# PART C, CHAPTER 10.4: ON-THE-JOB TRAINING

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 10.4 | 34 CFR [§361.48(b)(6)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(6)) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to using On-the-Job training (OJT) services necessary to reach the employment goal of a customer.

## DEFINITIONS

1099 Employee: Freelancer, independent contractor, or other self-employed worker who completes particular jobs or assignments; not employees of the company.

Essential Job Duties: Basic job tasks that an employee must be capable of performing, with or without reasonable accommodation.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing the training services and the providers of those services.

Non-Essential Job Duties: Tasks that are not necessary to perform the job and can be reassigned to another employee or performed by someone else.

On-the-Job Training (OJT): Vocational training service for which VR compensates an employer to train a VR customer, who has been hired by the business in a competitive integrated position and receives equal pay and benefits as other non-disabled employees in the same or similar roles. The employer trains the customer in both essential and non-essential job tasks required for the position.

On-the-Job Training Employee: Paid employee on the payroll of the OJT employer; is not a 1099 employee. The employer or its representative provides on-the-job training for essential and nonessential job duties. In this policy, an OJT employee is an eligible VR customer.

On-the-Job Training Employer: Company or organization that hires and provides OJT to its OJT employees. This training equips workers with the knowledge and skills necessary to perform their jobs effectively.

## POLICY

### General Overview

OJT is a service offered by TWC-VR to assist individuals with disabilities who have limited skills or work experience in gaining employment. It is also beneficial for those facing challenges like unemployment, legal issues, or prior incarceration. With OJT, TWC-VR pays an employer to train a VR customer. The employer takes on the responsibility to train the customer in the essential and non-essential duties required for the position, ensuring they acquire the necessary skills for successful job performance to meet the employer’s expectations.

OJT provides two key advantages:

1. For OJT Employers: Serves as an incentive for hiring by compensating some of the training costs.
2. For OJT Employees: Serves as a tool in overcoming employment barriers by providing tailored job skills training of a specific position or occupation.

### Service Restrictions

TWC-VR cannot purchase the following services when a customer is receiving OJT:

* Job Skills Training;
* Bundled Job Placement Services;
* Supported Employment Services;
* Work Experience Training Services;
* Project Search;
* Wage Services for Work Experience; and
* Paid Work Experience (PWE) with Local Workforce Boards.

### Recognized Credentials and Measurable Skill Gains (MSG)

OJT includes training that may result in MSGs but does not lead to a recognized credential. All MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on OJT services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
* Customer Participation in the Cost of Services: OJT services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Determining the Need for OJT

The VR counselor determines if OJT is appropriate for the customer and ensures they are job ready. A business must agree to hire and train the customer to meet the demands of the position and the expectations of the employer.

OJT is appropriate for customers—

* When they have identified an interest to learn the skills necessary to work in an industry through on-the-job training to meet the expectations of the employer and to perform the roles and responsibilities in the job description;
* Who meet the minimum requirements for the position but require formal and/or informal training activities at the work site to acquire the skills necessary for that specific position or occupation; and/or
* Who need help building specific work skills and reestablishing employment when they have limited skills, limited work history, and a history of unemployment, legal issues, or incarceration.

### Responsibility of VR Counselor

The VR Counselor is responsible for the following:

* Customer’s job-readiness;
* Arranging VR-sponsored OJT with an employer;
* Providing case management;
* Providing counseling and guidance, as needed; and
* Following procedures listed below.

### Employer Identification

The VR Counselor, with or without the Business Relations Team and other involved individuals, as applicable, must identify potential businesses and employers that are willing to hire the customer and participate in OJT.

Prior to developing an OJT service with any potential employer, pre-screening is recommended to ensure that the employer meets the minimum standards and can provide both training and employment to an OJT participant.

### Employer Expectations

The VR Counselor must include the employer's participation requirements in the *On-the-Job Training Worksheet (VR1609)*. TWC-VR staff must ensure the business is committed to hiring and retaining the customer (employee) after successful completion of the OJT if the customer competently performs essential functions of the position or industry. The customer (employee) must not be hired as a 1099 employee.

### Setting Up OJT Services

Once the employer agrees to provide OJT for a customer, the VR Counselor and/or designated TWC-VR staff must do the following:

* Assist the employer in establishing itself as a vendor;
* Complete the *VR1609* with the customer and employer’s representative, specifying training details, goals, and costs. As the form is being completed, the VR Counselor, customer, and employer negotiate the stipulations of the OJT. It is the responsibility of the VR Counselor to ensure *VR1609* is accurately completed;
* Create a service authorization (SA) in RHW, outlining the agreed-upon specifications, expectations, goals, OJT fees, and any pertinent information;
* Review the SA with the employer’s representative to ensure they understand the details, including the invoice process, documentation requirement, and the agree-upon fees paid for services.

### The Length of OJT

The length of OJT depends on the skills to be learned and the customer’s learning ability. OJT services are intended to be short-term (12 weeks or less).

Time spent in OJT cannot be counted toward the 90 days of employment required for a successful closure. The start date of employment entered in RHW must be after the date of the successful OJT completion.

### Monitoring and Progress

TWC-VR staff must do the following as it pertains to monitoring and progress:

* Ensure the employer understands their requirement to complete and submit the *On-the-Job Training Progress Report (VR3316)* that documents the customer’s progress each time they submit an invoice to TWC-VR, or at least once every 30 days of the OJT;
* Visit the worksite to evaluate OJT success and document observations in a case note in RHW; and
* Update *VR1609* as needed, create a new form if necessary, and reflect changes in the SA.

### Paying for OJT

TWC-VR may pay OJT fees to an employer for—

* Training expenses necessary for the customer to demonstrate essential and non-essentials job responsibilities to the employer’s expectations; and
* Any wasted product produced during the training that is not put into the business's product inventory.

The cost per hour of training is determined by the trainer's hourly rate, which is typically calculated from their salary.

The VR Counselor must negotiate a payment schedule that progressively decreases throughout the training period as the customer's skills increase.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

*Approvals*

* *VR Supervisor approval is required for an OJT to exceed three months.*

*Consultations*

* *State Office Program Specialist(s) consultation is required when an OJT plan will require VR to pay a higher percentage of reimbursement than defined in policy.*

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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