

## PRINCE GEORGE'S COUNTY WORKFORCE DEVELOPMENT BOARD

### EMPLOYER BASED SKILL DEVELOPMENT

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**POLICY NUMBER:** 1.4000.100.032

**EFFECTIVE:** January 1, 2023

**APPROVING AUTHORITY:** Board Chair  
Prince George's County Workforce Development Board

**RESPONSIBLE STAFF:** Chief Officers, Directors, Managers, Contract Providers

**RESPONSIBLE OFFICE:** Office of the President, Employ Prince George's, Inc.

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#### BACKGROUND:

The Prince George's County Public Workforce System, modeled as a free membership network and branded as the Prince George's County American Job Center Community Network, is the workforce system for the Prince George's County Local Workforce Development Area. The Prince George's County Local Workforce Development Area is one of 13 Local Workforce Development Areas in Maryland. Each Local Workforce Development Area is led by a Chief Local Elected Official and governed by a Local Workforce Development Board. The Prince George's County Executive is the Chief Local Elected Official for Prince George's County, and the Local Workforce Development Board is the Prince George's County Workforce Development Board. Based on the Prince George's County Local Workforce Area WIOA Local Governance Agreement between the Prince George's County Executive, the Prince George's County Workforce Development Board, and Employ Prince George's, Inc. (EPG), EPG serves as the administrative staff and fiscal agent of the Prince George's County Workforce Development Board (WDB).

#### PURPOSE:

Work-based learning (WBL) is a collective group of training options used to serve the needs of both businesses and job seekers by delivering training to job-seekers and trained employees to businesses. WBL utilizes the workplace to provide students with the knowledge and skills needed in real-life work activities. The Prince George's County Workforce Development Board allows the use of work-based learning as outlined in this policy.

#### POLICY:

The Prince George's County Workforce Development Board (WDB) allows the use of a variety of strategies to deliver qualified workers to businesses, improve the productivity of businesses, and

provide jobseekers with opportunities for careers in high demand/high growth industries. These strategies include paid and unpaid work experience, transitional jobs, on-the-job training, customized training, and incumbent worker training and are often referred to as “earn and learn” opportunities.

### Work Experience

An internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships, summer employment, job-shadowing, Pre-apprenticeship programs and other work experience may be paid or unpaid, as appropriate. An internship or other work experience may be arranged within the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

The employer is responsible for providing supervision and training to the participant as outlined in the contractual agreement. Eligible job seekers are those who have a demonstrated need for and who will receive a benefit from work experience participation. A Work Experience is not intended for long-term skill building within the occupation but rather as an entry step for the participant to explore the occupation, develop their skills, gain work history and references. The length of the work experience will be determined by the needs of the individual participant, up to 52 weeks. Work experiences may not provide more than 40 hours a week and, for paid experiences, wages may be subsidized up to 100%.

### Transitional Jobs

A transitional job is a temporary work experience placement for the purpose of providing the job seeker with the opportunity to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment. The WDB authorizes the use of transitional jobs to provide a meaningful opportunity for individuals, especially those with barriers to employment and inconsistent work history, to gain experience that leads to stable long-term employment.

Candidates for transitional job opportunities are those who are chronically unemployed or who have an inconsistent work history. In addition to individuals with no work history, the WDB defines individuals with “chronic unemployment” or “inconsistent work history” as those who, in the twelve months prior to eligibility determination:

- Were unemployed for ten consecutive weeks;
- Have not worked for the same employer for longer than three consecutive months;
- Have held three or more jobs;
- Have held only temporary or seasonal employment; or
- Have multiple periods of full-time permanent employment that lasted less than ten weeks each.



Transitional jobs must be limited to the period of time required for a participant to establish a work history, demonstrate success in the workplace, and develop the skills needed to enter unsubsidized employment. Transitional jobs may last up to 52 weeks, as appropriate for the participant's needs. Transitional jobs may not provide more than 40 hours a week and must pay at least minimum wage. Wages may be subsidized up to 100%.

Employment positions may be in the public, private, or non-profit sectors. Because transitional jobs must be planned, structured learning experiences, the employer must be willing to provide supervision and feedback to the participant at regular intervals during the course of the employment period. Further, the employer is under no obligation to offer regular employment to the participant at the conclusion of the transitional job period; however, they are not restricted from doing so.

Depending on the individual needs of the participating jobseeker, a combination of other assistance including career services and supportive services will be provided as appropriate.

### On-the-Job Training

On-the-job training (OJT) is a type of training that is provided by an employer to an employee. During the training, the participating employee is engaged in productive work, is paid for the hours worked, and receives training from the employer in the knowledge and skills to be competent in the job for which they are hired.

OJT may be provided by an employer in the public, private non-profit or private sectors. OJT contracts may also be entered into with Registered Apprenticeship program sponsors or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship. Wages must be consistent with the wages of employees working the same or similar jobs with the employer. Retention of the employee is expected after the training period. Businesses who have exhibited a pattern of failing to provide continued employment will no longer qualify for OJT contracts.

On-the-job training must be provided through a contract that provides a structured training opportunity for the new employee and 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, not to exceed 26 weeks. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's goals. The employer's training reimbursement payment is based on a predetermined number of training hours and limited to the gross wages paid to the employee for hours worked during the training period, not to exceed 40 hours per week. Wages may be subsidized for the duration of the contractual training period. For medium and large businesses (51+ employees), wages may be subsidized at a rate of 50%. Due to the nature of the challenges small businesses (1-50 employees) face, wages may be subsidized up to 75%.

Candidates for OJT are those job-seekers who need new skills to adequately perform the desired position. While most OJTs occur when an individual is newly hired to a company, an OJT may be provided to an employed worker when:

- The employee's family income is less than 150% of the most recent Lower Living Income Standard Level or the employee is not earning wages comparable to or higher than wages earned in employment immediately prior to the current position; and
- The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, or workplace literacy.

### Customized Training

Customized Training is a type of training that is provided by an employer or a training provider (in close partnership with the employer) to an employee. The training provides knowledge or skills essential to the full and adequate performance of the occupation and is conducted with a commitment by the employer to continue to employ the individual upon successful completion of the training. 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 employees benefit by learning new skills and obtaining or retaining employment after successful training completion.

The length of training is limited in duration as appropriate to the occupation for which the participant is being trained and may not exceed 26 weeks. The employer will be reimbursed for 50% of the actual costs of providing the training, as outlined in the contract.

While most Customized Trainings occur when an individual is newly hired to a company, training may be provided to an employed worker when:

- The employee's family income is less than 150% of the most recent Lower Living Income Standard Level or the employee is not earning wages comparable to or higher than wages earned in employment immediately prior to the current position; and
- The training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, or workplace literacy.

### Incumbent Worker Training

Incumbent Worker Training is a type of training that is provided by an employer or a training provider (in close partnership with the employer) to an employee. The training provides knowledge or skills essential to the full and adequate performance of the occupation and is conducted with a commitment by the employer to continue to employ the individual upon successful completion of the training. Incumbent Worker Training (IWT) provides both workers and employers with the opportunity to build and maintain a quality workforce. Training is intended to assist with expansion, new technology, retooling, new services/product lines, and/or new organizational structuring, or to be used as a layoff aversion strategy. Incumbent Worker



Training is conducted with a commitment by the employer to retain the incumbent worker(s) training and to increase the competitiveness of the employee and the employer.

Incumbent worker training is responsive to the special requirements of an employer or a group of employers to help avert potential layoffs of employees or increase the skill levels of employees so they can be promoted within the company and create backfill opportunities for the employers. A group of employers may form a training consortium for the purposes of receiving IWT. Common examples of training consortia include, but are not limited to business associations, industry councils, chambers of commerce or community development corporations. The training consortium, or a third party representing the training consortium, may apply for IWT on behalf of the group of employers but cannot serve as the training provider and is not eligible to receive any funding as payment for their services. IWT funding may not be used for members of a training consortium who would otherwise be ineligible for IWT, i.e. training entities and city, county and state governments. The length of training is limited in duration as appropriate to the occupation for which the participant is being trained and may not exceed 26 weeks.

The employer will be reimbursed for the actual costs of providing the training, as outlined in the contract, based on business size:

- 1-50 employees: 90% reimbursement
- 51-100 employees: 75% reimbursement
- 101+ employees: 50% reimbursement

For an employer to receive Incumbent Worker Training funds, individual(s) receiving training must be:

- Employed in full-time permanent status;
- Meet the Fair Labor Standards Act requirements for an employer-employee relationship; and
- Have an established employment history with the employer for 6 months or more. If the training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for 6 months or more, if the majority of employees being trained meet the employment history requirement.

IWT is a reimbursement grant program wherein the business is reimbursed for actual training costs following the completion of training.

Costs that can be reimbursed through the grant include the following:

- Training/Course Registration
- Textbooks/manuals
- Training Materials/Supplies

Costs that cannot be reimbursed through IWT include the following:

- Administrative costs incurred by the business/training consortium
- Trainee wages or travel
- Training Equipment
- Capital Improvements
- Curriculum Development

- Purchase of any item or service that may be used outside of the training project (including computer equipment and non-training related software)
- Costs incurred prior to the approval date of the application

IWT funding is awarded on a competitive basis. When evaluating applications, the following criteria will be considered:

- The characteristics of the employees to be trained (job title(s) and length of employment);
- The relationship of the training to the competitiveness of both the employer and employee;
- Total cost of training;
- Cost of training per participant;
- Wage and benefit levels of those employees (both pre-training and post training wages); and
- Credentials and skills gained as a result of the training

#### Employer Eligibility

- Potentially eligible employers able to participate in work-based learning sites include: private-for-profit employers, private non-profit organizations, or public-sector employers.
- Each work-based learning contract will be guided by a written agreement which will specify the occupational and employability competencies the participant will achieve in the job, the relationship and responsibilities of all parties, the evaluation process that will outline the progress of the participant at certain intervals, the individual employment plan for the participant, and other necessary requirements.
- Regular and on-going monitoring and oversight of the work-based learning program. Monitoring may include on-site visits and phone/email communication with the employer/trainer and participant to review progress in meeting training plan objectives. Any deviations from the agreement should be dealt with promptly. Training and payroll records may be reviewed by Federal, State and WDB fiscal and program monitors. These entities have the right to access, examine and inspect any site where any phase of a work-based training contract is being conducted.
- An employer will not be eligible to participate if the business has exhibited a pattern of failing to provide OJT, Customized, and Incumbent Worker Training participants with continued employment.
- Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in work-based learning (employer-employee relationship).
- Workers' compensation insurance must be provided for participants engaged in work-based learning.
- 1099 positions are not eligible.



- The host employer is in compliance with Federal and State laws including those laws pertaining to nondiscrimination based on race, color, sex, religion, national origin, age, disability, sexual orientation, and marital status.
- The host employer is not experiencing abnormal labor conditions such as strikes, lockouts, or layoffs.
- The participant will not displace any currently employed employee at the date of participation. This includes partial displacement, such as reduction in the hours of non-overtime work, wages, or employment benefits.
- The participant will not be employed in or assigned to a job as a result of a layoff from the same or any substantially equivalent job; a result of termination of the employment of any regular, unsubsidized employee; or that in any way infringes on the promotional opportunities of currently employed workers at the date of participation.
- No work-based learning agreement will be written with a company that has relocated (for the first 120 days after commencing operations), if the relocation has resulted in any employee job losses at the original location.
- Funds must not be used or proposed to be used for the encouragement or inducement of a business or part of a business to relocate if the relocation results in any employee losing his or her job at the original location.
- The employer or immediate supervisor is not providing a work-based learning position to a member of his/her immediate family (defined as: spouse, child, step-child, parent, sibling, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandparent or grandchild).
- No funds provided are to be used to employ the participant in a position involving political activities.
- No funds provided are to be used to directly or indirectly assist, promote, or deter union organizing.
- No funds provided are to be used in the employment or training of participants/trainees involved in the construction, operation, or maintenance of a facility which is used for religious instruction or worship (sectarian activities).
- The job is not impairing existing contracts for services or collective bargaining agreements.
- Entities that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities are not eligible.

## Summary

	Employer	Job seeker eligibility	Benefit	Wage subsidy Amount	Maximum contract period	Purpose
Work Experience	public, private, or non-profit	Demonstrated need for work experience participation	Wage subsidy	Up to 100%	Up to 52 weeks	Career exploration, skill development, gain work history and references.
Transitional Job	public, private, or non-profit	Chronically unemployed or who have an inconsistent work history	Wage subsidy	Up to 100%	Up to 52 weeks	To build workplace skills and job history.
On-the-job Training	public, private, or non-profit	Need new skills to adequately perform the desired position	Wage subsidy	51+: 50% 1-50: 75%	Up to 26 weeks	To gain the knowledge and skills needed to be competent in the job for which the individual is hired.
Customized Training	public, private, or non-profit	Need new skills to adequately perform in the desired position	Training cost reimbursement	50%	Up to 26 weeks	Provides knowledge or skills essential to the full and adequate performance of the occupation
Incumbent Worker Training	public, private, or non-profit	Full-time permanent employees	Training cost reimbursement	1-50: 90% 51-100: 75% 101+: 50%	Up to 26 weeks	To help avert potential layoffs or increase skill levels of employees.



**EXCLUSIONS TO THE POLICY:**

None.

**RESOURCES:**

[Training and Employment Guidance Letter 19-16](#)

[Training and Employment Notice 22-19](#)

US Code of Federal Regulations Title 20, Chapter V-I1, Part 680, [Subpart F](#)

Prince George's County Workforce Development Board [Policy 1.4000.100.010](#)

**FORMS:**

N/A

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**APPROVING SIGNATURE(S):**



Dec 7, 2022

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Board Chair

Date

Prince George's County Workforce Development Board