

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 06-14, Change 1
Date:	September 27, 2021
Keyword:	TANF/Choices; TWIST; WIOA; WorkInTexas.com
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Courtney Arbour, Director, Workforce Development Division

Subject: **On-the-Job Training—Update**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with:

- updated information and guidance regarding on-the-job training (OJT); and
- form templates to assist in providing OJT services to employers and job seekers.

RESCISSIONS:

WD Letter 06-14

BACKGROUND:

The goal of OJT is to place participants in occupations that enhance their prospects for long-term employment and ultimately permit them to become self-sufficient.

The Workforce Innovation and Opportunity Act (WIOA) and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 allow states and Boards the flexibility to establish OJT policies and procedures that best fit local workforce development area needs for WIOA- and Temporary Assistance for Needy Families (TANF)–funded program participants.

To assist Boards in developing effective OJT policies, the Texas Workforce Commission (TWC)—with input from local Boards—is providing best practices and sample forms for Boards to use to adhere to WIOA, Choices, and Noncustodial Parent (NCP) Choices program requirements.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

NLF: Boards must ensure that participant referrals to OJT are made in accordance with state and federal rules and regulations, as applicable.

LF: Boards may use indicators to identify whether the participant might likely benefit from OJT, including, but not limited to, the participant having:

- fewer than two years with his or her last employer;
- fewer than two years total work experience;
- had five or more jobs in the last two years;
- work skills that need upgrading;
- no work experience in the last two years; or
- classroom training, but no work experience.

Boards may use other indicators based on local knowledge and need.

LF: To identify candidates for OJT, it is recommended that Boards review participants’ employment history and educational background in The Workforce Information System of Texas (TWIST) or in the WorkInTexas.com Wagner-Peyser application and the individual’s résumé.

On-the-Job Training Employer Contract, Training Plan, and Monthly Time Report and Invoice System

NLF: Boards must ensure that:

- there is a legally binding contract between the employer and the Board, or the Board’s designee, establishing the general terms and conditions that employers must adhere to in order to receive OJT referrals;
- an OJT plan is prepared outlining training activities to be accomplished during the training period; and
- an invoice system is in place to reimburse the employer the cost of providing the training and any additional supervision related to the training.

NLF: Boards must ensure that reimbursement limits are followed in accordance with 20 CFR §680.700, §680.730, and WIOA Guidelines.

NLF: Boards must not enter into an OJT employer contract with an employer that has received payments under previous contracts under WIOA, if the employer has

exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees.

NLF: Boards must be aware that an OJT employer 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.

NLF: Boards, or their designees, must develop and execute forms for the OJT employer contract, training plan, and monthly time report and invoice system.

LF: Boards, or their designees, may use the TWC form template for the training plan (Attachment 1) and monthly time report and invoice (Attachment 2).

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENTS:

Attachment 1: On-the-Job Training Plan

Attachment 2: On-the-Job Training Monthly Time Report and Invoice

Attachment 3: Revisions to WD Letter 06-14 Shown in Track Changes

REFERENCES:

Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128)
Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193

US Department of Health and Human Services, Administration for Children and Families

Temporary Assistance for Needy Families Final Rule, 45 CFR, Part 261.2(f)

Texas Workforce Commission Chapter 811 Choices Rules