

POLICY #: P-14
Customized Training

ISSUED: September 20, 2018

PURPOSE:

The Workforce Innovation and Opportunity Act provides that contracted customized training activities may be provided to eligible Adults and Dislocated Workers, which includes incumbent workers at risk of being laid off if they do not receive training or upskilling.

REFERENCES:

- WIOA Sections 3(14); 134(c)(3)(D); 134(d)(4)
- 20 CFR 680.760 – 680.840
- TEGL 19-16
- CWP Record Retention Policy A-02

DEFINITIONS:

Customized training:

Training that:

1. Is designed to meet the special requirements of an employer (including a group of employers);
2. Is conducted with a commitment by the employer to employ at least 80 percent of those participants that successfully complete the training, or in the case of those who are currently employed, retain or avert the layoffs of the individuals after successful completion of the program;
3. The employer pays for not less than 50 percent of the cost of the training;
4. Is for a business or businesses within high growth, high demand industries that have opportunities for advancement (exceptions may be made via the Clackamas Workforce Partnership's Program Manager who will bring the exception before the Executive Director for consideration); and
5. Is business-driven where the employer, not the worker, selects the training provider. The training may be conducted by the employer or the employer may select a third-party training provider. If a third-party training provider is selected, the provider does not have to be on the Eligible Training Provider List.

Trainees benefit by learning new skills and obtaining and/or retaining employment after successful training completion.

Eligible individual: Individuals who have been determined eligible for Adult and/or Dislocated Worker training services. Incumbent worker training is available to existing workers if an

employer's employees or positions are at risk of being laid off if they do not receive training or upskilling. An incumbent worker needs to be at-risk of being laid off, meet the Fair Labor Standards Act requirements of an employer-employee relationship, and have an established employment history with the employer for 6 months or more.

Retention: The act of keeping a job at least two quarters after placement.

POLICY:

Clackamas Workforce Partnership (CWP) may reserve and use no more than 20 percent of a combined total of adult and dislocated worker funds.

CWP sub recipients who provide CWP funded customized training activities must require the employer(s) to:

a) pay for not less than 50 percent of the cost of the training, b) commit to employ at least 80 percent of those participants that successfully complete the training, or in the case of those who are currently employed, continue to employ participants after successful completion of the program, c) retain customized training completers at least two quarters after placement, and d) comply with all WIOA rules and regulations, related fiscal management requirements, and relevant employment laws and safety rules. If new worker trainees who successfully complete the customized training do not get a job offer from the employer(s) or retain their jobs two quarters after placement, CWP reserves the right to not enter into a customized training agreement with the employer(s) in the future.

Training Costs:

Instructors can be educators or professionals from the business community. The customized training may be conducted by the employer or the employer may select a third-party training provider. If a third-party training provider is selected, the provider does not have to be on the Eligible Training Provider List.

Costs may include the development of curriculum, instructors, course tuition, costs of wages during the time of the training for eligible trainees, and material and supply costs. Purchases of capital equipment, production equipment, and facilities costs are not an allowable reimbursement expense.

The employer's contribution must be at least a dollar-to-dollar match of the CWP amount and may be met through cash or in-kind contributions. Employer contributions must be documented and traceable to original payroll documentation and/or invoices for purchases. Employers request reimbursement for customized training expenses after trainees successfully complete the training and are hired.

CWP funds may not be used for training that can be paid from other readily available private, government, or grant sources.

Customized Training Protections:

1. Customized training participants shall 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).
2. Customized training activities shall not impair an existing contract for services or collective bargaining agreement and no such activity that would be consistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.
3. A participant shall not be hired or promoted to a job if:
 - a. any other individual is on layoff from the same or any substantially equivalent job;
 - b. the employer has terminated employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; and/or
 - c. the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).
4. No funds will be used for customized training for any business that has relocated, until the date that is 120 days after the date on which such business commences relocation, if the relocation of such business or part of a business results in the loss of employment for any employee at the original location and such original location is within the United States.

Administration:

A written contract signed by the sub recipient, employer, and training provider (if other than employer) is required for each CWP funded customized training activity and must be completed prior to the commencement of any customized training activity.

Sub recipients are responsible for:

- a. Completing pre-award Customized Training Employer Checklist to determine if an employer or group of employers is eligible for a customized training contract. Sub recipients shall only enter into a Customized Training agreement with businesses that propose to upgrade trainee skills, increase employee wages, provide training in portable skills, and/or increase retention efforts.
- b. Obtaining necessary information and writing the customized training agreement, training plan, and detailed line-item budget that identifies a minimum cash match or in-kind contribution by the participating employer(s).
- c. Offering technical assistance to employers including:

- i. Encouraging employers to use the apprenticeship program on all feasible job classifications,
 - ii. Developing the customized training plan and budget,
 - iii. Recruitment for new worker training,
 - iv. Invoice preparation,
 - v. Compliance with contract and WIOA regulations,
 - vi. Documenting training costs, including employer-paid costs,
 - vii. Clarifying any questions or concerns of employer, and
 - viii. Being responsible for any changes/modifications to all customized training contracts with employers.
- d. Providing support and regular check-ins with trainees and employers to identify barriers and provide assistance to ensure trainees' successful completion.
- e. Ensuring that all current or new hire positions meet the following criteria:
 - i. Be developed only for occupations in which there is demand, and
 - ii. That full-time employment with benefits be available after training is provided.
- f. Should the trainee not get a job offer from the employer(s), nor retain their job two quarters after placement, subrecipients shall provide job placement assistance or additional services to ensure the trainee becomes successfully employed or re-employed.

All sub recipients using customized training contracts must establish a monitoring schedule (i.e. frequency and intervals) for current contracts as well as follow-up after contract completion. At least one follow-up visit with the employer should be done after a customized training contract is completed to determine that the agreed-upon wage(s) (and/or wage increase(s)) is/are being paid, that benefits comparable to those received by other workers are being provided to the workers, and to get employer/employee feedback on the customized training experience.

Records Maintenance:

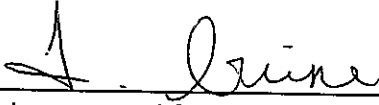
The sub recipient, employer, and training provider shall maintain documentation to support the appropriateness and necessity of the activity for individual participants and to support all related expenditures.

Sub recipient, employer, and training provider records are subject to review upon request of CWP, Higher Education Coordinating Commission, and U.S. Department of Labor. The sub recipient, employer, and training provider shall retain all records in accordance with CWP's Record Retention Policy A-02.

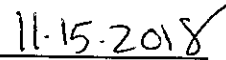
Approved:

Clackamas Workforce Partnership Board Member Acknowledgement:

I acknowledge that I have read and understand the Clackamas Workforce Partnership Board Policy P-14, Customized Training.



Clackamas Workforce Partnership Board Chair



Date