



DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON
ASSISTANT DIRECTOR
OC COMMUNITY RESOURCES

JULIE LYONS
DIRECTOR
ADMINISTRATIVE SERVICES

ANDI BERNARD
INTERIM DIRECTOR
OC ANIMAL CARE

JULIA BIDWELL
DIRECTOR
OC HOUSING & COMMUNITY
DEVELOPMENT

RENEE RAMIREZ
DIRECTOR
OC COMMUNITY SERVICES

STACY BLACKWOOD
DIRECTOR
OC PARKS

JULIE QUILLMAN
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES



COMMUNITY INVESTMENT DIVISION
1300 SOUTH GRAND
BLDG. B, FIRST FLOOR
SANTA ANA, CA 92705
PHONE: 714.480.6500
FAX: 714.567-7132

OC Community Resources

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To: WIOA Subrecipients of the Orange County Workforce Development Area

From: Carma Lacy
Director of Workforce Development

Subject: Training Services Policy
Information Notice No. 21-OCWDB-04
Supersedes Information Notice No. 15-OCDB-04

PURPOSE

This policy provides guidance to all Orange County Workforce Development Board (OCWDB) One-Stop Service Providers on the requirements for the provision of the Workforce Innovation and Opportunity Act (WIOA) training services.

EFFECTIVE DATE

This policy is effective immediately upon issuance.

REFERENCES

- WIOA (Public Law 113-128)
- 20 C.F.R. Part 675.300, 680.200-230, 680.300, 680.320-680.340, 680.420, 680.470, 680.530, 680.600, 680.650-660, 681.480, and 683.500-683.510.
- 29 U.S.C. 3101 et seq.
- California Code, Unemployment Insurance Code Section 14211
- USDOL Training and Employment Guidance Letter (TEGL) No. 08-19, *(WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs* (January 1, 2020)
- USDOL, TEGL13-16, *Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA)*, (January 12, 2017)
- USDOL, TEGL 19-16, *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Services (ES), as amended by Title III of WIOA, and for Implementation of the WIOA Final Rules*, (March 1, 2017)
- USDOL, TEGL 26-13, *Same-Sex Marriage* (June 18, 2014)

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) is designed to provide employment and training opportunities to those who can benefit from, and who need such opportunities. Training services can be critical to

the employment success of many adults and dislocated workers. As there is no sequence of services, WIOA staff may determine training services are appropriate, regardless of whether the individual has received basic or individualized career services first.

Under WIOA, training services may be provided if the WIOA staff, including staff from partner programs at the American Job Center, determines that after conducting an interview, evaluation, or assessment, and career planning, the individual has met any of the following:

1. Is unlikely or unable to obtain or retain employment;
2. Needs training services to obtain or retain employment;
3. Has the skills and qualifications to successfully participate in the selected program of training services;
4. Is unable to obtain grant assistance from other sources (for example, Federal Pell Grants, Temporary Assistance for Needy Families, and State-funded training funds) to pay the costs of such training, or requires WIOA assistance in addition to other sources;
5. Is a member of a worker group covered under a petition for Trade Adjustment Assistance (TAA) and is awaiting a determination;
6. Is determined eligible and a member of a priority population if training services are provided through the WIOA adult program; and/or
7. Selects a program of training services that is directly linked to a state in-demand occupation.

Definitions

Appropriateness - The possession of qualities that is right, needed, or suitable for training services.

Basic skills deficient - An individual who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Customized training - Training that is designed to meet the specific requirements of an employer (including a group of employers), that is conducted with the commitment by the employer to employ an individual upon successful completion; and for which the employer pays:

1. A significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees, relation of the training to the competitiveness of the participant, and other employer-provided training and advancement opportunities; and
2. In the case of customized training involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

Entrepreneurial training - Training that provides the basics of starting and operating a small business, including developing viable business ideas, creating a business plan, and/or assistance in accessing small loans or grants.

Extenuating circumstances - An economic hardship that is beyond the reasonable control of the person(s) responsible for providing financial assistance to the participant for training.

Family - Two or more persons related by blood, marriage (including same-sex marriages), or decree of court, who are living in a single residence and are included in one or more of the following categories:

1. A married couple (including same-sex spouses) and dependent children.
2. A parent or guardian and dependent children.
3. A married couple (including same-sex spouses). "Marriage" includes same-sex spouses, and the terms "husband" and "wife" are to be interpreted in a gender-neutral manner to include same-sex spouses.

Incumbent worker training (IWT) - Training to employed workers who need additional skills to support job retention and career development.

In-demand industry sector - An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, and local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors as listed on the CA State In-Demand Occupations list or as defined by the OCWDB.

In-demand occupation - An occupation that currently has or is projected to have positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy as listed on the CA State In-Demand Occupations list or as defined by the OCWDB.

Individual employment plan - An individualized career service in which a plan is jointly developed and reviewed by the participant and staff that includes an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to obtain these goals and objectives.

Individual with a barrier to employment - The populations included in WIOA are:

1. Displaced homemaker;
2. Low-income individual;
3. Indian, Alaska native, and Native Hawaiian;
4. Individual with a disability, including adults and youth who are in receipt of Social Security Disability Insurance benefits;
5. Older individual (age 55 and older);
6. Ex-offender;
7. Homeless individual or homeless child and youth;
8. Youth who is in or has aged out of the foster care system;
9. English language learner, has a low level of literacy, and is facing substantial cultural barriers;
10. Eligible migrant and seasonal farmworker;
11. Individual within two years of exhausting lifetime Temporary Assistance to Needy Families (TANF) eligibility;
12. Single parent (including single pregnant woman);
13. Long-term unemployed individual (unemployed for 27 or more consecutive weeks); and/or
14. Other groups of individuals as the State determines to have barriers to employment.

Interim employment (stop-gap employment) - Employment that has been accepted for income maintenance prior to, and/or during, participation in career or training services with the intention of ending such employment at the completion of the career or training services and entry into permanent, unsubsidized employment as a result of the services. Interim employment is accepted because the affected workers have lost the primary occupation for which their training, experience, or work history qualifies them. Interim employment can be part-time or full-time and must not be with the same employer from which the affected workers were dislocated.

Job readiness training - Includes services that teach skills needed to be successful in the workplace, rather than skills needed to get into the workplace. It should provide participants with specific occupational competencies needed to complete specific work tasks on the job. Job readiness training does not include the skills needed to find and apply for a job (e.g. job search, interview, or resume writing skills) and do not qualify as training expenditures.

Occupational skill training - 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 and results in attainment of a recognized postsecondary credential.

On-the-job training (OJT): Training 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; and
3. Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the service strategy for the participant

Pre-apprenticeship skills training – A program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership (letter of commitment) with at least one, if not more, approved apprenticeship program(s). In California, the apprenticeship partner must be approved by the California Department of Industrial Relations, Division of Apprenticeship Standards (DIR/DAS). Such pre-apprenticeship programs must possess or develop a strong record of enrolling their pre-apprenticeship graduates into a registered apprenticeship program.

Priority population - Individuals who have barriers to employment, who are on public assistance, and who are basic skills deficient are given priority to receive individualized career services and training services. This priority must be consistent with priority of services for veterans and eligible spouses.

Primary occupation - The customary work for which the dislocated worker's training, experience, or work history qualifies them.

Public assistance: Federal, state, or local government cash payments for which eligibility is determined by a needs or income test. This includes Temporary Assistance for Needy Families

(TANF), the Supplemental Nutrition Assistance Program (SNAP), and Supplemental Security Income (SSI).

Self-sufficiency - An economic standard that specifies the income needs of families, by family size, the number and ages of children in the family, and local area geographical considerations. Please see OCWDB Self-Sufficiency Policy for the further information.

Registered apprenticeship program - A program meeting Federal and State standards of job preparation that combines paid on-the-job training and related instruction to progressively increase workers' skill levels and wages.

Transitional jobs - A time limited work experience that is wage-paid and subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history. These jobs are designed to enable an individual to establish a work history, demonstrate success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

Policy and Procedures

Training Services

Training Services may include:

1. Occupational skills training, including training for nontraditional employment;
2. Registered apprenticeship (which incorporates both on-the-job training (OJT) and classroom training);
3. On-the-job training (OJT), as outlined further in OCWDB On-The-Job (OJT) Training Policy;
4. Incumbent worker training (IWT), as outlined further in OCWDB Incumbent Worker Training Policy;
5. Workplace training with related instruction, which may include cooperative education programs;
6. Training programs operated by the private sector;
7. Skill upgrading and retraining;
8. Entrepreneurial training;
9. Job readiness training provided in combination with other training services or transitional jobs;
10. Adult education and literacy activities, including activities for English Language acquisition and integrated education and training programs, provided concurrently or in combination with other training services; or
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training, as outlined in OCWDB Customized Training Policy.

Training services must meet the definition of a training service as listed above and lead to one of the following:

1. An industry recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state or federal government, an associate or baccalaureate degree;
2. A secondary school diploma or its equivalent;
3. Employment; or

4. Measurable skill gains toward a credential described in (1) or (2) above, or employment.

Individual Training Account (ITA)

An ITA is the primary method to be used for procuring training services under WIOA. ITAs are established on behalf of a WIOA participant to purchase a program of training services from eligible training providers. See OCWDB Individual Training Account Policy for guidance on the use of ITAs.

Eligible Training Providers

Training services and occupational skills training for which ITAs are used shall only be delivered by providers who have met the eligibility criteria. Eligible Training Providers must be listed in the CalJOBS Eligible Training Provider List (ETPL). See OCWDB Eligible Training Provider List Policy for additional information.

Providers of OJT, customized training, incumbent worker training, internships, paid or unpaid work experience, or transitional jobs are not subject to the requirements applicable to entities listed on the CalJOBS Eligible Training Provider List (ETPL) and are not included on the list of eligible training providers.

Registered Apprenticeship Programs

Registered apprenticeship is an important component for training and employment services that the workforce system can provide to its participants. It is a proven model of job preparation that combines paid OJT with related instruction to progressively increase workers' skill levels and wages. Registered apprenticeship is also a proven business-driven model that provides an effective way for employers to recruit, train, and retain highly skilled workers. Graduates of registered apprenticeship programs receive nationally recognized, portable credentials and their training may be applied toward further postsecondary education.

Registered apprenticeship programs may be funded through several mechanisms. The classroom training portion of a registered apprenticeship may be funded through an ITA.

Evaluate Appropriateness to Receive Training Services

Service Providers must determine the appropriateness of a participant to pursue a program of training services. It is important that Service Provider staff gather enough information to justify the need for training services. The participant case record must contain a determination of need for training services through the following determination process.

1. Conduct Interview, Evaluation or Assessment, and Career Planning

Training services may be provided to adults or dislocated workers who, after an interview, evaluation or assessment, and career planning, have been determined by Service Provider staff to:

- Be unlikely or unable to obtain or retain employment
 - Service Provider determines the individual is unlikely or unable, by only receiving career services, to retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment.
 - There is no requirement that career services be provided as a condition of receipt of training services; however, if career services are not provided before training, the Service Provider staff must document the circumstances that justified its determination to provide training services, either after conducting a new interview, evaluation or assessment; or, if

appropriate, based on a prior recent interview, evaluation or assessment that was conducted for another education or training program.

- Be in need of training services to obtain or retain employment
 - Service Provider must determine that the training the individual receives would result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.
 - Service Provider must develop an individual employment plan (IEP) for all participants who receive training services as they are one of the most effective ways to serve individuals with barriers to employment and to coordinate the various services.
- Have the skills and qualifications to successfully participate in the selected program of training services.
 - Service Provider staff must determine, through evaluation or assessment of the individual, that the individual has the skills and qualifications to successfully participate in and complete training. For a list of assessment tools that can be utilized by the Service Provider, please see the OCWDB WIOA Individual Assessment & Individual Employment Plan (IEP) or WIOA Youth Individual Assessment and Individual Services Plan (ISP) Policy.
 - Service Provider staff shall, where appropriate, utilize previous assessments when making training determinations to reduce duplicate assessment and develop enhanced alignment across partner programs. This may include assessments completed by a secondary school, postsecondary school, WIOA Title II program, WIOA Title III program (Wagner-Peyser Employment Services), WIOA Title IV program (vocational rehabilitation), Veteran Services Program, or other education or training providers.
- Be unable to obtain grant assistance from other sources to pay the costs of such training or require WIOA assistance in addition to other sources of grant assistance.
 - Service Provider must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funding, and Federal Pell Grants, so that WIOA funds supplement other sources of training grants.
 - WIOA funding for training is limited to participants who are unable to obtain grant assistance from other sources to pay the costs of such training or require assistance beyond what is available under grant assistance from other sources. WIOA funds may be used in instances where other sources of training grants do not cover the cost of the training. When determining whether additional assistance beyond grant assistance from other sources is needed, staff may take into account the full cost of participating in training services, including the cost of supportive services and other appropriate costs.
 - A participant may enroll in WIOA-funded training while his/her application for financial assistance is pending, as long as the Service Provider has made arrangements with the training provider and the participant regarding allocation of the financial assistance, if it is subsequently awarded.
 - When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by

any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. VA benefits for education and training services do not constitute "other grant assistance" under WIOA's eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran's eligible spouse from receiving WIOA funded services, including training funds.

- Be members of a worker group covered under a petition for Trade Adjustment Assistance (TAA) who is awaiting a determination.
 - Be determined eligible and a member of a priority population if training services are provided through the WIOA adult program.
 - WIOA focuses on serving individuals with barriers to employment and seeks to ensure access to quality services to these populations.
 - Priority for training services funded by and provided through the WIOA Adult program shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, so that they can receive the training services that have been determined to be needed to obtain or retain employment. The emphasis in WIOA is to prioritize services to those individuals who have the most barriers to employment and to provide those individuals with the opportunity to benefit from employment and training services. Priority must be implemented regardless of the amount of funds available to provide services in the local area.
 - Have selected a program of training services that is directly linked to a state in-demand occupation.
 - Training services provided shall be directly linked to an in-demand industry sector or occupation or one with a high potential for sustained growth in the local workforce development area (local area) or planning region, or in another local area to which an adult or dislocated worker receiving such services is willing to relocate. Refer to OCWDB Demand Occupation Criteria Policy for the guidelines on the selection of local in-demand occupations.
2. Determine Economic Self-Sufficiency
- For adults and dislocated workers to receive training services, they must need such service to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.
 - Employed adults and/or dislocated workers whose wages are over the locally defined economic self-sufficiency standard or comparable to or higher than the wages from previous employment are considered economically "self-sufficient," unless the employment is considered "interim employment." Adults and/or Dislocated workers who are determined to be economically "self-sufficient" may receive career services only.
3. Additional Requirements for Adult-Funded ITAs
- As part of the determination of the appropriateness for training services, the Service Provider must review "family self-sufficiency" for participants seeking a WIOA adult-funded ITA. WIOA adult-funded ITAs may only be approved for those who have been determined to be below a locally defined standard of "Self-Sufficiency."

- This requirement is intended to ensure that adult participants seeking adult-funded ITAs are those whose families lack or have limited ability to pay for the training and supportive services needed to obtain or retain employment.
 - Additionally, all young adults, ages 18-24, who are seeking WIOA adult-funded ITAs, must also be screened for dependency status. Refer to OCWDB Dependent Status Policy for guidance on determining dependency status. If a young adult, age 18-24, is determined to be dependent, "Self-Sufficiency" would include the income(s) of all family members, including the young adult's parent(s).
 - WIOA eligible adults who are over the local standard for "Self-Sufficiency" are not eligible for adult-funded ITAs. Other WIOA services may be provided, as appropriate. They may also be served using other WIOA funds, if eligible.
4. Extenuating Circumstances for WIOA Adult-Funded ITAs
- If a participant's family income exceeds the "Self-Sufficiency" standard, a participant may still receive an adult-funded ITA if extenuating circumstances exist. When evaluating extenuating circumstances, the costs related to the economic hardship must be the responsibility of either that person or that of his or her legal dependent, spouse, or parent. Those costs must be ongoing and expected to cause a financial hardship for the duration of the ITA.
 - Economic hardships include, but are not limited to:
 - The portion of medical procedure or prescription medication costs that are not covered by insurance and are ongoing and determined to be medically essential;
 - Health insurance premium payments that are not paid for by private or public sources;
 - Payments on past due or back mortgage, rent, or essential services (e.g., electric, water, natural gas, propane, and other utility arrearages) that accumulated because of involuntary unemployment or underemployment;
 - Court-ordered child support or spousal payments;
 - Ongoing payments to a nursing home, home health care provider, elder care provider, or assisted living provider; or
 - Payments toward debt that accumulated due to a natural disaster, severe illness, or disability.
 - Extenuating circumstances do not include normal rent, mortgage, utility, automobile, fuel, grocery, credit card, or "pay-day loan" payments.
 - Exceptions may be approved on a case-by-case basis for individuals whose family income exceeds the family self-sufficiency standard. Documentation explaining the extenuating circumstances must be maintained in the participant file, along with the approval from the Orange County Director of Workforce Development

5. Informed Customer Choice

Training services shall be provided in a manner which maximizes consumer choice in the selection of an eligible provider of such services. Based upon the available information, participants, with the assistance of the Service Provider, are able to make informed customer choices.

Reporting Requirements

Program participation begins when the participant is determined eligible, receives the staff-assisted basic career service, individualized career service, or training service which is funded

by the adult or dislocated worker program. Service Providers shall ensure the timely and accurate reporting of WIOA participants, services, case management activities, and performance information, using CalJOBS.

ACTION

Bring this policy to the attention of all affected staff and relevant parties.

INQUIRIES

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.