# **Logo for  Montana Department of Labor and Industry. The logo is several people hold hands around the center of a wheel.Division: Workforce Services Division**

**Category: Programs**

**Effective Date: 10/1/2021**

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**Policy No.: 04-16**

Health and Economic Livelihood Partnership (HELP) Link

Policy – Training Services

Background

Training services allow enrolled clients the opportunity to engage in cost effective learning strategies tailored to quickly meet the needs of local businesses which lead to client upward mobility and self-sustaining employment that is well matched to their assessment results.

Scope

This policy applies to all MTDLI HELP-Link contractors and MTDLI Central Office staff. This policy is effective October 1, 2021.

# Policy

* HELP-Link will only support employment and training opportunities for in-demand and high wage occupations.
* Training services must be completed within the twelve (12) month enrollment timeframe.
	+ Waivers for longer trainings must be pre-approved by MTDLI Central Office and will only be approved on a limited basis with appropriate justification.
* Contractors are responsible for ensuring the training provider is a legitimate and reputable entity.
* Training providers must be willing and able to submit a W-9 form to receive payment.
* Training funds are not available to state government, staffing agencies, or within the HELP-Link contractor’s agency.
* Expenses must adhere to HELP-Link fiscal and supportive service guidelines, as applicable.
* Funds may be used to cover training costs when no other funding is available, including financial aid and the client’s own resources.
* All training services require a training plan and contract between the training provider/employer, HELP-Link contractor, and client. Contracts must be negotiated and signed prior to beginning training. Contract modifications are allowable if agreed to by all parties and justification is documented. A copy of all contract information must be provided to each party.
* Training contracts are written based on the State Fiscal Year (July 1 – June 30) and are subject to availability of program funding.
* All required documentation must be retained in the client’s file.
* **Training Service Contract Requirements**
	+ Demographic Information
		- Training Provider name, address, phone, business type, industry sector
		- Training Provider representative name, title, phone, email, and signature
		- Client name, address, phone, email, and signature
		- Authorized HELP-Link contractor representative name, title, phone, email, and signature
	+ Time Period
		- Beginning and end dates
			* No longer than the actual time it takes to meet training plan goals. Justification must be documented.
	+ Training Plan - Negotiated Training Activities and Expectations
		- Approved training plan including but not limited to: goals/purpose, expectations, specific activities to be completed as part of the training process, method by which training is provided, and measurable outcomes.
	+ Progress Reports
		- Proof of participation and satisfactory progress reports are required when engaged in training.
	+ Payment Agreement
		- Maximum contract amount
		- Description and justification of allowable expenses. Documentation of the payment methodology is required.
	+ Invoice/Reimbursement
		- Invoice schedule
		- Supporting documentation of allowable expenses
		- Reimbursement must be made within seven (7) working days
	+ Terms and Conditions
		- Contractually binding agreement including roles and responsibilities of each party
	+ Close-out Expectations
		- Documentation must be received detailing (at a minimum): training results, skill and credential attainment, total costs incurred by the business, total amount reimbursed to the business, client outcome, and business satisfaction.

Short-Term, Industry Driven Training

Education and training opportunities required to qualify an enrolled HELP-Link client for specific and available employment in their local community.

* Clients must apply for and receive a financial aid determination prior to any training funds being expended at an accredited institution. All available funding must be applied toward the cost of training before using HELP-Link funding.
* Education and training programs require progress report documentation at intervals established by the provider such as mid-terms, quarters, semesters, etc.
* Funds may not be used to support education at a level that is intended to produce a degree higher than a bachelor's degree.
* Funds may be used for training that leads to self-employment.

On-the-Job Training (OJT)

Structured, experiential learning with a hands-on method of teaching the skills, knowledge, and competencies needed for employees to perform a specific job within the workplace. Instruction takes place within the employee’s normal job environment. Upon successful completion of an OJT, clients must be qualified and capable of performing their job duties.

* OJT Standards
	+ Clients must be paid, permanent employees. This includes entitlement to all the rights and benefits of all regular employees.
	+ Employee wages must be paid at the same rate as other employees with similar job requirements, training, experience, and skill.
	+ Documentation demonstrating training appropriateness is required. This includes but is not limited to justifying: the necessity of the training as a strategy to move the client to self-sufficiency, the client is in need of and does not already possess the skills required for the position, and the client would not be capable of achieving the employment position without the help of the OJT.
	+ Clients are required to pass a background check before being placed at a worksite where vulnerable populations are present, and the client will interact with them as part of their training and/or job duties. Vulnerable populations include:
		- Children (under the age of 18)
		- Elderly (over the age of 60)
		- Individuals with Disabilities (those needing assistance with daily living activities)
	+ OJT training payments to businesses are deemed as compensation to offset the extraordinary costs associated with training and supervision of the client and costs associated with the lower productivity of the client during the training period.
* Additional OJT specific contract requirements:
	+ Wages
		- Starting wage and ending wage, including justification
	+ Training Hours - O\*Net Documentation
		- Negotiated hours required to meet qualifications for the position may not exceed the maximum allowed according to O\*Net code and job zone level.
	+ Training Schedule
		- Including days and hours of work
	+ Job Description
		- Including specific job duties of the OJT
	+ Union Concurrence
		- Employers must sign acknowledging whether a collective bargaining agreement exists. Their signature indicates acceptable placement in a position where a collective bargaining agreement covers the occupation the client is to be placed, or that no collective bargaining agreement exists.
	+ Displacement Agreement
		- Employers must sign acknowledging the OJT will not replace or displace any employee
	+ Unemployment Insurance/Workers’ Compensation
		- Employers must maintain unemployment insurance compensation and workers’ compensation coverage
* OJT contracts are not allowable with businesses:
	+ Exibiting a pattern of failure to provide clients long-term employment as well as wages, benefits, and working conditions at the same level and to the same extent as other employees working a similar length of time and doing similar work.
	+ Located out of state or are planning to relocate out of state
	+ Experiencing strike, lockout, or similar conditions within the business or its affiliates
	+ Hiring for the position through a private employment agency
	+ In violation of local, state, or federal labor laws

Registered Apprenticeship

An employer designed training program. Apprenticeships combine paid on-the-job training with classroom learning and mentorship to prepare workers for highly skilled careers. Upon completion, workers earn a nationally recognized completion certificate.

* HELP-Link services can and should partner with apprenticeable occupations whenever possible. HELP-Link contractors will facilitate connections between the appropriate apprenticeship representative, employer, and HELP-Link client.
* HELP-Link can financially support various apprenticeship components including:
	+ On-the-Job Training – follow HELP-Link OJT requirements
	+ Classroom Learning – follow HELP-Link Short-Term, Industry Driven Training requirements
	+ Credentials – follow HELP-Link Short-Term, Industry Driven Training and Supportive Services requirements
* HELP-Link funds may not be used to supplant apprenticeship program funds. HELP-Link funds may supplement expenses not eligible to be covered by other funding.

# Administrative Requirements

* Feedback to and from both DPHHS and MTDLI to communicate client involvement in HELP-Link and services provided.
* Provide data and information to legislative subcommittees regarding program participation, expenditures, and outcomes.
* Provide data and reports to DPHHS as needed.

# Oversight and Evaluation

* Oversight and evaluation will be conducted by the Program Manager and/or designee(s).

# References

* [2015 Montana Legislature Senate Bill 405](https://leg.mt.gov/bills/2015/billhtml/SB0405.htm)
* [2019 Montana Legislature House Bill 658](https://leg.mt.gov/bills/2019/billhtml/HB0658.htm)
* 2021 Montana Legislature House Bill 614
* [Montana Code Annotated (MCA), 39-12](https://leg.mt.gov/bills/mca/title_0390/chapter_0120/part_0010/sections_index.html)