
WIOA On-The-Job Training Policy

This policy provides guidance on administering WIOA On-the-Job Training (OJT) funding, as defined at WIOA Section 3(44), and issued through the Northwest Pennsylvania Workforce Development Area (NW170).

On-the-Job Training is a structured training opportunity for the OJT employee to gain the knowledge and skills to be competent in the job for which they were hired. The structured training opportunity:

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

Eligible Employer Types

- Private-for-profit business
- Private non-profit organization
- Public sector employee

Employer Restrictions

An employer will not be eligible to participate in an OJT if:

- The employer has any other individual on layoff from the same or substantially equivalent position.
- The training would infringe upon the promotion of or displacement of any currently employed worker or create a reduction in their hours.
- The same or substantially equivalent position is open due to a hiring freeze.
- The positions are for seasonal employment.
- The employer is a private for-profit employment agency, i.e. temporary employment agency, employee leasing firm, or staffing agency.
- The position is not full-time, i.e. a minimum of 30 hours per week.
- The employer has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.
- If a business or part of a business has relocated from any location in the United States and the relocation has resulted in any employee losing his or her job at the original location, OJT contracts may not be granted until the company has operated at the new location for 120 days.

Employer Assurances

Employers must guarantee that:

- All participants are 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. This includes UC coverage where the employer is normally required to provide such coverage to its employees.
- The position provides benefits per company policy (i.e. insurance, paid leave, profit sharing) other than those required by law.
- Employees who have financial responsibilities related to the receipt and disbursement of funding under the agreement shall be covered by fidelity bonding.
- The training to be provided will be in accordance with WIOA 181(a)(1)(A) and 683.275 for wage and labor standards. Worker protection requirements are set forth in WIOA Sections 181 (a)(1) (A) and (B), (b)(2), (3), (4), and (5), and 188.
- The employer agrees to cooperate with monitoring efforts as required by WIOA legislation and adhere to all other applicable local, state, and federal rules and regulations.
- Funds are not used to directly or indirectly assist, promote, or deter union organizing.
- The employer agrees to respond to requests for wage and retention information of participants.
- The employer commits to retaining the trained employees for a period of six (6) months following the completion of training. Failure to do so may result in the employer being ineligible to receive further training funds for a period of one (1) year.

General OJT Requirements.

- OJT employees must meet program eligibility requirements for WIOA Adult, Dislocated Worker, or Youth programs.
- 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.
- OJT training opportunities must align with either the PA IDOL (In-Demand Occupation List) or the HPO List (High Priority Occupations).
 - **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.

- 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 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, stepparent, stepchild, grandparent, and grandchild.
- Other guidelines may be added by the NWPA Job Connect that may be necessitated by federal and/or state regulation, regional oversight, or local recommendation.
- At the completion of the OJT program, individuals must be employed in occupations that meet the following criteria:
 - 1) Hourly wage must be at the self-sufficiency wage
 - 2) Occupation must be listed as in demand on the PA (IDOL)
 - 3) The occupation must be a full-time position following the training (minimum of 30 hours per week)

OJTs for Eligible Employed Workers

OJT Contracts may be written for WIOA 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.
- Locally, the person will be considered for an OJT within the first three (3) months of employment.
- Eligible employed workers must be WIOA enrolled and deemed eligible to receive WIOA funds.

WIOA OJT Length

The maximum time frame for an OJT is six (6) months. The 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 level, prior work experience, and the participant’s individual employment plan or individual service strategy. The timeframes listed in the OJT contract must be limited to the time required for a participant to become proficient in the selected occupation.

| LEVEL | TIMEFRAME |
|---------|----------------------|
| 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

Reimbursement rates to employers are up to 50% of the wage rate of an OJT participant (no premium rates such as overtime rates), and up to 75% 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% 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 positions 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
20 CFR 683.260

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 |
| Susan Richmond | 02/21/2025 | I | Update policy for clarity | 05/16/2025 |