

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 06-14, Change 2
<b>Date:</b>	November 5, 2024
<b>Keywords:</b>	TANF/Choices; NCP Choices; WIOA; WorkInTexas.com
<b>Effective:</b>	Immediately

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



**From:** Mary York, Director, Workforce Development Division

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

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**PURPOSE:**

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

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

WD Letter 06-14, Change 2, provides new guidance relating to the integration of workforce programs into WorkInTexas.com.

**RESCISSIONS:**

WD Letter 06-14, Change 1

**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 participants in programs funded by WIOA and Temporary Assistance for Needy Families Employment & Training (TANF/Choices).

The Noncustodial Parent (NCP) Choices Guide identifies the requirements of OJT activities provided through NCP programs.

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, TANF/Choices, and 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.”

**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 staff refer participants to OJT 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 their 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 WorkInTexas.com registration 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 staff follows reimbursement limits in accordance with 20 CFR §680.700, 20 CFR §680.730, and WIOA Guidelines for Adults, Dislocated Workers, and Youth.

**NLF**: Boards must not enter into a subsequent OJT employer contract with an employer that has received payments under WIOA or TANF/Choices, if the employer has exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees.

**NLF**: Boards must inform appropriate staff that an OJT employer contract must be limited to the period 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.texas.gov](mailto:wfpolicy.clarifications@twc.texas.gov).

#### **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, Change 1, 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)

Title 20 Code of Federal Regulations Part 680, Subpart F

Title 45 Code of Federal Regulations §261.2(f)

Title 40, Texas Administrative Code, Part 20, Chapter 811, Choices

Texas Workforce Commission WIOA Guidelines for Adults, Dislocated Workers, and Youth

Texas Workforce Commission Noncustodial Parent Choices: A Comprehensive Guide