

CUSTOMIZED TRAINING & CONTRACTED EDUCATION TRAINING POLICIES AND PROCEDURES

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I. INTRODUCTION

The purpose of this policy is to provide guidance and establish procedures regarding Customized Training (CT) and Contracted Education Training (CET) as part of comprehensive regional sector pathway programs and strategies for developing a skilled workforce and income mobility. This policy applies to all relevant parties and is effective immediately.

Customized Training (CT) is designed to meet the unique training needs of an employer or a group of employers. CT can be used for training prospective (new) workers or Incumbent Workers. CT is business-driven where the employer decides who will provide the training (e.g., external trainer, internal manager), what curriculum will be used, and which workers will be trained. Prospective or incumbent workers benefit by learning new skills and obtaining or retaining employment after successful training completion. Upon entering a CT Agreement with the San Diego Workforce Partnership (Workforce Partnership), the business commits to hire or—in the case of incumbent workers—retain individuals who successfully complete training.

Contracted Education Training (CET) provides local boards the flexibility to contract directly with institutions of higher education or eligible training providers under certain conditions. Specifically, a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations if such contract does not limit customer choice. CETs provide the same flexibility and are intended to increase education, training enrollments, and training capacity at a time when many states and educational institutions are experiencing budget shortfalls. Direct contracts with institutions of higher education or eligible training providers allow local boards to quickly design training to fit the needs of both job seekers and employers.

Please Note: CT and CET funds must be used for occupations within the priority sectors as defined by the Workforce Partnership that led to employment opportunities enabling the participant to become economically self-sufficient and which will contribute to the occupational development and upward mobility of the participant.

II. CET & CT POLICIES AND PROCEDURES

A. CONTRACTED EDUCATION TRAINING (CET)

The Workforce Partnership may award institutions of higher education or eligible training providers, under the following conditions:

- the local board determines it would facilitate the training of multiple individuals in in-demand occupations, and
- the contracts do not limit customer choice

Training services include the full range of occupational skills training, adult education and literacy services, and customized training. Before entering such contracts, local boards should assess current training offerings to ensure that the service agreements are not duplicating existing training courses and curricula. These training contracts can be performance-based to ensure that they result in real outcomes for the students.

The institution of higher education or eligible training provider could develop curriculum for emerging sectors and enhance the capacity of the institutions to ensure quality training within limited timeframes. As such, the development of curriculum by institutions of higher education can

be considered a training activity, if it is developed in the context of providing training to participants. Curriculum activities should focus on adapting existing or creating new curriculum that will result in a short-term increase in training capacity, rather than long-term curriculum development activities.

In addition, the Workforce Partnership may contract with an institution of higher education or eligible training provider to procure a portion of a training class. Example: A community college has a solar technology program with 25 training slots. The Workforce Partnership may contract with the community college for 15 of the 25 training slots; therefore, the community college will have 10 enrollments for non-WIOA students.

This flexibility provides local boards the ability to select multiple high-demand training programs to serve participants. It also allows local boards to maximize their WIOA funds while allowing institutions of higher education or eligible training providers to continue to offer course availability to non-WIOA students.

1. **CET providers must meet one of the following requirements below:**

- Has accreditation status through an accrediting body recognized by one of the following:
 - Department of Education
 - Approval through a Federal or State agency that has oversight in a specific in-demand occupation
 - BPPE approval (or exemption)
- Is a public or other nonprofit institution and is accredited by a nationally recognized accrediting agency or an institution that has been granted pre-accreditation
- Is an eligible training provider listed on the State's Eligible Training Provider List.

2. **In-Demand Occupations**

Train for jobs that are considered in-demand in San Diego County. The list of ID jobs is updated on a yearly basis. Refer to Attachment – IN-DEMAND OCCUPATIONS LIST.

3. **CET Requirements**

- A minimum of 5 participants must enroll in the cohort;
- Training provider must accept and register (if applicable) all participants prior to the career center conducting intake and eligibility;
- Training provider must attend bi-weekly check-ins to check on the status of recruitment, and enrollment into the training;
- Training provider must provide training in accordance with the training agreement and attached curriculum.

B. CUSTOMIZED TRAINING (CT)

CTs differ from an OJT (On-the-Job Training agreement) based on volume (an employer or group of employers requiring five or more of the same/similar positions filled) and complexity (CT trains each participant for the same skill set rather than individualized job skills). A pre-screening should be conducted to ensure that the employer or training provider meets the minimum standards and can provide both training and employment to a customized training or contracted education training participant. If additional training is needed, the Career Center staff should ensure that a third-party training provider is included in the agreement.

1. Employer(s) must meet all requirements below:

- The employer is a valid company in the State of California
 - The BSR must check the business entity's status on the Secretary of State's webpage.sos.ca.gov
 - The BSR must check that the employer is not debarred or suspended www.sam.gov Click the "Search Records" button
- The business has not exhibited a pattern of failing to provide CT participants with continued employment;¹
- The business verifies WIOA funds will **not** be used to relocate operations in whole or in part²;
- The business has operated at its current location for at least 120 days. If less than 120 days and the business relocated from another area in the U.S and individual(s)/employees were not laid off at the previous location as a result of the relocation;³
- The business is not utilizing CT participants to fill job openings as a result of a labor dispute;⁴
- CT funds will not be used to directly or indirectly assist, promote, or deter union organizing;⁵
- The CT will not result in the full or partial displacement of employed workers;⁶
- Participant wages to be paid are;⁷
 - At the same rate, including periodic increases, as other participants or employees who are similarly situated in comparable occupations with the same employer, and who have equivalent training, experience, and skills;
 - In any event, no less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) or the applicable Federal, State, or local minimum wage;
- Participants must be provided benefits (e.g., workers' compensation, health insurance, unemployment insurance, retirement benefits) at the same level and to the same extent as other participants or employees working a similar length of time and doing the same type of work;⁸
- The employer will comply with the non-discrimination and equal opportunity provisions of WIOA law and regulations.⁹

2. CT Training Requirements

1. A minimum of 3 participants must enroll in the cohort;
2. CT duration must be limited to the time necessary for a customer to become proficient in the occupation for which the customer is receiving CT;
 - Length of training should be based on individual assessments of the participant's background, skills, and barriers to employment.
 - BSR should consult with the employer(s) and use the Occupational Information Network's (ONET) Specific Vocational Preparation Range (SVP) to determine the appropriate occupational training needed. Using the SVP provided by ONET, the

following duration times are recommended in addition to the participant’s past skill and experience.

Specific Vocational Preparation Range (SVP)	
Level	Timeframe
Level 1	< 1 month
Level 2	1 month
Level 3	< 1month – 3 months
Level 4	>3 months – 6 months
Level 5 - 9	>6 Months

3. CT must lead to full-time, regular employment (minimum of 32 hours per week) unless otherwise approved by the Manager of Business Services.
4. Employers participating in CTs must pay a significant cost of the CT training. This payment can be in-kind services. **CT funding cannot be used for participant wages but may be used to fund the cost of administering the training, including the wages of the trainer.**

Significant cost is defined by the following sliding scale:

- At least 10 percent of the cost for employers with 50 or fewer employees.
 - At least 25 percent of the cost for employers with 51 to 100 employees.
 - At least 50 percent of the cost for employers with more than 100 employees.
5. Must meet the approved target self-sufficiency wage as determined by the Workforce Development Board (WDB).

C. EQUAL OPPORTUNITY

Training provider must comply with all Equal Opportunity (EO) Policies and Procedures as outlined in **Chapter 9: Nondiscrimination & Equal Opportunity Policy and Complaint Procedures**. This includes compliance with grievance and criminal activity reporting requirements. Training Provider may be monitored by SDWP or a third-party monitor each year and must complete **ATTACHMENT - EO WIOA SECTION 188 COMPLIANCE CHECKLIST** found in **Chapter 8: Monitoring** during each annual review period.

D. CONFLICT OF INTEREST

No grantee, contractor, sub-grantee, or sub-contractor will engage in any conflict of interest, real, implied, or apparent, in the selection, award or administration of a WIOA funded contract or grant. Contracting must be conducted by training professionals and Employers in a manner that is objective and independent of personal interests.

A CT-related conflict of interest can arise in several ways:

- a) The business owner or the trainee’s direct supervisor is a member of the trainee’s immediate family. In this instance, it is not advisable to approve the training plan;
- b) The business owner or the trainee’s direct supervisor is a member of a WIOA staff person’s immediate family. In this instance, the WIOA staff person should declare the conflict in writing and should have no involvement with the execution, oversight, reimbursement or monitoring of the CT contract or related training plans;

- c) A WIOA participant receiving CT may be a member of a WIOA-funded staff person's immediate family. In this case, refer to the above-cited policy letter. It is impermissible for a publicly funded employee to favor or appear to favor a family member;
- d) Similar issues arise when a close relationship exists between the trainee, an employer, the trainee's direct supervisor or a WIOA-funded staff person. The close relationship could be a "significant other" or a business partner. These types of close relationships are hard to define precisely. The key is to preserve public trust and to avoid the appearance of favoritism. When in doubt, declare the conflict to your supervisor and handle the situation in a way that removes any hint of favoritism.

III. PARTICIPANT RECRUITMENT AND ELIGIBILITY

Under the WIOA there are two levels of services: Basic and Individualized services. A determination that a participant needs individualized and/or training services can be made without regard to how long the individual has been receiving services at each level. Participants must meet eligibility requirements, before being provided training services. Eligibility for services is found in the **Chapter 7, Part 1: WIOA Adult and Dislocated Worker Program Eligibility**.

Training services are available to those participants who are unable to find employment. Need and ability to benefit from WIOA funds must be established and the participant must have the skills and qualifications to successfully complete the training program. An individual's need for training shall be determined through an assessment. Participants with marketable skills within an in-demand occupation shall not be deemed eligible for WIOA funded training.

A. INTAKE AND ELIGIBILITY

1. As necessary, to meet the needs of the employer or training provider, the career center staff shall conduct recruitments for the training. The announcement shall include qualifications, job description (if applicable), training information, deadlines for the CT/CET recruitment, and a summary of the recruitment procedure.
2. The Intake and Eligibility Specialist shall complete eligibility for all prospective trainees.

B. CASE MANAGEMENT

The Career Navigator shall ensure completion of all required WIOA activities for enrollment into training including Individual Employment Plan (IEP) development, delivery of supportive services.

C. CAREER ASSESMENT AND CUSTOMER TRAINING CONTRACT

The Career Navigator shall guide the participant with conducting the following prior to approving a CET

Career Assessment and Customer Training Contract

1. Review **ATTACHMENT - CUSTOMER TRAINING CONTRACT** with the participant and upload the signed contract to CalJOBS activity code 202 (Career Guidance/Planning).
2. The participant shall create a profile on [Career Coach](#) and complete the career assessment to explore local careers and educational programs that match their assessment results and interests. The Career Navigator shall attach the participants results to CalJOBS activity code 204 (Interest and Aptitude Testing).

IV. DEVELOPMENT OF THE TRAINING AGREEMENT

Each cohort will be assigned a project management team. This team will consist of The Training Development Coordinator/Business Service Representatives, Career Navigator, Eligibility Specialist, Training Find Coordinator and Sector Initiatives lead when applicable.

A. TRAINING AGREEMENT NUMBER

When a training opportunity has been developed, the Training Development Coordinator or Business Service Representative shall request a vendor ID via email:

newvendorsetup@workforce.org.

New Vendor (Training Provider or Employer)

For a new Training Provider or Employer, a vendor ID shall be requested from the Training Development Coordinator or Business Service Representative via email to

newvendorsetup@workforce.org by sending a completed **ATTACHMENT – NEW VENDOR REQUEST FORM**, found in the **Chapter 6, Financial Management**. Please allow up to three (3) business days to receive a new vendor ID.

A new vendor request MUST include the following:

- **ATTACHMENT – NEW VENDOR REQUEST FORM;**
 - W9; and
 - Attachment - EO WIOA Section 188 EEO Compliance checklist, found in the **Chapter 8, Oversight and Monitoring**.

Existing Vendor (Training Provider or Employer)

For an existing Training Provider/Employer, the Training Development Coordinator or Business Service Representative must request an agreement number for each cohort via email to newvendorsetup@workforce.org. Please allow up to two (2) business days to receive a new agreement number.

The following shall be used to assign Training Agreement numbers:

- Training Type + Vendor ID (4 digits) + sequence (3 digits)

Training Type	Example
CET- Contracted Education Training	CET-1234-001
CT - Customized Training	CT-1234-001

B. TRAINING AGREEMENT

The Training Development Coordinator/ Business Service Representative shall generate the **ATTACHMENT – TRAINING AGREEMENT** and obtain all the necessary signatures no less than 60 days prior to the start date of training and submit the completed training agreement to voucher@workforce.org.

In the event the training agreement has missing information or incorrect information, the Training Funds Coordinator will notify the Training Development Coordinator/ Business Service Representative via the Voucher Corrections Spreadsheet in SharePoint that the agreement is being returned listing the specific reason(s) for the return. The date of the Career Center's signature remains the driving date to determine the agreement due date. Within two business

days of receipt of the complete and accurate agreement, Training Funds Coordinator shall approve and forward the training agreement packet to finance department.

C. CREATE A PROVIDER PROFILE IN CALJOBS

The Training Development Coordinator or Business Service Representative is responsible for creating a profile for the employer in CalJOBS prior to the training start date.

Create a Provider Profile in CalJOBS

1. Search for Existing Provider (Training Provider/Employer)

The Training Development Coordinator or Business Service Representative shall search the Provider profile in CalJOBS.

- Log into CalJOBS with your provider access
- Select **Manage Providers** from the **Services for Workforce Staff** section of the navigational menu
- Select **Assist a Provider**
- Using the **Provider Name 1** field, search the name of the employer
 - Complete a thorough search to verify if the employer already exists prior to creating new provider profile

If the provider is found there is no need to create a provider profile. If the provider is not found the Training Provider/Employer must follow the steps in **ATTACHMENT – TRAINING PROVIDER INSTRUCTIONS** to create a provider profile.

D. CREATE THE PROVIDER PROGRAM (OCCUPATION INFORMATION)

The Training Development Coordinator or Business Service Representative shall input the provider program in CalJOBS (only required once per cohort). Refer to **ATTACHMENT – TRAINING PROVIDER INSTRUCTIONS** to create the provider program.

E. ACTIVITY ENROLLMENT SUMMARY

Once the participants start training, the Career Navigator is responsible for the following:

- Add appropriate training activity code in CalJOBS

<i>Training Type</i>	<i>Activity Code</i>
<i>CET- Contracted Education Training</i>	330
<i>CT - Customized Training</i>	304

- Enter the required (*) fields on each of the following tabs:
 - General Information
 - Service Provider
- On the **General Information** tab:
 - Actual Begin Date
 - Projected End Date
 - In the *Comments* field text box include:
 - Training Agreement Number
 - See Training Agreement Number below
 - Based on the current ETPL

EXAMPLE:

CET-1234-001 Sector: Healthcare Project: UCSD SUD

- On the **Service Provider** tab:
 - Use the Program Portal to ensure selecting the correct cohort information (Training Provider and Training Program)
 - Select the Standard Occupational Code (SOC) based on the information found on the Partner Portal – program information

The Training Development Coordinator shall confirm that all cohort participant started training and notify the Career Navigator to document confirmation with the CalJOBS activity code and required case note.

1. Case Notes

The following sample case note shall be used:

On **[Date]** I called **[Name of Employer/Training Provider]** to verify that **[Name of Participant]** started CET/CT program name on **[Date]**. I spoke with **[Name of Contact]** and Contact’s **[Title Name of Contact]** verified that the participant began training program on intended start date.

If the participant’s start date was different that the “projected start date” noted on the training agreement packet, a case note should be used to document the change and the reason for the change.

F. APPROVAL OF DELIVERABLES INVOICE

The Training Development Coordinator or Business Services Representative shall complete **ATTACHMENT – APPROVAL OF DELIVERABLES INVOICE** along with the employer/training provider for each deliverable and attach required supporting documentation for each participant enrolled in the cohort and submit to voucher@workforce.org.

Training Outcomes			
This training agreement will be performance-based to ensure that the program result in real outcomes for the participants. I understand that total payment for each deliverable will be prorated based on the number of participants that complete each deliverable. By entering into this agreement, I agree to the following deliverables:			
Deliverable	Description	CT Funding Breakdown	CET Funding Breakdown
Enrollment	# Of participants enrolled in WIOA and attended the first day of training. Submit the Expense Detail Distribution Form Details Deliverables File Supporting Documentation: submit a copy of the activity enrollment summary for each participant.	80%	80%
Midpoint	Provide a midpoint progress report to career center staff Supporting Documentation: submit Attachment - Participant Evaluation and Progress Report Form for each participant.	10%	10%

Completion	Certificate of Completion attainment. Supporting Documentation: submit a copy of the certificate/credential for each of the participants.	5%	10%
Entered Employment	Placement in a related occupation. Supporting documentation: provide verification of employment.	5%	N/A

If the invoice has missing or incorrect information the Training Funds Coordinator shall notify the Training Development Coordinator or Business Services Representative via the **Voucher Corrections Spreadsheet** in SharePoint documenting that the Invoice has been returned and shall list the specific reason(s) for the return.

The Training Funds Coordinator shall forward the approved invoice to the Finance Department for payment directly to the Training Provider or Employer, in full, within 30 days of receiving a final correct invoice.

V. VOIDS, DISCONTINUATIONS, MEMOS & REFUNDS

Participants, at their right, may discontinue training at any point during the program. It is the responsibility of the staff to work with each participant and ensure their training needs are met. However, a participant may not switch to a different training and/or Training Provider/Employer under the same CET/CT Agreement and may not be eligible for another training if they discontinue. Discontinuations will be evaluated on a case-by case basis by The Workforce Partnership.

A. VOID

An CET/CT Void occurs when a participant decides to forego training. A CET/CT Void occurs when a participant does not start training and no costs are incurred.

Void Process

- If the participant has begun training and no costs were incurred, the Career Center Supervisor shall submit a data change request (DCR) to have the activity code removed.
- A case note noting the void and the reason for discontinuation must be added to the participant's profile in CalJOBS.

B. DISCONTINUATION

An CET/CT Discontinuation occurs when a participant starts training and discontinues training. If the participant's discontinuance is due to an unforeseeable emergency (e.g., illness, death) then the participant is eligible for reinstatement, based on approval.

Discontinuation Process

- Staff shall document the change and update the CET/CT status CalJOBS activity code.
 - If an Actual Start Date was entered in CalJOBS and no invoice was submitted, you must update the status in CalJOBS to **drop out of activity**, or
 - If an Actual Start Date was entered in CalJOBS and an invoice was submitted for payment, update the status in CalJOBS **unsuccessful completion**.
 - A case note noting the discontinuation and the reason for discontinuation must be added to the activity code.

C. MEMORANDUMS

The Training Development Coordinator/ Business Service representative shall submit a modification memo to the agreement if there have been any changes to the agreement, such as

agreement number, start date of training, enrollment increase or decrease (only applicable prior to the start date), and budget amounts.

D. RECOVERY OF WIOA TRAINING FUNDS

Training Providers/Employers must refund any WIOA training funds to the San Diego Workforce Partnership in cases where there is a, over-invoicing, or in cases of conflict of interest (Reference the Workforce Partnership's Operations Manual Chapter 3). When issuing a refund Training Provider/Employer must notify the Career Center Training Funds Coordinator by sending an email to voucher@workforce.org. Send refunds to: **San Diego Workforce Partnership Attn: Accounts Receivable 9246 Lightwave Ave, Suite #210 San Diego, CA 92123** and include a copy of the training agreement and reference the training agreement number on the check.

VI. PROGRESS REPORT & ATTENDANCE

The training provider must provide **ATTACHMENT – PARTICIPANT EVALUATION & PROGRESS REPORT FORM** on the participant's progress and attendance to the Business Service Representative at midpoint of training or before the program year ends (June 30th) whichever comes first. In the event that the participant fails to attend training, quits or is terminated the employer must inform Workforce Partnership staff within three (3) days.

VII. REFERENCES

WIOA Regulations at 20 CFR, parts 680.200, 700, 710, 720, 730

[TEGL 2-15](#), "Operational Guidance for National Dislocated Worker Grants, pursuant to the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act)."

[TEGL 19-16](#), "Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules."

[WSD 13-13](#), "Contracts with Higher Education or Eligible Training Providers"