



**Workforce Development Board**  
60 Central Ave., Rm B38  
Cortland, NY 13045  
Contact: Amy Buggs  
607-753-5071

## **Customized Training for Employed Workers Policy**

### **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 (\$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.
- The wages of the employees being trained while they are participating in customized training may be used towards meeting the match requirement for the training but may not be paid for with WIOA funds.

### **Cayuga Cortland Workforce Development Area 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 due to increase of responsibilities.
- The Cayuga Cortland Workforce Development Area Program Operators for each county will be the decision makers for determining approval for business request of customized training and Incumbent Worker Training.

- Training decision appeals are brought to the Cayuga Cortland Workforce Development Area WDB Executive Committee.
- Businesses applying for Customized Training must have a physical presence in the Cayuga Cortland Workforce Development Area region.
- Employees in customized training programs must be under the self-sufficient wage \$25.00 hourly 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 Cayuga Cortland Workforce Development Area.
- 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 WDB Director, Amy Buggs, Cayuga Cortland WDB, (607) 753-5071 or [abuggs@cortland-co.org](mailto:abuggs@cortland-co.org) who will notify the Program Operator of the training request:

### **Cayuga Cortland One Stop Centers (Program Operators):**

**Cortland Works Career Center, 99 Main St., Cortland, NY 13045**

Shannon Phillips, WIOA Cortland County Employment & Training Director,

Email: [sphillips@cortland-co.org](mailto:sphillips@cortland-co.org) Phone: (607)756-7585 ext.11 Fax: (607)756-5531

**Cayuga Works Career Center, 199 Franklin St., Suite 204, Auburn, NY 13021**

Kelly King, WIOA Cayuga County Employment & Training Director,

Email: [kmking@cayugacounty.us](mailto:kmking@cayugacounty.us) Phone: (315)253-1532 Fax: (315)253-1135

### **Overview of Role of the Cayuga Cortland Workforce Development Area 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 Cayuga & Cortland One Stop Staff will monitor the Customized Training Contract programmatically and the Cayuga

Cortland WDB staff will perform the fiscal monitoring of the Customized Training Contracts in the Cayuga Cortland WDB region.

### **Customized Training Pre-Award Review - Vetting**

Every business needs to be vetted. Interested Businesses need to complete the Responsibility Questionnaire (Attachment A of this policy) and Preliminary Business Application (Attachment B of this policy). [The completed Questionnaire and Preliminary Business Application are sent to the One Stop E&T Director, via email or fax.](#) The E&T Director will conduct the Vetting requirements, which includes LWDA's confirming that the applicant business is a responsible training provider (bidder) for an OJT/Customized Training 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](http://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/buscors.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](http://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](mailto: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 E&T Director will inform the One Stop Office Staff and WDB Office Staff of Vetting approval and request of Customized Training.

In addition, **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 working, 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 OJT/Customized Training opportunity.

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.

One Stop Staff completes the Cayuga Cortland Customized Training Contract, which shall be completed and signed prior to the participant(s) beginning training and after being enrolled in the program. Both the One Stop and employer must have a signed copy of the contract, which includes employer's agreement to terms of contract

## **Customized Training Contract Administration**

### **Process to Apply for Customized Training Funds**

The Cayuga Cortland WDB will establish one process for the One Stop Operators/Contractors, which will require documentation, of customer application for Financial Aid including PELL and TAP (where appropriate), for training programs of a year in duration or longer. Allowable verification includes a FAFSA screenshot, a letter from the training provider, award notification sent to the student, or copy of a tuition bill that shows how much financial aid was provided.

- All training requests must follow the Cayuga Cortland ITA Policy. Prior to approval of any Adult, DW, 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 case notes documenting eligibility.
- Objective Assessment
- A completed Individual Service Strategy and Training Agreement signed by the participant
- The participant must be assessed for supportive services
- Training outline developed and posted to OSOS

Once the Service Provider has completed the required activities listed above, they will notify the Cayuga Cortland WDB office and their appropriate fiscal office staff for final approval. Service providers will be able to pay the invoice, order cash, and report this on a monthly basis. The amount of training costs paid for on behalf of each service provider will be tracked and reported to the Board and the service providers periodically.

**Signing of Contract** - One Stop Staff completes Cayuga Cortland WDB WIOA Customized Training Contract, which shall be completed and signed prior to the participant beginning work and after being enrolled in the program. Both the One Stop and employer must have a signed copy of the contract, which includes employer's agreement to terms of contract.

**Employer Reimbursement** - The Contract includes a form that can be used for the vouchering process - a vouchering form and instructions will be given regarding required payroll documentation. The employer requests the timeframe for reimbursement – Monthly, Quarterly or Other. The employer submits verification of payroll, hours worked, timecards, etc. according to the reimbursement schedule that was agreed upon. Once all information is collected and verified, the wage reimbursement is processed.

**Monitoring** - 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 Monitoring Form should be completed and put in the Customized Training participant file. Monitoring should verify that the participant is receiving the agreed upon training, and is not required to engage in prohibited activities. The participant's attendance record should be reviewed to ensure they are fully engaged in the training. Business records should be reviewed to assure that the participant is receiving proper wages, tax withholdings and workers' compensation. Any compliance issues requiring corrective action must comply with local monitoring policies and procedures. The participant's progress should be noted in the comments section of OSOS. Businesses should also be monitored to determine whether there is a pattern of failure to retain OJT/Customized Training trainees.

**Contract Modifications, Extensions, and Terminations** – Refer to the Cayuga Cortland WDB staff office.

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.

### **Cayuga Cortland WDB Appeal Process**

In the event that a Cayuga Cortland WDA employer's request for an OJT or Customized Training contract is turned down by a program operator, the employer shall have the right to appeal to the Cayuga Cortland 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.