

## WIOA TRAINING OPTIONS

Southern 14 Workforce Investment Board, Inc., LWIA #26

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The requirements of this policy relate to general eligibility of training providers of training programs. The Southern 14 Workforce Investment Board, Inc. and its service providers shall follow the most current Department of Commerce Policies and Notices. These policies and notices may be found at <https://www2.illinoisworknet.com/WIOA/Resources/Pages/WIA-WIOAPolicies.aspx>

### **(A) IN GENERAL - WIOA Section 133(c)(3)**

- i. ELIGIBILITY.—Except as provided in clause (ii) funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—
  - (I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—
    - (aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);
    - (bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
    - (cc) have the skills and qualifications to successfully participate in the selected program of training services;
  - (II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;
  - (III) who meet the requirements of subparagraph (B); and
  - (IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).
- (ii) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.
- (iii) RULE OF CONSTRUCTION.—nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.

**(C) PROVIDER QUALIFICATION** —Training services shall be provided through providers identified in accordance with section 122.

### **(B) QUALIFICATION - Contracts.**

- (i) REQUIREMENT.—Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except as provided in clause (ii), provision of such training services shall be limited to individuals who—
  - (I) are unable to obtain other grant assistance for such services, including Federal Pell Grants

established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or

- (II) Require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.
- (ii) REIMBURSEMENTS.—Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.
- (iii) CONSIDERATION.—In determining whether an individual requires assistance under clause (i)(II), a one-stop operator (or one-stop partner, where appropriate) may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.

#### **(D) TRAINING SERVICES.**

Training services may include:

- (i) occupational skills training, including training for nontraditional employment;
- (ii) on-the-job training;
- (iii) incumbent worker training in accordance with subsection (d)(4);
- (iv) programs that combine workplace training with related instruction, which may include cooperative education programs;
- (v) training programs operated by the private sector;
- (vi) skill upgrading and retraining;
- (vii) entrepreneurial training;
- (viii) transitional jobs in accordance with subsection (d)(5);
- (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);
- (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

#### **(E) General Training Requirements**

1. All training programs must be provided by an eligible training provider, allowed in accordance with state policy.
  - a. The career planner must work with the individual seeking training services to select a training provider program that will lead to an employment related placement in a demand occupation.
2. All training programs, unless otherwise noted within this policy letter or with state policy must be certified and include a target occupation(s) from the current Demand Occupation List for Area #26 (EDR #8).
3. Training Contract Requirements
  - a. All training contracts or written agreements must include at a minimum the following:
    - 1) Who is providing the training;

- 2) Who is to receive the training;
  - 3) What training will be provided;
  - 4) Where the training will be provided;
  - 5) The length of the training to be provided (to include the start and end date, number of days per week, and number of hours per day);
  - 6) The cost of the training program (to include only reasonable and acceptable costs); and
  - 7) If applicable, the amount of employer matching or leveraged support and how it will be provided.
- b. Access current training offerings to ensure that the contracts are not duplicating existing training courses and curricula. These training contracts can be performance-based to ensure that they result in real outcomes for the student.
  - c. For training that will be held away from a traditional classroom setting, assurances that reasonable working conditions are being provided (including health and safety standards established under State and Federal laws) must be included in the contract or written agreement.
4. Regardless of the type of training to be provided to a customer, an Individual Employment Plan (IEP) shall be developed that includes, at a minimum:
    - a. Employment goal and wage expectation;
    - b. Employment assistance determination;
    - c. Training goal(s), including any industry recognized credentials expected to be obtained;
    - d. Training plan, including the need for remedial, pre-requisite, vocational or occupational training;
    - e. Length of training program, including expected training breaks;
    - f. All necessary training components, especially when multiple types of training are to be provided (i.e. remedial training leading to OJT or customized training); and
    - g. Supportive services necessary for the customer to complete the training.
  5. All training programs must be in accordance with local workforce investment area training limits and other requirements.
    - a. Local areas may consider waivers or exceptions to these limits for certain training programs such as OJT's, Class Size Training, or Customized Training to meet the needs of area employers.

## **(F) Training Options**

### **1. Individual Training Accounts (ITAs)**

The Individual Training Account (ITA) is established for eligible individuals to finance training services. The ITA is established on behalf of a participant. WIOA Title I Adult and Dislocated Workers purchase training services from eligible providers they select in consultation with the case managers.

*For further clarification and guidance on Individual Training Accounts, see Southern 14 LWIB Local Policy No. 7.*

## **2. On-the-Job Training (OJT)**

On the Job Training (OJT) is training by an employer(s) that is provided to a paid participant while engaged in productive work in a job that will provide the knowledge or skills essential to adequately perform the job.

*For further clarification and guidance on On-the-Job Training, see Southern 14 LWIB Local Policy No. 24*

## **3. Customized Training**

CUSTOMIZED TRAINING.—The term “customized training” means training—

- (A) that is designed to meet the specific requirements of an employer (including a group of employers);
- (B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
- (C) for which the employer pays—
  - (i) 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 (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and
  - (ii) in the case of customized training (as defined in subparagraphs (A) and (B)) 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.

WIOA Section 3 (14)(A)(B)(C(i)(ii) & CFR Title 20 - Chapter V - Part 663 - Subpart G - §663.715

## **4. Incumbent Worker Training (IWT)**

Incumbent Worker Training is defined in state policy. This type of training is to be provided when current employees need to improve their skills in order to avoid being laid off from a company that is at risk of downsizing or closing.

*For further clarification and guidance on Incumbent Worker Training, see Southern 14 LWIB Local Policy No. 25.*

## **(G) Programs of Demonstrated Effectiveness**

1. This is an exception to the ITA requirements if the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment.
  - a. The following criteria must exist to utilize the exception:

- 1) The training must be for a special low income population with multiple barriers to employment, including substantial language or cultural barriers, offenders, homeless, and disabled individuals.
- 2) The training must be provided by a Community-Based Organization (CBO) or other private organization.
- 3) The training provider must be an eligible WIA Training provider.

b. Other requirements

The LWIB must develop criteria to determine 'effectiveness' in the context of this exception. These criteria may include:

- 1) Financial stability;
- 2) Low income targeted group needing training in a class size setting;
- or
- 3) A situation where it makes sense to use this exception versus an ITA.

**(H) Limited Training Service Providers**

WIOA Section 134(d)(4)(G)(ii)(II), and the federal rule at 20 CFR 663.430(a)(2), provide that contracts for training rather than ITAs may be used when there is an insufficient number of eligible providers in a local area. This exception applies primarily to rural areas.

1. When the LWIB determines that there are an insufficient number of eligible providers in the local area to accomplish the purpose of a system of ITAs, the Local Plan must describe the process to be used in selecting the providers under a contract for services.
2. This process must include a public comment period for interested providers of at least 30 days.
3. An LWIA that has determined that there are insufficient eligible providers in the local area to accomplish the purposes of the Act and complies with the requirements of 20 CFR 663.430 may use ITA's to a limited degree or not at all.
  - a. This provision may be interpreted as a 'blanket' waiver regarding the requirement to use ITAs.
  - b. However, given the current widespread use of ITAs in all areas of Illinois (including rural areas), it is not expected that this provision could be justified on a blanket basis.
  - c. However, there may be instances when one or more programs are either unavailable altogether or are available from one or a very few eligible providers - resulting in limited choice for training consumers.
  - d. In such cases it is more justifiable to apply this provision on an exception basis rather than as a blanket.
  - e. Applying this exception on a program-by-program basis is more consistent with the direction provided in federal rule that exceptions to the use of ITAs be infrequent.
  - f. Therefore, an LWIB may invoke this provision on a program-by-program basis.

- g. The LWIB must document the formal action determining that there are an insufficient number of eligible providers and make appropriate modification to the Local Plan to support the exception(s).
- h. To the extent exceptions are made, such an LWIA will be considered to be in compliance, regardless of the percent of combined adult and dislocated worker training funds expended through these contracts or the proportion of customers served through ITAs.
- i. However, it is expected that the LWIB will continue to make efforts to maximize customer choices for training options under the contract for services procurement approach.
- j. As required by 20 CFR 663.505(b)(1)(ii), contracts for training entered into under this exception may only be to eligible training providers as determined under WIOA Section 122 (i.e., these programs must be on the State list of certified training programs).

### **(I) Work Experience (Adult and Dislocated Worker)**

Not all educational experiences available to WIOA participants are classified as training services or occur under conditions similar to those outlined in the Training Options (Section B.). Work Experience can be used by the customer to successfully complete their training goals.

- 1. Work experience is a planned, structured learning experience that takes place in a workplace for a limited period and may be paid or unpaid. Work experience differs from OJT and IWT training in that there is no hiring occurring prior to or agreement to hire following the learning experience. Work experience is considered an intensive service under WIA.
  - a. Participants in a paid work experience must be provided a reasonable wage to the extent that it is consistent with that paid for similar work according to OMB Circular A-87 or A-122, whichever applies.
  - b. The employment of participants must not occur at a workplace where:
    - 1) A participant's employment would unfavorably impact current employees (a youth participant would displace all or a portion of a current employee's hours including overtime, wages, employment, benefits, or promotional opportunities);
    - 2) A participant's employment would impair existing contracts for services or collective bargaining agreements;
    - 3) A participant's employment would replace the work of employees who have experienced layoffs; or
    - 4) An employer has terminated a regular employee or otherwise reduced its workforce with the intention of replacing them with participants subsidized with these funds.
  - c. The work experience has meaningful and adequate supervision (with provisions made for supervision when the regular supervisor may not be available).
  - d. The work experience is achieving the goals for which it was designed (possible with documented learning experiences).

- e. LWIB 26 financial limits for work-based training. Training dollars are capped at \$10,000 per employee. Special exception to this guideline must be approved in writing by Southern 14 Workforce Investment Board, Inc. The training program should generally not exceed a total of 1,040 full-time hours of actual training (the equivalent of full-time training for six (6) months). Special exceptions to this policy must be approved in writing by Southern 14 Workforce Investment Board, Inc.

#### **(J) Reporting Requirements of Training Contracts**

The programmatic reporting requirements include entry of information on participants into the Illinois Workforce Development System (IWDS) including:

1. All services and activities **must** be documented in IWDS **within ten (10) calendar days of the occurrence of the start and end dates of the services and activities in which the participant is enrolled as well as the participant's exit date** to ensure current information is available for Federal reporting purposes.

#### **(K) Financial Reporting**

1. Obligations and expenditure reporting for local level contracts will be completed in the DCEO Grantee Reporting System (GRS) using the guidelines and instruction found in state policy.
2. Grantees must report their accrued expenditures by the 20th day of the following month.

#### **(L) Performance**

1. Customers that are formally registered in WIOA will be included in the local area's federal performance standards.