

**GLOW WORKFORCE DEVELOPMENT BOARD POLICY
UNDER THE WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA)**

NAME OF POLICY: Customized Training Policy

**APPROVAL AND
EFFECTIVE DATE:** 9/15/20

Definition

Customized Training is training:

- That is designed to meet the special requirements of an employer (including a group of employers);
- That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and
- For which the employer pays for 50% of the cost of the training, as determined by the Local Board.
- The training relates to the *introduction* of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local WDB.

Customized training of an eligible employed individual may be provided for an employer or a group of employers when:

- The employee is not earning a self-sufficient wage (\$52,000 annual salary or \$25/hourly based on a 40 hour week)
- 50% cost of training could include such elements as: cost of the instruction, cost of the instructor, cost of curriculum development associated with the training course, training materials and books as needed for the course, etc.

GLOW Guidelines Process:

- The Contractor will be required to complete application, sign contract, and any other required forms in the Customized Training Policy
- Capital improvements are excluded from reimbursement
- Customized Training can be used for upgrading, retention, or increase of wages
- The GLOW WDB Executive Director will be the decision makers for determining approval for business request of customized training.
- Training decision appeals are brought to the GLOW WDB Executive Committee.
- Businesses applying for Customized Training must have a physical presence in the GLOW region
- Employees in customized training programs must earn less than the GLOW WDB Self-Sufficiency Rate Policy, which is currently **\$25.00/per hour or \$52,000 annual salary based on a 40-hour week.**
- Funds provided to Contractors for customized training must not be used to directly or indirectly assist, promote, or deter union organizing.
- The maximum amount for reimbursement of Customized Training cannot exceed \$5,000 per contract and \$10,000 per Contractor per program year (7/1-6/30).
- It is understood that any Contractor entering into a Customized Training Contract will agree to retain the trainee upon successful completion of his/her training, unless it is fully documented by the employer that the trainee is unable to adequately perform his/her job duties or the

employee violates company policies. If the Contractor demonstrates a pattern of laying off or terminating training participants within 6 months of training completion, the Contractor may be liable to reimburse training costs to GLOW.

- Contractors must be in compliance with the NYS Labor Laws as determined by the NYS Vetting Process.
- Participation in programs and activities or receiving funds under title I WIOA must be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Secretary of Homeland Security or the Secretary's designee to work in the United States.

Process To Apply for Customized Training:

1) Interested Businesses can contact the GLOW Coordinator, Michele Nichols, GLOW WDB, (585) 344-2042, x4239 or mnichols@co.genesee.ny.us who will notify the Program Operator of the training request:

Genesee, Livingston, Orleans, Wyoming (GLOW) One Stop Centers:

Teresa Van Son, WIOA Employment and Training Director, Email: Teresa.vanson@co.genesee.ny.us
Genesee County Career Center, 587 East Main Street, Suite 100, Batavia, NY 14020
585-344-2042

Ryan Snyder, WIOA Employment and Training Director, Email: rsnyder@co.livingston.ny.us
Livingston County Office of Workforce Development, 6 Court Street, Room 105, Geneseo, NY 14454
585-243-7047

Kelly Kiebala, WIOA Employment and Training Director, Email: kelly.kiebala@dfa.state.ny.us
Orleans County Job Development Agency, 14016 Route 31, Albion, NY 14411
(585) 589-2740

Rosemary Shader, WIOA Employment and Training Director /WCCA Executive Director, Email: rshader@wccainc.org

Beth Caton, Employment and Training Coordinator, Email: bcaton@wccainc.org
Wyoming County Community Action, Inc., 6470 Route 20A, Perry, NY 14530
585-237-2600

GLOW NYS DOL Businesses Services Representative
(585) 344-2042, 4251

Overview of Role of the GLOW One Stop Staff:

The role of the One-Stop staff is to determine eligibility, responsible for contract development, monitoring, and authorization of reimbursement to the employer. The GLOW WDB Staff will monitor the Customized Training Contract Programmatically and the Grant Recipient will monitor fiscally the Customized Training Contracts in the GLOW region.

Customized Training Pre-Award Review – Vetting Done by GLOW WDB Staff

Every business needs to be vetted. Interested Businesses need to complete the Responsibility Questionnaire and Preliminary Business Application, which are located at www.glowworks.org. The completed Questionnaire and Preliminary Business Application are sent to the GLOW Coordinator, Michele Nichols, at mnichols@co.genesee.ny.us or faxed to: (585) 344-4495. The GLOW Coordinator will conduct the Vetting requirements, which includes LWDA's confirming that the applicant business is a responsible training provider (bidder) for an OJT candidate by checking:

- Responses to Responsibility Questionnaire – If a business provides an answer of yes, they are to provide a written explanation on company letter head, signed by an officer of the company, and submitted along with

the completed questionnaire. It will be the responsibility of the local area to determine if the explanation provided by the business is satisfactory, therefore allowing the contracting process to continue. If a business has submitted a Responsibility Questionnaire within the last 12 calendar months, all that is needed is an attestation that the information presented in the form remains true, accurate, and complete. The Attestation Form is attached.

- Registration with the New York Department of State's Division of Corporations – This search can be conducted online at: www.dos.state.ny.us/corps/bus_entity.search.html. If you cannot find a business listed with the Division of Corporations you should reach to the business and ask them for assistance in finding their record. If the business is not registered with Division of Corporations, there are forms and fee schedules available at their website: <http://www.dos.state.ny.us/corps/buscrops.html#certinc>. If you need further assistance, please contact the GLOW Business Services Representative.
- Federal OSHA records. These records can be found online at: <http://www.osha.gov/pls/imis/establishment.html>. Search under New York State only. When reviewing the OSHA records, only open cases at the targeted worksite trigger a “red flag.” If there is no record for the business or if the open case is on another worksite, you can consider this a “pass.” If you encounter an open case with the business, you contact your regional OSHA office, www.osha.gov/oshdir/ny.html. They will be able to provide you with details of the open case to assist you in making your determination.
- New York State Department of Labor (NYSDOL) Records. Requests for evaluation of this information should be made to: OJTDueDiligence@labor.ny.gov using the OJT Due Diligence Request form with a copy of the appropriate Regional Business Services Representative. The subject line should read: “OJT/NEG Due Diligence Request – (Business Name). Upon receipt of the request, NYS DOL will send a confirmation email to the requesting local area. Due to the confidential nature of the state level check, NYSDOL will provide an email response of “Found to be Responsible,” “Issues Pending,” or “Not Found to be Responsible” for each entity, rather than providing any specifics for the categories of information. These responses will be provided within three business days from the date of the confirmation of receipt. This review takes a snapshot of the organization at the point in time the review takes place. The information reviewed is updated on quarterly basis. For this reason, the review is considered valid for three month period beginning on the date the review is completed. After this three month period, the organization must undergo a new diligence review if it wishes to enter into a new contract.
- Once NYSDOL Records confirms if employer is in compliance with Customized Training Vetting Requests, the GLOW Coordinator will inform the One Stop Office of Vetting approval and request of Customized Training.

Process to Apply for Customized Training Funds

- 1) **GLOW Workforce Development Area Customized Training Application** - The Business applying for Customized Training must complete the GLOW Workforce Development Area Customized Training Application for Training Funds and submit to staff.
- 2) **On-Site Review of Training Facility** - An on-site review must be conducted with the businesses prior to the training. This review will allow staff to see where the Customized Training participant(s) will be training, meet the trainee's supervisor, and gain a better understanding of the business' facility and operations. The purpose of this visit is to determine whether the business will afford a viable Customized Training opportunity. The training provider must provide attendance record of all customized training participant(s) during the training period. The WIOA Staff On Site Review Form for Customized Training must be completed and sent to GLOW WDB with the Customized Training Application and Training Funds Approval Form.
- 3) **WIOA Eligibility of Participants** - All training requests must follow the GLOW ITA Policy. Prior to approval of any Adult, DLW, or Youth Training, staff will have completed the following activities:
 - An eligibility intake (DEV including all the necessary documents in the customer file and enrollment in OSOS with casenotes documenting eligibility.
 - Objective Assessment
 - A completed Individual Service Strategy (ISS) signed by the participant
 - The participant must be assessed for supportive services

Once the Service Provider has completed the required activities listed above:

- 4) **Training Approval** - Staff will complete the GLOW WDB Training for Adult and DLW WIOA Funds Approval Form or GLOW WDB Training for WIOA Youth Training Approval Form **for each WIOA customer. The completed WIOA Staff On Site Review Form for Customized Training, Customized Training Application, and Training Funds Approval Form must be submitted to the Executive Director of the GLOW WDB for final approval before the training starts.**
- 5) **OSOS Data Entry** – On the day of the customized training service starts, staff must enter the appropriate service in OSOS. Customized training is entered as a Non-ITA Training. Staff will enter from ETPL Autoload. If it is not on ETPL Autoload, staff can create a service without it being on the ETPL but the curriculum of the training must be collected.
- 6) **Signing of Contract** – The Service Provider completes GLOW WDB WIOA Customized Training Contract, which shall be completed and signed prior to the participant(s) beginning training and after participant(s) are enrolled in program. Once the Service Provider and Employer sign the contract, it will be sent to the GLOW WDB Executive Director for signature. The GLOW WDB Executive Director will send executed contract to Service Provider and Employer, which includes employer’s agreement to terms of contract.
- 9) **Mid-Point Monitor** - For trainings that occur for more than 1 week, a mid-point on-site monitoring review will take place. This is to ensure that the contract is being followed and all trainings have been provided or are scheduled to be completed. In the event that the customized training is a week or less in duration, staff will receive correspondence of the events that have taken place during the training including attendance of participants and the training provided. One Stop Staff must ensure all customized training contracts are monitored **on-site at least once** to ensure compliance with contract terms and to help resolve any issues, **ideally around the mid-point of the training period.** The attached WIOA Staff On Site Review and Mid Point Monitor Form for Customized Training should be completed and sent to GLOW WDB Staff, Michele Nichols, mnichols@co.genesee.ny.us. Monitoring should verify that the participant is receiving the agreed upon training, and is not required to engage in prohibited activities.
- 10) **Employer Reimbursement** – Once the training is completed, the employer must submit verification of payment made for the training (receipt paid in full). The Service Providers submits the receipt for training paid to Principal Account Clerk, GLOW WDB Grant Recipient, who will pay 50% of the training cost up to the maximum allowed by contract, to the employer directly.

The LWDB, NYSDOL, or United States Department of Labor may inspect and monitor any records or activities pertaining to the contract at any time during normal business hours, and as often as deemed necessary. Such inspection shall be made to determine whether the business is in compliance with the terms and provisions of this contract and the participant is making sufficient progress.

GLOW WDB APPEAL PROCESS

In the event that a GLOW employer’s request for a Customized Training contract is turned down by a program operator, the employer shall have the right to appeal to the GLOW Workforce Development Board.

The Executive Director will call a meeting of members of the Executive Committee to review the complaint. If the program operator's decision is overturned, final say in the matter will be left to that county's Chief Elected Official, as the county would be ultimately responsible for any disallowed costs.

**WIOA STAFF ON SITE REVIEW AND MID POINT MONITOR FORM
FOR CUSTOMIZED TRAINING**
Email or Fax completed form to GLOW WDB at mnichols@co.genesee.ny.us or fax to: (585) 344-4495

| | | | |
|---------------------------------|---------------|------------------------------|--|
| Business Name: | | | Training Period Program Start Date: |
| Business Address: | | | Training Period Planned End Date: |
| City: | State: | Zip: | Total Hours of Training: |
| Primary Contact: | | Phone: | |
| Training Provider: | | Location of Training: | |
| Training Contact Person: | | | |

An on-site review must be conducted with the businesses **prior to the training**. This review will allow staff to see where the Customized Training participant(s) will be trained, meet the trainee's supervisor, and gain a better understanding of the business' facility and operations. The purpose of this visit is to determine whether the business will afford a viable Customized Training opportunity.

- 1) Was On Site Visit Review Conducted Prior to Training: Yes No**
2) Date Site Visit Was Conducted: _____
3) Is Training Facility Suitable and Appropriate for Training: Yes No
If no, explain: _____

For trainings that occur for more than 1 week an on-site monitoring review will take place. This is to ensure that the contract is being followed and all trainings have been provided or are scheduled to be completed. In the event that the customized training is a week or less in duration, staff will receive correspondence of the events that have taken place during the training including attendance of participants and the training provided. **The training provider must keep a record of all participant(s) attendance record and should be reviewed and obtained to ensure they are fully engaged in the training.**

- 1) Date Mid-Point Monitor Was Conducted: _____**
2) Is the proposed training outline being followed: Yes No
3) Have all proposed trainees attended all scheduled dates of training? Yes No
If no, please explain: _____

WIOA Staff Review and Monitoring Signature Date: _____

Please submit this form to GLOW WDB when On Site Review is completed and when Mid