

# PARTNER WORK

## WIOA CUSTOMIZED JOB TRAINING POLICY

### Purpose

The purpose of this policy is to articulate how Customized Job Training (CJT) training funds are to be administered in Pittsburgh and Allegheny County under the Workforce Innovation and Opportunity Act (WIOA).

### Affected Parties

This policy applies to all Pittsburgh/Allegheny County WIOA Title I Adult and Dislocated Worker participants who will participate in a CJT.

Pittsburgh/Allegheny County WIOA Title I Adult and Dislocated Worker staff and Partner4Work staff are responsible for implementing this policy.

Requirements for employers participating in a CJT are outlined in this policy.

### References

- WIOA Section (3)(44)
- WIOA Section 134(c) (3)(h)
- 20 CFR 680.530
- 20 CFR 680.700
- 20 CFR 680.710
- 20 CFR 680.730
- 20 CFR 680.740
- 20 CFR 680.760
- Partner4Work Eligible Training Provider Policy and Procedures
- Partner4Work Eligibility Policy
- Partner4Work Self-Sufficiency Policy

### Definition of Key Terms

The term “**Customized Job Training**” means training by an employer or employers or by a training provider in conjunction with an employer that is provided to five or more paid participants concurrently 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(s) for the costs of providing the training and additional supervision related to the training.
- c. Is limited in duration as appropriate to the occupation for which the participants are being trained.

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An “**Incumbent Worker**” is defined as an individual who has an established employment history with the employer for 6 months or more.

## **Eligibility Requirements**

### Participant Eligibility

For an individual to qualify for CJT under the WIOA guidelines, he/she will:

1. Have enrolled with PA CareerLink® Pittsburgh/Allegheny County WIOA Adult or Dislocated Worker programs.
2. Have completed an initial assessment or evaluation and have been determined to need training to find employment.
3. Earn less than the self-sufficiency hourly wage or wages comparable to or higher than wages from previous employment. The maximum amount an employee can be earning is \$20/hour to be considered eligible for CJT.
4. Have an Individual Employment Plan (IEP), wherein the participant’s interests, abilities, and needs are identified.

### Employer Eligibility

Potentially eligible employers able to participate in CJT contracting include: private-for-profit businesses, private non-profit organizations, and public sector employers. An employer will not be eligible to receive WIOA CJT training reimbursements if:

1. The employer has any other individual on layoff from the same or substantially equivalent position.
2. The CJT would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours.
3. The same or a substantially equivalent position is open due to a hiring freeze.
4. The positions are for seasonal employment.
5. The employer is a private for-profit employment agency, i.e. temporary employment agency, employee leasing firm, or staffing agency.
6. The position is not full time, i.e. minimum of 32 hours per week.

Employers training five (5) or more individuals within a single quarter or three-month period must meet the requirements for CJT rather than on-the-job training (OJT).

### Occupational Eligibility

1. CJT dollars must be used on High Priority Occupations (HPOs) which lead to employment opportunities enabling the participant to become economically self-sufficient and which will contribute to the occupational development and upward mobility of the participant. The current HPO List for Pittsburgh/Allegheny County is available at [Partner4Work.org](http://Partner4Work.org).

## Policy

### General WIOA CJT Requirements

1. WIOA CJT contracts shall not be made with employers who have previously exhibited a pattern of failing to provide CJT 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.
2. Priority in WIOA CJT contracts will be given for new hires with an employer. When funds are available, WIOA CJT contracts may be written for eligible employed individuals when:
  - a. The employee is not earning the self-sufficiency hourly wage or wages comparable to or higher than wages from previous employment. The maximum amount an employee can be earning is \$20/hour to be considered eligible for CJT. Priority in funding will be given to those individuals not earning a self-sufficient wage<sup>1</sup> as determined by Partner4Work's Self Sufficiency Policy.
  - b. The CJT relates to the introduction of new technologies, introduction to new production or services procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by Partner4Work.<sup>2</sup>
  - c. The participants have been determined to be eligible to participate in and who are receiving services (except for follow up services) under a program authorized by WIOA.
3. It is the expectation of Partner4Work that employers that use CJT funding will hire the individuals receiving the training as full-time employees 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.
4. WIOA funds may not be used in conjunction with Pennsylvania Department of Education customized training programs.
5. CJT contracts will generally not be written for low skill jobs that typically would require little or no training.
6. CJTs should only be awarded to companies in Construction, Financial Services, Healthcare, Information Technology, Manufacturing, Public Sector and Education, Retail and Hospitality, and Transportation and Logistics.
7. CJTs differ from an on-the-job training (OJT) contract based on volume (an employer or group of employers requiring more than five of the same/similar positions filled) and complexity (CJT trains each participant for the same skill set rather than individualized job skills).
8. 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-

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<sup>1</sup> Self-sufficient wage for the current program year.

<sup>2</sup> 20 CFR 680.710

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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.

## WIOA CJT Length

The maximum time frame for a CJT is 6 months. Duration of a CJT is a function of training needed, not the maximum allowed under this policy. WIOA Adult/Dislocated Worker staff should consult with the employer and utilize 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 participants past skill and experience.

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

At the time of completion of the CJT program, individuals must be employed in occupations that meet the following criteria:

1. Hourly wage must be at the self-sufficient wage or the employee's starting wage, if starting wage was higher than the self-sufficient wage.
2. Occupation must be listed on the HPO List for the City of Pittsburgh and Allegheny County for the current program year.
3. The occupations must be a full time permanent position following the training (minimum of 32 hours per week).

## WIOA CJT Funding Levels

Participating employers must pay a significant cost of the CJT training.<sup>3</sup> This payment can be in cash or in-kind services. CJT funding cannot be used for the wages of incumbent workers while they participate in training, but may be used to fund the cost of administering the training, including the wages of the trainer. The wages of unemployed individuals hired as a result of CJT funding availability are eligible to be reimbursed through CJT funding.

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<sup>3</sup> 20 CFR 680.760

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Companies will be reimbursed at 50 percent of the cost of training. The maximum amount a company may receive is \$5,000 per trained individual. Partner4Work will consider an increase in the reimbursement rate (up to 75%) and funding cap taking into consideration one or more of the following factors:

- Size of the employer(s) with an emphasis on small businesses;
- The characteristics of the participants taking into consideration whether they are individuals with barriers to employment;
- The quality of employer-provided training and advancement opportunities, for example if the CJT contract is for an in-demand occupation and will lead to an industry-recognized credential;
- Wage and benefit levels of employees (at present and anticipated upon completion of training);
- The degree to which an employer's practices align with the principles of a *High Road Employer*<sup>4</sup>;
- Other relevant factors, as appropriate.

## Employer Requirements

With assistance from PA CareerLink® Pittsburgh/Allegheny County staff, participating employers must guarantee that:

1. All participants shall be 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 will include UC coverage where the employer is normally required to provide such coverage to its employees.
2. The position provides the participant benefits per company policy (i.e. insurance, paid leave, profit sharing) other than those required by law.
3. Employees who have financial responsibilities related to the receipt and disbursement of funding under the Agreement shall be covered by fidelity bonding.
4. 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.
5. 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.
6. Funds are not used to directly or indirectly assist, promote or deter union organizing.
7. The employer agrees to respond to Partner4Work/PA CareerLink® Pittsburgh/Allegheny County staff requests for wage and retention information of participants.
8. The employer commits to retain the trained employees for a period of a minimum of six months following the completion of training. Failure to do so may result in the employer being ineligible to receive further Partner4Work training funds for a period of one year.
9. If the participating employer(s) has recently relocated, resulting in the loss of employment of any employee of such business at the original location in the U.S., incumbent worker training contracts may not be granted to the employer(s) until after 120 days have passed since the relocation.

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<sup>4</sup> This is a term that was adopted by the [American Sustainable Business Council](#) and has been used during P4W's development of industry partnerships.

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## Policy Exceptions:

Under limited circumstances, Partner4Work may grant exceptions to requirements within this policy. Requests for exceptions may be submitted to [asmith@partner4work.org](mailto:asmith@partner4work.org) (Adult/Dislocated Worker Programs) or [mchristiansen@partner4work.org](mailto:mchristiansen@partner4work.org) (Youth Programs). Requests should include the following:

- The specific policy requirement for which an exception is being requested;
- A clear summary of the exception being requested and the reason for the exception; and
- For WIOA programs, the Participant ID of the participant(s) for which an exception is being requested. For non-WIOA programs, the full name of the participant(s) for which an exception is being requested; or
- The name and FEIN of the business customer for which an exception is being requested.

Exception requests will be reviewed based on their allowability under WIOA and any other applicable legislation, regulation, and policy/guidance. Partner4Work will also consider funding availability, how an exception will lead to improved outcomes for the customer(s) being served, and other relevant factors.

**Effective Date: September 11, 2020**

## Policy Updates:

<b>Date</b>	<b>Policy Update</b>
09/11/2020	Updated process for requesting exception(s) to requirements in this policy.