective assessment.
2. The training outline must clearly state the specific units of knowledge and skills, which will be required during the training period. It must list these skills and units of knowledge in the sequence in which they are to be taught and identify the approximate number of hours of training time to be devoted to each.
3. In addition, the training outline must identify performance standards that should be achieved for each skill and knowledge area and the performance criteria that will be used to evaluate the OJT Employee/Trainee’s progress and achievement.

VIII. OJT CONTRACT

1. The OJT contract must be executed the day of or prior to the trainee commencing employment.
2. All OJT contracts must be reviewed and approved by either the Commissioner/Director prior to the trainee commencing employment.

IX. TERMINATION CLAUSE

Reimbursement of any wages of a trainee or pay any related expenses of a trainee who is not retained beyond the first four weeks of employment with the contracted business. The contract will be voided if the trainee resigns, or is terminated prior to the fifth week of employment.

X. OJT CONTRACT VOUCHERS, PAYMENTS & W-9

1. Businesses will be provided vouchers to submit for the trainee's wage reimbursement. The business will submit vouchers on a monthly schedule,
2. Final claims for re-imbusement must be received within 60 days of the end of the contract.
3. The maximum allowable cost for OJT programs is \$10,000 per trainee.
4. A W-9 Form must be completed by the business and provided to the program's accounting staff to facilitate payment.

XI. MONITORING

1. In addition to the general oversight measures, which include periodic on site service visits or phone calls to Business, One Stop staff will also conduct on site compliance reviews of the OJT contracts.
2. On site or phone service visits are to be done by the OJT Specialist originating the contract or other designee of the Director.
3. Initial service visit is to be conducted within 2 - 4 weeks of contract date. Any additional phone or on site visits shall be determined by the OJT specialist. Training length of program, business and trainee involved should be the minimum considered when determining the number of visits.
4. Monthly Trainee Progress reports (Attachment 3) will be submitted by the Business.

XII. Certificate of Achievement

1. Upon completion of an OJT Contract, the OJT Specialist shall prepare a Certificate of Achievement
2. (The certificate is to be signed by a representative of the Business and the WDB Executive Director, One Stop Director/Commissioner.

ATTACHMENT NO. 1

**OJT Business
Information Form**

Capital Region Workforce Investment Area



Serving Albany, Rensselaer, and Schenectady Counties

City of Albany Dept. of Youth and Workforce Services

Rensselaer County Dept. of Employment & Training

Schenectady County Job Training Agency

On-the-Job Training Company Information/Application Form

Company Name: _____

Company Address: _____
(Street) (City, State) (Zip)

Federal IRS-ID Number: _____ Product/Service: _____

Number of years in service: _____

Number of Employees: _____ Number of Trainees*: _____
(*may not exceed 20% of total employees)

Trainee: _____ S.S. Number _____

Trainee Title: _____

Wage per Hour: \$ _____ Hours per week: _____
(if annual, break down to hourly based on 40 hrs. per week)

Description of Training (Used to determine training length. Be as specific as possible. Use additional sheets if necessary):

Authorized Training Representative: _____

_____ (title) _____ (phone) _____ (e-mail)

Trainee Start Date (application must be submitted prior to start date): _____

For Office Use:

Start Date: _____	End Date: _____	Number of Weeks: _____
DOT Code: _____	Total \$: _____	Approved by: _____
Contract Year: _____	Agreement #: _____	Extension <input type="checkbox"/>

~~~This form does not guarantee eligibility of training funds. All applicants must meet requirements of the Workforce Innovation & Opportunity Act. ~~~

**On-the-Job Training Business Fact Sheet**

**COMPANY NAME:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(Please Circle)

|                                                                                                                                                                            |     |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| Is the proposed training position covered by any collective bargaining agreements?                                                                                         | YES | NO |
| Is this Company or any of its affiliates currently experiencing any abnormal labor conditions, such as a strike, lock out, etc.?                                           | YES | NO |
| Has this company ever participated in any other OJT program with any local, State, or Federal agencies?                                                                    | YES | NO |
| Will any current employees be displaced by an OJT participant?                                                                                                             | YES | NO |
| Upon successful completion of the OJT, do you expect the trainee to continue employment in the occupation (or one of similar or higher skill) for which they were trained? | YES | NO |
| Does the Company have the necessary equipment and supervision to conduct a quality OJT program?                                                                            | YES | NO |
| Does the Company provide a working environment which conforms with the State and Federal Health and Safety Standards?                                                      | YES | NO |

I affirm that the above information is true to the best of my knowledge.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

## **ATTACHMENT NO. 2**

### **Pre-Award for Relocating Establishments**



## Capital Region Workforce Development Area

Date: \_\_\_\_\_  Expanded Establishment  
 Relocated Establishment

To: \_\_\_\_\_  
( Name of Relocated or Expanded Establishment )

\_\_\_\_\_  
( Former Name(s) of Relocated Establishment )

\_\_\_\_\_  
( Street Address )

\_\_\_\_\_  
( City, State and Zip Code )

\_\_\_\_\_ ( Authorized Representative ) \_\_\_\_\_ ( Title )

From: \_\_\_\_\_  
( Name of Service Delivery Area )

\_\_\_\_\_  
( Street Address )

\_\_\_\_\_  
( City, State and Zip Code )

\_\_\_\_\_ ( Authorized Representative ) \_\_\_\_\_ ( Title )

WIOA prohibits On-the-Job Training with businesses who have relocated their facilities, or portions of their facilities, until 120 days have elapsed since the commencement of operations at the relocated site, if such relocation results or resulted, in a loss of employment for any employee of such establishment at the original location.

In order to be considered for an On-the-Job Training contract, the OJT Representative is conducting this pre-award review to assist in determining if the relocation of your establishment has resulted in such unemployment.

QUESTIONNAIRE:

1. What date did your establishment move, or start-up at \_\_\_\_\_?    \_\_\_/\_\_\_/\_\_\_  
(Location)
2. Is this new location a "start-up" and therefore does not negatively effect employment levels at existing Company locations? \_\_\_\_\_ (if yes, questions #3-11 may be disregarded)
3. From which labor market area did your establishment move? \_\_\_\_\_  
(City, state)
4. How many employees were employed at your previous location? \_\_\_\_\_
5. How many employees were affected by this relocation? \_\_\_\_\_
6. How many affected employees were afforded the opportunity to transfer to the new location? \_\_\_\_\_
7. How many employees actually transferred or have plans to transfer? \_\_\_\_\_
8. How many affected employees were or are eligible for retirement? \_\_\_\_\_
9. How many employees actually retired or have plans to retire? \_\_\_\_\_
10. For those affected employees declining transfer opportunities or ineligible for retirement, what efforts did your company make to provide alternative employment opportunities or otherwise provide separation assistance?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. How many of the affected workers are eligible for and have applied for unemployment insurance? \_\_\_\_\_
12. Please feel free to provide any additional comments with regard to your company's start-up, or relocation.  
\_\_\_\_\_  
\_\_\_\_\_

|                                                                    |               |
|--------------------------------------------------------------------|---------------|
| _____<br>Signature of Business Authorized Representative           | _____<br>Date |
| _____<br>Signature of Capital Region WIB Authorized Representative | _____<br>Date |



**ATTACHMENT No. 3**

**OJT Trainee Progress Report**

# Capital Region Workforce Development Area



Serving Albany, Rensselaer, and Schenectady Counties

City of Albany Dept. of Youth and Workforce Services

- Rensselaer County Dept. of Employment & Training
- Schenectady County Job Training Agency

## Trainee Progress Report

*Please complete and review with Trainee on a monthly basis.*

TRAINEE: \_\_\_\_\_ TRAINEE SSN: \_\_\_\_\_  
BUSINESS NAME: \_\_\_\_\_  
SUPERVISOR: \_\_\_\_\_

Does the Trainee demonstrate understanding of the fundamentals of the job?

Are there problems in this area which could be corrected?

Does the Trainee report to work regularly and conform to work hours?

Does the Trainee handle required workload and meet realistic deadlines?

Is the Trainee's appearance and dress appropriate for the job?

Does the Trainee get along well with coworkers and supervisors?

Is the Trainee progressing at the expected rate in mastering skills and knowledge required for adequate performance (i.e. Ahead, Behind, or On Schedule)?

Supervisor's Comments:

Trainee's Comments:

Supervisor's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Trainee's Signature: \_\_\_\_\_ Date \_\_\_\_\_

**ATTACHMENT No. 4**

**OJT Certificate of Achievement**

# TRAINING CERTIFICATE

Has successfully completed the training outlined in the agreement as set forth  
by Capital Region Workforce Development Board and

---

Training Business

Trainee Title:

---

Training Representative

---

Date

---

Workforce Development Board Executive Director

---

Date

---

One Stop Center Commissioner/Director

---

Date