

## **WIOA On-The-Job Training Policy**

The purpose of this policy is to provide guidance as to how WIOA On-the-Job Training (OJT), as defined at WIOA Section 3(44), and issued through the Northwest Pennsylvania Workforce Development Area (NW170) will be administered.

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

- (a) Provides knowledge or skills essential to the full and adequate performance of the occupation;
- (b) Provides reimbursement to the employer for the costs of providing the training and additional supervision related to the training; and
- (c) Is limited in duration as appropriate to the occupation for which the participant is being trained.

### **General WIOA OJT Requirements.**

- WIOA OJT/Customized Training contracts shall not be made with employers who have previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
- It is expected that employers that use OJT funding will hire the individual receiving the training as a full-time employee provided 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.
- A WIOA 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 a 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.
- Per WIOA regulations (20 CFR 683.200(g)), "No individual may be placed in an employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual." For the purpose of this policy, the term "immediate family" includes a spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, and grandchild.

- WIOA OJT contracts will be initiated by the WIOA Title I program services contractor and the employer. The WIOA Title I program services contractor will sign contracts that have met all policy requirements. The WIOA Title I program services contractor must ensure compliance with the procedures.
- Participating employers must agree to cooperate with monitoring efforts as required by WIOA legislation and adhere to all other applicable local, state and federal rules and regulations, as well as respond to NWPA WDB staff requests for wage and retention information of participants.
- Funds provided to employers for WIOA OJT must not be used to directly or indirectly assist, promote or deter union organizing.
- At the time of completion of the OJT program, individuals must be employed in occupations that meet the following criteria:
  - 1) Hourly wage must be at the self-sufficient wage
  - 2) Occupation must be listed as in demand in PA
  - 3) The occupation must be a full-time position following the training (minimum of 32 hours per week)

**Note: Training conducted under Registered Apprenticeships does not require the occupation to be on the High Priority Occupation or the PA In Demand Occupation List.**

- Other guidelines may be added by the NWPA WDB that may be necessitated by federal and/or state regulation, regional oversight, or local recommendation.
- OJT Contracts may be written for eligible employed workers when:
  - The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, as determined by the Local WDB policy.
  - Requirements for on-the-job training are met (see 20 CFR § 680.700); and
  - The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local WDB.

### **WIOA OJT Length**

The maximum time frame for an OJT is 6 months. Duration of an OJT is a function of training needed, NOT the maximum allowed under this policy. WIOA Title I program services staff should consult with the employer and use the Occupational Information Network's (ONET) Specific Vocational Preparation Range (SVP) to determine the appropriate occupational training needed. Using the SVP provided by ONET, the following duration times are recommended in addition to the participant's past skill and experience.

<b>LEVEL</b>	<b>TIMEFRAME</b>
Level 1	<1 month
Level 2	1 month
Level 3	>1 month – 3 months
Level 4	>3 months – 6 months
Level 5	>6 months
Level 6	>6 months
Level 7	>6 months
Level 8	>6 months
Level 9	>6 months

**WIOA OJT Funding Levels**

Employers may be reimbursed up to 50 percent of the wage rate of an OJT participant (no premium rates such as overtime rates), and up to 75 percent if the following criteria is met (20 CFR 680.730):

- 1) The characteristics of the participants taking into consideration whether they are “individuals with barriers to employment,” as defined in WIOA Section 3(24);
- 2) The size of the employer, with an emphasis on small businesses; and
- 3) The quality of employer-provided training and advancement opportunities (i.e. if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential.

Sliding scale for employers meeting the above eligibility criteria:

- 50 or fewer employees = 75% of self-sufficiency wage/hour
- 51-100 employees = 60% of self-sufficiency wage/hour
- 101 or more employees = 50% of self-sufficiency wage/hour

The minimum amount of hourly compensation allowable by a WIOA OJT is \$9.75 per hour. However, WIOA strives to serve individuals with barriers to employment. Therefore, Title I staff may submit a written request for a waiver of this wage to the NWPA Job Connect staff, for no less than the current minimum wage, if the OJT occupation can be documented as a career pathway from an entry level position to an occupation with a self-sustaining wage. WIOA OJT contracts shall be written for position of 30 hours or more per week.

The hourly wage to be reimbursed under this policy must not exceed the average hourly wage for the local workforce development area as determined by the Center for Workforce Information and Analysis (CWIA).

Employers may elect to pay participants more than the local area’s average hourly wage; however, the employer may not receive training reimbursement above the local area average hourly wage cap.

## REFERENCE

WIOA Section 3(44)  
WIOA Section 134(c)(3)(h)  
20 CFR 680.530  
20 CFR 680.710

20 CFR 680.700  
20 CFR 680.720  
20 CFR 680.730

## HISTORY

Name	Date	Rev. Level	Description of change	Effective Date
Deb O'Neil	05/01/2009	A	New policy	07/01/2009
Deb O'Neil	10/07/2010	B	Content change regarding # of hours per week	11/12/2010
Deb O'Neil	04/13/2011	C	Content change	5/13/2011
Deb O'Neil	01/16/2015	D	Update new WIB	2/25/2015
Deb O'Neil	04/11/2017	E	Update per WIOA; separate OJT/CT/IWT policy language	06/09/2017
Deb O'Neil	0/29/2020	F	Update per wage caps for reimbursement	09/11/2020
Deb O'Neil	09/27/2021	G	Add language to clarify training for RA does not require HPO or PA IDOL	11/12/2021
Susan Richmond	02/28/2023	H	Add language to clarify OJT contract requirements for employed workers	05/12/2023