

## SFWIB TECHHIRE TRAINING (THT) POLICY

### I. OF INTEREST TO

The TechHire Training (THT) Policy should be of interest to members of the South Florida Workforce Investment Board (SFWIB) dba CareerSource South Florida (CSSF), SFWIB staff, Training Providers, Contractors (Service Providers), Businesses, and Job Seekers in Workforce Development Area (WDA) 23 (Miami-Dade and Monroe counties).

### II. SUBJECT

TechHire Training (THT)

### III. PURPOSE

The purpose of the THT Policy is to provide all SFWIB stakeholders with parameters regarding the use of training funds for purposes of recruitment and the delivery of customized accelerated Information Technology (IT) training and employment services for eligible individuals that will help fill the employment gap in the area of technology.

### IV. STATUTORY AUTHORITIES

Workforce Innovation and Opportunity Act (WIOA), Public Law (Pub. L.) 113-125 enacted July 22, 2014, supersedes Public Law 105-220, Workforce Investment Act of 1998 (WIA)

WIOA of 2014 Title 20 Code of Federal Regulations (Title 20 CFR)

U.S. Department of Labor, Employment and Training Administration 03-15

"Tech Hire." *National Archives and Records Administration*. National Archives and Records Administration, 10 Mar. 2015. Web. 27 Jan. 2017.

<<https://obamawhitehouse.archives.gov/issues/technology/techhire>>

Florida Statutes, Title XXXI, Chapter 445

CareerSource Florida Administrative Policies FG-OSPS 89, January 11, 2016, and 90, March 1, 2016

Scott, L. (n.d.). WIOA–Youth Living in High Poverty Areas and Poverty Rate Map [Memorandum]. Tallahassee, FL: Department of Economic Opportunity

### BACKGROUND

On March 10, 2015, President Obama announced plans for a new, multi sector workforce development program known as the “TechHire Initiative”. TechHire was launched as a campaign to expand local tech sectors by building tech talent pipelines in communities across the country.

In March 2016, the White House announced Miami-Dade County as one of two “TechHire” communities designated in the State of Florida; representing the only TechHire community in South Florida. The designation is the result of an aggressive push by the South Florida Workforce Investment Board (SFWIB), County Government, local economic development organizations, a group of employers, and accelerated training providers who worked together to solidify WDA 23’s standing as an information technology training and hiring hub.

The WIOA § 2(1)(3)(4)(5)(6) recognizes that individuals, specifically those with barriers to employment, may require assistance in order to obtain high skill/high wage jobs that lead to self-sufficiency. SFWIB provides THT in the form of customized short term training via cohorts with a business (public, private non-profit or private for-profit), Training Provider, and an eligible participant. Through THT, eligible training providers may receive funding to deliver IT skills training to participants that will foster self-sufficiency opportunities to enter the technology field and to meet the industry's growing demand for skilled workers.

## **V. DEFINITIONS**

### **A. *TechHire Training (THT)***

1. A multi-sector initiative and call to action to empower Americans with skill sets necessary to meet the demands of the technology industry, "Tech Hire." National Archives and Records Administration. National Archives and Records Administration, n.d. Web. 10 March 2015.
2. Put forth to create economic opportunity and upward mobility through training and placement in technology jobs, with a specific focus on individuals who have the capacity and drive to succeed, but lack the traditional credentials.
3. Provides IT training delivered by universities and education institutions, through high-quality nontraditional approaches such as "coding boot camps" that can rapidly train workers for high growth/high wage jobs within a few months.

### **B. *Self-Sufficiency***

Self-Sufficiency is an SFWIB-identified wage that allows an individual to provide for oneself without assistance. The local definition of "self-sufficiency" may be different for adult and dislocated workers, and should take into account individuals with barriers.

### **C. *Conflict of Interest***

1. SFWIB will not favor a grant application/proposal from and/or for a member of the SFWIB over another training provider or business in the community. THT shall be made based upon what will be most beneficial to the participant and business.
2. The SFWIB shall be notified whenever a THT application/proposal is connected to a SFWIB member, Training Provider or employee.
3. Training Providers are prohibited from recommending a THT grant application/proposal, or making THT referrals to individuals/businesses who are members of their immediate family or members of families of other Training Provider staff or SFWIB staff.
4. The contracted THT training provider shall not train a participant who is a relative (member of the family) of the Training Provider. Relative is defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. (Florida Statutes § 112.3135)

### **D. *Credentials***

A formalized recognition (i.e., certification, license, certificate) of an individual's attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation, the technical or occupational skills being generally based on standards developed and /or endorsed by employers. A credential can be stacked with other credentials as part of a sequence to move an individual along a career pathway, or up a career ladder. A "work readiness" certificate is not included in this definition as it does not document measurable technical or occupational skills necessary to gain employment or advance within an occupation.

#### **E. Employed Worker**

WIOA § 134(c)(3)(A), § 3(36), and FS-OSPS 89 § IV, describes an employed worker as:

1. An individual currently working who has been determined by the one-stop operator to be in need of employment and services in order to obtain employment that allows for self-sufficiency in accordance with locally established definition of that term.
2. Provides training for an employed worker who currently meets the local definition of self-sufficiency, but needs services in order to retain their self-sufficient employment, and may also be served if documentation is obtained from the business that the employee will not be retained unless additional training or services are received.
3. Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) if training is determined necessary in order to obtain or retain employment that leads to economic self-sufficiency.
4. The individual must have the skills and qualifications to successfully participate in the selected program of training services.

#### **F. Youth**

WIOA § 3(18), defines Youth as an individual who is either In-School or Out-of-School between 14-24 years of age at the time of eligibility determination. Both in-school youth (ISY) and out-of-school youth (OSY), are eligible for youth services. (WIOA § 129(a)(1)(B) and 129(a)(1)(C) ).

#### **G. High Poverty Area (HPA)**

A high poverty area is a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey (ACS) 5-Year data, (Scott, n.d.).

#### **H. Targeted Occupations List (TOL)**

A Statewide Demand Occupations list identifies the labor market needs of Florida's business community and encourages job training based on those needs, with emphasis on jobs that

are both high demand and high skill/high wage and is used as a baseline for establishing Regional Targeted Occupations Lists (RTOLs).

WDA 23's TOL is developed and used to identify occupations for which eligible adults, dislocated workers, and youth may receive training assistance under the WIOA. For purposes of this policy, the focus will be for technology based occupations and training.

**I. *Guaranteed Placements***

A pre-negotiated number of graduate participants a company will hire and provide paid on-the-job training, internship or apprenticeship at the completion of the training in the form of an executed agreement between the training provider and the employer.

**J. *Supply/Demand Matrix***

A system created by the Florida Department of Economic Opportunity, Bureau of Labor Market Statistics which shows the gaps between occupational supply and demand, based on long-term and short-term demand indicators.

**K. *Poverty Rate Map***

A map developed by the Department of Economic Opportunity which allows an individual to identify if an area qualifies as a high poverty area based on the 30 percent threshold using the most recent ACS five-year data. (Scott, n.d.).

**L. *On-the-Job Training (OJT)***

Placement of participant graduates with a local technology, or other company, after the successful completion of training through a paid OJT, internship, or Apprenticeship with the potential of long term full-time employment.

**M. *Eligible Provider of Training Services***

Under WIOA §§ 122 (a) (1-3) and 133(b), a provider of training services programs who has met the eligibility requirements to receive WIOA Title I-B funds for the provision of training services for eligible adult/dislocated worker participants. Eligible training providers may also receive WIOA Title I Youth funds through an Individual Training Account (ITA) to provide training to older, out-of-school youth, ages 18 to 24. The eligible training provider shall be:

1. An institution of higher education that provides a program that leads to a recognized postsecondary credential; or
2. An entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, Chapter 663; 29 U.S.C. 50 et seq.); or
3. Other public or private providers of a program of training services, which may include joint labor-management organizations, pre-apprenticeship programs and occupational/technical training, and eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training; and
4. Compliant, with the exception of Registered Apprenticeship training providers, all other training providers' programs shall be for training for occupations on the applicable Local Board TOL, current at the time of training, to be eligible to receive training funds under WIOA § 133(b).

## **VI. ELIGIBILITY**

### ***A. Employed and Unemployed Adult and Dislocated Workers***

Under WIOA § 134(c)(3)(A), training services may be made available to employed and unemployed adults and dislocated workers who meet the applicable eligibility criteria under the definition, subject to available funding, may receive THT through an approved SFWIB Training Provider awarded funding to deliver said services.

Underemployed individuals who meet the definition of low-income may also be considered for THT, TEGL 03-15:

1. Individuals employed less than full-time who are seeking full-time employment;
2. Individuals who are employed in a position that is inadequate with respect to their skills and training;
3. Individuals who are employed who meet the definition of a low-income individual in WIOA § 3(36); and
4. Individuals who are employed, but whose current job's earnings are not sufficient as compared to previous job's earnings from their previous employment, per State and/or local policy.

### ***B. Youth***

Individuals that meet the eligibility criteria under WIOA Youth § 129(a)(3)(A)), subject to available funding, may receive THT through an approved SFWIB Training Provider awarded funding to deliver said services. A youth participant who lives in an HPA is automatically considered to be a low-income individual, and does not have to prove income for purposes of receiving WIOA services.

### ***C. Training Providers***

Technology-based educational entities listed on the SFWIB Eligible Training Provider List (ETPL) may provide THT services through a Board approved grant application/proposal. Said entities are eligible to receive WIOA funding for the delivery of short-term training cohorts. An SFWIB Eligible Training Provider is defined in Section VI (M) (1-4) of this Policy.

### ***D. Service Providers***

A public, private non-profit or private for-profit entity contracted to operate and provide career and support services to job seekers through the one-stop delivery system (CareerSource centers) located through Miami Dade and Monroe counties.

## **VII. Recruitment**

Training providers may work with SFWIB authorized representatives, Service Providers, and/or other entities to promote, identify and assist in providing qualified candidates to participate in the THT initiative. Recruitment of participants for the THT shall also include individuals residing in a HPA and those with barriers to employment.

Training providers should utilize the Poverty Rate Map when recruiting individuals' residing in an HPA to ensure accuracy. Proof of recruitment from an HPA should be provided to the SFWIB and/or its designated representative.

## **VIII. Assessment**

Eligible training providers and service providers shall work together to ensure participants referred for THT are qualified to receive funding for the training and possess the aptitude for successful completion of the program.

### **A. *Service Providers***

An initial assessment for funding and training eligibility shall be performed by the Service Provider that includes an evaluation of a participants skill levels (that may include literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs.

A service provider is not required to conduct a new interview, evaluation, or assessment of a participant if it is determined to be appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program, WIOA § 134(c)(3)(A)(ii).

### **B. *Training Providers***

In cooperation with the service provider, the training provider shall interview and assess eligible participants to ensure only individuals with the aptitude to succeed are enrolled in a THT. The THT assessment and interview process must be administered in a manner consistent with the training providers established practices for students not funded by the SFWIB, and shall be impartial so as not to unfairly preclude any qualified SFWIB participant.

A training provider found to violate this section of the policy shall result in termination of the provider and its program from future THT training for no less than a period of two years. If the violation is found to be particularly egregious, the training provider and its program may be barred from delivering THT indefinitely.

## **IX. THT APPLICATION/AGREEMENT**

### **A. *Conditions***

1. Individuals may not commence training and training providers may not make training-related purchases prior to SFWIB approval of the THT application/proposal. The agreement is executed when signed by **all** required parties, i.e., SFWIB and the Training Provider.
2. THT funds may not be used or proposed to be used for:
  - a. The encouragement or inducement of a business, or part of a business, to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location;
  - b. Customized training, skill training, or on-the-job training or company specific assessments of job applicants or employees of a business or a part of a business that has relocated from any location in the United States, until the company has

operated at that location for 120 days, if the relocation has resulted in any employee losing his or her jobs at the original location.

3. The following three sections must be pre-negotiated and included in the THT agreement:
  - a. Cost per participant;
  - b. Number of guaranteed placements;
  - c. Timeframe for the delivery of training;
  - d. Timeframe for the achievement of credentials;
  - e. Frequency of compensation
4. Participants selected for training must be eligible as determined by an authorized SFWIB representative or Service Provider contractor as indicated in Section VII (A-B) of this Policy. THT applications must be submitted to SFWIB as outlined in the SFWIB THT Procedures.
5. THT is available to training providers that meet the eligibility requirements stated in Section VII (C) of this policy, and the entity and its program must maintain active eligibility status to be approved for new trainings.
6. The appropriate signatory for the training provider shall be either the owner where the business is incorporated; a partner where the business is a partnership; or an officer if the business is a corporation. Corporations sometimes designate signatories other than their officers. In such instances, written authority transferring signatory responsibilities must be obtained by the individual responsible for developing the agreement.
7. The participant's credential attainment must be adequately documented by the Training Provider in the participant's file. The Training Provider should also provide a copy to the authorized SFWIB representative and/or Service Provider contractor for placement in the participant's file.
8. Training providers shall establish and maintain records with respect to all matters covered by the THT agreement. Training providers shall retain such records for at least five (5) years from the date of final payment, or until all related federal and state audits or litigation is completed, whichever is later. Training providers shall allow public inspection of all documents, papers, letters or other materials made or received by the training provider in conjunction with the THT agreement, unless the records are exempt under Federal or State law.
9. Training Providers must certify that all information provided is true and accurate for the purposes of requesting compensation and reporting.
10. Training providers must agree to comply with the provisions of the Certification Regarding Lobbying, Certification Regarding Debarment, Suspension and Other Matters, Public Entity Crime, Florida Clean Indoor Air Act and the Certification regarding a Drug-Free Workplace.
11. Training providers shall comply with the nondiscrimination and equal opportunity provisions of Federal or State law.

### **B. Proposal Review**

1. The SFWIB Executive Director will have the authority to approve proposal requests \$50,000 or less. Awards will be included in the Executive Director's report to the SFWIB.
2. Requests exceeding \$50,000 must be approved by the SFWIB and/or appropriate Council at the next meeting.
3. Proposals that fail the SFWIB review process shall not be recommended for approval.

### **C. Duration**

A THT agreement shall be limited to the period of time required for an individual to obtain the skills necessary for credential attainment as proposed in the proposal/application and/or as negotiated with SFWIB or the Training Provider.

### **D. Funding and Compensation**

For purposes of the provision of THT under this policy, the following shall apply:

1. SFWIB will set aside a pool of training funds that will be utilized for THT initiatives.
2. The SFWIB will compensate the Training Provider for costs associated with the provision of services provided in accordance with the terms and conditions outlined in the THT agreement.
3. Compensation may occur upon the completion of the training, credential attainment, and when proper documentation has been provided to the SFWIB.
4. Compensation amounts will be based upon the relevant funding stream requirements and any waivers at the time of the agreement. As seen in Section X of this policy, Training Providers may submit a written request to the SFWIB Executive Director to approve an exception to the compensation process.

### **E. Training Completion and Outcomes**

All THT initiatives shall be performance-based with specific measurable outcomes, including, but not limited to, the:

1. Total number of training completions and the overall number of employees trained.
2. Guaranteed placements - number of businesses engaged and committed, through a pre-established agreement with the Training Provider, for hiring THT participant graduates.
3. Total number of participant graduates placed with an employer and the average wage rate at the time of hire. The training provider must demonstrate proof of employment outcomes by providing the SFWIB and/or its designated representative(s) with supporting documentation (e.g., employment verification form completed by the employer of record, other forms as designed by the SFWIB) for all placements.
4. Training must result in the attainment of a credential that leads to self-sufficiency, as established during contract negotiations.
5. Recruitment of individuals from an HPA and of those with barriers to employment.

## **X. GRIEVANCES AND APPEALS**



- A. Training Providers shall advise individuals of their right of appeal using either the entity's grievance procedures, or those of the SFWIB, if previously agreed with the training provider. If a training provider elects to use its own grievance procedures, the training provider must agree to provide information to SFWIB as to actions taken under those procedures. If the participant is not satisfied with the outcome after using the training provider's grievance procedures, then he/she may elect to file a grievance with SFWIB under the SFWIB grievance procedures.
- B. If the application is not approved, the appropriate SFWIB staff shall notify the training provider in writing. Training providers may appeal an application denial by the SFWIB in accordance with the SFWIB appeals process.

**XI. EXCEPTIONS**

Exceptions to this policy, or any part thereof, must be approved in writing by the SFWIB Executive Director.

**XI. PROHIBITIONS/LIMITATIONS**

- A. A training provider or its programs may be removed for failing to comply with this Policy, WIOA, and/or State of Florida requirements, or when the training program is no longer needed or desired, or for cause. "For cause" shall include, but not be limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect, incompetence, irresponsibility, misfeasance, malfeasance, nonfeasance or lack of performance.
- B. A participant in a program or activity authorized under Title I of WIOA must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).
- C. A participant in a program or activity under Title I of WIOA may not be employed in or assigned to a job if:
  - 1. Any other individual is on layoff from the same or any substantially equivalent job;
  - 2. The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or
  - 3. The job is created in a promotional line that infringes in any way on the promotional opportunities of individuals.
- D. Participants shall not be employed to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).
- E. Training Providers that fail to meet the conditions as outlined in the executed agreement may not be considered for future THT.

- F. No officer, employee, agent, or representative of the Business or Training Provider may charge a participant a fee for the placement of such individuals in or to a training funded under a THT agreement or amendments thereof.
- G. THT funded agreements must not impair existing contracts for services or collective bargaining agreements. When a program or activity authorized under Title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the agreement is initiated.
- H. THT funds shall not be used for any political activity, lobbying of federal, state or local legislators, or to promote or oppose unionization.
- I. THT funds may not be used to directly or indirectly assist, promote or deter union organizing.
- J. THT may not be delivered online. Training must be provided in person at the training provider's location or as determined by the SFWIB.

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