

# On-the-Job Training (OJT) Policy

**Policy Number: 2016-0908.2**

## **Purpose**

The Workforce Innovation and Opportunity Act On-the-Job Training (WIOA-OJT) Program is administered in Lucas County under the authorization of the Ohio Department of Job and Family Services Workforce Innovation and Opportunity Act Policy Letter 15-22.1.

## **Effective Date**

This policy shall go into effect immediately upon passage and will apply only to On-the-Job Training contracts that begin after the effective date.

## **Recission**

This policy replaces the prior On-the-Job Training policy (2016-0908.1-OJT) passed by this board on January 29, 2020.

## **Background**

The Lucas County Workforce Development Board (LCWDB), by approving this OJT policy, confirms that OJT employers who meet the policy requirements will be approved for OJT agreement, upon the recommendation of the Lucas County Department of Workforce Development (LCDWD) Director or Designee (DPDD/D).

OJT may be provided to eligible WIOA participants who are assessed and found to be in need of training services in order to obtain or retain employment that leads to self-sufficiency. An OJT agreement can be developed between an employer and the LCDWD to provide occupational skill training for a WIOA participant in exchange for reimbursement of up to fifty percent (50%) of the wage rate to the employer to compensate for the employer's extraordinary costs in training the WIOA participant on the job. However, the cost of training is determined by the trainee's hourly wage times hours worked in a week (40 hours maximum), multiplied by 50% and cannot exceed 6 months.

## **WIOA-OJT Applicant/Participant Requirements**

1. Sources for OJT trainees may come from OhioMeansJobs Lucas County LCDWD and staff referrals, employer referrals, other agency/organization referrals, Lucas County Department of Job and Family Services (LDJFS) referrals, and Ohio Department of Job and Family Services (ODJFS) referrals.
2. An applicant must first be determined eligible for the WIOA program prior to participating in the OJT component and a request for training services must be made. . A Training Plan

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must have been developed by the employer that documents the participant's need for training.

3. Eligible youth applicants who are 18-24 years old who have registered and been approved for WIOA Training Services may be enrolled in OJT as an adult, or concurrently as a youth and an adult, if appropriate
4. If it becomes necessary to assign an Adult priority system, OJT services will first be given to recipients of Public Assistance, then to low-income individuals, as defined in ODJFS WIOAPL 15-20.2, as with enrollments, veterans and spouse of veteran will receive priority of service. Dislocated Workers are not subject to this requirement and will receive priority of service.
5. OJT agreement may be written for WIOA-eligible employed workers when the employee is earning less than 200% of the federal poverty guidelines to self-sufficiency, as determined by the LCDWD, or if the OJT relates to the introductions of new career pathways, technology growth, enhancements in production or service procedures, advancement to new positions that require additional skills, workplace literacy, or other appropriate purposes identified by the LCDWD.

## OJT Employer Requirements

1. The potential OJT employer must complete an Application for OJT Funded Training Services and furnish a Certificate of Good Standing not older than one year.
2. The employer, with the assistance of LCDWD staff, must complete a detailed training plan for each trainee, which will be reviewed by the LCDWD prior to the trainee beginning OJT. The training plan will identify what must be learned in order to perform the basic tasks the job requires, the estimated number of hours necessary to learn these tasks, and the methods the employer will use to measure the trainee's new skills. A training outline must be along the lines of industry standards or as defined in the Dictionary of Occupational Titles/Occupational Outlook Handbook or O\*NET. LCDWD may request a detailed Job Description from the employer to support the information listed on the training plan. Employers are required to provide OJT Trainees with the intent to continued long-term employment with wages, benefits, and working conditions equal to those of regular employees. Future OJT agreement will not be written for employers who fail to provide these conditions. (Long-term employment is defined at a minimum of twelve (12) months or four (4) quarters after the end-date of the OJT contract.)
3. Union concurrence is required in order for some employers to enter an OJT agreement when appropriate. In these cases, the employer must provide LCDWD with written concurrence from the Union for the OJT. OJT agreement cannot be written for employers who are actively involved in labor disputes during the application or contract process.
4. All employers are required to have a grievance process in place and shall follow the grievance process in all matters related to the OJT trainee.
5. Reverse referral of potential OJT trainees by employers will be considered, but not automatically accepted into the OJT program. All OJT trainees must meet WIOA participation and eligibility requirements. OJT employers must agree to accept referrals

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and agree to interview other WIOA applicants for the OJT in addition to the employer referred participant.

6. The OJT occupation cannot involve payment of commission wages as the primary source of wage payments to the OJT trainee.
7. The OJT occupation cannot involve religious or political activity.
8. The OJT must be conducted at the employer's place of business or an approved training center and cannot be subcontracted.
9. The OJT employer must comply with all applicable health and safety policies and standards, as required by Federal and State law.
10. The employer cannot hire an OJT trainee if a member of that trainee's immediate family is engaged in an administrative capacity for that employer.
11. An OJT contract cannot be written for a position in which a worker is currently on layoff, or for a position that will deny a current worker promotional opportunity.
12. The OJT employer must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any Federal Department or Agency.
13. The employer will acknowledge in writing training proficiency and indicate the trainee has achieved the necessary skills required for the position.
14. LCDWD will also obtain, through the employer, additional data as required by current US-DOL and/or State of Ohio (ODJFS Office of Workforce Development) standards.

## On-The-Job Training Contract Requirements

1. OJT agreement can be written with employers from the public, private non-profit, or private for-profit business sectors for positions that have been determined by the state as In-Demand occupations.
2. All OJT agreements must provide that the goal will be for the trainee to secure full-time employment with the OJT employer, or provide a position advancement in employment, upon the conclusion of the OJT.
3. An OJT must provide the participant with a competency or skill that is recognized by the employer. An OJT agreement with a training employer must be limited to that period of time required for a participant to become proficient in the training occupation. The participant training plan must specify the type and duration of training, the wage and reimbursement rates for training,
4. The number of training hours to be allowed in an OJT agreement for a specified OJT trainee will be determined through preparation of an OJT training plan in conjunction with the employer. LCDWD The length of the OJT training time is determined by considering the difference between the skill level, required for the job and the OJT participant's current skill level, with the difference related to the average length of training as defined in the O\*NET code assigned to that occupation. However, training plans cannot extend beyond six (6) months in length.
  - a. Prior experience in the same or related occupation and related education/training will be considered and evaluated. Consideration must be given to the academic and

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- occupational skill level of the participant, prior work experience, and the participant's Individual Employment Plan (IEP) as explained in Section 3 (44) (C) of WIOA.
- b. The OJT training outline will be developed between the LCDWD staff and the OJT employer, taking into consideration the OJT trainee's prior work experience, education, training, and the work requirements for the job.
5. An OJT training plan may be written for newly hired WIOA-eligible workers when the employee is not currently earning a living wage leading to self-sufficiency as determined by the Lucas County Workforce Development Boards' current self-sufficiency standards
  6. The OJT Training Plan must be written for skills that the trainee does not already possess. Care must be given to check the trainee's work history, and to document that the new skills to be learned are different, more difficult, and/or unique to the new job, and are therefore necessary to perform the new job tasks.
  7. An OJT agreement will be written for positions that are at least 32 hours per week and meet current self-sufficiency standards as stated in the Local Demand Occupation list approved by Lucas County Workforce Development Board and the local Labor Market Information (LMI) for that position. LCDWD
  8. No participant shall be placed in more than two OJT agreement within a given WIOA program year. The second OJT must be approved by the LCDWD. The reason for a second OJT must be specifically documented (laid off, fired, etc.) and the decision to grant a second OJT will be granted on an individual basis. In cases where two OJT agreement have been offered, and were unsuccessful, it will then be presumed that an OJT experience is not the appropriate training method for the individual.
  9. Billing for employer reimbursements for OJT agreement will be processed by LCDWD staff or the current fiscal agent. Businesses must submit reimbursement requests within 30 days as determined and defined by the LCDWD OJT Billing Procedures.
  10. The employer is responsible for notifying the assigned LCDWD staff member of any of inconsistencies in attendance or pay. The LCDWD staff member will contact the employer to follow up on reports of nonpayment of trainee wages. Such reports shall be reported immediately to the LCDWD management. The assigned LCDWD staff will also monitor and verify successful training completion.
  11. In some cases, an OJT participant may be eligible for classroom training (through the Individual Training Agreement) in conjunction with the OJT. Such cases will be allowed at the discretion of the LCDWD and on a case-by-case scenario.
  12. If the trainee's LCDWD staff member suspects that the employer is in violation of the OJT agreement, he/she must notify the LCDWD in writing within three working days. The LCDWD will assess if the situation should be monitored and/or investigated further. The LCDWD may also consider corrective action directly to the employer. Recommendations may include, but are not limited to, providing the employer information about the Fair Labor Standards Act, limiting the use of the employer as an OJT provider, and counseling the employer to develop a corrective action plan, The LCDWD will then follow up on plan

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within 90 days to ensure that corrective action has been taken. If corrective action is not taken in the specified time frame, the OJT Contract may be terminated by the LCDWD.

13. The training occupation should have career advancement potential and must be in accordance with the trainee's approved WIOA training plan.
14. Training in occupations requiring a license to perform certain work shall not be allowed unless the OJT employer certifies that it is the firm's intention to continue employment and further occupational training for the OJT trainee until all license requirements are met.
15. The number of OJT training positions allowed per employer per fiscal year may not exceed twenty-five percent (25%) of training employees, unless consent to raise this level is approved by LCDWD.
16. An OJT agreement will include performance standards for WIOA for wages and job retention. OJT employers who have had a prior OJT agreement that do not meet the current US-DOL job retention and wage-gain performance standards will not be considered participating in the OJT program for 1 year from the date of the disqualification determination. Two disqualification determinations may render an employer ineligible from the OJT program for 5 years.

## Definitions

*Immediate Family Members:* includes a spouse, domestic partner, child, foster child, son-in-law, daughter in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, cousin, niece, nephew, stepparent, stepchild, grandparent, and grandchild.

*Eligible Adult:* Adults over the age of 18, who are eligible to work in the United States of America and, if applicable, registered for Selective Service and meet WIOA eligibility requirements.

## Monitoring

The LCWDB, through the LCDWD may request employers provide documentation related to the OJT in order to monitor the program and authenticate the progress of those trained. Employers will be provided a list of potential documents to be requested prior to signing of any training agreements.

## References

Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-22.1, On the Job Training (OJT) Policy

Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-09, Training Services for Adults and Dislocated Worker

Workforce Innovation and Opportunity Act Policy Letter (WIOAPL) No. 15-10, Youth Program Services

Area 9 WIOA Service Eligibility Policy



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Workforce Innovation and Opportunity Act, § 134, Public Law 113-128

State On-the-Job Training Guidance Manual (August 2014). Copies are available online at  
<http://jfs.ohio.gov/owd/wia/Docs/OJT-Procedures-Manual.pdf>