



**POLICY
NUMBER
009**

Administrative Policy

Title:	On-the-Job Training		
Program:	Workforce Innovation and Opportunity Act		
Effective:	05/30/2000	Revised:	02/20/2020

I. PURPOSE AND SCOPE

The purpose of this policy is to provide the Workforce Innovation and Opportunity Act (WIOA) On-the-Job Training (OJT) Program requirements to Local Workforce Development Boards (LWDBs).

II. BACKGROUND

WIOA offers several work-based training strategies for WIOA-eligible participants. OJT is a proven, evidence-based strategy that provides reimbursements to employers for the costs associated with skills upgrading and loss of production for the training of hiring new employees.

OJT is an “earn and learn” employment model where eligible participants may upgrade, retool and increase employability skills. OJT is most appropriate for adults and dislocated workers in need of new employer-based skills, and individuals with barriers to employment including, but not limited to, unemployed workers, underemployed workers, and out-of-school-youth. Individuals must meet WIOA eligibility criteria to participate in OJT programs.

III. AUTHORITY

[Public Law 113-128, Workforce Innovation and Opportunity Act](#)

Code of Federal Regulations (CFR), [Title 20 Parts 680.700 - 680.840; 683.400; 683.410](#)

Training and Employment Guidance Letter [\(TEGL\) 19-16](#)

[2 CFR Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts Under Federal Awards](#)

IV. POLICIES AND PROCEDURES

OJT is a work-based training that provides WIOA-eligible participants occupational skills training essential to the performance of a specific job. OJT provides reimbursement to the employer for up to 50% of the participant's wage rate for the costs of training and supervision related to training. LWDBs are encouraged to use this training method to address critical workforce needs, enhance skills of eligible participants and to aid eligible employers in attaining a qualified, skilled workforce with competencies needed to meet the employer's needs.

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

1. Provides knowledge or skills essential to the full and adequate performance of the job;
2. Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant. LWDBs may increase the wage reimbursement level above 50 percent up to 75 percent for the extraordinary costs of providing the training and additional supervision related to the training; however, factors used when deciding to make the increase must be documented and include the following:
 - a. The characteristics of the participants, taking into consideration whether they are individuals with barriers to employment;
 - b. The size¹ of the employer, with an emphasis on small businesses;
 - c. 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); and
 - d. Other factors the LWDB may determine appropriate (for example, the number of employees participating in the training, the wage and benefit levels of the employees, and the relation of the training to the competitiveness of the participant).
3. Is limited in duration, as appropriate to the occupation for which the participant is being trained, and taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

A. Eligibility

An individual who meets WIOA eligibility may be considered for OJT when the eligibility requirements for the WIOA adult, dislocated worker or youth programs have been met, and the participant has been determined to be in need of training services. If a male participant, over the age of 18, they must register for Selective Service.

¹ This refers to the number of employees.

1. An In-School Youth (ISY) individual must:
 - a. Be attending school, including secondary or postsecondary school;
 - b. Between the ages of 14 and 21 at the time of enrollment;
 - c. Be low-income; and
 - d. Meet one or more of the following barriers:
 - i. Basic skills deficient;
 - ii. An English language learner;
 - iii. An offender;
 - iv. A homeless individual, a homeless child or youth, or a runaway;
 - v. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - vi. An individual who is pregnant or parenting;
 - vii. An individual with a disability; or
 - viii. An individual who needs additional assistance to complete an educational program or to secure or hold employment.

2. An Out-of-School Youth (OSY) individual must:
 - a. Not be attending school²;
 - b. Be between the ages of 16 to 24 at the time of enrollment; and
 - c. Meet one or more of the following barriers:
 - i. Not attending any school (as defined under State law);
 - ii. Not younger than age 16 or older than age 24 at time of enrollment; and
 - iii. One or more of the following barriers:
 1. A school dropout;
 2. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
 3. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and
 4. Is either basic skills deficient or an English language learner;
 5. An offender;
 6. A homeless individual, a homeless child or youth, or a runaway;
 7. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 8. An individual who is pregnant or parenting;

² An individual who is not attending a secondary or post-secondary school (WIOA Section 129[a]).

9. An individual with a disability; or
10. A low-income individual who requires additional assistance to enter or complete an educational program, or to secure or hold employment.

3. Adults workers must:

- a. Be 18 years of age or older;
- b. If male, registered as required for the Selective Service;
- c. Be authorized to work in the United States and provide appropriate documentation such as Social Security card, passport, birth certificate, or another similar document.

4. Dislocated workers must³:

- a. (i) Have been terminated or laid off, or who has received a notice of termination or layoff, from employment;
(ii) Is eligible for or has exhausted entitlement to unemployment compensation or have been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
(iii) Is unlikely to return to a previous industry or occupation;
- b. (i) Have been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, military installation or enterprise;
(ii) Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
(iii) For purposes of eligibility to receive services other than training services, career services or supportive services, be employed at a facility at which the employer has made a general announcement that such facility will close;
- c. Have been self-employed (including employment as a farmer, a rancher, or a fisherman) but are unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
- d. Be a displaced homemaker; or
- e. (i) Be the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
(ii) Be the spouse of a member of the Armed Forces on active duty and who is experiencing difficulty in obtaining or upgrading employment.

A participant will be assessed when they have been determined eligible for services.

³ WIOA sec. 3(15)

An individual service strategy (ISS) or individual employment plan (IEP) must be developed.

5. Priority of service states that individuals in different categories may be served first due to priority of service. An individual must be served in the following order:
 - a. Recipients of public assistance, other “Low Income” individuals according to Federal Low-Income Guidelines, or basic skills deficient.
 - b. Those who are not “Low Income” but who have one or more substantial barriers to employment such as offender status, homeless, disability, single parent, language or barriers.
 - c. Veterans/eligible spouses.
 - d. Adults underemployed may also be considered for services under WIOA.
6. Individual Service Strategy (ISS)/Individual Employment Plan (IEP)⁴

Prior to receiving services, the individual service strategy (ISS) or individual employment plan (IEP) must be developed.

The ISS and IEP is a living document that must be reviewed regularly by front-line staff and adjusted throughout participation, jointly with the participant. The details of the OJT assignment must be incorporated into the ISS and/or IEP, and must include the participants details regarding the OJT assignment, as appropriate. When enrolling a participant in OJT, LWDB staff must consider:

- a. The skill requirements of the occupation;
- b. The academic and occupational skill level of the participant; and/or
- c. Prior work experience; and
- d. The participant’s service strategy.

Additionally, OJT may not be suitable for ISY who may be enrolled in secondary school. However, OJT may be an appropriate strategy for eligible youth when the need is identified by the objective assessment and included in the service strategy.

B. Employed Workers

OJT contracts may be written for eligible employed workers when:

1. The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, as determined by the LWDB policy;
2. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional

⁴ 20 CFR 680.170; see definitions in Section V.

- skills, workplace literacy, or other appropriate purposes identified by the LWDB in the local operating procedures;
3. There is a contract for the OJT with and employer or registered apprenticeship program sponsor in the public, private non-profit or private sector.

C. Occupation Eligibility

The LWDB must ensure that participants are placed in OJT for occupations that are in demand in the local area, are appropriate for the program and included on the targeted on the [Targeted Occupations List \(TOL\)](#). Occupations or job types that are not suitable for OJT are occupations that are:

1. Based on commission⁵;
2. Seasonal in nature; or
3. Less than part-time⁶.

D. Duration of OJT

LWDBs must ensure that the OJT contracts are processed and executed in accordance with federal, state and local procurement policies and shall not exceed a 12-month period. Except in instances where it takes longer to learn the job, e.g. apprenticeships. The LWDB must document reasons for any OJT that takes longer than 12-months.

When developing the local area's OJT strategy, the LWDB should use a readily available occupational information source, such as O*NET, or any other occupation classification model used to determine the appropriate duration of trainings. The duration of OJT for each participant must be based on the amount of time it takes to learn the job. The length for the OJT must be included in the OJT contract with the employer and the participant's individual service strategy (ISS) or individual employment plan (IEP). LWDBs must describe how it will define the duration of OJT in the Local Operating Procedures (LOPs).

E. OJT Training Plan

The OJT plan is a formal document detailing the structured job training and must provide participants with a combination of instruction in observable, and measurable job-ready skills, general employment competencies and occupational skills. OJT may be combined with customized training, if appropriate. LWDBs must ensure that each OJT plan is developed based on the participant's ISS and/or IEP, and the occupation the participant has selected. The OJT Training Plan must be agreed upon and signed by the participant, employer and the LWDB.

⁵ Salary based on sales and not an hourly wage.

⁶ Part-time is considered 20 hours per week or less/Full-time is considered 32 hours or more.

F. OJT Contract Requirements

LWDBs must ensure that all OJT is provided under a written contract with an employer or registered apprenticeship program sponsor in the public, private non-profit or the private sector. Employers providing OJT are not required to meet the conditions for inclusion on the Eligible Training Provider List.

In developing the OJT contract, LWDBs must ensure:

1. OJT contracts include related requirements specific to the state and local areas and related to OJTs funded through other federal programs.
2. The OJT contract includes an explanation of how participants will be provided a structured training opportunity. All training services shall be provided in a manner that maximizes consumer choice.
3. OJT participants are compensated at the same wage rates, including periodic increases, as trainees or employees who are in similar occupations by the same employer and who have similar training, experience, and skills. Wage rates must be in accordance with applicable law.
4. That they do not provide or extend OJT contracts to employers who have previously exhibited a pattern of ineffectiveness in providing OJT participants with continued, long-term employment.
5. OJT contracts are to be signed and dated by the appropriate LWDB staff and the employer. However, the training plan should be signed by the participant and the LWDB. This must take place prior to the execution of the contract. LWDBs are responsible for ensuring that the contract and/or training plan is signed and agreed upon by all parties, prior to the participant's initial start date.
6. OJT contracts include any applicable provisions required by federal statutes and executive orders listed, including Equal Opportunity, Davis Bacon Act and other provisions outlined in 2 CFR part 200, Appendix II.
7. OJT contracts include employer responsibilities and required assurances that the employer will provide to the participant during and following the OJT.
8. No participant is placed in an OJT where a member of that person's immediate family is directly supervised by or directly supervises the participant. Family⁷ means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

⁷ 20 CFR 675.300

- a. A married couple and dependent children;
 - b. A parent or guardian and dependent children; or
 - c. A married couple.
9. That they verify that employees were not laid off at the previous location because of the relocation from another area of the United States if:
- a. An employer is an established or new business; or
 - b. The employer has operated at the current location less than 120 days (of operation) and relocated from another area in the U.S.
10. LWDBs must monitor each OJT assignment, periodically, until the assignment is complete.

G. OJT In-Person Worksite Visit

LWDBs must conduct an in-person visit to each worksite where an OJT participant is placed at least once per year. The purpose of the in-person visit is to assess the appropriateness of the site and to ensure that it meets all the terms of the worksite agreement. The site visit must be recorded in case notes for the employer and must include the date of the most recent worksite visit, the name of the LWDB staff member who conducted the visit and the outcome of the visit. For example, if a LWDB identifies any concerns with the site, the information must be recorded in a case note against the employer's Employ Florida file. LWDB staff must ensure that all identified concerns are alleviated prior a participant beginning employment, and the steps taken to alleviate the concerns must also be documented.

H. Individual Training Accounts (ITAs) and Training Contracts

LWDBs must ensure that training services, as deemed appropriate, are provided through either a training contract or Individual Training Account (ITA), or a combination of both. The type of training the participant is enrolled into distinguishes when an ITA must be used.

I. Payments to Employers, Wages and Participant Hours

Payments to employers for OJT must comply with federal regulations and state guidelines, and in accordance with the specific WIOA program guidelines. OJT payments are compensation for the employers' "extraordinary costs" associated with training participants and potentially lower productivity of the participants while in OJT.

The LWDB must ensure that participant wages are equal to those similarly employed by the employer. The LWDB must communicate to the employer the expectation that the participant will continue working after the OJT contract ends and will receive

compensation, and benefits that are commensurate with their job performance and in alignment with other workers.

The LWDB must ensure WIOA funds are not utilized to pay for the following:

1. Paid or unpaid holidays;
2. Sick leave;
3. Vacation;
4. Overtime hours;
5. Fringe benefits; and/or
6. Work performed outside the OJT contract.

The LWDB must retain records for each OJT employer and OJT participant for a minimum of five years. Any calculation of hours worked or timesheets recording wages and/or benefits by the participant must also be recorded as a case note in Employ Florida and the participant case file. Records regarding the OJT assignment may be requested by DEO for monitoring purposes.

J. Reverse Referral

Under certain circumstances OJT initiated through “reverse referral” may be permitted. Reverse referral occurs when an individual is referred to the career center from a prospective employer (under either formal or informal agreement) for assessment⁸ as to whether the individual meets the employer’s hiring requirements for a specific position. Employers must not make or have made a hiring decision prior to the participant becoming eligible for the OJT program through the local career center. Development of an OJT for an individual referred by the employer may be permitted only when:

1. The individual progresses through the intake process as with any other career center customer and meets all requirements for eligibility as specified in this policy;
2. The completed service strategy indicates training is necessary for the individual to perform the work associated with the position for which the employer has an opening;
3. The employer meets all the eligibility requirements under this policy; and
4. The employer provides assurance that the individual has not previously been employed by the employer in the same or similar position.

K. General Guidelines

WIOA funds provided to employers for the purpose of OJT must not be used to directly or indirectly assist, promote or deter union organizing.

⁸ See definition in Section V.

Additionally, funds provided for any type of work experiences may not be used to directly or indirectly aid in filling a specific job that is vacant due to the current employee being on strike, engaged in a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

L. OJT, Registered Apprenticeships and Pre-Apprenticeships

LWDBs are encouraged to partner with the registered apprenticeship and pre-apprenticeship programs and use these opportunities as part of a career pathway for jobseekers, and as part of a job-driven strategy for employers and industries. The duration of the OJT contract must be designed around the length of the registered apprenticeship. The OJT contract must comply with the requirements of the Work-Based Learning and OJT Administrative Policies.

1. **Registered Apprenticeship** is an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.). It is available to youth age 16 and over, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers, underemployed workers, and incumbent workers.

Registered apprenticeships are employer-driven, “learn while you earn” models that combine OJT with job-related instruction tied to the attainment of industry-recognized skills standards. The OJT must be under the supervision of a skilled worker.

Registered apprenticeship programs are to be included and maintained on the Eligible Training Providers List (ETPL) as long as the corresponding program remains registered, unless the registered apprenticeship program notifies the Department of Economic Opportunity (DEO) in writing that it no longer wants to be included on the ETPL.

Prior to enrolling a participant into a registered apprenticeship activity, the LWDB must ensure that the registered apprenticeship includes the work component (on-the-job training) and the job-related instruction. An individual training account (ITA) may be developed for a participant to receive registered apprenticeship training.

LWDBs may also fund registered apprenticeships through OJT.

The registered apprenticeship program is most appropriate for youth, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers (including long-term unemployed), underemployed workers, and incumbent workers.

2. **Pre-Apprenticeship Program** provides instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to gain entry into a Registered Apprenticeship program. A pre-apprenticeship program must have at least one registered apprenticeship partner and must include:

- a. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region;
- b. Access to educational and career counseling, and other supportive services;
- c. Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options and exploring how skills acquired through coursework can be applied to a future career;
- d. Opportunities to attain at least one industry-recognized credential; and
- e. A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship into a registered apprenticeship program.

Pre-apprenticeship program providers who offer occupational skills training do not have the same automatic Eligible Training Provider (ETP) status under WIOA as registered apprenticeship programs. LWDBs must ensure these programs go through the same selection process and performance reporting requirements as all other training providers to comply with Administrative Policy [090 - WIOA Eligible Training Provider List](#). When a pre-apprenticeship offers activities that are considered career services (pre-vocational, soft skills), it is not considered to be a training activity.

M. Local Operating Procedures

Local Operating Procedures (LOPs) help local areas further define and clarify how programs will be operated locally and are unique to each LWDB. LOPs govern the eligibility and training process, and must specifically discuss the assessments⁹ tool used to determine a participant eligible for services.

LWDBs must develop LOPs that:

1. Clarify and define the eligibility criteria for OJT.
2. Govern and establish criteria, and eligibility for employed workers to participate in OJT.
3. Define the criteria used to determine when an employed worker is eligible for OJT.
4. Govern the eligibility and training process, that must specifically discuss the initial assessment tool used to determine a participant eligible for services.
5. Details the process of reverse referrals.
6. Incorporate requirements of this policy and define how the OJT Program will be implemented in the local area.

N. State and Local Monitoring

Services and activities provided under WIOA must be monitored annually for compliance with WIOA requirements by DEO pursuant to Section 185(c), WIOA. DEO will monitor the requirements outlined in this policy and local operating

⁹ See definitions in Section V.

procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the employer, participant, and LWDB staff;
2. Local monitoring procedures of work-based training employers and worksites to ensure that all parties are, and remain in, compliance with federal and state laws, as well as state and local policies and procedures. LWDBs should include in the monitoring process visits to the worksite and interviews of participants and supervisors by individuals who are not responsible for the management of the worksite agreement or the case management of participants at the worksite; and
3. Validation of skills and competency attainment for participants.

LWDBs must ensure participating employers agree to cooperate with monitoring requirements conducted by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

V. DEFINITIONS

1. **Assessments** – Refers to tools that career center staff may use to evaluate, identify and document a participant’s academic readiness, learning progress, skill acquisition, occupational readiness and/or educational needs.
2. **Employed Worker** – An employed worker is an individual who is currently working, but who has been determined by the LWDB, pursuant to local operating procedures, to need services to maintain employment or secure self-sufficient employment.
3. **Individual Employment Plan** – An individualized career service, under WIOA sec. 134(c)(2)(A)(xii)(II), that is developed jointly with an eligible participant and career planner. 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.
4. **Individual Service Strategy** – A plan of action developed jointly by the participant and case manager that includes short- and long-term goals and a planned series of action steps to achieve them. It incorporates steps taken to identify career pathways that include education and employment goals, based in part on career planning and the results of the objective assessment. It includes the process a jobseeker will take to achieve educational and/or occupational goals, and includes a summary of the jobseeker’s strengths, barriers, services needed and/or provided, and educational and employment goals.
5. **Occupational Skills Training** – Occupational skills training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels.

6. **Registered Apprenticeship** – A registered apprenticeship is a national training system that combines paid learning on-the-job and related technical and theoretical instruction in a skilled occupation. An apprenticeable occupation is one which is specified by industry and which must:
 - a. Involve skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning;
 - b. Be clearly identified and commonly recognized throughout an industry;
 - c. Involve the progressive attainment of manual, mechanical or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least 2,000 hours of on-the-job learning to attain; and
 - d. Require related instruction to supplement the on-the-job learning.

7. **Work Experience** – A work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector.

VI. REVISION HISTORY

Date	Description
02/20/2020	Approved by CareerSource Florida Board of Directors.
06/11/2019	Revised and issued by the Florida Department of Economic Opportunity.
05/30/2000	Issued by the Agency for Workforce Innovation. This policy supersedes and replaces LET BJT 90-135.

VII. ATTACHMENT

[Florida State Wage Information](#)