

<b>Northeastern Workforce Development Board (NWDB)</b> <b>General Policies and Procedures</b> <b>CUSTOMIZED TRAINING POLICY</b>	
<b>Policy 017</b>	<b>EFFECTIVE DATE: 12/9/2021</b> <i>Revised: 09/14/2023</i>
<b>Approved by: Northeastern Workforce Development Board</b>	<b>Executive Director:</b> <i>Jalan Williamson</i>

**REFERENCE/AUTHORITY:**

- WIOA Section 134(d)(xi)

**PURPOSE:** The purpose of this policy is to provide funding guidance for Customized Training (CT) funding under the Workforce Innovation and Opportunity Act (WIOA).

**BACKGROUND:** Customized Training (CT) is designed to meet the unique training needs of an employer or a group of employers. CT can be used for training prospective (new) workers. CT is business-driven where the employer decides who will provide the training (e.g., external training, internal manager), what curriculum will be used, and which workers will be trained. Prospective or incumbent workers benefit by learning new skills and obtaining or retaining employment after successful training completion. Upon entering a CT Agreement with the Northeastern Workforce Development Board (NWDB) or its Service Provider(s), the business commits to hire or – in the case of incumbent workers – retain individuals who successfully complete training.

**GENERAL POLICY:**

Participant Eligibility: Under WIOA, there are two levels of services: Basic and Individualized services. A determination that a participant needs individualized and/or training services can be made without regard to how long the individual has been receiving services at each level. Participants in Adult programs must meet eligibility requirements before being provided training services. Training services are available to those participants who are unable to find employment. Need and ability to benefit from WIOA funds must be established and the participant must have the skills and qualifications to successfully complete the training program. An individual’s need for training shall be determined through an assessment. Participants with marketable skills within an in-demand occupation shall not be deemed eligible for WIOA funded training.

Employer/Training Provider Pre-Screening: CT is provided under an agreement with an employer, group of employers, or training provider. A pre-screening should be conducted to ensure that the employer or training provider meets the minimum standards and can provide both training and employment to a CT participant. If additional training is needed, the Service Provider should ensure that a third-party training provider is included in the agreement.

### Employer Requirements:

- The business has not exhibited a pattern of failing to provide CT participants with employment upon successful completion of the CT;
- The business verifies WIOA funds will not be used to relocate operations in whole or in part;
- The business has operated at its current location for at least 120 days. If less than 120 days and the business relocated from another area in the U.S. and individual(s)/employees were not laid off at the previous location as a result of the relocation;
- Open position(s) for CT has not infringed upon the promotion of or displacement of any currently employed worker or a reduction in their hours;
- Open position(s) for CT has not open due to a hiring freeze;
- Open position(s) for CT are not for seasonal employment;
- Open position(s) for CT is full time (i.e., minimum of 32 hours per week);
- The business is not utilizing CT participants to fill job openings as a result of a labor dispute;
- Open position(s) for CT will not be used to directly or indirectly assist, promote, or deter union organizing;
- The employer will comply with the non-discrimination and equal opportunity provisions of WIOA law and regulations; and
- It is expected that employers that use CT funding will hire the individuals receiving the training (upon successful completion) as full-time employees, provide 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 for at least six months following the training.

CT funds must be used for High and Higher in Demand Occupations 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.

### Training Requirements:

1. An employer orientation must be completed with each employer and/or group of employers to discuss the contract provisions and training plans. The contract process sets the ground-rules for CT with an employer or group of employers and ensures there is a legally binding agreement between the employer(s) and the CT training provider, if the latter is an outside provider.
2. CTs differ from an OJT (On-the-Job Training contract) based on volume (an employer or group of employers requiring five or more of the same/similar positions filled) and complexity (CT trains each participant for the same skill set rather than individualized job skills).
3. CT duration must be limited to the time necessary for a customer to become proficient in the occupation for which the customer is receiving CT.

- Length of training should be based on individual assessments of the participant's background, skills, and barriers to employment.
- Service Provider should consult with the employer(s) and use 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 participant's 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 5–9	>6 months

4. CT must lead to full-time, regular employment (minimum of 32 hours per week) unless otherwise approved by NWDB.
5. Employers participating in CTs must pay a significant cost of the CT training. This payment can be in-kind services. CT 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.
 

Significant cost is defined by the following sliding scale:

  - For employers with 50 or fewer employees, a minimum of a 25% match
  - For employers with 51 or more employees, a minimum of a 50% match
6. Must meet the approved target self-sufficiency wage as determined by Maine Department of Labor (MDOL)'s State Workforce Board (SWB).

Service Agreement:

1. Training Application: Once a CT opportunity has been identified the entity providing the training, whether the employer or contracted training provider, must apply alongside the Service Provider by submitting an application to the NWDB to be considered and the Service Provider has verified that they have not been debarred prior to entering into a Service Agreement.
2. Approval and Agreement:
  - a) The NWDB shall review and evaluate the application to ensure that the application's criteria are met.
  - b) The NWDB shall notify the employer(s) if the application shall be approved or if the employer needs to revise the application no later than five (5) business days from receipt of the application.
  - c) Upon approval, the application shall become part of the Service Agreement.
  - d) The Service Agreement shall be monitored by the NWDB.

## Service Provider Role and Responsibilities:

Case management activities for participants in CT does not differ from the duties that Case Managers currently perform for WIOA participants in training. Case Managers shall use the statewide Maine JobLink (MJL) system.

### 1. Intake and Eligibility

- a. As necessary, to meet the needs of the employer or training provider, the NWDB service provider shall conduct recruitments for the CT opportunity. The announcement shall include qualifications, job description (if applicable), training information, deadlines for the CT recruitment, and a summary of the recruitment procedure.
- b. The NWDB service provider shall screen prospective CT candidates to ensure WIOA eligibility and enrollment.
- c. The employer or training provider shall make the final selection of the candidates and confirm that list of candidates with the NWDB.

### 2. Case Management

- a. Service Provider(s) shall ensure completion of required WIOA activities for enrollment into training.
- b. NWDB service providers staff shall confirm that the Customer started training and document confirmation. NWDB staff will review files to confirm participant eligibility and training start dates.
- c. NWDB staff shall periodically monitor the Customer's training activities.
- d. After the training ends, CT participants who successfully complete the training shall get a job offer from the employer or group of employers, and if the job offer was accepted, the Service Provider shall complete employment verification paperwork and enter the placement information into the customer tracking system, MJL. If Customers who successfully complete the CT do not get a job offer from the employer or group of employers, the NWDB reserves the right to not enter into a service agreement with the employer/contracted training provider in the future.
- e. Service Provider(s) shall continue to provide required WIOA Exit and Follow-Up activities/services.

## Progress Report and Attendance

**The Employer must provide a Participant Progress Report on the participant's progress and attendance to the Service Provider(s) by the tenth working day of each calendar month**, as part of the Service Agreement. In the event that the participant fails to attend training the Employer/training provider must inform the Service Provider within three days of non-attendance. If the Employer/training provider fails to provide progress and attendance reports, the Service Provider staff shall contact the Employer/training provider or Participant to obtain this information. **All attempts to obtain the reports must be entered into MJL.**

Service Agreement Invoice:

The NWDB or its Service Provider shall reimburse the employer for the training costs approved in the application. Employers must keep accurate records of the training implementation process, participants' attendance, and participants' performance in the training program. To issue payment, employers/contracted training provider must complete all contracted deliverables outlined in the Service Agreement.

Questions may be directed to:

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