



Southern Middle Tennessee Local Workforce Development Board



ON-THE-JOB TRAINING POLICY/GUIDE

UPDATED July 28, 2022

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I. MANUAL INTRODUCTION

This On-the-Job Training (OJT) guide is designed to provide the reader with a uniform and accurate document to explain the guidelines and necessary documents associated with the OJT program.

PURPOSE AND SCOPE

“On-the-Job Training (OJT)” means training in the private or public sector given to a participant who, after assessment, has been referred to and hired by the employer contingent on such training. OJT occurs while the participant is engaged in productive work that provides knowledge and skills essential to the full and adequate performance of the job.

The principal objective of the On-The-Job Training (OJT) program is to provide services that directly benefit the placement of clients in the private sector. The OJT affords Workforce Investment Opportunity Act (WIOA) eligible individuals an opportunity to be trained for a specific job while actually performing the duties required of the occupation.

The OJT program may serve as a safety valve to assist workers who may have become unemployed (either through technological changes, layoffs, or plant closures) to obtain new employment through skills training. The OJT program may also serve as a bridge to employment for individuals with barriers to employment.

II. ON-THE-JOB-TRAINING GUIDELINES

AUTHORIZED SIGNATURES

1. For the employer:
 - a. The officer of the company who is authorized to sign contracts for the company may sign the OJT contract and Invoice Summaries.
2. For South Central Tennessee Development District:
 - a. Pre-Award Review/OJT Pre-Award Contract Information: The South Central Tennessee Development District Executive Director is the only person authorized to approve and sign the OJT Contract Pre-Approved Information Form.
 - b. Master Agreement: The South Central Tennessee Development District Executive Director will sign the Master Agreement.
 - c. OJT Master Agreement Addendum: The South Central Tennessee Development District Executive Director will sign the OJT Master Agreement Addendum.
 - d. OJT Invoice Summary: The OJT Coordinator and the Contractor will sign the OJT Invoice Summary.

COLLECTIVE BARGAINING AGREEMENTS

Prior to entering into the OJT contract, South Central Tennessee Development District shall determine if there is a collective bargaining agreement between the proposed OJT employer and its employees. When an agreement exists and when it covers the intended OJT occupation, the employer shall certify that the bargaining agent has been notified of the OJT contract. The agent shall also be notified of the rate of pay and shall sign the OJT contract in the space provided for this purpose.

APPROVAL PROCEDURES

1. **For the Employer and South Central Tennessee Development District** - Prior to entering into an OJT contract, an OJT Pre-Award Contract Information package must be completed by the employer, with assistance from South Central Tennessee Development District.
2. **For South Central Tennessee Development District** - All OJT contracts shall be approved by the South Central Tennessee Development District Executive Director and the OJT Coordinator.
3. **For the Employer** - Trainees will not start training under an OJT contract until the trainee is registered in Workforce Investment Opportunity Act (WIOA) and the contract is approved by South Central Tennessee Development District and the employer.

OJT PROCESS

1. South Central Tennessee Development District representatives will establish potential OJT contracts.
2. South Central Tennessee Development District representatives will complete the Pre-Award Contract Information Sheet, and OJT Training Plan (Attachments 1 & 2) with the employer, verify contract information, get all necessary documentation, and submit the pre-award for approval.
3. South Central Tennessee Development District staff will review all pre-award contract information.
4. South Central Tennessee Development District staff will review the contract for completeness, develop the Master Agreement and submit the contract to South Central Tennessee Development District where final approval will be secured.
5. After final approval is received, copies will be sent to the staff for distribution and implementation.

CRITERIA

1. The adult training wage must be a minimum of \$ 8.25 per hour.
2. Business must complete a W-9
3. Workers Compensation Policy is in effect with documentation of policy number and company.
4. Prior performance will be reviewed prior to renewal of a contract.
5. Ensure total number of hours of contract are not more than SVP/O*NET as per Dictionary of Occupational Titles (DOT).
6. Ensure demand occupations.

CONTRACT COPIES/DOCUMENTATION

1. Executed contracts shall be scanned with first invoice and full documentation with final invoice in the SCTDD DOCUPHASE or current system.
2. Each trainee file shall be maintained in State of Tennessee Jobs4TN/VOS system and appropriate documents submitted with the invoice.
3. OJT Invoice Summaries and all supporting documentation will be filed with the OJT contract files at the Fiscal Coordinator Office.
4. Reimbursement: South Central Tennessee Development District will reimburse the employer/contractor training costs typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. In limited circumstances, as provided in WIOA sec. 134(c)(3)(h) and § 680.730, the reimbursement may be up to 75 percent of the wage rate of the participant.

HIRE FIRST PRINCIPLE

All OJT trainees must be hired prior to receiving actual training on the job.

EMPLOYER COMMITMENT

1. The OJT trainee's rate of pay shall not be less than the amount specified by Master Agreement Addendum.
2. Wages are considered to be money paid by an employer to an employee for work performed. Wages do not include tips, commissions, or normal employer fringe benefits.
3. According to the *Fair Labor Standards Act*, employers shall pay overtime at one and

one-half times the hourly rate for any hours worked over the forty-hour work week or eight-hour day.

4. OJT trainees must be provided the same wages and benefits provided to the persons newly hired and in training.

EMPLOYER COST OF ON-THE-JOB TRAINING

South Central Tennessee Development District will reimburse the employer, for training cost for WIOA participants, an amount not to exceed 75% of the hourly wage rate agreed to and described in the OJT Master Agreement Addendum and Training Plan.

EMPLOYER REIMBURSEMENT

1. The employer shall submit, via email, to the Career Specialist the total number of training hours the participant worked (excluding vacation, sick leave, holiday, etc.) and wages paid, documented by the employer's time and attendance records. An Invoice Summary will be completed and submitted to the Career Specialist for approval and then forwarded to the employer for additional approval and verification.
2. The Invoice Summary will be based on the number of hours worked multiplied by the percent of the wage rate agreed to in the On-the-Job Training Master Agreement Addendum.
3. The Invoice Summary shall be submitted the subsequent month following the completion of the specified number of OJT training hours by the participating employees.

FINANCIAL REIMBURSEMENT PROCESS

South Central Tennessee Development District has the responsibility to reimburse the employer/ contractor.

The employer must verify the trainee's attendance by providing documentation of the actual training hours worked, if requested.

BUSINESS ELIGIBILITY

In order for a business to qualify for an Incumbent Worker Training (IWT) or On the Job Training (OJT) grant, it must meet all the following criteria:

- Grantee must be classified as a Tennessee for-profit business (or a not-for-profit business in health care)
- Must be in operation for at least one year
- Must employ at least five full-time employees
- Must be current on all local, state, and federal tax obligations
- Must not appear on any federal suspensions or debarment list.
- Be in an in-demand or in-balance industry as determined by the LWDB or

be in a declining industry with reasons justifying eligibility for a Consolidated Business Grant (CBG).

- Current in unemployment insurance and workers' compensation, taxes, penalties, interest and are up to date on all fees, fines, local, state and federal taxes.
- Must not have filed bankruptcy in the past 12 months.
- Must be a financially viable business not currently in, nor expecting to file for, bankruptcy.

Any firm or industry that has been debarred or is in violation of local, state or federal law is not eligible for OJT assistance from South Central Tennessee Development District.

Before approving an OJT contract, South Central Tennessee Development District shall determine that abnormal labor conditions, such as a strike, layoff or lockout, do not exist at the employer's firm. No position or substantially the equivalent position at an employer's firm, which is in layoff status, would be eligible to be covered under an OJT contract. Membership by an employer on the Southern Middle Tennessee Local Workforce Development Board will not exclude participation in the OJT.

OJT contracts shall not be entered into with employers who have received payments under previous OJT contracts and have exhibited a pattern of failing to provide participants with continuation of long-term employment as regular employees with wages, benefits, and working conditions at the same level and to the same extent as other employees working a similar length of time and performing the same type of work.

For the purpose of this provision the following criteria will apply and will be documented in the Pre-Award Survey prior to entering into an OJT contract:

1. A pattern of failure is defined as an employer who has received two or more OJT contracts and has failed to meet the WIOA standards.
2. Employers who meet the criteria in item 1 will be considered ineligible for WIOA funded programs for a period of twelve (12) months from the date of termination of the last OJT contract.
3. Participants who have been terminated for cause, quit voluntarily, released due to unforeseeable changes in business conditions, or employed by another employer in a training related position, may not be counted in the determination of pattern of failure. However, South Central Tennessee Development District shall account for these individuals, and document that the training needs of the participants were met by the employer in the Pre-Award Survey. No WIOA funds shall be used or proposed for use, to encourage or to induce the relocation of an establishment, or part thereof that results in the loss of employment of any employee at such establishment at the original location.

For 120 days after the commencement or expansion of a commercial operation of a relocating establishment no WIOA funds shall be used for any relocating establishment or part thereof at a new or expanded location, if the relocation of such establishment or part thereof results in a loss of employment for any employee of such establishment at the original location.

Relocating establishment means a business entity, including a successor interest, which is moving any operations from a facility in one labor market area within the United States and its territories to a new or expanding facility in another labor market area.

III. OJT TRAINEE ELIGIBILITY GUIDELINES

Only eligible participants 18 years of age or older who have been assessed and for whom OJT has been documented as an appropriate activity in the participants Individual Employment Plan (IEP) shall be referred to employers for participation in the OJT program.

An Eligibility Criterion which is in accordance with WIOA and the Federal Department of Labor and Workforce Development is necessary for those individuals selected to enter training. Eligibility criteria for training services are found at [§ 680.130](#) and [§ 680.210](#)

Entry level trainee refers to those individuals who are U.S. citizens or permanent residents of the United States and who are unemployed, underemployed, and who cannot reasonably expect to secure meaningful, full-time employment without training. Entry level employment shall be for any type of employment (except that which is prohibited by Department of Labor and Workforce Development regulations) for which training is needed, and for which that training does not extend beyond the maximum allowable training period.

PRIOR EXPERIENCE

All past experience in the same or related occupation for which a participant is being trained must be outlined in the participant's IEP, employer statement or Previous Work. An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's IEP. Experience Survey (Attachment 3).

LENGTH OF TRAINING PERIOD

The length of the training period is based upon the following guiding principles:

- a. The standardized amount of training required enabling the individual to become skilled and knowledgeable.
- b. The content and complexity of required training.
- c. The skill and knowledge possessed by the trainee, including previous employment and training.

OJT contracts will be budgeted at 320 hours unless otherwise deemed under special guidance, no OJT contract will be written for less than 160 hours. South Central Tennessee Development District reserves the authority to use company established training times as long as they do not exceed the Specific Vocational Preparation (SVP/O*NET) O*NET levels for the occupation.

In the OJT Training Plan, the employer will outline the specific skills to be taught. Each OJT contract shall specify the type and duration of the OJT and other services to be provided, in sufficient detail in order to allow for a fair analysis of the reasonableness of the proposed costs.

South Central Tennessee Development District will determine the DOT code for the proposed occupation.

- a. The SVP/O*NET level will be determined by South Central Tennessee Development District using the SVP/O*NET level and the starting hourly rate of the occupation to determine the hours of training.
- b. Under no circumstance will the length of training exceed the contract agreement between South Central Tennessee Development District and the contractor/employer.

OCCUPATIONAL ELIGIBILITY

The OJT trainee is to be hired in the occupation for which he or she will be trained.

The occupation should require enough skill to necessitate a training period of at least 160 hours. The occupation can be for a new or vacant position.

Occupations that have not traditionally required specific occupation training as a pre-requisite are not eligible for OJT.

Non-allowable OJT occupations include but are not limited to:

- a. Occupations where commission or piecework is the main source of income.
- b. Temporary positions.
- c. Intermittent seasonal occupations.
- d. Professional occupations which require a license as a pre-requisite to hiring.
- e. Highly mobile, highly competitive industries, where minimum employee training is needed.
- f. Industries with a substantial number of experienced and able workers who are presently unemployed.

SKILL LEVEL RATING

1. The DOT is used to define jobs and to indicate the level of sophistication an occupation requires. The SVP/O*NET code is defined as the amount of lapsed time required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average performance on the job.
2. The higher the skill of the occupation and the higher the pay, the longer the training time will be allowed

MONITORING PROCEDURE

1. The Program Compliance Coordinator has the responsibility to review each OJT contract on site.
2. As part of the monitoring process, signed and completed invoice summaries will be reviewed along with documentation of payroll records for each trainee.
3. A South Central Tennessee Development District OJT Employer Questionnaire and Trainee Questionnaire will be completed on each contract. *Attachment 4*
4. The Employer's file should include the following: copy of contract, I-9, application, master addendum, and EEOC rights.

MONITORING DOCUMENTS

The following documents will be used to complete the monitoring review.

1. OJT Employer Questionnaire
2. OJT Trainee Questionnaire
3. Master Addendum and Training Plan

COUNSELING WITH OJT TRAINEE

South Central Tennessee Development District staff may at any time during the training period, counsel with the OJT trainee.

GRIEVANCE PROCEDURE

The employer must agree to comply with nondiscrimination section 188 of the Workforce Investment Opportunity Act and 29 CFR Part 37. The employer must provide grievance procedures in regard to terms/conditions of employment or be willing to use WIOA grievance procedures.

PROCEDURES FOR TERMINATING AN OJT CONTRACT FOR NON-PERFORMANCE

The South Central Tennessee Development District staff will not initiate the OJT contract procedure until he/she has documented a general lack of cooperation by the employer. This would include, but not be limited to, total disregard of messages from South Central Tennessee Development District, unwillingness to talk to South Central Tennessee Development District staff, and unwillingness to receive South Central Tennessee Development District staff at the employer's premises.

The OJT contract termination procedure is as follows:

1. South Central Tennessee Development District will attempt to contact the employer by phone to discuss a violation(s) of the General Provisions. The date and time of the call will be documented by South Central Tennessee Development District.
2. If item 1 above does not resolve the violation, South Central Tennessee Development District staff will visit the employer's business to again attempt to discuss and resolve the violation. The date and time of the visit will be documented by South Central Tennessee Development District.
3. If item 2 above does not resolve the violation, South Central Tennessee Development District will write a certified letter to the employer stating the violation, where it is mentioned in the General Provisions section, and the date the OJT contract will be terminated if corrective action is not taken by the employer.
4. If item 3 above does not resolve the violation, South Central Tennessee Development District will fill out the OJT Contract Modification form canceling the OJT contract. The South Central Tennessee Development District Executive Director and OJT Coordinator will sign the modification, and copies will be distributed to the employer and the South Central Tennessee Development District Fiscal Coordinator.



Jerry Mansfield, Executive Director
South Central Tennessee Development District



Date



Mark Short, Chair
Local Workforce Development Board



Date

OJT PRE-AWARD CONTRACT INFORMATION

Section 101 of Workforce Investment Opportunity Act (WIOA) defines On-The-Job training (OJT) as training by an employer in the public, private non-profit, or private sector that is provided to a paid participant who is engaged in productive work that provides knowledge or skills essential to the full and adequate performance of the job. OJT provides reimbursement to the employer which is typically 50 percent or lower or up to 75 percent of the wage rate of the participant, for the extraordinary cost of providing the training and additional supervision related to the training. Guidelines will be followed for provisions on special grants.

Section 667.268 requires a standardized pre-award review be completed and documented jointly by the Local Workforce Development Area with the establishment or business as a prerequisite to WIOA assistance to verify that an establishment or business which is new or expanding is not, in fact, relocating employment from one area to another.

In addition to the pre-award review required by the WIOA, other information required by the Tennessee Department of Labor and Workforce Development (TDOLWD) is required in the OJT pre-award contract application.

OJT PRE-AWARD CONTRACT APPLICATION

1. Company Name: _____

Employer UEI #: _____ Federal ID # _____

Training Site Address: _____

Telephone Number: _____

2. Name of person responsible for the operation of this contract: _____

Title: _____ Email: _____

Office Telephone Number: _____

3. Contractor's products or services:

SIC/NAICS Code: _____

4. Total number of current employees: _____

5. Is anyone in a layoff status? _____ Yes _____ No

CONCURRENCE OF THE COLLECTIVE BARGAINING AGENT:

Are any occupations in which employment and training are to be offered subject to a collective bargaining agreement? ___ Yes ___ No

INSURANCE:

Will the new employees be covered by Worker's Compensation Insurance?

___ Yes ___ No

Worker's Compensation Insurance or equivalent on-site medical and accident insurance are required for all OJT participants. Please provide the following information:

Carrier: _____

Policy Number: _____

Expiration Date: _____

PREVIOUS OR CURRENT OJT CONTRACTS

PURPOSE: Section 663.700 of the Workforce Investment Opportunity Act requires that a local program must not contract with an employer who has previously exhibited a pattern of failing to provide OJT participants with a continued long-term employment with wages benefit and working conditions equal to those provided to regular employees who are doing the same type of work. OJT contracts must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. For the purpose of this provision, the following criteria will apply:

1. A pattern of failure is defined as an employer who has received two or more OJT contracts, and has failed to continually employ a majority (50%) of those individuals after the completion of training, for a period not less than six months, with wages and benefits at the same level as similarly situated employees.
2. Employees who meet the criteria in item 1 will be considered ineligible for WIOA- funded programs for a period of twelve (12) months from the date of termination of the last OJT contract.
3. Participants who have been terminated for cause, quit voluntarily, released due to unforeseeable changes in business conditions, or employed by another employer in a training –related position, may not be counted in the determination of pattern of failure. However, the LWDA must account for these individuals and document that the employer

met the training needs of the participants.

Does the business or establishment have a current or previous OJT contract?

Yes No

Was the contractor's OJT contract performance satisfactory? Yes No

PROPOSED TRAINING

Provide a brief narrative describing the proposed training, including why training is needed, current business and economic prospects, projected growth and/or expansion in the proposed training occupation, the ability to train and retrain proposed trainee(s), etc.

ATTACH THE PROPOSED ELEMENTS OF WORK AND TRAINING. USE A SEPARATE SHEET FOR EACH PROPOSED OCCUPATION.

RESOURCES TO PERFORM TRAINING

Does the employer have tools, materials, and supervision needed to perform training?

Yes No

If yes, has the contract service representative toured the plant or facility? Yes No

Comment:

GRIEVANCE PROCEDURE

Does the employer have grievance procedure available to participating employee (In regard to terms/conditions of employment?) Yes No

Is the employer willing to use WIOA Grievance procedures? Yes No

RELOCATION/EXPANDING COMPANIES

Section 181 (d) (1) of the Workforce Investment Opportunity Act prohibits the use of funds to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment of any employee of such business at the original location within the United States.

A. Is the company new? Yes No

B. Is the company relocating? Yes No

C. Is the company expanding? Yes No

If yes to (A) or (B), list name, address, and telephone number of previous location or home base from which the relocation or expansion is taking place.

Briefly explain why the expansion or relocation is taking place:

D. Is the relocation or expansion within the original labor market area?

Yes No

E. *Has the business been open for more than 120 days? Yes No

Date active operation started at site: _____

F. List the name(s), address, and telephone number of parent company and all subsidiaries both in and out of state under which this company operates or previously operated (if applicable).

G. Are there any layoffs at the:

- Proposed training site? Yes No
- Parent company? Yes No
- Subsidiaries? Yes No

If yes, explain: _____

H. Are any employees being displaced at the original location by the relocation or expansion? Yes No

If yes, explain: _____

*Open for business is defined as a company or an existing establishment that has assigned staff who are on their payroll for the purpose of expanding or starting a new business.

South Central Tennessee Development District

Business / Contractor Authorized Signature

Date

Date

OJT TRAINING PLAN

1. Name of Employer: _____
2. Job Title: _____
3. DOT Code: _____
4. SVP/O*NET Code: _____
5. Starting Hourly Wage: _____
6. Total Hours of Approved OJT Training: _____
7. Training Plan: (List task elements in approximate order of instruction and attach employer's job description, if available)

**GUIDELINES
FOR
PREVIOUS WORK EXPERIENCE IN THE SAME
OR RELATED OCCUPATION**

As a guide in making such determinations, the following examples are considered to be justifiable for training a participant with previous work experience.

1. Governmental regulations for licensing and/or certification require that the participant receive the training. Example: A welder on a federal contract must be certified in the specific types of welds to hold the position.
2. The hazards of the particular job may threaten health and/or safety and, therefore, requires that the participant receive the training.
3. Equipment and machinery changes due to technological advances in the industry require the training. Example: changes from old industry or to computerized machine that must be programmed by the operator.
4. The extended absence from the vocation, occupation or the particular employer by the participant is such that the state-of-the-art of the business has changed and the absence has resulted in a loss of skills and/or competencies by the participant. Example: Mechanic who has been out of work for 10 years goes back to work on electronic systems.
5. The participant was unsuccessful in completing his/her previous training experience in the same occupation. Example: Did not finish half of the OJT for the occupation.
6. The participant was terminated from a previous job and that termination was the result of the participant's lack of ability to perform all or some of the required tasks of the job. Example: Industrial Electrician.
7. The job description requires that the participant demonstrate multiple skills in order to qualify for the job and the participant's previous experience in comparison to the requirements of the job is inadequate, therefore, training is required. Example: Air conditioning to heating and air conditioning.

Every employee will bring some previous experience to a job. It will be the responsibility of the career specialist to ascertain the level of experience a participant already has in relation to the particular job for which he/she may be in need of training and to determine if that prior experience is of significance or inadequate.

The career specialist must document in the IEP all relevant information to support their referral of a participant into a training program in which he/she has, or appears to have, previous experience. The IEP must document the issues related specifically to participant's previous work history and the requirement of the job for which he/she is being trained. The South Central Tennessee Development District Executive Director will determine final approval.



Southern Middle Tennessee Local Workforce Development Board

PREVIOUS WORK EXPERIENCE SURVEY

Applicant Name:	SS#:	Training Justified	
Proposed Training Site:	Proposed Training Area:		Yes
Analysis Prepared By:	Title:	Date:	No
Work History			
Prior Experience in Same or Similar Job Title (Work Experience)	Yes	No	Dates:
Prior Experience in Same or Similar Job Title (School Experience)	Yes	No	Dates:
Training Required for Licensing/Certification	Yes	No	If yes, Specify
Training Required for Unfamiliar Equipment	Yes	No	If yes, Specify
Training Required for Health/Safety Requirements	Yes	No	If yes, Specify
Training Required for Technology Changes	Yes	No	If yes, Specify
Training Required for Extended Absence from the Occupation	Yes	No	If yes, Specify
Training Required for Unsuccessful Training or Terminated from Previous Job	Yes	No	If yes, Specify
Training Required for Multiple Skills	Yes	No	If yes, Specify

Career Specialist _____

Trainee Statement _____

SOUTH CENTRAL TENNESSEE DEVELOPMENT DISTRICT

OJT EMPLOYER QUESTIONNAIRE

Contract # _____ Contract Dates: From _____ To _____

Employer: _____

Employer Represented by: _____

Program Oversight Coordinator: _____ Monitoring Date: _____

Write appropriate comments on the back of this report if needed.

Question	Yes	No
a. Are the OJT employees employed in the occupations agreed to in the OJT Contract?		
b. Are the OJT employees receiving training and/or work experience in only a few task elements in relation to all of the task elements in the occupation that the training plan anticipated teaching?		
c. Will the OJT employees be able to learn all the occupational task elements during the remainder of the contract period?		
d. Will the OJT employee be able to meet the employer's production standards by the end of the contract period?		

OJT TRAINEE QUESTIONNAIRE

Company: _____ Trainee: _____

Date of Visit:

1. Describe the training received on the job:

2. Who is providing the training?

3. Ask the Trainee:

- a. What is your hourly wage? _____
- b. How are you paid (cash, check, other) _____
- c. How many hours per week do you work? _____
- d. Do you work any overtime? Yes ___ No ___
- e. What are you paid for overtime? _____
- f. What other benefits do you receive? _____
- g. Are these the same as for other employees? Yes ___ No ___

