

Union County Workforce Development Board On the Job Training Policy

1. PURPOSE

The Union County Workforce Development Board (UCWDB) offers this policy to the American Job Center Partners (AJCP) as a guide to implement a robust On the Job Training (OJT) program as defined under the Workforce Innovation and Opportunity Act (WIOA) section 20 CFR § 680.700.

2. BACKGROUND

Under WIOA, job seekers have access to employment, education, training, and supportive service opportunities which benefit the participant, employer, and the local labor market. On the Job Training is a work-based learning program designed to reimburse employers up to 50 percent (not to exceed \$10,000 over six months) of an OJT participant's wage rate during the designated training time. Specifically, OJT assists with the cost associated with skills upgrading and the loss of production for the training of newly hired employees. OJT opportunities offer a "earn while they learn" model with structured training opportunities for participants to gain the knowledge and skills to be competent in their new role and lead to long-term stable employment.

As per the New Jersey Department of Labor (NJDOL) Workforce Innovation Notice, WD-PY21-3, OJTs establish the following guidelines;

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in WIOA section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training;
- Is limited in duration as appropriate to the occupation for which the participant is being trained, considering the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

3. POLICY OVERVIEW

The Union County Workforce Development Board has established strategic priorities that focus on supporting the needs of employers, job seekers, and the local economy by investing WIOA Title I funds into OJT opportunities. The UCWDB and AJCP will ensure that properly-trained staff members are assigned to engage job seekers and qualified employers and offer technical guidance assistance to

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support OJT initiatives. AJCP will emphasize those hard to serve communities with a history of barriers to unemployment. Furthermore, AJCP will work together to leverage resources, create a streamlined OJT process, and provide continuous follow-up to the employer and job seeker.

Employer Benefits:

OJT provides employers the advantages of incorporating training into the initial phase of employment while reducing its personnel cost. The training can be done as part of an on-site, hands-on experience or in a classroom-based setting. The objective of the OJT program is for long-term employment in high-priority occupations within selected industry clusters that are in demand, have higher skill needs, and are likely to provide family-sustaining wages. The UCWDB is committed to local businesses by introducing the following;

EMPLOYER BENEFITS
<ul style="list-style-type: none">• Ensure new hires are trained to the desired specification of the job.• Widen pool of job-ready talent worthy of hiring despite skills gap.• Build skilled workforce increasing productivity and capacity to grow business and create more jobs.• Mitigate the inherent risk and training costs associated with hiring a new employee.• Minimize turnover and associated cost of recruiting hiring and training new employees.

Job Seeker Benefits:

Job Seekers, also known as participants, must be found eligible and certified as adults, dislocated workers, or youth. All participants must meet the WIOA eligibility criteria, which would afford them access to the full range of support and services available under WIOA Title I funding. In addition to the supportive services and training opportunities, the following are some benefits to the job seeker participating in the OJT program;

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JOB SEEKER BENEFITS

- Improved likelihood of retaining employment long-term.
- Alternative path to skill-building and employment for participants unlikely to succeed in A traditional classroom training program.
- Earn higher wages and receive better benefits done they may otherwise earn if they had narrowed job search.
- Start a job with a business that has demonstrated a commitment to training its employees.
- Obtain business provided training that brings out of date skills up to current standards.

The following guidance has been developed to ensure the American Job Center Partners understand the eligibility requirements, the role of the participant and employer, program details and expectations, and the development of the application, contracting, and monitoring process.

A. Participant Requirements

To gain access to OJT opportunities, individuals must be certified by the American Job Center, assessed as benefiting from an OJT opportunity, are individuals determined eligible according to the state and local priority system, and are interested in occupations with available employment opportunities. An Individual Employment Plan (IEP) or Individual Service Strategy (ISS) must be developed jointly by the participant and the American Job Center staff as part of an ongoing service strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve their employment objectives. Additionally, the IEP/ISS must contain details on the following to determine the participant's eligibility;

- Demonstrate Assessments and career planning tools used to ensure that the job Seeker will benefit from an OJT opportunity.
- Demonstrate that the Job Seeker is unlikely or unable to obtain or retain employment, leading to economic self-sufficiency.
- Demonstrate the job seeker is unable to obtain wages comparable or higher than the wages from previous employment through career services without additional training.
- Document how the OJT opportunity matches the skill needs, interests, and assets of the Job Seeker looking to participate in the work-based learning program.

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The American Job Center and its partners must develop outreach strategies to engage the following populations who have been determined to be a high priority due to barriers in employment;

Priority of Service		
Displaced Homemakers	Low-Income Individuals	Individuals With Disabilities
Older Individuals	Ex-Offenders	Homeless Individuals
Youth Who Are In Or Aged Out Of Foster Care	English Language Learners	Individuals With Low Levels Of Literacy
Public Assistance Recipients-WFNJ	Long-Term Unemployed	Eligible Migrant And Seasonal Farm Workers
Individual Facing Substantial Cultural Barriers	Indian, Alaskan, Native Hawaiian	Single Parents Including Single Pregnant Women
Veterans	Individuals Within Two Years Of Exhausting Lifetime Eligibility Under Part A Of Title 4 Of The Social Security Act	

Participants will be encouraged to co-enroll in partner programs and OJT. AJCP must follow program eligibility requirements and document the necessity of additional services in the IEP or ISS. In addition, AJCP should complete referrals to occupational, literacy, or additional skills training to ensure the participant maximizes WIOA training and educational opportunities. The participant's case file must contain the need for all training services as determined through ongoing assessment and career planning activities and informed by local labor market information and training provider performance information. A detailed list of participants requirements is located in section Attachment A WIOA Eligibility Checklist.

An employed individual may qualify for OJT services if they are considered underemployed. An underemployed individual must meet the following criteria;

- The employee is currently working but not earning the self-sufficient wage of \$15.00/hour;
- The employee is currently working in a temporary capacity, and the OJT facilitates a transition to full-time employment;
- The employee meets all other applicable requirements; and

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- The training 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 as identified by the local workforce board.

An individual who was previously employed in a full-time position that paid more than the self-sufficient wage will not be eligible for an OJT if that individual intentionally resigned from their previous position to receive OJT funding.

B. Employer Requirements

Outreach to employers is vital in the development of OJT opportunities. Employer outreach will be a joint and coordinated effort among the AJCP. All outreach methods and materials should be designed from a business perspective to the extent possible. AJCP should deliver outreach activities to highlight the benefits of OJT activities. The UCWDB Director will have the ultimate authority to approve all outreach methods, materials, and tools. Outreach can be done directly or indirectly and should focus on small businesses in high-priority occupations within selected industry clusters in demand. Attachment B contains a sample letter to employers introducing them to the OJT program. Attachment C are sample letters given to clients to use during their interview process, and attachment D is a list of frequently asked questions (FAQs) for employers.

Before entering into an OJT agreement, employers or Registered Apprenticeship program sponsors must be prescreened to ensure the employer meets the minimum standards and can provide both training and employment to an OJT participant. Employers approved to participate in the OJT program are not subject to the eligible Training Provider List (ETPL) requirement and are not included on the state list of eligible training providers and programs. Employers shall be encouraged to refer candidates to the Union County American Job Center for eligibility determination and must accept the referral of, consider, and interview AJCP referred OJT candidates.

Employers and Registered Apprenticeship program sponsors are eligible to participate in the OJT program if they are in the public, non-profit, or private sector and must demonstrate the following documentation, which American Job Center will keep on file for monitoring and compliance purposes.

Registration for
UI/DI taxes

A W-9 on file with
the Treasury

Less than \$750.00 in
open tax liability

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OJT contracts **will not be approved** for an Employer who has received WIOA payments under a previous contract and has demonstrated the following:

A pattern of failing to provide OJT participants with continued long term employment as regular employees with wages, benefits (health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same work.

Furthermore, OJT funds cannot be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

C. Position Requirements

As per NJDOL, employers must certify that the position will minimally meet the wage of \$12.50/ at a minimum of 30 hours per week with evidence that the position is on a career pathway towards a higher level and/or higher-paying jobs upon completing the OJT. WIOA defines a career pathway as "a combination of rigorous and high-quality education, training, and other services that aligns with the skill needs of industries in the economy of the State or regional economy involved and helps an individual enter or advance within a specific occupation or occupational cluster." [Section 3(7) of WIOA].

Waivers may be obtained from the UCWDB for non-traditional position structures not designed around a traditional 40-hour workweek. Employers must demonstrate that the position is aligned with industry standards and will **lead to a combination of wage levels and hours to support self-sufficient income levels** within a reasonable period.

UCWDB will follow standard NJDOL notification procedures that fall outside of the standard position eligibility criteria.

The American Job Center will need to conduct monthly documented communication with the employer to assess training progress, deter

Minimum Wage Rate

OJT experience must comply with the state's current minimum wage rate.

For low wage jobs, Employers **must** demonstrate career pathways that lead to positions exceeding \$15.00 per hour.

NJ minimum wage rate is expected to increase to \$15.00 in 2024 with incremental increases planned every year.

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discontinuation of employment after the contract, and identify additional areas where supplemental WIOA Title I services can support participant success.

D. OJT Reimbursement Rates and Caps

The Union County Workforce Development Board will reimburse an eligible employer up to 50 percent of an OJT participant's wage rate during the prescribed OJT program. The maximum amount for each WIOA funded OJT per participant should not exceed \$10,000 over six months. AJCP staff must review and document the actual costs in the participant's case file to ensure the training cost matches the proposed type of training.

Funding Cap and Training Period Waivers

The Union County Workforce Development Board may consider amendments to the funding and training periods that exceed the **\$10,000** funding cap, increase the reimbursement level to up to 75 percent or extend the six-month limitation to provide additional support to the OJT participant. A formal request to the Workforce Development Board Director must be submitted and supporting documentation requesting a specific waiver. Waivers will only be taken into consideration based on the following factors;

- employer size ● availability of funding
- career seeker employment barriers ● other applicable factors
- The quality of employer-provided training and advancement opportunities, for example, if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential

The UCWDB will submit waiver requests taken into consideration to the Technical Assistance Liaison on the NJDOL WIOA Title I Program Oversight and Development (POD) team and the Director of Career Services.

E. Developing Training Plans

A training plan serves as a position-specific assessment, a plan for training delivery, and an opportunity to track skill attainment during the training. The plan is a formal and written program of structured job training that provides participants with a

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combination of job-ready skills (where indicated), general employment competencies, and occupational skills that enable the participant to attain self-sufficiency. Key elements that AJCP must include in the training plan are as follows;

Client Information	Personal	Skill Requirements	Participant's Starting Capability
Participant's Capability	Ending	Training Length	Job Description

In addition to the IEP/ISS OUT participants, employers and AJCP must develop specific training plans that outline the skill requirements for the OJT position, the specific skill needs and assets the trainee brings to the position, and a general overview of the training resources that will be dedicated to supporting the OJT participant. Training plans must align with IEP/ISS training objectives which focus on wrap-around services. Training providers can use O*NET and/or a job description as a basis to begin listing skills or tasks. A sample training plan is included in Attachment E.

F. Regulatory Limitations and prohibited activities

The USDOL policy offers specific information about restrictions in the use of WIOA funds regarding OJT opportunities.

1. WIOA Title I funds must not be spent on specific types of costs or expenses.

- Construction, purchase of facilities or buildings, or other capital expenditures for improvements to land or buildings;
- Sectarian activities;
- Wages of incumbent employees during their participation in economic development activities provided through a Statewide workforce investment system; Public service employment, except to provide disaster relief employment, as specifically authorized in section 194(10) of WIOA;
- Expenses prohibited under another Federal, State or local law or regulation;
- Subawards or contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities;
- Contracts with persons falsely labeling products made in America;
- Foreign travel

2. Expenditure of WIOA Title I funds must not be used to deter organized labor activities in any way.

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- Funds provided to employers for OJTs must not be used to directly or indirectly assist, promote or deter union organizing.
- OJTs are not intended to impair any existing contracts for services or collective bargaining agreements. When a program or activity authorized under Title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.

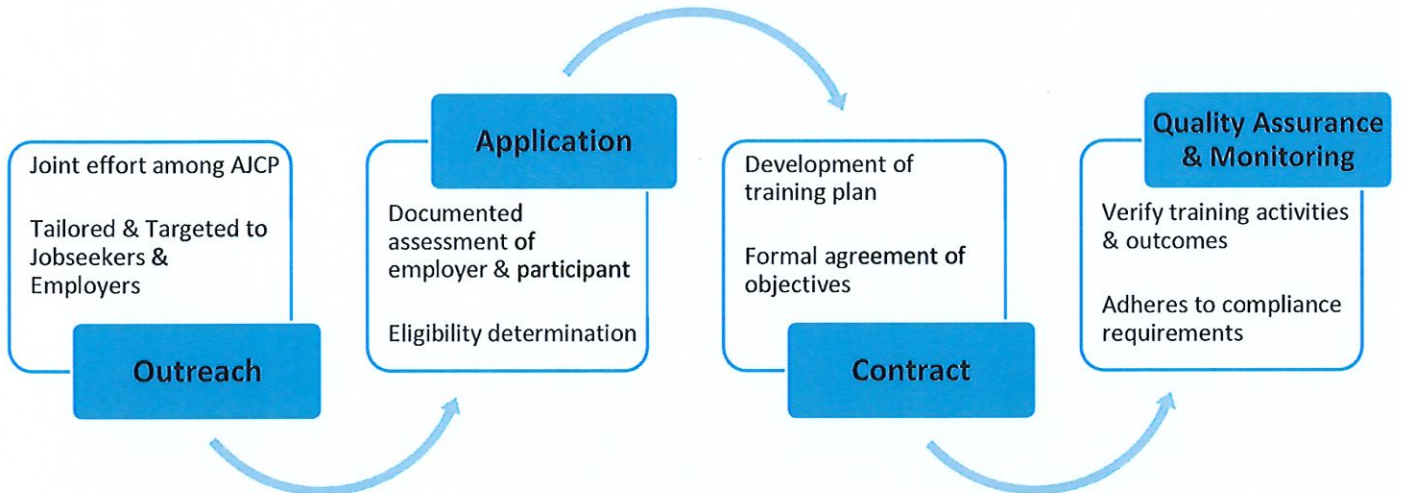
3. The expenditure of WIOA funds must not support any efforts that result in the dislocation of workers.

- Funds must not be used or proposed to be used for the encouragement or inducement of a business or part of a business to relocate from a location in the United States if the relocation results in any employee losing his or her job at the original location.
- Funds must not be used or proposed to be used for any business or part of a business that has relocated from a location in the United States, until the company has operated at the new location for 120 days, if the relocation has resulted in any employee losing his or her job at the original location.
- A participant in an OJT will not be employed in or assigned to a job if:
 - ◊ Any other individual is laid off from the same or any substantially equivalent job;
 - ◊ The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy with the participant; or
 - ◊ The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.
- A participant in a program or activity authorized under Title I of WIOA must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

G. On the Job Training Operations

The Union County Workforce Development Board has established four essential elements to operate a robust and successful OJT program. Outreach, application, contracts, and establishing oversight and monitoring procedures will ensure the participant and employer are seamlessly engaged in the OJT process.

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Outreach:

As noted in the Employer requirement section, outreach to employers is vital to the operations of the OJT program and needs to be tailored to the targeted industry. See page five for more information on outreach requirements.

Application Requirements:

The first step in establishing OJT programs is developing an application process that supports assessing the value of the training to both the employer and the employee. It ensures that the eligibility criteria of the employer, employee, and position are met. In addition, a review of applications must include considerations regarding additional funding sources that might be leveraged to support specific work-based training plans and activities, in addition to WIOA funds. Finally, the application must also support an assessment of the appropriate cost level of the OJT opportunity and wage reimbursement rate, given the needs and resources of the employer. Attachment F is an application sample with specific information and details that employers must provide as part of applications for OJT programs.

Contract Requirements:

Once an application has been approved, the next step is the development of an OJT contract. The contract incorporates information from the application process, and the training contract must include:

- Information related to participant, employer, and position eligibility
- Cost sharing and employer contribution specifications
- Information about expected training hours and sequence
- Information about skill development and training outcomes (wages and role at OJT completion)
- Signatures of American Job Center Administrator, the employer, and employee

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Contract Template can be found in Attachment G.

Quality Assurance and Monitoring Requirements:

Quality assurance and monitoring are the responsibility of the American Job Center and its partners, NJ Department of Labor, and the Union County Workforce Development Board. Employers and AJCP are subject to onsite and remote monitoring reviews of the OJT program. Onsite monitoring of OJT must include (1) documentation of information received directly from the participants with the participant supervisor's perspective about how the training is progressing and (2) a review of the employer payroll records to ensure wage costs are aligned with planned costs.

On the Job Training and Performance Measures

On the Job Trainings are excluded from the credential attainment performance indicator. However, USDOL and NJDOL encourage participants to consider OJTs resulting in a credential. While completion of a credential does not count towards the credential attainment performance measure, it may be a measurable skill gain performance outcome.

H. ACTION

This directive is to be made available to appropriate American Job Center Partners.

I. REFERENCES

- Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014
- Workforce Innovation and Opportunity Act Regulations, 20 CFR Parts 680, 700
- TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 10-16, CHANGE 1- OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (referred to as WIOA) https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16-Change1.pdf
- TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 13-16 OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT attachment III: Making Registered Apprenticeship Work for the Public Workforce System: Performance Outcomes
- TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 19-16 OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (Section 12): https://wdr.doleta.gov/directives/attach/TEGL/TEGL_19-16.pdf
- Department of Labor (NJDOL) Workforce Innovation Notice (WIN), WD-PY21-3 Workforce Innovation and Opportunity Act (WIOA) Formula Funded On The Job Training (OJT) Policy

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ATTACHMENTS

Attachment A: WIOA Eligibility Checklist

Attachment B: Sample Employer Letter

Attachment C: Sample Client Letters

Attachment D: OJT Frequently Asked Questions (FAQ)

Attachment E: Sample OJT Training Plan

Attachment F: Sample OJT Application

Attachment G: Sample OJT Contract

Attachment H: Department of Labor (NJDOL) WIN, WD-PY21-3



UNION COUNTY DOCUMENTATION CHECKLIST- CLIENT COPY

NAME: _____

Date: _____

Please Check One Item From Each Category

Identification	Address	Citizenship
<input type="checkbox"/> Driver's License <input type="checkbox"/> Passport <input type="checkbox"/> School ID	<input type="checkbox"/> Driver's License <input type="checkbox"/> Current Utility Bill <input type="checkbox"/> Postmarked Envelope	<input type="checkbox"/> US Passport (Unexpired) <input type="checkbox"/> Certified Birth Certificate, issued by city, county or state * <input type="checkbox"/> Consular Report of Birth Abroad <input type="checkbox"/> Naturalization Certificate <input type="checkbox"/> Certificate of Citizenship <input type="checkbox"/> Resident Alien Documentation(s)* <p align="center">*See USCIS form I-9*</p> <p><small>* A certified birth certificate has registrars raised, embossed, impressed or multicolored seal, registrar's signature, and date certificate was filed w/ the registrar's office, which must be within 1 year of your birth.</small></p>
Age		
<input type="checkbox"/> Driver's License <input type="checkbox"/> Adoption Record <input type="checkbox"/> Hospital record of Birth <input type="checkbox"/> Federal, State, or Local Government Identification Card <input type="checkbox"/> Public Assistance/Social Service records or ID card <input type="checkbox"/> School Records/Identification Card	<input type="checkbox"/> Passport <input type="checkbox"/> Court Records <input type="checkbox"/> DD-214 Report of Transfer or Discharge Paper	<input type="checkbox"/> Birth Certificate <input type="checkbox"/> Baptismal Record
Social Security		
<input type="checkbox"/> Social Security Card <input type="checkbox"/> DD-214, Report of Transfer or Discharge <input type="checkbox"/> Social Services Agency Database Screenshot (GAAS/FAMIS)		
<input type="checkbox"/> Pay Stub <input type="checkbox"/> Employment Records IRS Form Letter 1722		
<input type="checkbox"/> Social Security Benefits		

Public Assistance/Unemployment Documentation

- Copy of Authorization to Receive SNAP Social Services Agency Database Screenshot (GAAS/FAMIS)
 Verification from Public Assistance Agency Other Public Assistance Records/Printout
 Food Stamp Receipt Food Stamp Card with Current Date Unemployment Documentation

Selective Service	Veteran Status
<input type="checkbox"/> Selective Service Acknowledgment Letter <input type="checkbox"/> Form DD-214 "Report of Separation" <input type="checkbox"/> Screen printout of Selective Service Verification site www.sss.gov/RegVer/wfVerification.aspx <input type="checkbox"/> Selective Service Registration Card <input type="checkbox"/> Selective Service Verification Form (Form 3A) <input type="checkbox"/> Stamped Post Office Receipt of Registration	<input type="checkbox"/> DD214 form
Client Reminders	
<p align="center">Exempt for Males born on or after 1/1/60</p> <input type="checkbox"/> Never Registered for Selective Service <input type="checkbox"/> Exempt	<input checked="" type="checkbox"/> Union County Works Registration required www.ucajcc.org <input checked="" type="checkbox"/> All documents need to be original <input checked="" type="checkbox"/> Updated resume required <input checked="" type="checkbox"/> Job Search list required <input checked="" type="checkbox"/> Certification process must be completed within 60 days of orientation.



Need Skilled Workers?

Dear _____

On-The-Job Training (OJT), is a Federal program funded by the Workforce Innovation And Opportunity Act (WIOA), that **Lets You Hire And Train Skilled Workers And Get Reimbursed For Your Efforts**. As an employer, you'll benefit from more efficient recruiting, more targeted training, and assistance with training expenses:

- OJT specialists help you find the right talent when you need it, reducing time, effort, and money spent on recruiting.
- The specific technical skills you need may be hard to find. OJT helps you train the right workers to meet your requirements.
- You receive up to 50% of the costs to provide on-the-job training for individuals you hire through the public workforce system.

Getting started with OJT

OJT offers a comprehensive training solution, you must meet certain criteria to participate. Steps in the process:

- Find out if you meet OJT employer criteria. Staff at your local American Job Center (AJC) can help you determine your eligibility.
- Before proceeding, you'll sign a contract covering terms of the agreement, including positions to be trained, wages, and reimbursement.
- An OJT specialist will refer potential OJT candidates and help you fine-tune your training plan. You'll always make the final hiring decision.

Need help with OJT or other workforce issues? Contact [Staff Person, Staff Title] to connect you with valuable resources that can help.

A proud partner of the americanjobcenter® network



Re: [Job seeker Jones]
Dear [Employer Name]:

[Job seeker Jones] is certified as an eligible participant for [insert company name] on-the-job training (OJT) program. There are **substantial financial benefits** to you in hiring an eligible participant in specified demand occupations! OJT reimburses you for the costs associated with training this new employee, which are usually calculated at half the pay rate for the agreed-upon training period. Employers use their own system to teach our participants the new skills necessary for successful permanent employment within their company.

As an OJT Employer:

- You make the hiring decision.
- You determine the job performance standards.
- You retain the right to terminate a trainee.
- You do not need to worry about paperwork. It's all handled promptly and efficiently by our OJT Representative.
- You receive a [insert % range] reimbursement of the participant's wages during the training period based on the size of your business.
- We reimburse you with prompt payments.

To learn more about OJT and the benefits to your company, please contact [insert OJT Specialist and contact information] **before you hire**. **OJT cannot be funded after hiring takes place.**

Thank you for considering this individual as a future employee.

Sincerely,

[Staff Person, Staff Title]



ON-THE-JOB TRAINING (OJT) REFERRAL LETTER

[Date]

NAME:

ADDRESS:

PHONE:

EMAIL:

Dear Employer:

The above individual is eligible for our On-the-Job-Training (OJT).

OJT can be used to train (name of individual) in new skills to perform a different job from his or her previous job. The length of the training period is negotiable and depends on the complexity of the job to be learned and the skills and qualifications of the participant. There must be a "mismatch" between the skills required by the job and the skills the individual already possesses.

We will reimburse you for the costs associated with training this new employee, which are usually calculated at half the pay rate for the agreed-upon training period.

A simple OJT agreement must be signed prior to the first day of work. If you are interested in finding out more about these savings, contact us at () ___ - ___ or [email address].

Sincerely,

[Staff Person, Staff Title]



FAQS ABOUT THE ON-THE-JOB (OJT) TRAINING PROGRAM

These FAQs answer the questions most often asked by those looking into OJT.

1. What is OJT?

As part of ETA's work-based-learning program, OJT provides reimbursements to employers to help compensate for the costs associated with skills upgrade training and loss of production for newly hired employees. OJT can assist employers who are looking to expand their businesses and who need additional staff trained with specialized skills. OJT employers may receive up to 50 percent of the wage rate (in certain circumstances up to 75 percent) of OJT participants to help defray personnel training costs.

2. What's in it for my company?

- You get a pool of pre-screened applicants for your position—you decide who to hire.
- This is a great opportunity to bring on employees that are eager to learn new skills and up-skill your workforce.
- Your company will be reimbursed for the costs associated with training this new employee, which are usually calculated at up to half the pay rate for the agreed-upon training period.
- You will receive prompt payments with a minimum of paperwork.
- You will be assisted by OJT staff through all phases of the OJT.

3. Are there any restrictions?

Yes, there are. For example-

- You cannot use OJT funded participants to replace employees laid off within six months prior to the date of your application.
- You must agree to hire any OJT participants as regular, full-time employees.
- The rate of pay and benefits must be commensurate with what you pay others doing similar work.

The Union County American Job Center staff can assist you in determining your company's eligibility.

4. Can companies rehire one of their previously released (laid off) employees?

Yes, a business can re-hire a previous employee but it must be for a different position for which they would need training and the candidate must meet the requirements.

5. Who selects the OJT participants?

As the OJT employer, your company will determine the selection criteria for OJT participants (e.g., "greater than 8th grade math ability," "English-Spanish bilingual ability," or any other applicable criteria). Then, Union County American Job Center will identify those participants who meet the criteria and will refer them to your company. Your company will decide the final selection of OJT participants.

6. What if an employer has already selected a candidate for OJT training?

If an employer has already selected a candidate AND the candidate is approved by OJT staff as eligible, Union County American Job Center can set up an OJT with the employer candidate.

7. How do we get the process started?

A standardized OJT contract will be completed with your company. That contract will contain all of the terms of the agreement for both Union County American Job Center and your company. With this contract in place, we will start to identify and screen candidates for your company's position(s).

8. How long will the process take to get the OJT approved?

This process will not take much longer than hiring a non-OJT employee. In order to ensure that your needs are met, the process of writing and negotiating the contract and establishing a training plan for the individual could take up to a few weeks. The individual can be hired effective the date of the award letter.

9. Who should I contact at Union County American Job Center about applying for OJT funding?

Contact: [Contact Name
Title
Organization Name
Address
City, State Zip Code
(123) 456-7890
organization website URL]

The Union County American Job Center staff will be able to answer most of your remaining questions for you or will find out the answers.



ON-THE-JOB TRAINING (OJT) TRAINING PLAN

OJT Contract No:

Training Plan No:

Section 1: Contact and OJT Information

Complete the contact information for the employer and the participant.

EMPLOYER NAME:	CONTACT PERSON:	TELEPHONE #:
TRAINEE NAME:	EMAIL:	TELEPHONE #:
BEGINNING DATE:	END DATE:	TOTAL TRAINING HOURS:
HOURLY WAGE RATE: \$	REIMBURSEMENT RATE: %	MAXIMUM REIMBURSEMENT: \$

Section 2: Occupational Information

Complete the occupational information for the participant's skill level.

JOB TITLE:	O*NET SOC #:	HOURS/WEEK:
JOB DESCRIPTION:		
REQUIRED JOB SKILLS FOR OCCUPATION:		STARTING CAPABILITY: DATE MEASURED
1. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
2. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
3. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
4. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
5. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>

Section 3: Training Information

Complete the training outline and estimated time for each skill.

SKILLS TO BE LEARNED:	ESTIMATED TRAINING HOURS:	END CAPABILITY DATE MEASURED
1. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
2. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
3. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
4. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
5. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
LIST SUPPLIES AND TOOLS NEEDED FOR TRAINING:		

Section 5: Signatures

All parties agree to provide or obtain training for the skills outlined in this Training Plan.

Authorized Signatures

DATE:

PARTICIPANT SIGNATURE:

TYPE/PRINT NAME:

DATE:

EMPLOYER SIGNATURE:

DATE:

OJT PROVIDER SIGNATURE:

TYPE/PRINT NAME:

TITLE:

TYPE/PRINT NAME:

TITLE:

TRAINING PLAN INFORMATION AND INSTRUCTIONS

Training Plans are used to outline the specific skill requirements for on-the-job training (OJT). They are also used as the assessment tool to document which skills the participant lacks at the start of the training and to measure skill attainment during the course of the training.

Job Description:

A job description may be obtained from the employer or the OJT provider may assist the employer in writing a job description, thus providing a "value-added" for the employer. For assistance in writing a job description you may use the tasks and activities provided at the CareerOneStop Job Description Writer (<http://www.careerinfonet.org/jobwriter/>). Please modify these descriptions to be specific to employer's needs for the occupation.

Skill Requirements:

List the skills needed to perform the job to the standards specified by the Employer. Record skills as specifically and briefly as possible. For assistance in writing skill requirements you may use the tasks and activities provided at O*NET OnLine (<http://online.onetcenter.org>). Please modify these skills to be specific to employer's needs for the occupation. (Type of tools or software used)

Participant's Starting Capability:

Used to assess the participant's skill level near the beginning of the training period and to document skill deficiencies which will be addressed by the training. The skills gap can be addressed in the list of "Skills To Be Learned". The "Starting" and "Ending Capability" scores are based upon an interview with the participant's supervisor or by utilizing another skill assessment method used by the employer.

Participant's Ending Capability:

Record the date on which the "Ending Capability" assessment is made and the skill level which has been obtained using the following rating scale:

1. Beginning - Can do only simple parts of the task.
2. Intermediate - Can do most parts of the task.
3. Skilled – Meets the employer's standard for the task.

Training Length:

- a) The OJT Provider, working with the employer, determines the job title for the position to be trained for, referencing O*NET OnLine (<http://online.onetcenter.org>).
- b) From O*NET OnLine, Job Zone/SVP parameters are obtained. Use these parameters as a beginning guide to determine the length of training.
- c) The OJT Provider considers the participant's past work experience, knowledge, and skills gap to assist in determining the length of training.
- d) 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. (WIOA sec. 3 (44)(C).

- e) It may be necessary to deviate from the training schedule, depending on the participant's ability to gain and retain knowledge of the various tasks within the occupation. If there is disruption of the planned training period through no fault of the participant or the employer, provide modifications in writing with the Training Plan Modification Template.

EMPLOYER INFORMATION			
Company Name:		FEIN:	
Doing Business As:		DUNS:	
Physical Address, City, Zip Code:			
Billing Address (if different than physical address):			
Address of Training/Worksite (if different from physical address listed above):			
Phone:		Total number of current Full-Time Employees (working 32 hours or more):	
EMPLOYER CONTACT INFORMATION			
Name/Title of Person(s) Authorized to Sign OJT contract:		Phone:	Email:
Person(s)/Title Responsible for Supervision/Training:		Phone:	Email:
TRAINING INFORMATION			
Trainee Name:		Social Security Number:	
Job Title:	Hourly wage (\$15 or more/hr): \$	Hours per week (32 or more):	
Training Start Date:		Number of weeks requested for training (<i>Maxing out at \$20,000 or by 12/31/20, whichever comes first</i>):	
COVID-19 RELIEF OJT GRANT JUSTIFICATION:			
JOB DESCRIPTION (briefly describe duties):			
TRAINING PLAN BENCHMARKS (Enter up to 5 benchmarks as they relate to your training plan and indicate the expected timeframe for attainment of specified skills):			
To be completed by contract writer:			
Approved: Yes / No		Date Approved: / /	
Contract #:		County:	



ON-THE-JOB TRAINING (OJT) CONTRACT

OJT Contract No:

Section 1: Contact Information

Complete the contact information for the OJT Provider and the Employer.

OJT PROVIDER:	CONTACT PERSON:	TELEPHONE #:
OJT ADDRESS:	EMAIL:	FAX #:
EMPLOYER NAME:	F.E.I.N. #	U.B.I. #:
EMPLOYER ADDRESS:	CONTACT PERSON:	EMAIL:
	TELEPHONE #:	FAX #:

Section 2: Participant Information

Complete the contact information for participant and reimbursement rates.

PARTICIPANT NAME:	SOCIAL SECURITY #:	TELEPHONE #:
BEGINNING DATE:	END DATE:	TOTAL TRAINING HOURS:
JOB TITLE:	O*NET SOC #:	O*NET JOB ZONE:
HOURLY WAGE RATE: \$	REIMBURSEMENT RATE: %	MAXIMUM REIMBURSEMENT: \$

Section 3: OJT Agreement

This On-the-Job Training (OJT) Agreement is between the Employer and the (OJT Provider), herein after called the OJT Provider and (Name of Employer), herein after called Employer. Both parties agree to the terms and conditions set forth within this contract. The contract term commences on (enter start date here) and terminates on (enter end date here).

Section 4: General Terms and Conditions

CONTRACT PURPOSE

The purpose of this contract is to establish the general terms and conditions under which the (OJT Provider) may refer individual WIOA participants ("the participant") to the Employer to enable the Workforce Innovation and Opportunity Act (WIOA) participants to take part in an OJT as that term is defined under the Workforce Innovation and Opportunity Act.

OJT DEFINITION

In accordance with the WIOA sec. 3 (44), the term "on-the-job training" means training by an employer that is provided to a paid participant while engaged in productive work. This training will:

- a) Provide knowledge or skills essential to the full and adequate performance of the job;
- b) Qualify for reimbursement to the employer of up to 50 percent (Note: in some circumstances, depending on the size of the employer, the reimbursement rate may go up to 75 percent) of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and
- c) Limit the OJT contract period of time for a participant to become proficient in the occupation for which the training is being provided. In determining the length of the training, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, the prior work experience of the participant, and the individual employment plan, as appropriate.

TRAINING

1. Employer agrees to employ the participant and develop a training plan for the OJT participant that includes competencies needed to be satisfactorily skilled in the OJT position.

FISCAL

2. OJT Provider shall reimburse Employer on a (Enter a term such as a monthly or bi-monthly) basis in an amount not to exceed total reimbursement for extraordinary costs of training to be provided by the Employer to the participant.
3. Employer agrees to maintain adequate time and attendance, payroll, and other records to support amounts reimbursed under the OJT contract.
4. Employer agrees that records which are directly related to the OJT contract are subject to review, monitoring, and audit by the OJT Provider, the State and/or the federal government, at any time and without prior notice to the employer.
5. Employer shall provide adequate insurance coverage to protect against legal liability arising out of OJT activity.
6. Employer shall preserve all OJT Employee payroll records, fringe benefits and personnel records.

EMPLOYER ASSURANCES

7. Employer shall provide worker's compensation coverage for the OJT.
8. If the OJT is provided to one of the Employer's current employees, the Employer verifies that the OJT will relate to the introduction of new technologies, introduction to new production or service procedures, or is an upgrade to a new job that requires additional skills, and that the OJT position will provide the OJT participant with additional wages, hours or benefits.
9. Employer certifies that the company is financially solvent on the date of this contract, and the Employer's best projection is that they will remain financially able to meet contract obligations at the end of the training period, including OJT participant's retention.
10. Employer agrees that wage and labor standards will be adhered to and to pay the OJT participant at the same rates, including increases, and benefits as participants or employees who are situated in similar jobs. Such rates shall be in accordance with applicable law, but in no event less than the higher rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 or the applicable state or local minimum wage law. WIOA sec. 181(a)(1)(A)
11. Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws and ordinances (including but not limited to anti-discrimination, labor and employment laws, environmental laws or health and safety laws).
12. Employer certifies that the OJT will not impair existing agreements for services or collective bargaining agreements and that either it has the concurrence of the appropriate labor organization as to the design and conduct of an OJT, or it has no collective bargaining agreement with a labor organization that covers the OJT position. 20 CFR 683.270.
13. Employer assures that they have not been debarred or suspended in regard to federal funding. 29 CFR Part 97.35.
14. Employer further assures that OJT funds will not be used to assist, promote or deter union organizing. WIOA sec. 181(b)(7).
15. Employer certifies that no member of the OJT participant's immediate family is engaged in an administrative capacity for the Employer, or will directly supervise the OJT participant. For the purpose of this contract, immediate family is defined as spouse, children, parents, grandparents, grandchildren, brothers, sisters or person bearing the same relationship to the OJT participant's spouse. 20 CFR 683.200.
16. Employer assures that the OJT participant(s) will not be employed to carry out the construction, operation or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship. 29 CFR 683.255.
17. Employer assures that the OJT participant has not been hired into or will remain working in any position when any other person is on layoff from the same or a substantially equivalent job within the same organizational unit or has been bumped and has recall rights to that position, nor if the OJT is created in a promotional line that infringes on opportunities of current employees. 20 CFR 683.270.

ADDITIONAL TERMS

- 18. Employer must provide comprehensive general liability insurance protection to the participant.
- 19. OJT contract is subject to modification or termination due to actions taken by the Federal, State, or Local governments that result in a frustration of contract purpose. Such actions include, but are not limited to withdrawal of WIOA funding by the United States Congress, or the failure by the United States Congress to reauthorize WIOA program activities.

Section 5: Signatures

I hereby agree to all the terms and conditions in this OJT Agreement.

Authorized Signatures

DATE:

EMPLOYER SIGNATURE:

TYPE/PRINT NAME:


TITLE:

DATE:

OJT PROVIDER SIGNATURE:

TYPE/PRINT NAME:

TITLE:

	New Jersey Workforce Innovation Notice		WD-PY21-3
	Issued By:	Workforce Development Division of Career Services	
	Approved By:	Hugh Bailey, Assistant Commissioner Workforce Development	
	Issued Date:	October 29, 2021	

SUBJECT: Workforce Innovation and Opportunity Act (WIOA) Formula-Funded On-the-Job Training (OJT) Policy

PURPOSE: New Jersey Department of Labor and Workforce Development (NJLWD) offers this policy to guide the New Jersey Local Workforce Development Boards (LWDBs) investment of WIOA Title I funds in OJT opportunities. The investment of funds should be driven by LWDBs strategic priorities, high priority occupations and related targeted industry clusters, and the skill needs of local employers with an unmet workforce need.

EFFECTIVE DATE: This NJWIN is effective **Immediately**.

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

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant for the extraordinary costs of providing training and additional supervision related to training; and
- Is limited in duration to the occupation for which the participant is being trained, considering the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

Individuals participating in WIOA-funded OJT opportunities must be eligible for Title I funding through Adult, Dislocated Worker, and/or Youth eligibility criteria. These individuals must have access to the full range of services and supports available through Title I funding – including, assessment, development of an Individual Employment Plan (IEP) or Individualized Service Strategy (ISS), and supportive services.

OJT opportunities help to bridge employer skill demands and participant skill levels by building training into the initial phase of employment and supporting opportunities for learning through direct engagement in a position. Experiential and classroom-based training may both be offered as part of an OJT. OJTs support the goal of long-term employment for employees by integrating skill development and targeting in-demand, sustainable job positions. OJTs may include attainment of specific industry-valued credentials as part of training opportunities, however OJT participants are not counted in Title I credential attainment measures.

KEY DEFINITIONS

High Priority Occupations are job categories, within selected industry clusters, that are in demand by employers, have higher skill needs and are likely to provide family-sustaining wages.

Individual Employment Plan is an individualized career service that is developed jointly by the participant and the career planner when determined appropriate by the one-stop career center. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

Individual with a Barrier to Employment means a member of 1 or more of the following populations:

- Displaced homemaker.
- Low-income individuals.
- Indians, Alaska Natives, and Native Hawaiian, as such terms are defined in WIOA section 166.
- Individuals with disabilities, including youth who are individuals with disabilities.
- Older individuals.
- Ex-offenders (having some type of criminal background).
- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 752(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2)))
- Youth who are in or have aged out of foster care.
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents (including single pregnant women).
- Long-term unemployed individuals.

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

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in WIOA section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, considering the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

POLICY OVERVIEW

The Workforce Innovation and Opportunity Act (WIOA) offers a number of different types of work exposure and training activities to support the development and success of jobseekers and employees in the state of New Jersey. Work-Based Training opportunities, and specifically On-the-Job Training (OJT) contracts, offer mechanisms for including employers as trainers and/or in linking training directly to the needs of employers and specific employment opportunities. OJT provides reimbursements to employers to help compensate for the costs associated with skills upgrade training for newly hired employees and the lost production of current employees providing the training, including management staff.

This policy provides an overview of specific guidance related to eligibility, additional program details and expectations, and setting up operations of OJT programs locally – including the development of application, contracting, and monitoring processes. The maximum amount for each WIOA funded OJT per participant should not exceed \$10,000 over a six-month period. Local WDBs will typically reimburse an eligible employer up to 50 percent of an OJT participant's wage rate during the OJT. Local areas must disclose and document any OJT opportunities that exceed these caps to New Jersey Department of Labor (NJDOLE).

Participant, Employer, and Role Eligibility

Participant Eligibility

New Jersey One-Stop Career Center customers who meet the eligibility requirements for Title I Adult, Dislocated Worker, or Youth programs have access to OJT opportunities. The development and refinement of Individual Employment Plans (IEP) and/or Individualized Service Strategies (ISS) is a critical step in ensuring that an OJT opportunity matches the skill needs, interests, and assets of the individual participant being served.

OJT opportunities may be made available to unemployed participants and dislocated workers who are:

- **Assessed as benefiting from an OJT opportunity:** After assessment and career planning¹, staff have determined that the individual is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or unable to obtain wages comparable to or higher than wages from previous employment through career service without additional training. In addition, the individual has been assessed to have the skills and qualifications to participant successfully in an OJT opportunity.
- **Align with priority populations and sectors identified by the local area:** Individuals determined eligible in accordance with the State and local priority system, particularly

¹ When appropriate, a recent interview, evaluation or assessment may be used for the assessment purpose

within adult funding streams, must be prioritized. Additionally, participant interest and priority sector alignment in local areas offer criteria for prioritizing OJT opportunities.

- ***Interested in occupations with available employment opportunities:*** An individual has selected 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.

The participant's case file must contain a determination of need for training services as determined through ongoing assessment and career planning activities and informed by local labor market information and training provider performance information. In addition to objective trainee assessments, all OJT requests must be reasonable based on factors such as trainee experience, appropriate hourly wages, trainee needs, work experience and any other relevant factors.

OJT for Employed Workers

An individual who is employed may also qualify for an OJT if they are considered underemployed. An individual is determined to be underemployed if:

- The employee is currently working but not earning the self-sufficient wage of \$15.00/hour;
- The employee is currently working in a temporary capacity and the OJT facilitates a transition to full-time employment;
- The employee meets all other applicable requirements; and
- The training 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 as identified by the local workforce board.

An individual who was previously employed in a full-time position that paid more than the self-sufficient wage will not be eligible for an OJT if that individual intentionally resigned from their previous position in order to receive OJT funding.

Employer Eligibility

OJTs are available to employers or Registered Apprenticeship program sponsors in the public, non-profit, or private sector.² An OJT contract will not be approved for an employer who has received payments under previous contracts under WIOA or the Workforce Investment Act (WIA), if the employer has exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages, benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

² WIOA allows both OJT and Individual Training Accounts (ITAs) funds to be used simultaneously, to support Registered Apprenticeship (RA) opportunities. (For use of OJT contracts for apprenticeship programs see *The NJDOL WIOA Apprenticeship Policy*.)

In addition, employers must demonstrate the following:

- Registration for UI/DI taxes
- A W-9 on file with the Treasury
- Less than \$750 in open tax liability

OJT funds will not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. OJTs are intended to assist career seekers in reaching and surpassing a self-sufficiency wage threshold. Employers engaging in OJTs for lower waged jobs must demonstrate career pathways that lead to positions exceeding \$15.00 per hour.

OJT and the ETPL

Employers providing OJT are not subject to the requirements of the eligible training provider list and are not included on the State list of eligible training providers and programs.

Position Eligibility

In order to qualify for an OJT, an employer must certify that the position will minimally meet the wage of \$12.50/hour at a minimum of 30 hours per week with evidence that the position is on a career pathway towards higher level and/or higher paying jobs upon completing the OJT. Please note, the minimum wage will be rising to \$15.00 in 2024 with incremental increases planned until then. Any OJT experience, must comply with the state's current minimum wage rate.

Based on the priorities outlined in WIOA and the guiding principles of OJTs generally, Local WDBs may utilize discretion to extend the time in which an individual is expected to reach the self-sufficiency wage level. Local areas must integrate wage and career pathway progression timelines that align with standard industry practice and/or with collective bargaining agreements or similar formal arrangements, if they exist. Local areas must consider and build in plans for attaining self-sufficient wages within a reasonable period of time.

Non-Traditional Position Structures

For positions that are not designed around a traditional 40-hour week, waivers may be obtained. Employers must demonstrate that the position is aligned with industry standards and that the position will lead to a combination of wages levels and hours that will support a self-sufficient income level within a reasonable period of time.

The Local WDB must follow procedures for notifying NJDOL about any positions that fall outside of the standard position eligibility criteria highlighted in this policy.

Individuals in OJTs must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience and skills. Individuals in OJTs must also be offered benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

Employer Referrals

- Employers are encouraged to refer interested candidates to the New Jersey One-Stop Career Centers for services.
- Employers must accept referral of, consider and interview Local WDB-referred OJT candidates.

Program Details and Expectations

OJT Reimbursement Rates and Caps

The maximum amount for each WIOA funded OJT per participant should not exceed \$10,000 over a six-month period. Local WDBs will typically reimburse an eligible employer up to 50 percent of an OJT participant's wage rate during the OJT (for the extraordinary costs of providing the training, including the potential lower productivity of the OJT participants, and additional supervision for OJT participants). Local WDB staff must review actual costs to ensure they are commensurate with the type of training being proposed.

In limited circumstances, based on factors including employer size, career seeker barriers, availability of funding, and other applicable factors, the local workforce board may determine it appropriate to develop plans that exceed the \$10,000 funding cap to provide additional support. Local WDBs must formally request a waiver from the NJDOL Director of Career Services via the WIOA Title I Program Oversight and Development (POD) team to waive the \$10,000 funding cap or six-month limitation.

For those OJT opportunities that are funded through temporary, grant or any other federal/state dollars, the costs per trainee can exceed the training cap established by this policy up to the maximum amount permitted by the relevant funding source.

In limited circumstances, local workforce boards may increase the reimbursement level to up to 75 percent or extend the period of reimbursement beyond six months, considering the following factors:

- The characteristics of the participants taking into consideration whether they are individuals with barriers to employment;
- The size of the employer, with an emphasis on small businesses;
- The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential;
- Other relevant factors, as appropriate.

Local Workforce Development Boards must document the factors used when deciding to increase the wage reimbursement levels above 50 percent up to 75 percent or subsidizing employment for more than a six-month period. This documentation must be submitted to the WIOA Title I Program Oversight and Development at NJDOL with any waiver requests.

Waiver Requests

Any OJTs that fall outside of the standard criteria outlined in this policy with regards to employer and position eligibility, and wage, hour, and duration caps must be reported to NJDOL's Workforce Unit. A waiver may be obtained from the Director of Career Services. Local WDBs must submit documentation and requests to their technical assistance liaison on the WIOA Title I Program Oversight and Development (POD) team.

Developing Training Plans

Employers, local WDB staff, and OJT participants must co-develop specific training plans that outline the specific skill requirements for the OJT position, the specific skill needs and assets the trainee brings to the position, and a general overview of the training resources that will be dedicated to support the OJT participant. A training plan serves as a position-specific assessment, a plan for training delivery, and an opportunity to track skill attainment during the training. A sample training plan is included in Attachment A.

Key training plan elements include:

- **Job Description:** A job description may be obtained from the employer or local WDB staff may assist the employer in writing a job description for the on-the-job training position.
- **Skill Requirements:** Skill requirements include the list of skills needed to perform the job to the standards specified by the employer. Skill requirements may include use of specific mechanical tools, technology skills, communication skills, and/or project management skills.
- **Participant's Starting Capability:** A training plan must include an assessment of the skills identified for the trainee, usually through an interview with the participant's supervisor or by utilizing another skill assessment method. The assessment offers the employer the opportunity to customize and target skill development to best leverage the assets and meet the needs of the individual.
- **Participant's Ending Capability:** A training plan must also include an assessment of the identified skills at training's end to measure progress toward skill attainment result from on-the-job training activities.
- **Training Length:** The period of time required for a participant to become proficient in the occupation for which the training is being provided. Training plans should include details about the number of hours that the employer will dedicate to building the capacity in specific skill areas. This will be unique to the individual depending on their academic and occupational skill level, prior work experience, and the participant's individual employment plan.

Title I Assessment and Plan Development

In addition to the development of an OJT-specific training plan, as Title I participants, individuals must have access to a range of assessment opportunities and the development of a holistic employment/service plan through an IEP or ISS. Employment and service plans should align with OJT training plans and outline additional supports such as supportive services that Title I WIOA staff will help the participant to manage as part of their engagement in an OJT opportunity.

Regulatory Limitations and Prohibited Activities

USDOL policy offer specific information about restrictions in the use of WIOA funds regarding OJT opportunities.

1. *WIOA Title I funds must not be spent on specific types of costs or expenses.*

- Construction, purchase of facilities or buildings, or other capital expenditures for improvements to land or buildings;
- Sectarian activities;
- Wages of incumbent employees during their participation in economic development activities provided through a Statewide workforce investment system; Public service employment, except to provide disaster relief employment, as specifically authorized in section 194(10) of WIOA;
- Expenses prohibited under another Federal, State or local law or regulation;
- Subawards or contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities;
- Contracts with persons falsely labeling products made in America;
- Foreign travel

2. *Expenditure of WIOA Title I funds must not be used to deter organized labor activities in any way.*

- Funds provided to employers for OJTs must not be used to directly or indirectly assist, promote or deter union organizing.
- OJTs are not intended to impair any existing contracts for services or collective bargaining agreements. When a program or activity authorized under Title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.

3. *The expenditure of WIOA funds must not support any efforts that result in the dislocation of workers.*

- Funds must not be used or proposed to be used for the encouragement or inducement of a business or part of a business to relocate from a location in the United States if the relocation results in any employee losing his or her job at the original location.
- Funds must not be used or proposed to be used for any business or part of a business that has relocated from a location in the United States, until the company has operated at the

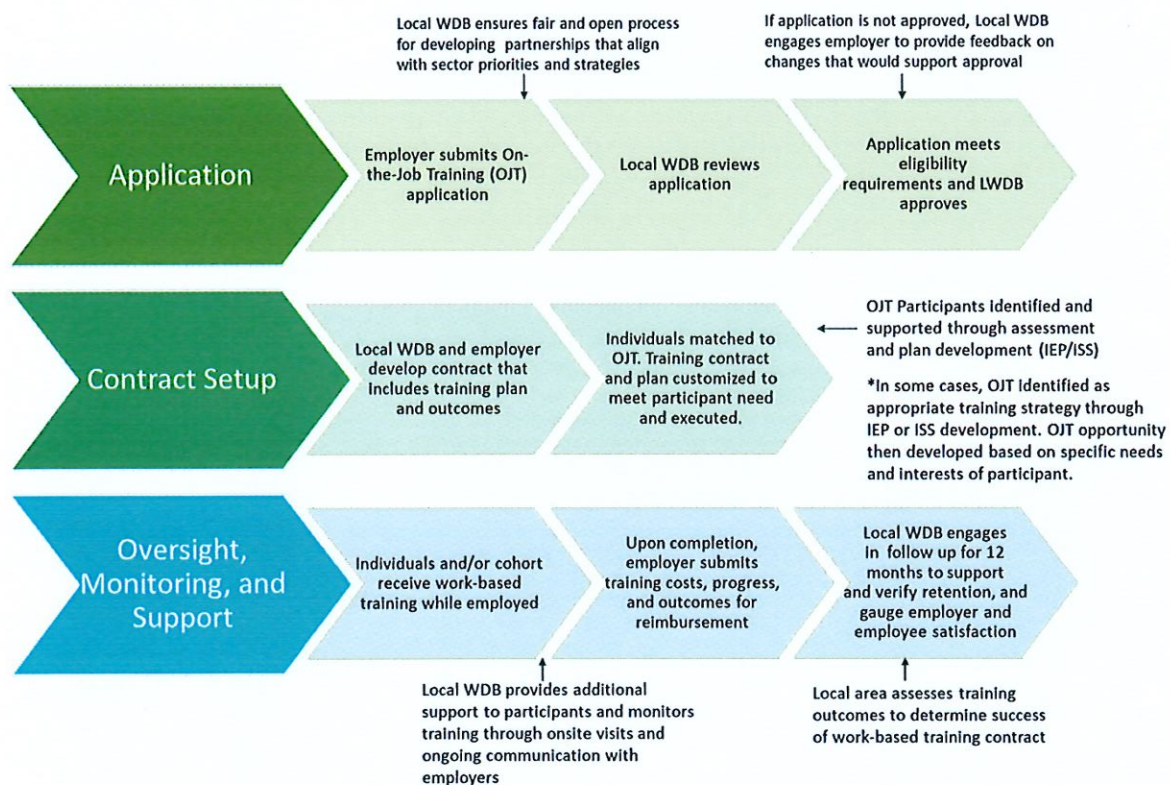
new location for 120 days, if the relocation has resulted in any employee losing his or her job at the original location.

- A participant in an OJT will not be employed in or assigned to a job if:
 - ✓ Any other individual is laid off from the same or any substantially equivalent job;
 - ✓ The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy with the participant; or
 - ✓ The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.
- A participant in a program or activity authorized under Title I of WIOA must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

Setting up OJT Operations

Key functions that local WDBs must set up to support OJT opportunities include (1) developing an application process, (2) setting up contracts, and (3) establishing oversight and monitoring procedures. Figure 1 provides an overview of key steps.

Figure 1: Overview of Local WDB Functions Related to OJTs



Application Requirements

The first step in establishing OJT programs is developing an application process that supports assessment of value of the training to both the employer and the employee and ensures that eligibility criteria of the employer, employee, and position are met. In addition, a review of applications must include considerations regarding additional funding sources that might be leveraged to support specific work-based training plans and activities, in addition to WIOA funds. Finally, the application must also support an assessment of the appropriate cost level of the OJT opportunity and wage reimbursement rate given the needs and resource of the employer.

Table 1 provides an overview of specific information and details that employers must provide as part of applications for OJT programs.

Table 1: Overview of Employer and Role Application Requirements

Employer Information	Role Information
<ul style="list-style-type: none"> • Company Name • Address • Billing Address (if different than physical address) • City/Zip • Phone • FEIN • DUNS • Employer layoff history • Length of business operations in NJ • Name/Title of Person(s) Authorized to Sign Documents • Employer's Product or Service • Person(s)/Title(s) Responsible for Supervision/Training of Trainee • Number of Full-Time Employees (working 32 hours or more) • Location/Telephone Number of Training/Worksite • Email address 	<ul style="list-style-type: none"> • Position (Actual Job Title) at start of training • Position (Expected Job Title) at end of training • Training Period (Dates) • Hourly Wage During Training • Number of Weeks Requested for Training • Hourly Wage at the end of training • Expected Training Benchmarks

Contract Requirements

Once an application has been approved, the next step is the development of an OJT contract. The contract incorporates information from the application process and the development of the individualized training plan for the OJT participant (see page 8). The training contract must include:

- Information related to participant, employer, and position eligibility
- Cost sharing and employer contribution specifications
- Information about expected training hours and sequence
- Information about skill development and training outcomes (wages and role at OJT completion)

In addition, the plan must be signed by the local WDB, the employer, and the employee.

Oversight and Monitoring Requirements

Once a training program is in its implementation phase, the Local WDB provides ongoing support as needed to participants and monitors and oversees training activities and outcomes, ensuring alignment with OJT contracts.

Monitoring is the responsibility of both the state and the Local WDB. OJT program monitoring must include onsite reviews to ensure and support a high quality of training experiences and ensure the validity and propriety of employer costs claimed.

Onsite monitoring of OJT must include (1) documentation of information received directly from the participants with the participant supervisor's perspective about how the training is progressing, and (2) a review of the employer payroll records to ensure wage costs are aligned with planned costs. Furthermore, local WDB monitoring should include a minimum of monthly communication with the employer to assess training progress, deter discontinuation of employment at the conclusion of the contract, and identify additional areas where supplemental Title I services can support participant success.

In addition, as part of WIOA monitoring, employers are also subject to monitoring from NJDOL to ensure that training plans and costs are aligned with WIOA policy, and that the execution of activities aligns with OJT contracts and plans established at the onset of training.

As highlighted in this policy, monitoring and oversight must include review of training plans, contracts, and implemented activities and outcomes to ensure alignment of expectations and actual training implementation, as well ensure that the cost of the specific OJT opportunity is ultimately commensurate with the benefit to employers and employees.

Past performance based on monitoring and oversight efforts regarding work-based training contracts must be considered in establishment of future contracts with employers.

OJT and Performance Measures

It is important to note that OJT and customized training are excluded from the credential attainment performance indicator because, although they often provide employment benefits to recipients of these services, they often do not result in a credential. However, USDOL and NJDOL encourage Local WDBs to consider OJTs that do result in a credential.³ While completion of a credential does not count towards to the credential attainment performance measure, it may as a measurable skill gain performance outcome.⁴

³ Please refer to TEGL 19-16, section 12.

⁴ Pleaser refer to TEGL 10-16 Change 1

It is important to note that a Registered Apprenticeship is one of several training modalities that can result in a credential. Coupling of an OJT with Registered Apprenticeship models may result in a credential attainment performance outcome.

References

- Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014
- Workforce Innovation and Opportunity Act Regulations, 20 CFR Parts 680, 683
- TEGl 10-16 Change 1: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16-Change1.pdf
- TEGl 13-16 attachment III: [Making Registered Apprenticeship Work for the Public Workforce System: Performance Outcomes \(doleta.gov\)](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_13-16-AttachmentIII.pdf)
- TEGl 19-16 (see Section 12): https://wdr.doleta.gov/directives/attach/TEGL/TEGL_19-16.pdf

Contact:

Inquiries regarding this policy should be directed to WIOAPolicy@dol.nj.gov.

Attachment A: Sample On-the-Job Training Plan

INSERT OJT PROVIDER NAME HERE

ON-THE-JOB TRAINING (OJT) TRAINING PLAN

OJT Contract No:

Training Plan No:

Section 1: Contact and OJT Information

Complete the contact information for the employer and the participant.

EMPLOYER NAME:	CONTACT PERSON:	TELEPHONE #:
TRAINEE NAME:	EMAIL:	TELEPHONE #:
BEGINNING DATE:	END DATE:	TOTAL TRAINING HOURS:
HOURLY WAGE RATE: \$	REIMBURSEMENT RATE: %	MAXIMUM REIMBURSEMENT: \$

Section 2: Occupational Information

Complete the occupational information for the participant's skill level.

JOB TITLE:	O*NET SOC #:	HOURS/WEEK:
JOB DESCRIPTION:		
REQUIRED JOB SKILLS FOR OCCUPATION:		STARTING CAPABILITY:
		DATE MEASURED
1. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
2. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
3. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
4. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
5. JOB SKILL NEEDED		NOT SKILLED: <input type="checkbox"/> SOME SKILL: <input type="checkbox"/> SKILLED: <input type="checkbox"/>

Section 3: Training Information

Complete the training outline and estimated time for each skill.

SKILLS TO BE LEARNED:	ESTIMATED TRAINING HOURS:	END CAPABILITY DATE MEASURED
1. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
2. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
3. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
4. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
5. SKILL TO BE LEARNED	ESTIMATED TRAINING HOURS	BEGINNING: <input type="checkbox"/> INTERMEDIATE: <input type="checkbox"/> SKILLED: <input type="checkbox"/>
LIST SUPPLIES AND TOOLS NEEDED FOR TRAINING:		

Section 5: Signatures

All parties agree to provide or obtain training for the skills outlined in this Training Plan.

Authorized Signatures

DATE:

PARTICIPANT SIGNATURE:

TYPE/PRINT NAME:

DATE:

DATE:

EMPLOYER SIGNATURE:

OJT PROVIDER SIGNATURE:

TYPE/PRINT NAME:

TYPE/PRINT NAME:

TITLE:

TITLE: