

Governor's Workforce Investment Division Policy No. 15-00

Subject: Customized Training

Effective Date: October 31, 2000

Purpose: To provide policy guidance to local Workforce Investment Boards on customized training requirements under the Workforce Investment Act (WIA).

References: Workforce Investment Act of 1998, Section 134(d)(4)(ix). 20CFR Part 652 et al. Workforce Investment Act, Final Rules, Subsection 663.310, dated August 11, 2000.

Background: Adult and dislocated worker training funded under WIA is delivered through Individual Training Account Systems, except under certain training activities or local circumstances. Customized Training is one of the training activity exceptions. Customized Training is defined in Section 134(d) of WIA as training intended to meet special needs and requirements of an employer or group of employers in local areas. The training is carried out based on a commitment by the employer, or group of employers to hire, or in cases of incumbent workers, to continue to employ individuals who have successfully completed the training. Customized training activities under WIA require the employer to pay at least 50% of the cost for providing the training services.

Policy: Local Workforce Investment Boards must develop Customized Training policy and activities that compliment local conditions and circumstances. Customized Training contracts with employers must reflect a commitment by the employer(s) to hire, or continue to employ individuals who have successfully completed the training. Contracts must also reflect financial obligations that indicate at least 50% of the cost of the training will be paid by the employer(s).

Customized Training can be offered in response to the need of an employer or group of employers to introduce workers or potential workers to (1) new technologies, (2) new production or service procedures, (3) upgrading employee skills required for new jobs, or (4) other appropriate workforce development purposes as defined by the local Workforce Board.

Local policies must include safeguards to ensure that Classroom Training contracts are not executed with employers who have displayed poor patterns of hiring or retaining training participants in previous Customized Training or On-the-Job Training programs. Customized Training contracts using WIA funds may not be executed if the employer has relocated to the region from another location in the United States within 120 days, and if the relocation resulted in jobs lost by employees at the original location.

Customized Training contracts must be limited to the period of time required for an individual to reach a competency level required in the occupation for which the individual is being trained. These factors must be negotiated and agreed upon with the

employer(s), but should consider the skill requirements of the occupation, and the work experience and skill levels of the trainees.

Customized Training for employed individuals (incumbent workers) may be provided if the employee(s) is not earning a self-sufficient wage as defined by the local Workforce Board and the training is related to the need to upgrade skills in order for an employee to continue to work in their current job or upgrade to a new job. Local Boards should give extra consideration to employers who commit to backfilling vacated jobs with WORKFORCE West Virginia customers.

Contracts for Customized Training must be specific concerning the occupations being trained for, the duration of the training, the employer commitment to hire or retain the trainees, the shared training cost agreement, and other considerations that make clear the goals and intent of the training activity. Local boards must ensure that employers under contractual consideration have not violated labor laws, discrimination laws, and environmental protection, or health and safety laws. Boards may accomplish this by including assurance provisions in the contractual document.

Customized Training contracts cannot be used to assist, promote, or deter union organizing.

Action: Local Workforce Boards are to use this Customized Training policy to establish local Customized Training policies. If local policies are developed after the submission of a local operational plan, the local Board should submit the policy to the Governor's Workforce Investment Division as an addendum to their local operational plan by December 31, 2000.

Questions: Questions should be directed to the Governor's Workforce Investment Division. Building 6, Room B-617, 1900 Kanawha Blvd. East, Charleston, WV 25305. Toll free 1-877-967-5498.

Expiration Date: Effective until rescinded or modified by the West Virginia Workforce Investment Council.