
Policy Number: WIOA I-B – 5.1

Effective Date: April 10, 2018

Arkansas Work-Based Learning Program

PURPOSE:

The purpose of this policy is to describe and give general guidelines for an Arkansas Work-Based Learning Program, a cooperative program between the Arkansas Department of Workforce Services (ADWS), the local Workforce Development Boards (LWDBs), local program providers, and business partners. The program is designed to meet the needs of Arkansas businesses, provide job opportunities and training to populations with barriers to employment, and to increase the diversity and quality of training methods in Arkansas. All requirements and regulations are in accordance with the rules and regulations of the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB), as given in the Arkansas WIOA Title I-B Policy Manual.

REFERENCE:

WIOA §§ 134(c), 134(d)(4)

20 CFR 680.150(b), 680.210, 680.700(a), 20 CFR 680.720(b), 20 CFR 680.730(a), 680.790, 680.800, 680.820

TEGLs 10-16 & 19-16

AWDB Policy No. WIOA I-B – 1.2 (Definitions)

ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)

ADWS Policy No. WIOA I-B – 2.8 (Priority for Individuals with Barriers to Employment)

ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)

ADWS Policy No. WIOA I-B – 3.4 (On-the-job Training)

ADWS Policy No. WIOA I-B – 3.6 (Incumbent Worker Training)

ADWS Policy No. WIOA I-B – 3.8 (Work Experience)

POLICY:

The partnership between local program providers and the Arkansas Department of Workforce Services (ADWS) will add to existing efforts of local areas to strengthen work-based training options in Arkansas. The program will increase the abilities of local areas to focus on meeting the needs of Arkansas businesses, provide job opportunities and training to populations with barriers to employment, and to increase the diversity and quality of training methods in Arkansas.

The four options available through this partnership are on-the-job training (OJT), paid internships, paid work experience, and incumbent worker training (IWT). ADWS will develop announcements and applications for the Arkansas Work-Based Learning Program. Employers will apply to ADWS for funding for options that meet their needs. To participate in the program, employers will complete ADWS applications proposing work-based training. In each option, ADWS will work with local areas to identify businesses, to develop specifics of contracts, and to fund the programs. Local areas may assist employers in completing applications. Number of grants issued will depend on available State WIOA funding and the amount of each grant.

For some options, LWDBs may need to develop policies to determine guidelines for which employers may be served, the rate of reimbursement, training to be provided, and specific policies and procedures concerning the provision of services. LWDBs may also adopt the guidelines provided by ADWS to partner with them in providing the training.

In all the options except incumbent worker training, local program providers must determine eligibility, determine service needs, and provide case management for all participants.

There is nothing to prohibit a local area from using this policy as a model for their own program without partnering with ADWS.

All requirements, guidelines, and policies of the Arkansas WIOA Title I-B Policy Manual, the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, and Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA) must be followed.

Option A: On-the-Job Training (OJT)

Option A of the Arkansas Work-Based Learning Program is similar to a local area's on-the-job training program (OJT), as outlined in ADWS Policy No. WIOA I-B – 3.4 (*On-the-job Training*), except that employers will complete an ADWS application and that funding may come from state and/or local WIOA funds. ADWS will create policies that allow reimbursement of up to 75% of the participant's wages to compensate for the extraordinary cost of a participant's training. The percent to be reimbursed will be based on the size of the business, if the occupation of the position is in-demand, if the training leads to an industry-recognized credential, if the training is also part of a Registered Apprenticeship program, and if the trainee is an individual with a barrier to employment, as defined in AWDB Policy No. WIOA I-B – 1.2 (*Definitions*). LWDBs must adopt policies accepting the funding factors given in the grant announcement if local funds are to be used in the training. (A local area may also develop their own OJT policies for reimbursement up to 75% with different funding factors, as long as these factors following the guidelines in ADWS Policy No. WIOA I-B – 3.4 (*On-the-Job Training*) [*WIOA § 134(c)(3)(H); 20 CFR 680.700(a); 20 CFR 680.720(b); 20 CFR 680.730(a); TEGL 19.16; ADWS Policy No. WIOA I-B – 3.4 (On-the-Job Training)*]).

Local areas must determine eligibility of participants, identify supportive service needs, and provide case management. To be determined eligible for OJT, the individual must meet not only Adult, Dislocated Worker, or Out-of-School Youth eligibility requirements, but also eligibility requirements for an OJT, as listed on page 2 of ADWS Policy No. WIOA I-B – 3.4 (*On-the-job Training*) [*20 CFR 680.210*]. Participants in this joint program must be unemployed at the times of being determined eligible for WIOA Title I-B services and beginning the Arkansas Work-Based Learning Program.

Local areas and ADWS may work jointly to identify employers, and local area may assist employers in completing applications. Funding for the reimbursement may come from local or state WIOA funds. The coordination of funding will be determined before the grant is issued to the employer.

All policies of the program must follow the requirements of ADWS Policy No. WIOA I-B – 3.4 (*On-the-job Training*).

Option B: Paid Internships

A paid internship is a type of work experience and, as such, is a planned, structured learning experience that takes place in a workplace for a limited period of time and leads to a career. Paid internships are available for eligible adults, dislocated workers, and youth if these services are determined to be appropriate in order for such individuals to obtain or retain employment [*WIOA § 134(c)(2)(A)(xii)(VII)*; *20 CFR 680.150(b)*]. All policies and regulations contained in ADWS Policy No. WIOA I-B – 3.8 (Work Experience) apply to this program.

In Arkansas Work-Based Learning Program, internships may be provided when Registered Apprenticeships are not available or are not appropriate for the employer. Interns in this program must be unemployed individuals who are determined eligible for the Adult, Dislocated Worker, or Out-of-School Youth program. Interns must be attending occupational classes in the fields of their internships. If the occupation is in-demand, the training provider must be on the eligible training provider list. If the occupation is not in-demand, there must be a commitment by the employer to hire the intern at the end of successful training. The occupational training must lead to a recognized credential.

Local program providers must determine eligibility of participants for the program, their eligibility for training services, the eligibility of the training program, and the appropriateness of the training program and the workplace for the participant. Local areas will also provide case management and career services (including follow-up services) as appropriate for all participants. Local areas may also work with ADWS to identify and/or select appropriate occupations and workplaces. Policies in ADWS Policies No. WIOA I-B – 3.3 (*Occupational Skills Training*), 3.8 (*Work Experience*), and other appropriate policies in the Arkansas WIOA Title I-B Policy Manual must be followed.

Each intern will be paid wages for up to 20 hours per week for up to one year while working in a position that provides training in a field for which the intern is attending occupational training. The participant must be enrolled in occupational training during the entire internship, except for school breaks. If the student discontinues occupational training, the internship is discontinued. The local program provider will directly pay the intern, but state WIOA Title I-B funds may be used to reimburse the local program provider for part or all of the wages. The coordination of funding and the rate of pay to the intern will be determined before the grant is issued to the employer.

The occupational training component of the training may be subsidized with an Individual Training Account (ITA) provided with local funds, but such a subsidy is not required. If the ITA is provided, all requirements of ADWS Policy No. WIOA I-B – 3.3 (*Occupational Skills Training*) must be met. Other services may be provided using local funds, if case managers determine a need by the participant for such services and the services meet WIOA state and local policies.

Option C: Work Experience

Paid work experience, a planned, structured learning experience that takes place in a workplace for a limited period of time, is often needed for individuals with barriers to employment in order to enter or re-enter the workplace. The Work Experience Option of the Arkansas Work-Based Learning Program is designed as a cooperative effort of ADWS, local areas, and organizations to help eligible out-of-school youth, adults, and dislocated workers with barriers to employment, as defined in ADWS Policy No. WIOA I-B – 1.2 (*Definitions*), obtain self-sufficiency.

Work experience, for the purposes of the Arkansas Work-Based Learning Program, is for organizations who agree to train individuals with barriers to employment and to help them find unsubsidized jobs. Local areas will help identify businesses, determine eligibility and needed services for participants, and provide case management and follow-up services. Training must be provided in occupations in which the participant can obtain employment. The local program provider and/or the employer may provide career services, as appropriate; this arrangement will be stated in the contract. Wages to be paid will be proposed by the employer in the application, but they may be negotiated by the employer, ADWS, and the program provider, as appropriate. Wages and needed supportive services will be paid by the local program provider, but they may be reimbursed by state WIOA funds, as determined before the contract is written. All regulations and guidance in ADWS Policy No. WIOA I-B – 3.8 (*Work Experience*) must be followed.

Option D: Incumbent Worker Training (IWT)

Incumbent worker training (IWT) is training designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs. It is conducted with a commitment by the employer(s) to retain or avert the layoffs of the incumbent worker(s) trained [20 CFR 680.790; TEGL 19-16]. IWT is not permitted to be used to provide the occupational training a new hire needs [TEGL 19-16]. It may be used only to either:

- Help avert potential layoffs of employees, or
- Obtain the skills necessary to retain employment, such as increasing the skill levels of employees so they can be promoted within the company and create backfill opportunities for less-skilled employees [TEGL 19-16].

Unlike individuals in other options, incumbent workers are not individually determined eligible for the program, although they must meet basic eligibility requirements: at least 18 years old, a U.S. citizen or otherwise authorized to work in the United States, and in compliance with selective service requirements. They are not considered participants unless they receive other services under the Adult or Dislocated Worker program, although demographic information must be reported in AJL. [TEGLs 10-16 & 19-16; ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*)].

The employers, and not the workers, are chosen for the Incumbent Worker Program. The approved employer chooses the individuals to be trained, using the criteria in this option. Employees must have been employed with the company for at least 6 months, unless the training is being given to a cohort of employees. In that case, at least a majority of those being trained must have been employed for at least 6 months [TEGL 19-16]. More information concerning eligibility of workers and requirements of the program are in ADWS Policy I-B – 3.6 (*Incumbent Worker Training*).

Employers selected for participation in the program must be consistent with the careers listed in the state plan and must be in career paths that lead to in-demand occupations. Criteria to be used in the selection of particular employers for the Arkansas Work-Based Learning Program are:

- The number of employees participating in the training
- Wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training)
- The relationship of the training to the competitiveness of the employer and employees
- The availability of other employer-provided training and advancement opportunities
- The size of the employer
- The characteristics of the trainees, including those with documented barriers to employment, as defined in AWDB Policy No. WIOA I-B – 1.2 (*Definitions*)
- The quality of the training and advancement opportunities: whether the training leads to industry-recognized credentials and whether the occupation is considered to be in-demand, either at the state or local level

Employers will be reimbursed for a percentage of the cost of training, with the percentage dependent on the size of the business, the demand of the occupation for which the workers are being trained, whether the training leads to a credential, and if the workers have barriers to employment, as defined in AWDB Policy No. WIOA I-B – 1.2 (*Definitions*). Percentages of reimbursement will be consistent with the guidelines given in ADWS Policy No. WIOA I-B – 3.6 (*Incumbent Worker Training*), WIOA § 134(d)(4)(D)(ii), 20 CFR 680.820, and TEGL 19-16.

Either ADWS or a local area may administer IWT. If a local area administers this IWT program and state WIOA funds are used, the LWDB must adopt ADWS policies. If the local area administers an IWT program with local funds, the LWDB may develop other policies in compliant with ADWS Policy WIOA I-B – 3.6 (*Incumbent Worker Training*), or they may adopt the ADWS policies. Regardless of who administers and/or provides funding for the program, the selection of the employer must align with career pathways and sector strategies identified in the state and/or local plans [TEGL 19-16]. ADWS Policy I-B – 3.6 (*Incumbent Worker Training*) details information concerning providing other services to participants involved in IWT. The cost of these other services, determination of eligibility, and case management for participants receiving services must be provided by the local areas.

Funding for the cost of training may come from local or state WIOA funds. The coordination of funding will be determined before the grant is issued to the employer. Local areas may use up to 20% of the combined total of their Adult and Dislocated Worker allocations for incumbent worker training [WIOA § 134(d)(4)(A)(i); 20 CFR 680.800(a); TEGLs 10-16 & 19-16].

All policies and requirements of ADWS Policy WIOA I-B – 3.6 (*Incumbent Worker Training*) must be followed in the program.