



**POLICY
NUMBER 100**

Administrative Policy

Title:	Work-Based Training
Program:	Workforce Innovation and Opportunity Act
Effective:	June 11, 2019

I. PURPOSE AND SCOPE

To provide Local Workforce Development Boards (LWDBs) with the requirements for implementing work-based training programs.

II. BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) brings together in strategic coordination the core programs of the federal investment in skill development to support training and work experience¹ for jobseekers through work-based training. Work-based training is coordinated by LWDBs through collaboration with local employers who receive subsidies for participants entering work-based training. Work-based training activities include: Customized Training, Incumbent Worker Training (IWT), On-The-Job Training (OJT), Registered Apprenticeships (RA), Industry-Recognized Apprenticeship Programs (IRAP), Transitional Jobs, Work Experience and Internships.

III. AUTHORITY

[WIOA, Public Law 113-128, Sections 3, 122, 134 and 148\(a\)\(1\)](#)

[Executive Order 13801](#), "Expanding Apprenticeships in America," June 15, 2017

[20 Code of Federal Regulations \(CFR\)](#) Parts 680.190; 680.470; 680.700; 680.760; 680.800; 680.830; 680.840 681.480; 681.600

29 CFR [Part 29](#)

Training and Employment Guidance Letter ([TEGL](#)) [13-16](#) and [TEGL 19-16](#)

Training and Employment Notice [3-18](#)

¹ Work experiences may be paid or unpaid.

Florida Statutes, Sections [446.011](#) and [446.092](#)
Florida Administrative Code, Chapter [6A-23.001](#)

IV. POLICIES AND PROCEDURES

Work-based training provides WIOA-eligible participants an opportunity to engage in work experiences where they develop employability skills, acquire job-specific knowledge and gain work experience in an area that helps prepare them for self-sufficient employment. LWDBs must ensure that work-based training is only offered for occupations that are in demand in the local area in which the participant receives training.

LWDBs must develop a service strategy for each participant. A service strategy is a document created jointly by the participant and case manager, and is based on career planning and the results of the objective assessment. The service strategy includes a summary of the jobseeker's strengths, barriers, services needed, education and employment goals, and services provided. When selecting work-based training for a participant, the case manager must include the following in the service strategy:

1. A determination that a work-based training activity is appropriate to meet the participant's needs;
2. The specific work-based training most appropriate for the participant based on an assessment of the participant's needs, skill set, and other characteristics² necessary to determine the best activity for the participant;
3. The specific short and long-term goals for the work-based training activity, by identifying the purpose of the activity and outcomes expected;
4. The employer with whom the activity will be done and other information relevant to the work-based training activities;
5. Responsibilities of the LWDB, employer and participant; and
6. Other activities necessary to support the work-based training activity.

When LWDBs enroll participants in work-based training, they must develop an agreement with the training worksite. LWDBs must ensure that the worksite agreement includes:

1. A job description and/or training outline
2. Contact information for the supervisor
3. Record-keeping and payroll information,
4. Process to monitor the participant's worksite activities and ensure adherence to the records retention requirements, as applicable.
5. Worksite agreements for work-based training. For agreements with a staffing agency, the worksite agreements must include signatures of both the worksite employer and the staffing agency.

² Characteristics include the features and traits of the individuals. It also refers to individuals with barriers to employment.

In addition to the requirements for specific work-based training described in this administrative policy, the LWDB must ensure compliance with relevant WIOA requirements and restrictions.

Support services are available for Adult, Dislocated Worker and Youth work-based training participants. LWDBs may provide support services to participants when it is necessary to assist individuals to participate in work-based training activities. The provision of such support services must be documented the individual service strategy. Support service needs are identified through the assessment process and outlined in the service strategy.

A. Types of Work-Based Training

Work-based training includes: Customized Training, Incumbent Worker Training, On-The-Job Training, Registered Apprenticeship, Industry Recognized Apprenticeship Program, Transitional Jobs, Work Experiences and Internships.

1. **Customized Training** is training designed to meet the specific requirements of an employer or group of employers, with the commitment that the employer(s) will retain current employees or hire individuals who successfully complete the training. The target population for customized training includes adults and dislocated workers. LWDBs must require the employer to pay for a significant portion of the cost of training.

Customized training is most appropriate for adults and dislocated workers with barriers to employment who need industry or occupational skills, unemployed workers (including long-term unemployed), underemployed workers, and employed workers.

2. **Incumbent Worker Training** is training designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs, and increases both participants' and companies' competitiveness. Employers must meet local eligibility criteria to receive IWT funds. Employers are required to pay for a significant cost of the training for those individuals enrolled in incumbent worker training. This can be done through cash payments and fairly evaluated in-kind contributions. The minimum amount of employer share in the IWT depends on the size of the employer and may not be less than:
 - a. 10 percent of the cost, for employers with 50 or fewer employees;
 - b. 25 percent of the cost, for employers with between 51 to 100 employees; and
 - c. 50 percent of the cost, for employers with more than 100 employees.

LWDBs must work with employers to identify skill gaps of their workers and develop a strategy to effectively engage the workers in a training that will provide

the knowledge and skills needed to increase the competitiveness of the employees and/or employers. The LWDBs must use the following factors to determine an employer's eligibility for participating in IWT:

- a. The characteristics of the individual employees;
- b. The relationship of the training to the competitiveness of the individual and employer;
- c. Other factors the state or local boards may determine appropriate, which may include, but are not limited to:
 - i. The number of employees identified to participate in the training;
 - ii. The employees' advancement opportunities, along with wages and benefits (both pre- and post-training earnings);
 - iii. The availability of other training and advancement opportunities provided by the employer;
 - iv. Credentials and skills gained as a result of the training;
 - v. Layoffs averted as a result of the training;
 - vi. Utilization as part of a larger sector and/or career pathway strategy; and
 - vii. Employer size.
- d. For an employer to receive IWT funds, LWDBs must ensure that individuals who receive training:
 - i. Are employed;
 - ii. Meet the Fair Labor Standards Act (FLSA) requirements for an employer-employee relationship; and
 - iii. Have an established employment history with the employer for six months or more (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds). Pursuant to [Training and Employment Guidance Letter 19-16](#), there is one exception to the six-month requirement, which is that in the event that incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained meet the employment history requirement.

Participants in IWT are not required to meet WIOA eligibility criteria or priority of service unless they are also enrolled as a participant in the WIOA Adult or Dislocated Worker program. However, LWDBs must record participant demographic information in Employ Florida because this information must be reported to the United States Department of Labor. Each field that contains a red asterisk (*) must be completed in order to progress to the next field.

LWDBs may use up to 20 percent of their adult and dislocated worker funds to provide for the federal share of the cost of providing IWT such training services. LWDBs may not use IWT funds for administrative activities such as office supplies.

Generally, IWT should be provided to private sector employers; however, there may be instances where non-profit and local government entities may be the recipients of IWT funds. For example, IWT may be used in the health care industry where hospitals are operated by non-profit or local government entities and a nursing upskilling opportunity is available.

3. **On-the-Job Training** is training conducted by an employer that is provided to a paid participant while engaged in productive work in a job that:
 - a. Provides knowledge or skills essential to the full and adequate performance of the job;
 - b. Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant. LWDBs may increase the wage reimbursement level from 50 percent up to 75 percent for the extraordinary costs of providing the training and additional supervision related to the training. Factors LWDBs should use when deciding to increase the reimbursement rate must be documented and should include the following:
 - i. The characteristics of the participants, taking into consideration whether they are individuals with barriers to employment;
 - ii. The size³ of the employer, with an emphasis on small businesses;
 - iii. The quality of employer-provided training and advancement opportunities (for example, if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential); and
 - iv. Other factors the LWDB may determine appropriate (for example, the number of employees participating in the training, the wage and benefit levels of the employees, and the relation of the training to the competitiveness of the participant).
 - c. Is limited in duration⁴, to the occupation for which the participant is being trained. Staff should take into consideration the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

LWDBs must ensure that participants have a training plan and contract prior to beginning the OJT assignment. The OJT training plan is a formal document detailing the structured job training and must provide participants with a combination of instruction in observable, and measurable job-ready skills, general employment competencies and occupational skills. LWDBs must ensure that each

³ The term “size of the employer” refers to the number of employees.

⁴ Limited in duration refers to the time required for a participant to become proficient in the occupation for which the training is being provided.

OJT plan is developed based on the participants ISS and/or IEP, and the occupation the participant has selected.

The LWDB may enter into a contract with a registered apprenticeship program to offer an OJT. However, the duration of the OJT contract must be designed around the length of the registered apprenticeship. LWDBs must enter into an OJT contract that covers the period that a participant is assigned to an employer.

Under certain circumstances, an OJT initiated through a reverse referral may be permitted. Reverse referral occurs when an individual is referred to the career center from a prospective employer (under either formal or informal agreement) for an assessment to determine if the individual meets the employer's hiring requirements for a specific position. Development of an OJT for an individual referred by the employer may be permitted only when:

- a. The individual progresses through the intake process as would any other career center customer and meets all requirements for eligibility as specified in this policy;
- b. The completed service strategy indicates training is necessary for the individual to perform the work associated with the position for which the employer has an opening;
- c. The employer meets all eligibility requirements outlined in 20 CFR 680.700 and any additional local eligibility requirement; and
- d. The employer provides assurance that the individual has not previously been employed by the employer in the same or similar position.

OJT is most appropriate for adults and dislocated workers in need of new skills to enter employment, and individuals with barriers to employment including, but not limited to, unemployed workers, underemployed workers, and out-of-school-youth.

Please click here to access the [Administrative Policy 009](#), On-The-Job Training.

4. **Pre-Apprenticeship Programs** provide instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to enter a Registered Apprenticeship program. A pre-apprenticeship program must have at least one registered apprenticeship partner and must include:
 - a. Training and curriculum that aligns with the skill needs of employers in the economy of the state or region;
 - b. Access to educational and career counseling, and other supportive services;
 - c. Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options and exploring how skills acquired through coursework can be applied to a future career;
 - d. Opportunities to attain at least one industry-recognized credential; and

- e. A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship into a registered apprenticeship program.

Pre-apprenticeships that include an academic and occupational education component may be used to meet the 20% youth work experience requirement.

Pre-apprenticeship program providers who offer occupational skills training do not have the same automatic Eligible Training Provider (ETP) status under WIOA as registered apprenticeship programs. LWDBs must ensure these programs go through the same selection process and performance reporting requirements as all other training providers to comply with Administrative Policy [090 - WIOA Eligible Training Provider List](#). When a pre-apprenticeship offers activities that are considered career services (pre-vocational, soft skills), it is not considered to be a training activity.

The pre-apprenticeship program is most appropriate for youth and adults with barriers to employment who are identified as needing certain skills or credentials to successfully enter and complete a registered apprenticeship program. Pre-apprenticeship is also appropriate for dislocated workers transitioning to new industries or occupations in need of new skills, and other eligible individuals identified by case managers as likely to succeed and who have an interest in registered apprenticeship programs.

5. **Registered Apprenticeship** is an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.). Registered apprenticeships are available to youth age 16 and over, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers, underemployed workers, and incumbent workers.

Registered apprenticeship is an employer-driven, “learn while you earn” model that combines OJT with job-related instruction in curricula tied to the attainment of industry-recognized skills standards. The OJT must be under the supervision of a skilled worker. LWDBs are encouraged to partner with the registered apprenticeship programs and use registered apprenticeship opportunities as part of a career pathway for job seekers and as part of a job-driven strategy for employers and industries.

Registered apprenticeship programs are required to be included and maintained on the Eligible Training Providers List (ETPL) as long as the corresponding program remains registered, unless the registered apprenticeship program notifies the Department of Economic Opportunity (DEO) in writing that it no longer wants to be included on the ETPL.

Prior to enrolling a participant into a registered apprenticeship activity, the LWDB must ensure that the registered apprenticeship includes the work component (on-the-job training) and the job-related instruction. An individual training account (ITA) may be developed for a participant to receive registered apprenticeship training.

LWDBs may also fund registered apprenticeships through customized training, OJT, and IWT.

The registered apprenticeship program is most appropriate for youth, adults and dislocated workers, veterans in receipt of the GI Bill, unemployed workers (including long-term unemployed), underemployed workers, and incumbent workers.

6. **Industry-Recognized Apprenticeship Program** is an apprenticeship program that includes a paid work component and an educational or instructional component, wherein an individual obtains workplace relevant knowledge and skills. An IRAP is developed, delivered and administered by third parties, which may include, trade and industry groups, companies, non-profit organizations, educational institutions, unions and joint labor-management organizations. IRAPs are certified as a high-quality program by a third-party certifier that has received a favorable determination from the United States Department of Labor.

Unlike registered apprenticeships, IRAP participants cannot be considered apprentices for the purpose of meeting the Davis-Bacon Act wage requirements. The purpose of IRAP is to create an additional pathway to encourage expansion of apprenticeships beyond those industries where apprenticeships are already effective and substantially widespread. An IRAP may choose to become a registered apprenticeship program as long as it meets the standards and requirements in 29 CFR part 29. To receive WIOA training funds or an ITA, an IRAP sponsor will need to follow the process outlined in the Administrative Policy [090 - WIOA Eligible Training Provider List](#). IRAPs are not automatically included on the ETPL.

7. **Transitional Jobs** are subsidized, time-limited, paid work experience in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have inconsistent work history. These jobs are designed to enable individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to unsubsidized employment. LWDBs may subsidize transitional jobs up to 100% of the cost.

Target populations include adults and dislocated workers with barriers to employment who are chronically unemployed or have an inconsistent work history. Potential target groups may include the long-term unemployed, ex-offenders, individuals who currently receive or have exhausted TANF benefits, and individuals with disabilities.

8. **Work experiences and internships** are planned, structured, learning experiences that take place in a workplace for a limited period. Work experience and internships may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. A work experience and internship may be in the private for-profit sector, the non-profit sector, or the public sector.

Work experiences and internships must include academic and occupational education components. The academic and occupational education as a component is a requirement for WIOA Youth. It is not a requirement for WIOA Adults and Dislocated Workers. The academic and occupational education components refer to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience. The educational component may occur concurrently or sequentially with the work experience.

For youth, work experiences may also include:

- a. Pre-apprenticeship programs;
- b. Summer employment and other employment activities available throughout the school year;
- c. Internships and job shadowing; and
- d. On-the-job training.

LWDBs must ensure that an employer does not use the WIOA work experience or internship activity to directly or indirectly aid in filling a job opening that is vacant because the former occupant is on strike or involved in a labor dispute that may lead to a strike.

Work experiences and internships are most appropriate for youth and adults with limited to no employment experience, dislocated workers who need exposure to new industries/occupations, unemployed workers, underemployed workers, and long-term unemployed workers.

B. Work-Based Training Employ Florida Service Codes

Each work-based training activity is assigned a unique service code in Employ Florida service codes identified and described in the [Employ Florida Service Code Guide](#). The LWDB must assign the appropriate code to each individual engaged in a work-based

training activity. The details of the work-based activity must be included in the service strategy.

C. Recording of Worksite, Provider and O*Net Code Information

When a participant is enrolled into a work-based training activity, staff must record in Employ Florida, the address and location of the worksite where the participant will work.

1. For OJT, the worksite is the same as the employer and the actual location where the participant will report for work.
2. For other work-based training activities, such as work experiences, temporary jobs (including temporary disaster-relief jobs), registered apprenticeships, and pre-apprenticeships (when applicable), the actual location where the participant will report for work worksite must be recorded as part of the enrollment process.

When a participant is enrolled in a work-based training activity, the provider and O*Net Code for the occupation in which the participant will engage or receive training must be entered into Employ Florida as part of the enrollment process.

D. Local Operating Procedures

Local Operating Procedures (LOPs) help local areas further define and clarify how programs will be operated locally and are unique to each LWDB. Each LWDB must develop LOPs to establish the local requirements for the work-based training activities. The LOPs must include the allowable activities that conform to WIOA, but are not defined or captured in this administrative policy.

Each LWDB must develop LOPs as outlined below:

1. For customized training, LWDBs must describe in the LOPs how the local area defines the employer's significant portion of the cost of training, considering the size of the employer and any other factors the LWDB determines are appropriate, including:
 - a. The number of employees participating in training;
 - b. Wage and benefit levels of those employees;
 - c. Relation of the training to the competitiveness of a participant; and
 - d. Other employer-provided training and advancement opportunities.
2. LWDBs must define local eligibility criteria for IWT.
3. A description of how the LWDB will meet the non-federal share of cost for IWT.

4. LWDBs utilizing transitional jobs must include in their local operating procedures:
 - a. Provisions on the amount of reimbursement (up to 100%);
 - b. Limits on the duration of the jobs;
 - c. The supportive services to be offered; and
 - d. The manner for defining and identifying individuals who are “chronically unemployed” or “have an inconsistent work history.”

E. State and Local Monitoring

Services and activities provided under WIOA must be monitored annually for compliance with WIOA requirements by DEO pursuant to Section 185(c), WIOA. DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the employer, participant, and LWDB staff;
2. Local monitoring procedures of work-based training employers and worksites to ensure that all parties are, and remain in, compliance with federal and state laws, as well as state and local policies and procedures. LWDBs should include in the monitoring process visits to the worksite and interviews of participants and supervisors by individuals who are not responsible for the management of the worksite agreement or the case management of participants at the worksite; and
3. Validation of skills and competency attainment for participants.

LWDBs must ensure participating employers agree to cooperate with monitoring requirements conducted by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

F. Definitions

1. Individual Service Strategy - An individual plan for a youth which includes an employment goal, appropriate achievement objectives and the appropriate combination of services for the participant based on the objective assessment.
2. In-demand Occupation - an occupation that currently has or is projected to have a number of 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 appropriate.