

§4400. Definitions

(b) ~~"Costs of program administration" means those costs incurred by the panel in carrying out its responsibilities under chapter 3.5 of the Code, including costs of marketing, outreach, and research provided under contract to the panel, and which are not included in contracts to provide employment training.~~ "Alternative Funding Source" means funding appropriated to the Panel for the purposes of the ETP Core Program, or other workforce training program, from a source other than the Employment Training Tax.

(c) "Core Program" means the workforce development program established at Section 10200 et seq. of the Unemployment Insurance Code and funded by the Employment Training Tax.

(ed) "Days" means calendar days unless otherwise specified as "working" days. A workweek may be less than five days, but must be more than two days.

(d) ~~"Demonstrable shortage means an insufficient number of workers trained to perform the particular skills required by participating employers as a necessary part of doing business.~~

(e) ~~"Director means the Executive Director of the Employment Training Panel.~~

(y) ~~"Training" consists of~~ means the delivery of instructional experiences that is designed to develop and/or improve workforce skills and knowledge for jobs with definite career potential and the substantial likelihood of long-term job security. Training shall consist of at least 40 eight hours for a small business employer and at least 24 hours for all other employers, except the panel may modify the minimum hours for good cause on a case-by-case basis, and be delivered as The delivery method may be classroom, laboratory, electronic, or Computer-Based Training (CBT) technology-based distance training or structured on-site training (SOST). Each of these training methods is equally valuable in the delivery of training. The Panel may authorize training that varies from the minimum training hours requirement upon a showing of good cause by the proposed contractor.

(1) ~~"Classroom training" is formal instruction provided to a group of individuals, in a classroom setting removed from the trainee's usual work environment,~~ Trainees in a classroom must meet regularly for training in a specific skill under the constant and direct guidance of a qualified trainer.

As defined herein, Classroom training must include all of the following features:

- i) The trainer must be present at the site during all hours of training;
- ii) The trainer's time must be dedicated exclusively to instruction during all hours of training
- iii) Trainee attendance must be documented as to date, time and total hours in a form and manner acceptable to ETP;
- iv) The training sessions must be conducted at a site that is open and accessible to ETP monitors consistent with Section 4443.

~~(2) "Laboratory training" is "hands-on" instruction or skill acquisition conducted in a non-productive environment, or simulated work setting, under the constant and direct training guidance of a laboratory qualified trainer. Laboratory training that may require the use of specialized equipment or facilities by the trainee. The trainer's time during laboratory training must be dedicated exclusively to the instruction of trainees. Laboratory training may be conducted in a simulated work setting, or at a productive work setting.~~

A) "Simulated Laboratory training" is reimbursable at the class/lab rate.

B) "Productive Laboratory training" is also reimbursable at the class/lab rate but only as approved by the Panel on a case-by-**case** basis, for good cause shown.

As defined herein, Productive Laboratory training must include all of the features set forth in Subsection (1) (i - iv) above.

~~(3) One hundred percent of reimbursement for videoconference and classroom/laboratory training for all trainees shall be earned only if 100% of the required training hours are documented as delivered to at least one trainee. However, if Contractor's records do not substantiate that 100% of the required training hours were delivered, then Contractor will be reimbursed according to the highest percentage of training that has been substantiated as delivered to at least one trainee.~~

~~Each trainee should complete 100% of the required videoconference and classroom/laboratory training hours. The Panel will not reimburse Contractor for a trainee who does not complete a minimum of 80% of the required videoconference and classroom/laboratory training.~~

(3) "Advanced Technology training (AT)" is customized to occupations that involve the production or use of the most sophisticated equipment and software in fields such as electronics, computers and biotechnology. This type of training is reimbursable at a higher class/lab specific to AT, but only as approved by the Panel on a case-by-**case** basis, for good cause shown.

As defined herein, AT training must include all of the features set forth in Subsection (1) (i - iv) above.:

(3 4) "Electronic-delivery training (E-learning)" is instruction delivered by a live trainer through a web-based system. E-learning training is reimbursable at the class/lab rate but only as approved by the Panel on a case-by-**case** basis, for good cause shown.

As a condition of reimbursement at the classroom/laboratory rate, E-Learning training must follow a specific and standardized Curriculum for each course identified in Exhibit B: Menu Curriculum and be delivered to a fixed number of enrolled trainees. In addition, the live trainer must be available for interaction with all trainees in real-time **or close-in-time** during all hours of training, consistent with the course Curriculum.

Reimbursement will be limited to E-Learning training during work hours with wages paid by the employer, on a per-trainee basis.

As defined herein, E-Learning training must include the features set forth in Subsection (1) (iii & iv) above.

~~(4) Technology-based distance training is instruction provided through videoconference and/or computer-based training. This training should be provided in conjunction with classroom/laboratory instruction.~~

(5) "Computer Based Training (CBT)" is training delivered through a computer program at a pace set by the trainee. There is no requirement for delivery by a live trainer. This type of training need not be interactive. This type of training is not reimbursed at the class/laboratory rate, but at a reduced rate specific to CBT.

~~Videoconference training must comply with the following trainer to trainee ratios: (1) for retrainees, 1 to 20; (2) for new hires, 1 to 15. Each videoconference training session shall be limited to no more than three sites. (6) Reimbursement for each completed CBT course shall be for the standard number of hours to complete that course, as designated by the vendor which that developed the course.~~

CBT hours should not be established unilaterally by employers or Multiple Employer Contractors. When the CBT course was created by employers or Contractors, they must have established a benchmark number of hours for completion that is set forth in a specific and standardized Curriculum, for each CBT course identified in Exhibit B: Menu Curriculum. Reimbursement for CBT shall be limited to the benchmark number of hours, on a per-trainee basis.

~~(A) The employer must assess that the type of training, specific course(s), and delivery method are appropriate for the occupation(s) being trained through CBT;
(B) The trainee must complete at least eighty percent (80%) of the specified CBT course; and at the (C) Upon completion of the CBT course, the employer must certify that the trainee has achieved competency in the skills covered by the training.~~

(6) Reimbursement at the class/lab rate or AT rate shall be earned only for hours of training actually delivered, on a per-trainee basis.

(7) Classroom/laboratory, Productive Laboratory, Advanced Technology and E-Learning training must comply with specific trainer-to-trainee ratios, as shown below. These ratios do not apply to CBT.

A) Class/lab retraining: 1 to 20.

B) Class/lab new-hire training: 1 to 15.

C) Productive Laboratory (retraining and new-hire training): 1 to 10.

D) Advanced Technology (retraining and new-hire training): 1 to 10.

E) E-Learning (retraining and new-hire training): 1 to 20.

~~(7) SOST is supervised training conducted at an employer work site during normal working hours which allows the trainee to transfer and test knowledge/skills learned in the classroom/laboratory training to the worksite.~~

~~(8) Reimbursement for SOST training shall not be considered earned unless one hundred percent (100%) of the trainer's time is accounted for as specified in the contract and includes specific activities:~~

~~(A) At a minimum, the trainer's assistance must be customized to the needs of the individual trainees and, at the completion of SOST, the trainer must assess each trainee's attainment of competencies.~~

~~(B) In addition, the trainer may engage in and also account for the time spent in making specific SOST assignments to the trainee and the time interacting with, coaching and continually evaluating and providing feedback to the trainee on his/her performance on SOST assignments.~~

~~(ff) "Computer-based training" (CBT) is instruction which occurs when a trainee uses a computer to access and learn training material through computer-associated media, such as the internet, intranet, local area network, and CD-ROM.~~

~~(gg) "Videoconference training" is live, interactive instruction provided by a trainer through a video communications session between 2 or more locations.~~

Note: The Reference citation is cumulative for all definitions under Section 4400.

Purpose of 15-Day Revision: The proposal to delete a requirement for wages paid during hours of training for E-Learning at 4400(y)(4) is in response to public comments from three stakeholders: Saisoft, Inc., TechAmerica and the Santa Ana Chamber of Commerce. Their full written comments are included in the Rulemaking File and available upon request to mreilly@etp.ca.gov. It should be noted that this requirement is not specified in regulation for other training delivery methods, and raises larger policy issues for consideration by the Panel. The proposal to delete "close in time" from the parameters of delivery for E-Learning at 4400(y)(4) is in response to staff concerns that the temporal distinction between "real time" and "close in time" is unclear and confusing, and that "real time" is a sufficient basis for monitoring performance.

The revision of "case-by-case" at 4400(y)(2-4) corrects a technical error.