

Employment Training Panel



Contractor's Guide

Multiple Employer Contract

January 2011

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Introduction

Part I (Sections 1 – 9)

Contract Development

This portion of the Guide is designed to assist you, the prospective Contractor, in developing an ETP contract. The contract, or Agreement, is the means by which ETP funds are provided to conduct a training program. The Guide contains an overview of the documentation required to successfully apply for funding and negotiate an Agreement. The ETP Analyst will leave the Guide with you as a reference tool, and will work with you until your application is completed and your training proposal is approved.

You may secure additional copies of the Guide from the Internet at www.etp.ca.gov. Go to Program Information; Contractor's Guides; and Multiple Employer Guide.

Part II (Sections 10 – 14)

Contract Administration

This portion of the Guide has been prepared to assist you, the ETP Contractor, to manage and administer your training project once your Agreement has been approved. An ETP Analyst will be assigned to provide on-going technical assistance and monitor the Agreement for compliance. The Guide provides a concise overview of ETP's project management process, requirements, and procedures, and supplements the information and assistance provided by the ETP Analyst.

The local ETP Field Office Manager will address any issues that arise during the contract development or monitoring processes. Any issues that cannot be resolved at the field office level may be referred to the Assistant Director in writing. This procedure is not meant to circumvent the Panel's appeal procedure.

Part I

Contract

Development

The Application/Contract Development Process

This portion of the Guide is designed to help you through the application and contract development process, from the first ETP visit to your facility until you receive the official notification that you may begin training. By following these instructions, you will be able to complete the documentation that ETP needs to prepare a draft training contract for Panel consideration.

The application is comprised of several parts: Supplemental Application Information Package Cover Sheet (ETP 004); Supplemental Application Information Package Checklist (ETP 005); your company/organization background history; an explanation of the need for training; a training plan; a curriculum; subagreements, union letters; and other miscellaneous data pertinent to your specific program.

The Supplemental Application Information Package does not need to be furnished at the site visit. However, to ultimately complete all required sections, you must first identify your business needs and goals, and develop a plan for training that will help achieve those goals.

During the site visit, the ETP Analyst will discuss your particular business objectives, the methods you have chosen to address them, and offer suggestions for refining the training plan. The Analyst can also assist you in completing the supplemental application paperwork. Once you have completed your application and provided all required information, your Analyst will use it to prepare a draft contract to submit to the Panel.

ETP's enabling Legislation and Regulations, as well as monthly supplemental application information package submission deadlines, are available on the website.

ETP applications, agreements, certifications, and all related and supporting documents become part of the public record.

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Terms and Conditions

The Terms and Conditions included in this section become the first part of your ETP Agreement. Certain provisions (as indicated) are only used for certain types of contracts.

THIS IS A LEGAL DOCUMENT THAT THE CONTRACTOR MUST AGREE TO AND SIGN. IT IS IMPORTANT THAT A PERSON IN AUTHORITY, OR LEGAL STAFF, REVIEW THESE TERMS AND CONDITIONS TO BE SURE THAT ALL PROVISIONS ARE UNDERSTOOD AND ACCEPTABLE. IF YOU HAVE ANY QUESTIONS OR CONCERNS, CONTACT YOUR ETP CONTRACT ANALYST IMMEDIATELY.

The Agreement signatory must be present at the Panel meeting. If this is not possible, an alternate representative who has signatory authority must be present at the meeting with written authorization from the signatory.

SUPPLEMENTAL APPLICATION INFORMATION:

Provide the name, title, address, telephone number, and fax number of the Agreement signatory, the person who is authorized to sign the Agreement on the Contractor's behalf.

ETP AGREEMENTS

The standard ETP Agreement (100) is a template, with instructions for including the actual terms and conditions as approved by the Panel. A separate template is available for entrepreneurial training projects of Agreements with limited funding. Sample templates may be reviewed by clicking on the links below. The information shown in bold italics will vary for actual ETP Agreement.

[**Sample ETP Agreement**](#)

[**Sample MEC Entrepreneurial**](#)

These definitions govern the meaning of the terms and conditions set forth in all ETP Agreements, and should assist in understanding the ETP Program overall. Section references are to regulations in Title 22 of the California Code of Regulations, or the Unemployment Insurance (UI) Code. The UI Code and regulations are available for review at www.etp.ca.gov.

Guide to ETP Terminology

ETP Agreement Definition of Terms

These terms are used in the ETP Agreement, or may be referred to in the course of program administration by ETP.

Section references are to regulations in Title 22 of the California Code of Regulations, unless otherwise indicated. The regulations and governing provisions of the Unemployment Insurance Code are available for review at the ETP website (www.etp.ca.gov).

Actual Cost-per-Trainee: The amount of reimbursement payable on a per-trainee basis at Progress Payment 2 (P2) and the Final Payment (F), based on the actual number of training hours completed.

Approved Amount: The maximum amount of funding approved by the Panel. This amount is distinct from Payment Earned.

Average Cost-per-Trainee: The average cost of training for each trainee enrolled in a given Job Number based on the planned hours of training and the fixed fee rate. This cost is used to calculate the first Progress Payment (P1) at the time of enrollment.

Classroom Training: Formal instruction in a classroom setting that is removed from the trainee's usual work environment, and provided on a regular basis under the constant and direct guidance of a trainer. [Section 4400(y)(1).]

CNA to LVN: Training designed to upgrade the skills of a Certified Nurse Assistant or similar caregiver under a Licensed Vocational Nurse program, leading to LVN licensure. [UI Code Section 10214.9.]

Computer-Based Training (CBT): Instruction provided through computer systems or software and delivered through an electronic medium such as the Internet, Intranet, LAN or CD-ROM. Trainees must participate from a suitable location in California. [Section 4400(ff).]

Curriculum: A list of approved training courses or modules under the Menu as shown in Exhibit B.

Eligible Employers: Employers are eligible for ETP funding if they are subject to payment of the Employment Training Tax. Employers that have elected an alternate method of financing liability for the payment of Unemployment Insurance benefits can only be eligible for the "incidental placement" of new hire trainees. There are other eligibility standards such as out-of-state competition, to be determined by the Panel on a case-by-case basis. [UI Code Section 10201(b).]

Enrollment: The process of registering a trainee with ETP as an eligible participant in ETP-funded training, once the first eight hours of training have been completed. Trainees are enrolled by Job Number. Once enrolled, they can participate in more than one approved course for that Job Number, on a sequential basis. [Section 4400(dd).]

Entrepreneurial Training: Training in business management and related skills for the owner of a business with 9 or fewer employees. [Section 4409.]

ETP Minimum Wage: The minimum hourly wage that must be paid to trainees at the end of the employment Retention period. [Section 4418.]

Final Payment: Final payment is the final 25% payment based on the number of training hours completed for each trainee. Final payments (F) may be authorized and paid for each trainee after completion of training and the required post-training retention period specified in the agreement. Each trainee must be employed full-time and must receive the minimum wage specified in the Agreement at the end of the employment retention period. Final Payments are reconciled with individual unearned

progress payments and are not considered earned until the Fiscal Closeout of the Agreement.

Fiscal Closeout: The process by which ETP determines the actual amount of Payment Earned for all trainees, reconciling the Final Payment with the first two Progress Payments. ETP will give Contractor written Notice of any overpayment that results from Fiscal Closeout within a reasonable time after the term of this Agreement.

Frontline Worker: These are employees who directly produce goods or deliver services. In general they are eligible for overtime compensation, regardless of job title. Managers and Supervisors as defined below are not Frontline Workers. [Section 4400(ee).]

Full-time: Employment of at least 35 hours a week, with exceptions for special programs. [Section 4400(h).]

Funding Limitations: These are industries and occupations identified by the Panel as its lowest priority for funding, and thereby precluded from participation in an ETP funded program, as identified by the Panel on the ETP website [Funding Limitations](#), as of the effective date of this Agreement.

High Unemployment Area: A county or other distinct region of California where the unemployment rate exceeds the state average rate by a given factor, based on data from the Labor Market Information Division (LMID) of the Employment Development Department. The trainees in a High Unemployment Area (HUA) may qualify for a lower minimum wage, a modified Retention period, and/or the waiver of other requirements on a case-by-case basis. [Section 4429.]

Incidental Placement: New Hire trainees may be placed with public, non-profit or other employers who are not subject to payment into the Employment Training Fund on an “incidental” basis not to exceed 20% of the total trainee population under a Multiple Employer Contract, as determined by the Panel case-by-case. New Hire trainees may also be placed with Temporary Staffing agencies, not to exceed 20% of total New Hire population. [UI Code Section 10201(b) and Section 4427.]

In-Kind Contributions: The cost incurred by an employer or participating employer under an ETP-funded project. These costs may be monetary, such as wages paid to trainees during the hours of training. Or, they may be non-monetary, such as the rental value of a facility or room that is made available for instructional purposes. [Sections 4400(l) and 4401.1.]

Job Number: The designation used to differentiate between categories of trainees, and types of training. By way of example, distinguishing factors include the minimum hours of training, the approved type of training, and the minimum post-retention wages.

Laboratory Training: Hands-on instruction conducted in a simulated work setting, under the direct observation of a trainer. Laboratory training may require the use of specialized equipment or facilities. [Section 4400(y)(2).]

Literacy Training: Basic, job-related skills including math, reading, and language skills necessary for the trainee’s job performance and employment retention in a job with definite career potential and long-term security. [Section 4400(n).]

Managers and Supervisors: These are employees who primarily perform exempt job duties within the meaning of the federal Fair Labor Standards Act and state Labor Code Section 515, where “primarily” means more than one-half of the work time. In performing these duties, Managers and Supervisors must also: exercise discretion and independent judgment; influence policy; supervise at least two employees with the right to hire and fire; and earn no less than two times the state minimum wage.

Mandatory Training: Training is mandatory when the employer leads trainees to believe their continued employment would be adversely affected by not attending; the subject matter is directly related to the job duties; and the trainee does not produce goods or deliver services during training. Trainees must be paid their usual wages during mandatory training. This training is usually conducted during regular working hours. [See *Division of Labor Standards Enforcement Manual* at Section 46.6.5, at

Multiple Barriers (MB): Two or more barriers to full participation in the workforce. The barriers may include mental or physical disabilities, illiteracy, limited English proficiency, limited math skills or some similar impediment.

New Hire: Training in new vocational skills for persons who are unemployed at the start of training. The vocational skills may include job-related literacy training. [UI Code Section 20201(g); Section 4406.]

Out-of-State Competition: The Panel will not fund any retraining project, with the exception of Special Employment Training, unless it first determines that the trainee jobs are threatened by out-of-state competition. This determination is made on a case-by-case basis, using factors such as location of the corporate headquarters and revenue stream, except that a training project in manufacturing and certain other industry sectors classified under the North American Industrial Classification System, are deemed to meet this requirement. [Section 4416.]

Payment Earned: The amount of Reimbursement the Contractor is entitled to retain based on performance, and compliance with all other requirements set forth in this Agreement, as reconciled at the time of Fiscal Closeout. [Section 4400(r).]

Post-Retention Wage: The minimum hourly wage that must be paid to trainees at the end of the employment Retention period. [Section 4418.]

Preceptor Training: In “preceptor training” the trainee observes hands-on skills as performed by a licensed LVN, RN or other practitioner (i.e., preceptor). The trainer to trainee ratio is generally 1:1. During the second phase, the trainee performs the skills under the preceptor’s close supervision.

Priority Industry: Industry sectors that are “targeted” for training funds. Manufacturing, aerospace, biotechnology, high technology and agriculture are typical Priority Industries. They are identified in the Panel’s annual Strategic Plan. [UI Code Sections 10200(b) and 10205(d).]

Production Training: A type of practical retraining whereby the instructor oversees an employee’s use of special equipment or application of particular skills, in the actual work environment, resulting in the employer’s production of goods or delivery of services for profit.

Progress Payments: Progress payments are unearned cash flow payments authorized and paid at selected training and contract performance benchmarks. Progress payments may be paid after a trainee is enrolled and has completed 8 hours of training (P1), after a trainee has completed training (P2) and when a trainee is placed in qualifying employment with an eligible employer (P3) [New Hire participants only]. Progress payments may not exceed 75% of the cost per trainee based on the hours of training documented at completion of training. Progress payments are not considered earned until the completion of all contract performance requirements and reconciliation of payments at the Fiscal Closeout of the Agreement.

Reimbursement Rate: The flat rate per hour payable for different methods and types of training. In general, the rate differs between Class/Lab/Videoconference, Advanced Technology and Computer-Based Training, although special rates also apply to Priority Industry and Small Business training. There is a further distinction between rates for New Hire and Retraining. Rates include the cost of training and administration of the ETP-funded project. Rates are consolidated in a Job Number to determine the average cost per-trainee, and for other purposes related to payment disbursement. With a Multiple Employer Contract, the consolidated rate also includes Support Costs as applicable. [UI Code Section 10206(a) and Section 4411 (g).]

Retention: The period of full-time employment required for a trainee or group of trainees after the end of training. Typically, Retention is for 90 consecutive days, although this period may be modified on a case-by-case basis. [Sections 4400(v), 4429.]

Retraining: Job-related vocational training provided to existing employees.

Roster: The hard-copy record that must be signed by each trainee and instructor to demonstrate attendance. For CBT, the supervisor must also sign a hard-copy roster. ETP must approve the format of all Rosters.

Seasonal Industry: This industry must hire at least 50% of its workers on a cyclical basis, as in agricultural crop production. To be eligible for retraining reimbursement by ETP, employers and participating employers in this industry must have retained at least 50% of the same seasonal employees for at least one season. [UI Code Section 10214.5(d).]

Small Business: For purposes of the Small Business Reimbursement Rate and other special considerations, a small business means 100 or fewer full-time employees in California, but no more than 250 worldwide. The business must be domiciled in California, and independently owned and operated. [Section 4400(w).]

Special Employment Training: Certain types of training designed to satisfy the Panel's funding priorities are funded as Special Employment Training (SET) projects. There is no out-of-state competition requirement for SET. There are different wage requirements for the trainees who are eligible to participate in SET. There may be modifications to Retention, and/or waivers of other requirements for eligible trainees, on a case-by-case basis. [Section 4409.]

Statutory Interest: Interest assessed on overpayments. An adjusted annual rate charged from the first day of the month after Contractor received the overpayment from ETP. [Section 4447.]

Support Costs: Costs associated with recruiting participants and participating employers for training under a Multiple Employer Contact. These costs may also include assessment of eligibility, job search and placement. In general, these costs may not exceed 8% of the other training costs. [Section 4411.]

Trainee Eligibility: In general, trainees are only eligible to participate in ETP-funded training if they are unemployed (New-Hire training), or employed by an Eligible Employer with wages reported in California (Retraining). There may be other eligibility standards, such as "multiple barriers" for special funding, to be determined by the Panel on a case-by-case basis. [UI Code Section 10201(c).]

Turnover Rate: Average annual turnover for full-time employees in the prior calendar year, used to measure job security. The Panel may impose a "turnover penalty" for an employer or participating employer with a Turnover Rate that exceeds 20%. With this penalty, the Panel may withhold 25% of payment earned for each trainee. Not all separations from employment are included in calculating turnover (i.e., retirements are not included). [Section 4417.]

Variable Reimbursement: Flexible reimbursement based on a minimum and maximum number of training hours, per-trainee. Trainees may complete any number of hours within the range set forth under the Menu for a given Job Number. Trainees may be trained in one or all courses under the Menu, within the constraints of funding.

Videoconference Training: Instruction provided by a trainer in real-time using interactive video communication between two or more locations. [Section 4400(gg).]

Voluntary Training: When training is voluntary on the part of employees, they are not required to be paid their usual wages during the hours of training. See definition of "mandatory training" above.

3

Training Plan

General Contract Information

1. The term of an ETP Agreement can be written for a maximum of 24 months, and must include all training and retention periods. The delivery of training cannot exceed 21 months.
2. All trainees must be full-time, permanent employees working at least 35 hours per week.
3. The Agreement is 100% performance based, which means that reimbursement is **earned** when a trainee completes all training hours in the appropriate curriculum; completes a 90-day or other applicable retention period; and meets the ETP minimum wage requirement.
4. Trainees must meet minimum ETP wage requirements by program (standard ETP, SET, HUA).
5. ETP funding is not retroactive. Funding is only for training that is provided within the term dates of an approved Agreement.

Developing Your Training Plan

To prepare for a successful training program, use these guidelines to create a training plan. In ETP's experience, the more closely Contractors have followed these procedures, the more successful their training programs have been.

1. Meet with and survey supervisors and managers to discuss and plan the details of a potential formal training program.
2. Assess training needs and request funding for training that is supported by the assessment. Be realistic in what you can accomplish in the training period.
3. Identify the training subjects that are critical to your current goals.
4. Identify and approach any potential trainers, either external or internal, to discuss the delivery of training.
5. Determine the amount of time each week that your employees can spend in training classes without disrupting production needs.
6. Determine the best days of the week to schedule training.
7. Determine the best time of day to schedule training.
8. Consider what would happen to the ETP training program if the company were to receive a large, unexpected order requiring immediate, significant production increases during training.
9. Determine how you will administer the project, who will supervise and who will be responsible for the documentation.

REQUIRED MINIMUM WAGE RATES FOR YEAR 2011

COUNTIES	NEW HIRE MINIMUM WAGE	RETRAINEE MINIMUM WAGE
Alameda, Contra Costa, Los Angeles, Marin, Orange, San Francisco, San Mateo, Santa Clara, Santa Cruz	\$12.81	\$15.37
Sacramento	\$12.64	\$15.16
San Diego	\$12.34	\$14.81
Solano	\$11.87	\$14.24
Ventura	\$11.80	\$14.15
All Other Counties	\$11.52	\$14.09

If needed, calculation of the minimum wage may include the dollar value of voluntary, employer-paid health benefits (medical, dental, vision).

Certain reportable wages other than a basic per hour compensation may be used to calculate employees' minimum wages (e.g. commissions, bonuses, lodging and meals).

Trainee Eligibility

Retrainee: A retrainee is an individual who has been employed full-time by Contractor or a participating employer:

With the Governor's signing of Assembly Bill AB 2570 (which streamlines some of the Employment Training Panel program requirements), effective 01/01/2009, contractors will no longer be required to submit enrollment certifications for re-trainees employed less than 90 days prior to the start of training. (i.e., Form ETP 83). This change will be in effect until further notice.

***New Hire:** A new hire is a person who, prior to the start of training or employment:

- a. Has established an Unemployment Insurance (UI) claim in this State and has been determined eligible for UI by the Employment Development Department (EDD). (Eligibility for UI may be based upon a combination of federal and California wages but must include some California UI related wages); or
- b. Has exhausted UI benefits from this State within the preceding twenty-four (24) months; or
- c. Had received, at the time of hire, a notice of layoff from the prior employer.

* ~~All projects with new hire training approved after July 1, 2006, must ensure that 20 percent of the new hire trainees be receiving CALWORKS benefits within one year of the commencement of training. Click here for Welfare to Work Pilot guidelines [Pilot Program Guidelines](#).~~

APPLICATION:

1. **Applicant's Background**

Provide informational items about the company/organization to assist the ETP Analyst to prepare a contract and a narrative to describe the training program.

2. **Marketing and Employer Recruitment,**

- Describe your marketing plan for recruitment of employers/industries targeted for training. Explain how you link your services to the employer community. Explain how you determined that there was a need for the training outlined in your proposal. If advisory groups were involved in determining the need for the program, comment on the feedback they provided.

3. **Curriculum Development**

- Explain how the ETP curriculum was developed to meet employers' needs and help them meet their goals. Explain employer participation in the development of the curriculum and the method to ensure continuous participating employer feedback on the effectiveness of the training.

4. **Employer Eligibility and Need/Reason for Training**

- Describe the "core" participating employers' eligibility for funding as indicated on their Certification Statements.
- Describe how the companies currently operate, what changes have or will take place within these companies, and how training will facilitate these changes. Explain the companies training goals and how ETP-funded training will help meet these goals. **Explain the need for each type of training included in the curriculum and which occupations will receive each type of training.**

5. **Commitment to Training (for retraining only)**

ETP training funds are intended to supplement existing funds available for training. Explain **how** the proposed ETP-funded training supplements the company's training budget.

- What types of training (by occupations) have you provided with your current budgeted training dollars?
- What is the company's current training budget?
- How will ETP funding expand the company's training efforts?
- If the company has no training budget, how have you provided training in the past?
- What is your commitment to training after ETP contract ends?

6. Needs Assessments

• Center-based retraining

Formal assessments of employer training needs **must** be conducted *prior to training* in order to provide evidence that ETP training is customized to the requirements of individual employers or groups of employers in a specific industry. Describe the nature of the assessments and how they were conducted to identify (1) a company's overall training needs and (2) individual employee's training needs. Explain how curricula and training delivery methods were designed and based on results of these assessments.

• New hire Welfare to Work training

Explain how employers' training needs were assessed. Describe the nature of the assessments and how they were conducted to identify (1) a company's overall training needs and (2) individual employee's training needs. Describe how the proposed training is industry specific or for specialized occupations, and list the industry(s) and/or occupations to be served by the proposed training. Describe the recruitment and placement plan for new-hire W2W trainees targeted for training.

• On-site Training

For Multiple Employer Contractors, please identify the percentage of training that will be provided at the contractor site -vs- employer work site. If training will be provided at the contractor site, explain how contractor will customize training to meet the needs of workers from various employers.

7. Training Plan Worksheet (ETP 006)

Complete one worksheet (ETP 006) for each group of trainees who need the same type of training for the same number of hours. Consolidate groups whenever possible to avoid excess administrative paperwork. **A trainee cannot be enrolled in more than one Job # at a time.**

Most trainees must be **frontline** workers, individuals who meet one of the following criteria:

- Is not exempt from overtime under state or federal law, providing she/he directly produces or delivers goods or services; or
- Is covered by a collective *bargaining* agreement providing she/he directly produces or delivers goods or services; or
- Is exempt from overtime under state or federal law and is not covered by a collective bargaining agreement if his or her primary job responsibility is directly producing or delivering goods or services.

Restriction on training non-frontline workers: As of October 2003, the Panel placed a restriction on the percentage of non-frontline workers (i.e. managers and supervisors) that may participate in training. This percentage may vary based on Panel policy at the time your Agreement is being developed. Additionally, in order to include these occupations in the training plan, all applicants must justify the need for training managers and supervisors along with frontline workers.

8. **Occupations, Wages, and Benefits**

List all occupations that will be trained, the number of trainees in each, and the lowest to highest wages for each occupation excluding any benefits.

High Unemployment/Working Poor Agreements

Provide the same information for companies qualifying under the High Unemployment category. Wages must meet the minimum listed on the Chart in SECTION 6 for Special Employment HUA proposals.

The Panel is currently requiring a minimum **7%** (*calculated based on the base wage before training, exclusive of any cost of living increase and health benefits*) increase in wages at the end of the retention period, which is subject to change.

Health Benefits

For Agreements using health benefits (employer-paid medical, dental and vision) to meet ETP's minimum hourly wage requirement, provide the **calculation** and **least amount** of benefits on a per hour basis \$_____ per hour for each affected Job #.

Other Benefits

List other company benefits – no amount required.

Supplemental Wages Used to Meet ETP Minimum Wage Requirements

ITEM	ALLOWABLE	CRITERIA
Bonus	Yes	Bonuses may be used to meet the ETP minimum wage requirements if (1) the employee's base wage is at least the State minimum wage; (2) criteria for earning bonus is documented; and (3) bonuses are a normal, recurring part of an employee's compensation.
Commission	Yes	The dollar amount of commission earned by an employee in addition to or in lieu of a regular wage may be used to meet the applicable ETP minimum wage requirement. The dollar amount of commission, or commission plus wages, must be equivalent to the applicable ETP minimum wage.
Health Benefits	Yes	The dollar value of voluntary, <u>employer-paid</u> health benefits may be used to supplement an employee's regular wage for the purpose of meeting ETP's minimum wage requirements. The total dollar amount of voluntary, <u>employer-paid</u> health benefits plus the employee's regular wage must meet the applicable ETP minimum wage requirement.
Overtime	No	The premium paid for any overtime hours worked must <u>not</u> be used to supplement an employee's regular wage rate for the purpose of meeting ETP minimum wage requirements. <u>The employee's regular wage alone</u> must meet the applicable ETP minimum wage requirement.
Tips	No	Cash tips of twenty dollars or more in a calendar month (reported as earnings by an employee on written statements furnished to the employer, and considered to be wages as of the date of the required filing by the employee) may be used to supplement an employee's regular wage for the purpose of meeting ETP's minimum wage requirements. The total dollar amount of cash tips plus the employee's regular wage must meet the applicable ETP minimum wage requirement.
Mandatory Service Charges (Banquet Tips)	Yes	<u>Mandatory</u> service charges (banquet tips) are considered to be wages and may be used to supplement an employee's regular wage for the purpose of meeting ETP's minimum wage requirement. The total dollar amount of the service charge plus the employee's regular wage must meet the applicable ETP minimum wage requirement. Mandatory service charges are: (1) compulsory charges that must be paid (in addition to regular charges) by a customer directly to an establishment; (2) subject to sales tax; (3) distributed by the employer to the employee; and (4) considered wages for federal employment tax purposes and for income tax withholding. (In contrast, <i>voluntary</i> gratuities are: (1) optional tips; (2) paid directly to an employee; and (3) exempt from sales tax.)

9. **Contractor in-kind contribution (all proposals except SET Small Business Owner and New Hire Agreements):**

All employers receiving funds to retrain workers must provide a contribution towards the cost of training. This “in-kind” contribution refers to costs incurred by a Contractor or an employer participating in a multiple-employer contract that are directly attributable to the ETP training project and demonstrate the Contractor’s and/or employers’ commitment to the training program. Contributions may be monetary or non-monetary and are in addition to, or in excess of allowable training and administrative costs reimbursed by ETP.

Multiple-Employer Contractors (MECs) must provide a contribution that equals at least 50 percent of the ETP funding amount. Although the contract as a whole must meet the contribution requirement, individual contributions should be made by as many of the participating employers as possible. The “in-kind” contribution will be determined using the amounts indicated by the “core” employers.

Describe the “core” participating employers’ contribution towards training-related expenses that will not be covered by ETP funds. Identify an estimated dollar amount that will be contributed towards those costs.

Provide two totals:

- **Wages and fringe benefits paid to trainees during training, if applicable; and**
- **All other items including any or all of the following:**
 - Project development and training needs assessment;
 - Excess cost of staff and/or subcontractors performing training activities at a higher cost than ETP is funding;
 - Facilities costs that are directly attributable to the ETP training (for single employers, these facilities must be leased solely for the training project);
 - Training materials such as books and supplies;
 - Training for company personnel receiving ETP training courses but who are not ETP-eligible trainees;
 - On-the-job training that is tied to ETP class/lab training but not included in ETP funding;
 - Ongoing training assessments including literacy;
 - The cost of newly-hired replacement workers to cover employees in training; and
 - Lost production time when trainees are taken off the production line while in training, and are not replaced by other workers.

Unacceptable costs for meeting the employer contribution requirement include:

- Training that is mandated by law or government agencies, or provided specifically to meet government requirements (i.e. licensing exams, physicals, safety courses);
- Excess administration costs;

- Supplemental or ongoing training that is not directly related to the ETP training; or
- Substantial contributions for repeat projects.

10. **Employer Fees**

If applicable, identify the maximum dollar amount of any standard fee you will charge participating employers per trainee to cover training-related costs that do not duplicate costs reimbursed by ETP, and describe the method used to determine this cost. These fees may be included as part of the employers' "in-kind" contribution.

11. **High Cost per Trainee**

If the cost per trainee is more than double the ETP average cost per trainee (over **\$951** as published in the annual report) explain the high cost in the following manner:

- What drives the high cost (i.e. extensive training hours necessary due to the highly technical nature of the course; costly, extremely technical equipment)?
- How was the high cost per person calculated (i.e. negotiated rate of \$20 per hr. x 350 training hrs)?
- Provide evidence to justify the high cost per trainee in one of the following manners:
 - Training will result in employment paying significantly more than the ETP minimum wage requirement after the completion of the retention period, and a significant wage increase or trainees after one year; or
 - Training is in occupations that have demonstrated significant wage progressions within two years after completion of training; or
 - Training will result in moving trainees into employment with demonstrated career paths; or
 - Any other evidence deemed necessary to justify the cost per trainee as defined by the Panel.

12. **Trainers and Training Locations**

- A training agency contractor's staff will conduct all training. However, employer consortium contractors must specify which curriculum topics will be taught by in-house instructors, and which will be taught by a subcontractor or vendor.

If an in-house trainer is also a trainee, the trainer must complete all class/lab training prior to providing training in the same subject matter.

- Identify all city(ies) and location(s) where training will take place.
- Identify any and all videoconference training sites.

13. **New Hire Recruitment Plan**

New-hire contractors must explain their plan for recruiting unemployed workers. The plan should identify the links established by the contractor with other entities to facilitate their recruitment efforts.

14. **CalWorks Recipients Recruitment Plan**

Contractor must identify a plan for recruiting CalWorks recipients, and other program resources that will be used in collaboration with ETP funds to serve CalWorks recipients.

Joint Apprenticeship Training Committee (JATC)

A JATC typically does not meet the criteria of a standard multiple employer contractor (MEC). A JATC has a discreet membership of workers and employers, and is driven by its members who contribute to a fund that supports journey-level training. A simplified certification process has been established for a JATC meeting the following criteria:

- JATC is provided for and governed by a collective bargaining agreement;
- JATC is funded by employer contributions as specified in the collective bargaining agreement; and
- JATC is comprised of employer and employee representatives.

Certification Requirements for JATC Contractor

A JATC meeting the above criteria is required to submit the following information signed by the JATC Chair on JATC letterhead:

JATC	
CONTRACTOR CERTIFICATION REQUIREMENTS	
<i>Demand Training:</i>	<i>for</i> <ul style="list-style-type: none">• Explain the industry demand for training (i.e. what has occurred in the industry that requires trainees to acquire the training skills).• Explain how proposed ETP-funded training will meet this demand.
<i>Nature of Training:</i>	<ul style="list-style-type: none">• Explain how the proposed training does not duplicate existing apprenticeship programs or other training programs conducted by the JATC.
<i>Trainee Population:</i>	<ul style="list-style-type: none">• Describe the trainee population.• Explain why trainees lack necessary skills.• Describe the normal course of employment for workers in this industry.
<i>In-kind Contribution:</i>	<ul style="list-style-type: none">• Identify the dollar amount, and describe the in-kind contribution towards training.

Variable Reimbursement Training Plan

You may opt for an alternate Training Plan that consolidates all trainee groups into a single job number with a minimum to maximum range of hours. This provides the greatest flexibility in executing your training program and assists you in getting maximum reimbursement from the Agreement.

Contract Development

1. The ETP Analyst will establish the total number of trainees and the total funding amount based upon your Training Plan Worksheets (ETP 006) (i.e. total trainee population split into Job Numbers/groups according to training hours and types of training).
2. The analyst will then combine all trainees into one Job Number with a range of training hours and a contract total "not to exceed \$(the total funding amount)."
3. If the overall range of hours is too great, the training plan may be broken down into more than one variable reimbursement group of trainees with smaller ranges.

Contract Implementation

1. You will be reimbursed for the exact number of training hours provided to each trainee. Each trainee must complete at least the minimum number of hours specified in the Agreement in order for you to receive reimbursement.
2. Progress payments are based on an average cost per trainee, not on a fixed cost.
3. You must use the ETP on-line system to track your training hours.

Regular funding hours @ \$15 per hour (or \$22 per hour for small business) can be combined with Advanced Technology (AT) at \$22 per hour or Computer-Based Training (CBT) at \$8 per hour as long as the original training plan shows a fixed number of hours for each category. The ETP Fiscal Unit will determine final reimbursement by adding hours from the on-line system, which requires you to distinguish standard hours from AT or CBT. You will, therefore, be required to keep very accurate internal records of the training delivery.

4. The Agreement can still breakout a special training group, if need be, into a separate job number with fixed hours. Projects that contain both standard and variable reimbursement must use the ETP class/lab tracking system for all training.
5. No job number changes will be allowed for trainees originally enrolled in a job using variable reimbursement.
6. There are few restrictions on Amendments. However, using Variable Reimbursement eliminates the need for most common Amendment requests to redistribute trainees and increase or decrease training hours. This should reduce the administrative paperwork.

4

Curriculum

1. Contractor must provide a **curriculum** for all training that will be provided in the Agreement. Training must be at least **24** hours but no more than **200** hours per trainee (the 200-hour cap does not apply to New Hire and HUA/Working Poor Agreements).

2. **Training Methods**

Classroom training is formal instruction in a classroom setting provided to a group of individuals, in a classroom setting removed from the trainees' usual work environment, meeting regularly for training in a specific skill under the constant and direct guidance of a qualified instructor.

Laboratory training is hands-on instruction or skill acquisition under the constant and direct guidance of a qualified trainer. Laboratory training may require the use of specialized equipment or facilities. Laboratory training may be conducted in a simulated work setting, or at a productive work setting.

Class/Lab training is a combination of the two. Most training hours are listed as such to allow for lecture and practice during the same time period in the same location.

Electronic-delivery training (E-learning) is instruction delivered by a live trainer through a web-based system.

Computer-based training (CBT) is instruction that 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. The course must consist of the standard number of hours for completion as designated by the vendor who developed the course. CBT must be provided at the worksite or other approved location.

- When CBT is provided, you must certify that a trainee **assessment** has been conducted and is on file indicating that the type of training, specified course(s), and delivery method are appropriate for trainees and occupations being trained.

3. Curriculum may be comprised of different **Types of Training**. Organize and list the courses under the following major headings:

Types of Training

Type of Training	Description
Advanced Technology (AT)	<p>Advanced Technology training involves the production or use of the most sophisticated technology, equipment and software in fields such as electronics, computers, biotechnology, engineering, multimedia/entertainment, and certain machine operations.</p> <p>AT courses may include: Multi-media Skills, Animation, Film/Video Production and Postproduction, Avionics Manufacturing, Bio-technical Production Techniques, Computer-Assisted Drafting and Manufacturing (CAD) (CAM), Computer Skills (such as Certified Novell Assistant – CNA – and Certified Network Engineer (CNE), WEB Programming (JAVA, Coldfusion, Active Server Pages), Computer programming languages(Visual Basic, C++), Printed Circuit Design, Oracle (database management and storage), and sophisticated computer-operated machinery.</p>
Business Skills	<p><u>Business Performance</u> (appropriate for general business usage and Small Business Owner projects): Accounting, Payroll Systems, Marketing, Business Plans, Business Administration, Merchandising, Financial Strategies, Inventory Control, Product Knowledge.</p> <p><u>Project Management</u>: Strategic Planning, Evaluations, Monitoring.</p> <p><u>Communication Skills</u>: Business and Report Writing and Editing, Negotiating, Conflict Management, Interpersonal Skills.</p> <p><u>Customer Service</u>: Customer Relations, Identifying Customer Needs, Telephone Skills, Handling Customer Requests, Resolving Customer Complaints.</p> <p><u>Sales</u>: Customer Needs, Customer Complaints, Credit Card Sales, Computer/Cash Register Transactions, Processing Cash Sales, Refunds and Exchanges, Voiding Transactions, Product Knowledge.</p>
Commercial Skills (services and trades)	<p><u>Non-manufacturing work processes such as:</u></p> <ul style="list-style-type: none"> Automotive Repair (smog certification, engine repair, body work) Banking/Insurance/Mortgage Construction Occupations Engineering/Architectural Medical/Dental Telecommunications
Computer Skills	<p><u>Software</u> applications and equipment in any environment. Microsoft Office Suite is limited to small business projects only. For retraining projects basic “off the-shelf” courses such as Word, Excel, PowerPoint, etc are not allowable.</p> <p><u>Computer-Assisted Design and Computer-Aided Manufacturing (CAD/CAM)</u>: Printer and Plotter use, Graphic Representation, Auxiliary Hardware, 2 and 3 Dimensional Isometric Drawing.</p> <p><u>Computer Networking</u> (uses both hardware and software): Local Area Networks (LAN), Wide (WAN), Metropolitan (MAN), Network Management, Certified Novell Assistant (CAN) or Certified Network Engineer (CNE), World Wide Web (WWW).</p> <p><u>Computer Programming</u>: designing and developing software and applications.</p> <p><u>Digital Entertainment and Multimedia</u>: training in various software applications used in film production, editing, and advertising in the entertainment and multimedia industries.</p> <p><u>Manufacturing Resource Planning MRP/ERP/SAP/Oracle</u>: Integrated Material Management and Accounting Systems such as: Computerized Scheduling, Sales Forecasting, Material Resource Planning, Inventory Control, Purchase Order Tracking, Cost Accounting, Engineering and Document Control, Personnel, Payroll, and General Accounting.</p>

Types of Training

Type of Training	Description
<p>Continuous Improvement</p> <p>(May be appropriate for Managers in projects transitioning to high performance workplace. However, <u>cannot</u> be used in lieu of Management Skills).</p>	<p><u>Combination of any of the following (or similar) types of training:</u> Statistical Process Control (SPC), Problem Solving, Teambuilding, Quality Concepts, Total Quality Management, ISO (9000 to 9005 et. al.), Just-In-Time Processes (JIT), Production Scheduling, Production Operations/Workflow, Process Improvement, Decision Making, Leadership skills for frontline workers.</p> <p><u>SPC:</u> quality method for monitoring products during production: interpreting Charts/Graphs; Pareto, Histogram, and Fishbone Diagrams; Statistical Analysis.</p> <p><u>Project Management:</u> Strategic Planning, Evaluations, Monitoring.</p> <p>*Some of these courses, standing alone, may be included as part of a curriculum for another Type of Training, when appropriate.</p>
<p>Hazardous Materials (HazMat)</p>	<p><u>Pertaining to environmental protection:</u> Asbestos Removal, Hazardous Materials Handling, Hazardous Chemical Cleaning/Handling, Hazardous Waste Cleaning.</p>
<p>Literacy Skills (job-related)</p>	<p><u>Vocational English as a Second Language (VESL):</u> Basic English Language Skills: Writing, Reading, Language Comprehension.</p> <p><u>Vocational English:</u> Basic English language skills: writing letters and business reports; reading work orders, safety regulations and other documents; language comprehension, understanding verbal direction and instruction.</p> <p><u>Basic Math:</u> Understanding the Numbering System, Fractions, Decimals, Positive and Negative Numbers, Rounding-off Rules, Basic Understanding of Algebraic Equations.</p>
<p>Management Skills</p>	<p><u>Developing and improving skills of managers and supervisors:</u> Leadership, Decision Making, Motivation, Teambuilding, Administration, Coaching Procedures.</p>
<p>Manufacturing Skills (industrial)</p>	<p><u>Skills associated with product creation and/or assembly:</u> Production Operations, Parts and Products Manufacture, Equipment Operation, Assembly Procedures, Inventory Control, Warehousing, Manufacturing Practices, cross-training in production equipment/skills.</p> <p><u>Food Processing:</u> Meat, Canning, Fruit and Vegetable Processing.</p> <p><u>Computer Numeric Control (CNC) Machining:</u> CNC machine operation: Drills, Lathes, Milling Machines, Grinders and other CNC Machines, CNC Programming.</p>
<p>Miscellaneous (Other titles)</p>	<p>For a curriculum that cannot be identified by the titles listed above, select a title that will accurately reflect the training being provided.</p>

4. **Limitations and Exclusions**

Company-specific orientation training designed to orient employees to the policies or philosophy of either the employer or the Panel should not be included in the curriculum. This includes developing company mission statements and values.

Computer Software applications and equipment in any environment. Microsoft Office Suite is limited to small business projects only. For retraining projects basic “off the-shelf” courses such as Word, Excel, PowerPoint, etc are not allowable.

Continuing education courses needed to maintain a license or periodic education required by regulatory agencies may not be included.

Other courses that may not be included on an ETP curriculum are: labor laws and legal issues; labor/management relations; sexual harassment; stress management; violence in the workplace; self-improvement courses (e.g. creativity, building self image); employee relations and hiring, firing, and discipline; testing, examination, and evaluation courses; and keyboarding.

General industrial safety training is not allowable. Any safety training is limited to approximately 10% or less of the total curriculum hours for most occupations and can only be given relative to new equipment or processes. The hours may increase for specific occupations in which safety is intrinsic to the job (e.g. environmental clean up).

Literacy training, such as Vocational English as a Second Language (VESL) and Basic Math, must relate to the skills training and cannot exceed 45% of the total job-specific skills training.

Literacy skills must be evaluated prior to contract approval, and the Contractor must have a signed statement on file certifying that they have administered a literacy assessment and that the number of literacy hours in the Agreement is consistent with the results of the assessment.

ISO training hours are not limited. However, if the ISO training contains an overview or introduction to ISO, that component cannot exceed 8 hours of classroom only instruction.

Apprenticeship training: ETP training shall not replace, parallel, supplant, compete with, or duplicate in any way already existing approved apprenticeship programs.

5. **Class Size**

The ratio of class/lab trainers to trainees is capped at 1:20 for retrainees, 1:15 for new hires, and 1:10 for Advanced Technology training. If any ratio exceeds the allowable limits, the Contractor will need to revise the training plan or submit a written request for a variance. Some variances (especially those exceeding 20 percent), if approved, will reduce ETP funding.

6. **Videoconference training**

If the curriculum includes videoconferencing, provide a list of all company sites where this type of training may take place. A maximum of three sites at one time may be involved in a videoconference training session, and must adhere to the 1:20 trainer to trainee ratio.

7. **Advanced Technology (AT)**

To request Advanced Technology training at the Fixed Fee rate of \$22/hour, provide the curriculum and written information explaining why a high reimbursement is necessary. Address the following:

- The nature and content of training.
- Why training costs exceed the standard \$15 per hour reimbursement.
- Why training must be given in small classes of no more than 10 trainees.
- Sophisticated equipment and software involved in the training.
- Occupations that will receive the training and their hourly wage rates.
- How training is customized to the occupations being trained.

8. **Electronic Training Documentation**

To request the use of an electronic training documentation system, such as a Learning Management System (LMS), Contractors should complete an electronic training documentation questionnaire during contract development. Prior to making this request, Contractors must have a current established record keeping practice that documents internal training via a specialized computer software application or web-based technology which meets ETP's training documentation requirements.

Note: Approval of Contractor's LMS, if necessary, may occur after the start date of the contract. Contractor is considered "at risk" for use of an LMS until it has been approved by ETP.

**EMPLOYMENT TRAINING PANEL
ELECTRONIC TRAINING DOCUMENTATION QUESTIONNAIRE**

Contractor Name:

Agreement No./Ref. No.:

Agreement Term:

Contractor Name:

Agreement No./Ref. No.:

1. Is the system used as the Contractor's established record keeping practice to document training for trainees to be included in the Agreement? If so, the Contractor must submit the system's user/procedures guide (electronic version preferred) during contract development. If it's not established, Contractor should make this request when the system is already in-place and functioning properly.

2. What is the name of the electronic training documentation system that will be used to document ETP-funded training? Is the system owned by the Contractor or is it leased through a vendor? If it's leased, what is the name of the vendor?

3. Does the user guide include a detailed description of the internal processes and security (access controls, etc.) for input of training data related to the ETP contract? If not, the Contractor should explain what the processes will be and who will perform them (e.g. review, input/add/edit, verify, upload) for both the electronic system and ETP Internet Class/Lab Tracking System.

4. Contractor must attach/submit a hard copy printout (PDF file, etc.) of a sample trainee transcript from their electronic system that includes each of the ETP required data fields, such as date of training, type of training/course title, hours attended, trainee & trainer name, and class size. If the trainee transcript does not include any of the required information, please explain.

**EMPLOYMENT TRAINING PANEL
ELECTRONIC TRAINING DOCUMENTATION QUESTIONNAIRE**

Contractor Name:
Agreement No./Ref. No.:
Agreement Term:

5. Please describe how the system and/or reports have the following capabilities:
- a. Does it document the date of training, type of training/course title, delivery method (class/lab, advanced technology, CBT), actual training hours attended, class size, name(s) of the actual Instructor(s), trainee(s) for each training session, and standard number of hours of CBT?

 - b. Ability to document each single date of training (Ex.: 1/8/07 – 8 hours, 1/9/07 – 8 hours), even for multi-day training classes?

 - c. Does the system have a cap or maximum number of training hours eligible per day?

 - d. If a trainee is terminated from employment by the Contractor during (or subsequent to) the Agreement term, would that trainee's completed training information remain accessible in the system for ETP review?

NOTE:

- While it is understood that a Contractor's system may capture both ETP and non-ETP courses, only eligible ETP courses can be uploaded into ETP's Internet class/lab tracking system (through a comma delimited ASCII file). It is critical that the Contractor has an existing system that will have the ability to differentiate between ETP and non-ETP courses. The Contractor will only receive funding for ETP training courses that are identified in the curriculum included in the Agreement.

- Retention of electronic individual trainee transcripts from the system must be available for review at the Contractor's place of business within the State of California during the Agreement term and for 4 years from the date of termination of the Agreement, or 3 years from the date of resolution of appeals, audits, claims, exceptions, or litigation, whichever is later.



Authorization Log Electronic Training Records

Contractor: _____ Agreement No: _____

I certify that our current, established training record keeping practices include the use of a Learning Management System (LMS) to substantiate the delivery of employee training. The LMS will electronically document ETP eligible courses, and include the dates of training, trainee/trainer name, training hours, type of training, and class size. ETP staff are given the authority to access, review, and receive reports printed from the LMS to ensure the reliability and authenticity of the training data to confirm the Contractor's compliance with the requirements of this Agreement.

Contractor's Representative

Contractor's Representative Signature

Date

Contractor agrees that the following named individuals are authorized to input training data for the ETP Agreement and they will, at a minimum, have a unique level of access and user privileges. All logins to the LMS will be password protected and the individuals shown below will confirm or verify actual training attendance with the trainee and/or trainer prior to entering the training data.

	Printed Name	Signature*	Job Title
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

* By my signature above I certify that I will input individual training related information for the above ETP Agreement, including training dates, trainer name, trainee name, training hours, class size, etc., into the Contractor's Learning Management System (LMS) and that this information is true and accurate to the best of my knowledge. I understand that any information that is falsified would require payment of unearned funds and applicable interest to ETP. I also understand that I may not enter any training data for myself, as it relates to this ETP Agreement. Training data for ETP eligible courses included in the LMS will be uploaded into ETP's on-line Internet System for Class/Lab and/or Computer Based Training (CBT).

ETP Analyst's Initials _____ Date _____

9. **Prepare a curriculum** (see following samples):

Sample Curriculum by JOB NUMBER

The Johnson Machine Company
Training Curriculum
Job #1

Class/Lab Hours
24 - 80

Trainees will receive any of the following:

Business Skills

- Project Management and Methodology
- Project Requirements Analysis and Specifications
- Property and Resource Management Skills
- Market Business and Strategies

Continuous Improvement

- Creating a Quality Organization
- Problem Solving & Decision Making
- Teamwork Development Skills

▪ **Computer Skills**

- SAP Applications
- Supply Chain Management
- Software Engineering
- Printed Circuit Board Design
- Auto Computer-Aided Design (AutoCAD)

AT Class/Lab Hours
24 - 60

Advanced Technology

Computer Skills

- Java Language, Programming and Testing Concepts
- Web-Based Product & Service Development, Implementation & Support Tools
- System debugging
- System Architectures
- Networking Design, Implementation, Maintenance and Security

CBT Hours
0-16

Computer-Based Training (CBT)

Business Skills

- Project Management
- Interpersonal Communications
- Customer Service
- Enhanced Products and Services
- Successful Selling Techniques

Continuous Improvement

- Coaching and Motivation
- Achieving High Standards in Business Conduct
- Project Planning
- Problem Solving

Subagreements for Third Party Services

There are certain administrative tasks that must be performed by the Contractor in order to satisfy the training “performance standards” set forth in the ETP Agreement. For example, trainees must be enrolled and attendance must be recorded using ETP’s online system. [Note: Attendance must also be recorded on printed rosters at the time of training.]

The Contractor may perform these tasks in-house, or may hire the services of a Consultant or other third party under a “subcontract.” The Contractor may also deliver training in-house, or subcontract with a training provider. In either event the Contractor will receive guidance from the ETP Regional Office.

Subcontract Requirements

A subcontractor for administrative or training services is subordinate the ETP Agreement, and must contain certain provisions that are identified in the standard ETP Agreement (Form 100). The Contractor must also identify an authorized representative for all subcontractors (Form 100D).

In addition, the Contractor must provide the ETP Regional Office with a copy of subcontract for administrative services. If possible, this subcontract should be provided before it is executed (signed) so ETP staff can review it for compliance with program requirements and suggest needed revisions.

The Contractor may be asked to provide written documentation for a training subcontract(s), if there is a question about service delivery as the project is being developed and implemented. If a training provider is hired by an informal or verbal agreement, the Contractor should be prepared to explain its terms to ETP staff upon request (i.e., during a monitoring visit).

ETP funds cannot be used to pay for administrative services beyond a “cap” that is identified in the standard ETP Agreement (Form 100). The cap is 13% of payment earned for single employers, and 20% of payment earned for Multiple Employer Contracts.

Agency Agreements

If the Contractor hires a third party to develop and / or administer the ETP Agreement, then it must delegate authority in an “agency agreement.” This delegation would be implicit, or may be expressly stated, in a subcontract between the Contractor and third party.

Contractor Responsibility

However, even if a Consultant is hired for administrative services, the Contractor remains directly responsible for completing the ETP Orientation and satisfying performance standards under the ETP Agreement. For this reason, the Contractor must designate an authorized representative within its own organization as a liaison with the ETP Regional Office. That person must attend the all visits, even it a Consultant is also present.

The Contractor may authorize a consultant to perform any of the following administrative tasks, amount others: submit the application for funding and otherwise develop the training proposal; develop the curriculum and otherwise negotiate terms of the ETP Agreement; interact with ETP Regional Office for purposes of start-up and monitoring visits; invoice ETP at the time of progress and final payments.

Out-of-State Services

ETP does not normally fund training or related services by a provider located out-of-state. However, these services may be approved for funding if they are unique, and unavailable in California.

To obtain funding, the Contractor must justify the use of an out-of-state provider in advance. In so doing, the Contractor must explain what steps it took to find a suitable provider in California, and why it was successful.

A written justification, along with a written subcontract for the proposed out-of-state services, must be received by the ETP Regional Office at least seven (7) working days prior to service delivery.

If an out-of-state provider has maintained an office in California with one or more employees for more than six months prior to the effective date of the ETP Agreement, the costs attributable to that office are eligible for funding. In this instance, it is not necessary to prepare a justification.

6 Special Programs

Special ETP programs may have alternative employer and trainee eligibility requirements, and other contract specifications that differ from some or all of the standard ETP guidelines set out earlier in this Guide. Special ETP programs currently include:

- A. High Unemployment Areas (HUA)/Working Poor
- B. Special Employment Training (SET) for frontline workers:
 - 1) Who earn at least the State average hourly wage
 - 2) Who are located in high unemployment areas (HUA)
 - 3) Who are small business owners
 - 4) Who have multiple barriers to employment

Program specifications and contract requirements for each are detailed below.

HIGH UNEMPLOYMENT AREAS (HUA) IN CALIFORNIA

High Unemployment Areas

The Panel funds training in high unemployment areas (HUA). The Panel utilizes the Employment Development Department's (EDD) Labor Market Information data to define HUAs as follows:

If State average unemployment rate* is:	High unemployment areas are defined as:
Less than 10% →	<ul style="list-style-type: none">- Counties with an unemployment rate 25 percent higher; than the State average; or,- Sub-county areas containing large numbers of unemployed workers and having an unemployment rate 25 percent higher than the State average.
10% or higher →	<ul style="list-style-type: none">- Counties with an unemployment rate 15 percent higher than the State average; or,- Sub-county areas containing large numbers of unemployed workers and having an unemployment rate 25 percent than the State average.

*based on the Employment Development Department's (EDD) Labor Market Information data

HUA training focuses on workers who have full-time jobs and fairly stable employment but earn low wages and lack the essential job skills necessary to improve their employment opportunities.

See list of [currently identified HUAs](#):

Working Poor Trainees

Training under the HUA category should focus on the “working poor”. This is not a requirement, but only “working poor” trainees will be eligible to request the following **waivers** for Panel approval:

ETP Minimum Wage

Retrainees:

- The minimum wage before training may be up to 25 percent below the standard ETP minimum wage (see chart below)
- This wage may include health benefits.
- Each trainee’s post-retention wage must exceed the wage before training by at least 7% (except in cases precluded by existing collective bargaining agreements). The 7% increase must be calculated on the base wage only before training, exclusive of health benefits and any cost of living increases.

New hires:

- The minimum wage after training and retention may be up to 25 percent below the standard ETP minimum wage (there is no post-retention wage increase because these trainees are not employed and receiving wages during training) (see chart below).

- Health benefits may be included in post-training and retention wage to meet the minimum wage requirement when a waiver has been granted.

**WORKING POOR MINIMUM WAGES BEFORE AND AFTER TRAINING
FOR CALENDAR YEAR 2010**

COUNTIES	NEW HIRE WAGE AFTER RETENTION	RETRAINEE WAGE AT START OF TRAINING	RETRAINEE WAGE AFTER RETENTION WITH 7% INCREASE
Alameda, Contra Costa, Los Angeles, Marin, Orange, San Francisco, San Mateo, Santa Clara, Santa Cruz	\$ 9.30	\$ 11.15	After retention, base wage (base wage does not include health benefits) must be increased. Increase must be at least 7% higher than trainee <u>base</u> wage was at the start of training.
Sacramento	\$ 9.15	\$ 10.98	
San Diego	\$ 8.94	\$ 10.73	
Ventura	\$ 8.47	\$ 10.22	
All Other Counties*	\$ 8.37	\$ 10.22	

Calculation of the minimum wage may include the dollar value of voluntary, employer-paid health benefits (medical, dental, vision). In all cases, trainees must meet Federal and State minimum wage requirements. The 7% increase is calculated on the hourly wage only without health benefits.

Limitations on training hours may be waived if the Panel determines additional training over 200 hours will achieve employment stability and advancement opportunities.

Limitations on literacy training may be waived to permit up to 100 percent of the total vocational skills training hours per trainee.

Special Employment Training (SET)

Special Employment Training (SET) funding is designated for projects to improve the skills and employment security of frontline workers in projects that do not meet standard out-of-state competition or trainee eligibility requirements.

There are four SET categories:

1. Frontline workers who earn at least the State average hourly wage;
2. Frontline workers who are located in high unemployment areas;
3. Frontline workers who are small business owners; and
4. Frontline workers who have multiple barriers to employment.

General Guidelines for SET Projects:

Employers need not meet the standard out-of-state-competition requirement.

Trainees need not meet regular eligibility criteria.

Trainees must be frontline workers, individuals who meet one of the following criteria:

- Is not exempt from overtime under state or federal law, providing she/he directly produces or delivers goods or services; or
- Is covered by a collective bargaining agreement providing she/he directly produces or delivers goods or services; or
- Is exempt from overtime under state or federal law and is not covered by a collective bargaining agreement if his or her primary job responsibility is directly producing or delivering goods or services.

Training must result in full-time employment (except for Small Business Owners).

The total funding limit for a SET project is \$500,000. The Panel may waive the cap for individual SET projects at any time, upon a showing of good cause by the Contractor.

The Panel may fund the same SET Contractor for a subsequent project, upon a showing of good cause by the Contractor.

The following table summarizes requirements for each SET category:

	Workers Who Earn at Least the State Average Hourly Wage	Workers in High Unemployment Areas	Small Business Owners	Workers with Multiple Barriers to Employment
Employer Must Be UI eligible:	X	X	X	X
Employer Must Meet Out-of-State Competition:	NA	NA	NA	NA
Trainees Must Meet Regular Eligibility Criteria (Section 10201 (c)):	NA	NA	NA	NA
Trainee Must Meet Standard Retention Requirements:	X	X	N/A	X
Training Must Result in Full-Time Employment:	X	X	NA	X
Wage Requirement:	Must earn State average hourly wage	Must earn ETP minimum wage, but may be waived for "working poor".	No wage requirement	Must earn ETP minimum wage

1. FRONTLINE WORKERS WHO EARN AT LEAST THE STATE AVERAGE HOURLY WAGE

Trainees must be frontline workers in occupations paying at least the state average hourly wage and in businesses difficult to serve under the Panel's standard project format.

REQUIRED MINIMUM WAGE RATES FOR YEAR 2010

COUNTIES	SET MINIMUM WAGE
All Counties	\$24.79

*If needed, calculation of the minimum wage may include the dollar value of voluntary, employer-paid health benefits (medical, dental, vision).

2. FRONTLINE WORKERS IN HIGH UNEMPLOYMENT AREAS (SET HUA)/WORKING POOR

Guidelines are identical to those listed above under High Unemployment Areas. This category (SET HUA) is for companies that do not have out-of-state competition and/or whose trainees do not meet standard eligibility criteria.

3. FRONTLINE WORKERS/SMALL BUSINESS OWNERS

Training for small business owner(s) to enhance their competitive position. "Owner" is defined as one or more individuals each having all or a substantial (at least 20%) financial investment in a business; and who is directly involved full-time in the day-to-day operation of the business. The spouse of an owner also qualifies as an "owner" if directly involved in the day-to-day operation of the business. The owner must be registered as a California employer with the Employment Development Department and be **currently** subject to the UI tax on behalf of the business' employees.

The owner must employ at least 1, but not more than 9, full-time employees whose primary duties consist of directly producing or delivering goods or services (not including the owner).

"Employee" is an individual(s) receiving monetary compensation while working full-time for a business and the business is paying into the Unemployment Insurance (UI) fund (subject to the Employment Training Tax) on behalf of the individual(s). UI tax payments must be made on behalf of the individual(s) both during training and the retention period (the individual(s) cannot be leased or borrowed from a temporary employment agency or other provider).

Owner (or spouse) is considered to be a "retrainee" for this SET category.

Wage requirements for this category are waived, as owners do not typically earn hourly wages.

Training must be business management and/or other related skills need to operate a successful business, including but not limited to developing a business and/or marketing plan, tax requirements, and permit and licensing procedures.

Retention period: these projects need not result in the trainee's full-time employment upon completion of training. The employment retention period will be met by the business as a whole and the business must, at a minimum, have at least the same number of full-time employees on the 91st day after the completion of the owner's training as were employed by the business on the owner's first day of training.

Since the trainee is an "owner" or a spouse and not employed by the business, Multiple-Employer Contractor may require a refundable security deposit from participating employers to guarantee their participation

4. FRONTLINE WORKERS WITH MULTIPLE BARRIERS TO EMPLOYMENT

Individuals with physical disability, lack of training, lack of communication or literacy skills, limited English skills, reading/math skills below the 7th grade level, or other similar factors, do not have the means to readily enter and/or fully participate in the labor force.

- Trainees must have at least two identified barriers to full-time employment.
- Contractor must demonstrate that training will help trainees overcome the identified barriers.
- Trainees must earn at least the ETP minimum wage (which may include the use of employer-paid health benefits – medical, dental, and vision).
- Literacy skills up to 100 percent of total vocational skills may be included in the training. Trainees must meet standard ETP retention and wage requirements.

7

ETP Reimbursement

1. The Fixed-Fee Training Rate Table will be used to determine the amount of funding ETP will reimburse the Contractor for each person trained and retained on the job for 90-days after the completion of training. The fixed rates, which include training and administration costs, are as follows:

FIXED FEE RATES			
(All rates include training and administration costs)			
TYPE OF TRAINEE	CLASS/LAB/ VIDEOCONFERENCE	ADVANCED TECHNOLOGY CLASS/LAB	CBT
NEW HIRE (cost per trainee is capped at \$4,854)	\$20	N/A	\$8
RETRAINING (a) Standard (b) Small business (100 or fewer full-time employees in California, but no more than 250 worldwide), including small business served under a MEC or entrepreneurial agreement.	(a) \$15 (b) \$22	(a) \$22 (b) \$22	
PRIORITY INDUSTRY RETRAINING Industry sectors currently in the Strategic Plan include manufacturing and high technology (including high tech services, biotechnology, and multimedia entertainment), agriculture, healthcare, transportation and goods movement, construction and clean technology (i.e., clean tech services, clean tech consulting business). Priority industries are indentified, via NAICS codes.	(a) \$18 (b) \$26	(a) \$26 (b) \$26	
(a) Priority industry (b) Small business (100 or fewer full-time employees in California, but no more than 250 worldwide), in a priority industry served under a MEC or entrepreneurial agreement.			

<p>MEDICAL SKILLS TRAINING (MST) Nurse upgrade and capacity building for RNs, LVNs and allied healthcare occupations (technicians, therapists with preceptor training) * Didactic (class/lab) and Preceptor (clinical)</p>	\$22	N/A	
<p>VETERAN NEW HIRE TRAINING Training for unemployed veterans that have served on active full-time duty in the Armed Forces and were (a) honorably discharges or (b) released from active duty due to a service-connected disability (includes reservists and National Guard)</p>	\$20	N/A	
<p>CRITICAL PROPOSAL RETRAINING Single employers may earn up to 25% over the standard fixed-fee rate on a case by case basis considering the type of training and any special circumstances specific to the project.</p>	\$15 to \$19	\$22 to \$27	

2. **Progress payments:** The ETP Agreement is 100% performance-based, which means that the cost per trainee is earned only when a trainee completes all training, the 90-day retention period, and receives at least the wage specified in the Agreement. Seventy-five percent (75%) of the cost per trainee may be issued as progress payments (unearned advances) before it is actually earned. Discuss with the Analyst how you wish payments to be made during the term of the Agreement.
3. **Advanced Technology** fixed-fee rate of \$22 per hour is applicable to courses that require a trainer to trainee ratio of 1:10 or less and 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. Basic types of computer skills (such as EXCEL, PowerPoint, Page Maker, and Internet Navigations) do not qualify as Advanced Technology since they are less complex and less expensive to deliver, and are more generic and used across many industries.

Contractors who have previously received the standard fixed-fee rate of \$15 per hour for a type of training will not qualify for the higher rate of \$22 per hour, unless they provide evidence that training costs merit the higher rate, and (for MECs) that they are unable to secure in-kind contributions to pay costs in excess of the standard fixed-fee.

4. **Training Agency/School catalog and published training rates.**

Private training agencies must provide a copy of their school catalog. If published rates are less than ETP's Fixed Fee, the former may be used to establish ETP reimbursement.

5. **Concurrent Enrollment**

A trainee shall not be enrolled in more than one ETP project at the same time.

6. **Work Sharing**

If your company is participating in the Work Sharing Unemployment Insurance program, notify your ETP Analyst.

7. **Adjustments to Fixed Fee Funding**

- a. **Training "Support" Costs for Multiple Employer Agreements** (additional funding)

Multiple-employer Contractors may receive additional ETP funding, not to exceed 8% of other training costs in the Agreement, for the following:

- New hire programs: training support activities for unemployed workers may include recruitment of training participants; trainee intake assessment to determine eligibility; job development; and job search assistance and placement in specific jobs
- Note: If the Contractor can show that 8% is not sufficient funding to provide promotional mailers to potential new hire trainees, support costs for up to an additional 4% may be allowed subject to Panel approval.
- Retraining programs: training support activities may include recruitment of participating employers, and assessment of employer-specific job requirements

b. Previous ETP Agreement/Substantial Contribution (reduced funding)

Will be assessed on retraining employers who have earned more than \$250K for training at the same facility – over the past 5 years. Five years is measured from the ending term date of the last applicable Agreement to the proposed beginning term date of the new Agreement.

- **The first time a substantial contribution is assessed;** it will be assessed at 15%. (However, the Panel could impose a 30% contribution).
 - **The second time a substantial contribution is assessed;** it will be assessed at 30%. (However, the Panel could impose a 50% contribution).
- c. When it is documented that a Contractor charges clients less than the fixed fee rate to provide training, ETP may reimburse the Contractor at the lesser rate or other rate as negotiated by Panel staff. In order to make such a determination, ETP staff may inquire about training fees charged by a proposed Contractor.

Contractor and Employer Eligibility

A **Multiple Employer Contract** (MEC) provides training to a **group of participating employers**.

1. **The Contractor**

- The Contractor may be (1) consortium (a group of employers); (2) a public or private training agency; (3) a State Workforce Investment Board (WIB); or (4) a recipient or administrative entity selected pursuant to the Federal workforce Investment Act of 1998.
- The Contractor may also be either (1) an **on-site training provider** that gives all training at the individual participating employer's worksite; or (2) a **center-based** MEC that provides none or only some training at the participating employer's worksite.
- A **training agency** is expected to provide all of the training specified in the Agreement (i.e. no subcontracting); an **employer consortium** may subcontract with appropriate training vendors.
- Funding for first-time MECs is limited to \$200,000; additional funding may subsequently be added based on successful contract performance.

2. **The Participating Employers**

Each participating employer must be **eligible to participate** in ETP-funded training. An employer is initially eligible if:

- The employer is mandatorily subject to the California State Unemployment Insurance Tax and the Employment Training Tax; or
- The employer is a public entity or nonprofit organization electing to participate in the California State Unemployment Insurance Tax system under the Tax Rate method and is, therefore, also subject to the Employment Training Tax.

It is the **Contractor's responsibility to determine that each employer is eligible to participate** (i.e. is subject to U.I. fund contributions) and approved prior to the start of training. ETP will only approve reimbursement for new hire placements or for retraining current employees working for eligible employers.

To ensure employer eligibility, MEC Contractor may:

- Request a copy of a current form DE 88 (Report of Contributions) or a DE 6 (Quarterly Wage Report) from each prospective employer. EDD provides these pre-printed forms to all registered California employers.
- If a copy of the DE 88 or the DE 6 is not legible or not available, request written confirmation from the employer of its seven-digit California Employer Account Number (CEAN) for documentation and audit purposes.
- Review the "Due" date at the top of the DE 6 form or the "Payroll Date" at the top of the DE 88 form. The date should be within six (6) months of the current date.
- Verify the first three digits of the employer's CEAN on the form (at the top, right side of the DE 6 form, or at the center of the left side of the DE 88 form).

- Determine employer eligibility based on the first three digits of the employer's CEAN using the attached chart.
- The Contractor should retain a copy of the DE 88, the DE 6 or written confirmation with other source documentation related to the training Agreement for monitoring and audit purposes.

CALIFORNIA EMPLOYER ACCOUNT NUMBERS (CEAN) AND ETP INITIAL ELIGIBILITY

First three digits of an Employer's CEAN Series:	Initial Eligibility
699 or lower	<i>Employer is subject to the California U.I. Tax and the ETT and is eligible for all ETP Programs.</i>
700 to 899	<i>Employer is not subject to reporting California U.I. Tax or ETT and is NOT eligible for ETP under these account numbers. (May have separate U.I. reporting account - verify information with employer)</i>
900 to 999	<i>Employer is a public or non-profit entity that finances unemployment benefits by an alternate method and is only eligible for <u>incidental placement</u> of new hires trained by a training agency/consortium.</i>
Federal Agencies	<i>Employer is NOT subject to California U.I. Tax or to the ETT and is NOT eligible for any ETP programs.</i>

3. Participating employers must also face out-of-state competition.

Regulation 4416 Out-of-State Competition

- (a) For purposes of Panel funding, out-of-state competition exists if the individual function and/or unit of a company for which training funds are sought meets the following conditions:
- (1) produces a product sold out-of-state; and/or
 - (2) produces a product sold in-state which competes with products produced out-of-state; and/or
 - (3) provides a service out-of-state; and/or
 - (4) provides a service in the state in competition with providers of the same service that are located outside the state.
- (b) A company engaged in manufacturing is deemed to meet the out-of-state competition requirement for purposes of Panel funding if that company meets the definition of Division D, Manufacturing as contained in the Standard Industrial Classification (SIC) Manual, or is assigned by the Employment Development Department a SIC within Division D, Manufacturing, Major Groups 20-39 as follows:

- (c) A company is also deemed to be facing out-of-state competition if it meets any of the following categories:
- (1) The applicant is located in California, and is the Corporate Headquarters of a company that does significant business outside of California. In addition to the Corporate Headquarters, a company's facility is eligible if it provides significant support services to the company's offices, operations, divisions, branches, stores, or franchises located outside of California.
 - (2) The applicant is a mortgage bank or related institution engaged in the packaging/sales and/or servicing activities related to loans. These loan activities must be conducted by the bank or institution within California. Only those jobs directly involved with the mortgage banking function will be considered for training.
 - (3) The applicant is a destination resort, convention/conference center or convention/conference hotel which competes nationally and/or internationally for customers, as set forth below:
 - (A) Destination resort means an establishment and its affiliated facilities which:
 1. Is a recognized destination, or
 2. Operates in conjunction with, or by virtue of, a destination recreational complex or attraction, and has derived at least 25 percent of its gross annual revenue from out-of-state visitors.
 - (B) For purposes of this subsection, the term "destination" refers to the establishment, recreational complex, or attraction being itself the primary reason for people traveling to it. A city is not, in and of itself, a destination.
 - (C) For purposes of this subsection, the term "convention/conference center" means an establishment primarily dedicated to holding conventions, conferences, and/or trade shows or exhibits.
 - (D) For purposes of this subsection, the term "convention/conference hotel" means an establishment that derives at least 25 percent of its gross annual revenue (inclusive of rooms and food/beverage revenues) from conventions, conferences, and/or trade shows or exhibits involving transient lodging requirements.
 - (E) A destination resort, convention/conference center or convention/conference hotel will be deemed to compete nationally and/or internationally for customers if it meets at least three of the following criteria:
 1. Participates in out-of-state sales missions or trade shows;
 2. Routinely conducts out-of-state sales efforts;
 3. Routinely advertises in media in which its out-of-state competitors also advertise;
 4. Contributes financially to joint community based out-of-state marketing efforts;
 5. Maintains a marketing plan that addresses the national/international market; or
 6. Documents that it is in competition with similar establishments outside of California.

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS)

As of July 1, 2003, ETP adopted the North American Industrial Classification System (NAICS), which replaces the Standard Industrial Classification (SIC) code system. Companies assigned a NAICS Code within the following Subsectors, Industry Groups and/or Industries are deemed to meet out-of-state competition. Regulatory changes are pending.

NAICS Code	NAICS Sub-sector or Industry Name
111110 - 111998	Crop Production
221119	Other Electric Power Generation (wind, solar)
236110 – 238990	Construction of Buildings
237	Heavy and Civil Engineering
238	Specialty Trade Contractors
311110 – 339999	Manufacturing, including Food Product, Apparel, Petroleum and Coal Product, Chemical, Primary and Fabricated Metal, Machinery, Computer and Electronic Product, and Equipment Manufacturing
423860	Transportation Equipment & Supplies Merchant Wholesalers
423930	Recyclable Material Wholesalers
481112	Scheduled Freight Air Transportation
481212	Nonscheduled Chartered Freight Air Transportation
482111 – 482112	Rail Transportation
483111	Deep Sea Freight Transportation
483113	Coastal and Great Lakes Freight Transportation
483211	Inland Water Freight Transportation
486110 – 486990	Pipeline Transportation
488111 – 488190	Support Activities for Air Transportation
488210	Support Activities for Rail Transportation
488310 – 488390	Support Activities for Water Transportation
488510	Freight Transportation Arrangement
488991	Packing and Crating
493110 – 493190	Warehousing and Storage
511110 – 511199	Publishing, including Newspaper, Periodical and Book Publishing
511210	Software Publishing
512110	Motion Picture and Video Production
512191	Teleproduction and Other Postproduction Services
519130	Internet Publishing, Broadcasting and Web Search Portals
517110	Wired Telecommunications Carriers
517210	Cellular and Other Wireless Telecommunications
517911	Telecommunications Resellers
517410	Satellite Communications
517910	Other Telecommunications
518210	Data Processing, Hosting and Related Services
541330	Engineering Services, including Civil, Construction, Environmental and Mechanical Engineering Services
541360	Geophysical Surveying and Mapping
541370	Surveying and Mapping Service
541380	Testing Laboratories
541511	Customer Computer Programming Services

NAICS Code	NAICS Sub-sector or Industry Name
541512	Computer Systems Design Services
541614	Process, Physical Distribution, and Logistics Consulting Services
541620	Environmental Consulting
541711 - 541712	Research and Development in Physical, Engineering and Life Sciences
562910	Remediation Services
562920	Materials Recovery Facilities
621493	Medical Emergency Center
621511	Medical Laboratories
621512	Diagnostic Imaging Centers
622110 - 622310	Hospitals
623110 - 623990	Nursing and Residential Care Facilities
813312	Environmental, Conservation & Wildlife Organizations

PARTICIPATING EMPLOYER CERTIFICATION STATEMENT (CS) (100E AND 100 F)

All employers (except JATC) participating in an ETP Multiple-Employer Contract (MEC) must complete a Certification Statement: an ETP 100E for standard retraining projects; or an ETP 100F for new hire and SET proposals. This document must be signed by an authorized company representative and will be used to determine participating employer eligibility.

- The Contractor must obtain ETP approval for each employer's Certification Statement prior to the beginning of training for that company's employees. Without this approval, the Contractor is training a company's employees at their own risk and will not be reimbursed if an employer's CS is eventually denied.
- The Contractor must provide instructions and assistance to the participating companies on completing the CS. The Contractor may customize the CS and give only the applicable sections to the employer. Any revisions to the CS form must be submitted to ETP for approval prior to its use.
- For standard ETP funding, the Appendix must be completed along with the CS if a company does not have a pre-approved NAICS code identified in Title 22, California Code of Regulations, Section 4416.
- A Contractor's representative must review each CS as to form, content, and eligibility, and make sure that the employer's information satisfies ETP requirements before submitting the form to ETP.
- The same CS may **not** be used for a subsequent Agreement with the same Contractor. A new CS must be completed for each new Agreement.
- **Original** hard copies of the CS forms must be submitted as part of the Application for review during the contract development process. After the CS forms are reviewed by an ETP Analyst, they will be returned to the Contractor and must be kept on file at the Contractor's facility.
- Once the Agreement is approved, it is not necessary to submit the original CS forms to ETP unless requested by ETP staff. The Contractor can submit CS online for approval. Refer to Section 11 for CS instructions on the ETP Online System.

INSTRUCTIONS for COMPLETING the CERTIFICATION STATEMENT (CS) (ETP 100E) for retrainees

Each employer participating in a standard ETP retraining program must complete this form by printing or typing all responses to the applicable sections according to instructions. The CS must be signed by an authorized company representative and sent to the ETP Contractor for review and submission to ETP. Eligibility for participation will be approved or denied by ETP based upon your answers. Contact the primary Contractor for assistance.

Employer Information:

- California Employer Account Number (CEAN or Unemployment Insurance Tax I.D. number)
- Legal company name and address
- Email address
- Number of full-time company employees (1) worldwide and (2) in California.
- North American Industrial Classification System (NAICS) code.
 - a. Employers with a pre-approved NAICS code listed in ETP Regulation 4416 meet out-of-state competition requirements.
 - b. Employers without a pre-approved NAICS code must complete the CS Appendix.

Turnover Rate of Full Time Employees for the Most Recent Calendar Year (January-December):

Identify your company's California turnover rate (____%) during the last calendar year for full-time workers at the site(s) for which training is being requested.

A company must provide full-time, permanent, stable employment. To qualify for ETP funding, an employer's turnover rate of full-time employees for the last calendar year may not exceed 20 percent. Determine and report your turnover rate for only the California site(s) and the employees at the site(s) for which training is being requested, using the following:

Divide the number of full-time employees at the site(s) who separated from their jobs during the most recent calendar year (January-December) by the average number of total company employees at that same site(s) during the same time period. Include all employment terminations of full-time workers initiated by either the employee or the employer.

Include all of the following in the number separating during the most recent calendar year:

- Quits
- Layoffs exceeding 30 days
- Discharges for cause
- Unauthorized absences exceeding one week

Exclude the following from the number of separations during the most recent calendar year:

- Temporary layoffs (30 days or less)
- Workers on strike
- Outside consultants and contractors
- Workers from temporary-help agencies
- Retirements
- Seasonal Workers
- Deaths
- Transfers to another company facility
- Permanent separations due to disability

Waiver Guidelines

If your turnover rate exceeds 20%, describe the circumstances.

An employer may apply for a waiver or exemption to the 20% turnover requirement if the company has experienced and provides evidence of a singular reduction in its workforce (an anomaly). The justification for the waiver must be forwarded to the ETP Contractor who will, in turn, forward the information to the ETP Field Analyst for a determination of eligibility.

Union Support

Enter “yes” or “no” to indicate if company employees are represented by a union and if trainees are represented by a union. If “**yes**”, enter the union(s) name and local number.

When trainees are represented by a union, you must obtain a letter from the union, addressed to the Panel, indicating that it supports the proposed ETP training project for its members working at (*provide name of company*). The letter must be on union letterhead; signed and dated by a union officer or business representative; attached to this form; and forwarded to the ETP Contractor.

Justify Need for Training

Briefly explain the nature of your business and why your employees need training.

Supplemental Training

Indicate whether or not your company currently has a training program. If “yes”, explain how the proposed ETP training supplements, rather than duplicates, training that would otherwise be provided by your company.

Employer Contribution

Employer investment in training may be demonstrated through a quantifiable commitment to training. Identify your company’s contribution towards training-related expenses.

Compensatory Nature of Training

All ETP-funded training provided to employees must comply with applicable labor laws. Every trainee for whom training is mandated by the employer must be compensated for all time spent in training. The compensatory nature of training should be discussed with the ETP Contractor.

Indicate if training is mandatory and trainees will be paid for time spent in training, and enter the number of trainees for whom training is mandatory.

Indicate if training is voluntary (trainees not required to attend) and meets all criteria specified in Section 46.6.5 of the California Division of Labor Standards Enforcement, Enforcement Policies and Interpretation Manual, for non-compensatory training, and enter the number of trainees for whom training is voluntary.

To ensure that the attendance is voluntary on the part of the employee and meets the requirements of Section 46.6.5 the following criteria must be met:

1. Attendance is outside regular working hours;
2. Attendance is voluntary. (Attendance is not voluntary if the employee is led to believe that present working conditions or the continuation of employment would be adversely affected by

nonattendance);

3. The course, lecture, or meeting **is not directly related** to the employee's job. (Training is directly related to an employee's job if it is designed to make the employee handle his job more effectively as distinguished from training them individual for another job for to a new or additional skill) and
4. The employee does not perform any productive work while attending training.

Check Yes or No to indicate if the compensatory nature of training has been discussed with the ETP Contractor.

Certification by Company Management Representative:

- Print the name, title, and phone number of the individual signing the certification form
- Signature and Date signed

INSTRUCTIONS FOR COMPLETING THE APPENDIX

The Appendix is used for companies that are retraining workers and do not have a pre-approved NAICS code as identified in Regulation 4416. Out-of-State Competition.

The Appendix represents ways, other than a NAICS code, by which a company might be able to meet ETP's out-of-state competition requirement. All companies that are retraining workers and do not have a pre-approved NAICS code as identified in Regulation 4416 must complete the APPENDIX.

Select the item that best matches your company's profile and complete the item as instructed. You may be asked for additional information or documentation to enable the ETP Analyst to certify your eligibility for the ETP training.

Manufacturing Companies: If your NAICS does not appear in Regulation 4416, but you feel your company is a manufacturer according to the definition provided, complete item #1.

Corporate Headquarters: Complete item #2.

Mortgage Banking: Complete item #3.

Destination Resort or Convention/Conference Center or Hotel: Complete item #4

Service Industry: Complete item #5.

Companies who do not meet the profiles identified in items # 1 through # 5: Complete item #6

INSTRUCTIONS FOR COMPLETING the CERTIFICATION STATEMENT (CS) (ETP 100F) for new-hire and SET trainees

An employer training new hire or Special Employment Training (SET) trainees must meet the ETP legislative requirement of contributing to the Unemployment Insurance (UI) Fund. The ETP100F is the form used to document these requirements. The original ETP100F must be forwarded to the ETP Contractor for ETP approval. An employer is not eligible to participate in ETP funded training until their ETP100F is approved by ETP.

Print or type all responses. Contact the ETP Contractor if you require assistance.

Employer Information:

- **California Employer Account Number** (CEAN or Unemployment Insurance Tax I.D. number)
 - Legal company name and address
 - Email address
- Number of full-time company employees (1) worldwide and (2) in California.
- Type of Trainees, SET or new hire.

Union Support

Enter “yes” or “no” to indicate if company employees are represented by a union and if trainees are represented by a union. If “**yes**”, enter the union(s) name and local number.

When trainees are represented by a union, you must obtain a letter from the union, addressed to the Panel, indicating that it supports the proposed ETP training project for its members working at (*provide name of company*). The letter must be on union letterhead; signed and dated by a union officer or business representative; attached to this form; and forwarded to the ETP Contractor.

Compensatory Nature of Training (*complete for SET retrainees only*)

All ETP-funded training provided to employees must comply with applicable labor laws. Every trainee for whom training is mandated by the employer must be compensated for all time spend in training. The compensatory nature of training should be discussed with the ETP Contractor.

Indicate if training is mandatory and trainees will be paid for time spent in training, and enter the number of trainees for whom training is mandatory.

Indicate if training is voluntary (trainees not required to attend) and meets all criteria specified in Section 46.6.5 of the California Division of Labor Standards Enforcement, Enforcement Policies and Interpretation Manual, for non-compensatory training, and enter the number of trainees for whom training is voluntary.

To ensure that the attendance is voluntary on the part of the employee and meets the requirements of Section 46.6.5 the following criteria must be met:

1. Attendance is outside regular working hours;
2. Attendance is voluntary. (Attendance is not voluntary if the employee is led to believe that present working conditions or the continuation of employment would be adversely affected by nonattendance);

3. The course, lecture, or meeting **is not directly related** to the employee's job. (Training is directly related to an employee's job if it is designed to make the employee handle his job more effectively as distinguished from training them individual for another job for to a new or additional skill) and
4. The employee does not perform any productive work while attending training.

Check Yes or No to indicate if the compensatory nature of training has been discussed with the ETP Contractor.

Certification by Company Management Representative *(complete for SET retrainees only)*

- Print the name, title, and phone number of the individual signing the certification form
- Signature and Date signed

4. **Instructions for Completing the Participating Employer List (ETP 100B)**

Multiple employer Contractors (MECs) must show a need for training by providing a list of "core" employers who will retrain or hire at least 50 percent of the total number of trainees shown in the Agreement.

The Participating Employer List (ETP 100B) is used to list "core" employers who are participating in retraining and/or new hire MEC Agreements. If the proposal contains both retrainees and new hires, make a separate list for each. Indicate the type of trainee by circling the appropriate designation in the title of the form.

TOP OF THE PAGE:

Contractor Name: **enter** the Contractor's complete legal name.

Reference No.: **enter** the reference number of the ETP funding application.

CCG No.: **leave blank.**

Page: **enter** a "1" on the first page and sequential page numbers thereafter, if more than one page is used.

PREPARE YOUR LIST IN ALPHABETICAL ORDER BY COMPANY NAME.

FOR EACH PARTICIPATING EMPLOYER ENTER:

- Complete company name and address;
- Complete name, title, and telephone number (including area code) of the contact person;
- Name and local number of any union that represents trainees or other employees (if not applicable enter "N/A" or "NONE");
- Total # of full-time company employees worldwide, including all locations, branches, divisions, and subsidiaries;
- Total # of full-time company employees in California; and
- Estimated # of employees to be retrained (retraining) -or- trained and hired (new hire).

All entries must be for eligible, private, for-profit employers. The Analyst may verify employer knowledge of and participation in the program, as well as the number of prospective retrainees or new hires.

5. **Consortium Accord**

A group of employers or consortium may combine efforts in order to meet common training needs. A consortium may be a formal professional association, trade association, or a joint apprenticeship training committee. However, if no formal association exists, an agreement among all of the participating employers must be submitted and signed by all parties. This agreement should include:

- The purpose of the consortium;
- The intentions of the parties;
- An explanation of the relationship between the parties;
- The responsibility of each party; and
- The following nondiscrimination clause:

“This Agreement shall be governed by the laws of the State of California. Participating employers shall comply with the nondiscrimination provisions of California law, including Title 2, California Code of Regulations, Section 8103, and Government Code Section 12940 et seq. Participating employers have reviewed the terms and conditions contained in the ETP Agreement and agree to comply with the applicable provisions.”

7. **All participating employers** (except JATC employers*) must complete a **Certification Statement** to document that they meet requirements relevant to the trainee population being served: (1) **ETP 100E** for retrainees; and (2) **ETP 100F** for SET and new hire trainees. ETP may request additional information in order to determine eligibility.

Certification Requirements for JATC Participating Employers

Participating employers in a JATC are not required to submit certification statements (ETP100E, ETP100F). However, the Contractor is required to enter the name and CEAN of each participating employer into ETP’s on-line certification system to ensure employer eligibility prior to the start of training for retrainees or employment for new-hire trainees.

8. All multiple employer Contractors must ensure that sufficient employer demand exists for the type(s) of training and the number of trainees in their service area to warrant the training they are requesting under ETP. To do this, complete an **ETP 100B** listing eligible employers who will hire or retain workers at the completion of training.
9. An employer consortium under Regulation 4400(j)(1) must provide a **Consortium Accord** signed by all participating employers.

9 Application

The analyst will supply the MEC Application to complete and submit to ETP.

To view a pdf version of an sample Application, select: [MEC APPLICATION](#)

Part II

Contract

Administration

10

The Monitoring Process

The first step toward a successful project is understanding the Monitoring Process. The following is an overview of the major steps in this process:

- Once the Agreement is approved, ETP sends a “permission to start training” letter to the Agreement signatory as notification of the date the Contractor may begin training at their own risk.
- Prior to the beginning of training, the ETP Analyst will schedule and conduct a Start-Up meeting. This meeting brings together the Agreement signatory and/or the Contractor’s primary representative, and the individual(s) responsible for the delivery and administration of the training program.
- At the Start-Up Meeting, the ETP Analyst will use this guide to provide an overview of the monitoring process, review the Agreement, discuss recordkeeping requirements, explain the ETP’s enrollment and invoicing requirements, and discuss the ETP online systems.
- If the Contractor is not using ETP’s on-line tracking system, they must have an internal tracking system that supports the documentation on the rosters.
- Approximately 30 days after the start of training, the first monitoring visit will be conducted. Subsequent visits will be scheduled every four to five months or sooner, as needed.
- During a monitoring visit, the ETP Analyst will do any or all of the following:
 - Review the number of trainees entering, progressing through, or completing training and/or the retention period
 - For new hire training programs, determine if appropriate placement services are being provided to successful training completers as required by the contract
 - Review the training schedule
 - Review the curricula
 - Observe training in session
 - Interview trainers and trainees
 - Review recordkeeping and daily documentation of training
 - Validate invoices
 - Review subagreements to determine if all specified services are being delivered as specified in the contract

The results of the visit will be documented in a report covering all areas reviewed and will include an assessment of whether the training is meeting the Agreement specifications. If the Contractor is out of compliance, recommendations for adjustments will be made. Corrective action must be effected by the Contractor as specified in the report. A copy of the monitoring report will be sent to the Agreement signatory.

Whenever you have any difficulty meeting training performance requirements, it is imperative that you contact the ETP Analyst as soon as possible to determine the appropriate steps to remedy this situation, or any non-compliance issues.

Administration & Training Documentation

1. Training Schedule

A training schedule must be in place at the start of training and a copy must be submitted to ETP. It should include both a detailed roll out schedule for at least the first six months of training by types of training and job groups, and a summary roll out schedule for the remainder of the term of the Agreement. The training schedule must be maintained current and updated periodically, subject to review and approval of the ETP Analyst. If there are any changes, a revised training schedule must be submitted to ETP. (Reference: Title 22 California Code of Regulations, Section 4441.5)

When scheduling training, it is critical to consider that the post-training employment retention period must be completed within the term of the Agreement.

2. Documentation of Class/Lab Training Hours

1.1 All class/lab training hours provided to trainees must be documented on rosters and in a tracking system, either ETP's or one created by the Contractor. The Contractor must upload/enter this data within 90 days of the date of training delivery. Title 22, California Code of Regulations, Section 4442(b), requires that all class/lab training records shall be completed daily and contain the following:

- Date training occurred
- Curriculum topic(s)
- Number of training hours provided (excluding meal breaks)
- Location of Video Conferencing training
- Trainer(s) name(s) - typed or clearly printed

For Daily Rosters

- Trainer's signature(s) name signed daily
- Trainee's signatures signed daily and name(s) - typed or clearly printed

For Multiple Dates Rosters

- Trainee(s) name(s) – typed or clearly printed
- Trainees' signatures – name signed on the first day of training for each type of training
- Trainee's initials – on the first day and subsequent days of training for each type of training

If completed correctly, the sample rosters shown on this section will contain all the information required by ETP to justify the provision of training. If you plan to use a different roster, it must be submitted to the ETP Analyst for approval prior to its use.

3. **Documentation of Computer-Based Training (CBT)**

All CBT records shall be maintained by job number and contain the following elements in accordance with Title 22, California Code of Regulations, Section 4442 (c):

- Date(s) CBT course was completed
- Type of training and course title – as identified in the approved curriculum
- Number of hours designated to complete a course
- Trainee Name – typed or clearly printed
- Signature of an authorized employer representative, verifying trainee competency attainment in the specified course at the completion of the course.

CBT documentation is different than Class/Lab documentation. CBT tracks the completion of modules not the time spent completing the modules.

4. **Electronic documentation of Class/Lab Training Hours & Computer-Based Training (CBT)**

Title 22, California Code of Regulations, Section 4442.2, allows modified record keeping requirements of Title 22, California Code of Regulations, Section 4442, if necessitated by the contractor's current, established record keeping practices. For instance, if a contractor currently uses a Learning Management System (LMS) to electronically document and substantiate the delivery of training, the LMS may meet ETP's training documentation requirements. ETP will provide a questionnaire during contract development to the Contractor that requests certain information about the LMS, including a description of the access controls (security codes/passwords), approval processes, and audit trails.

The LMS must have the ability to document and produce electronic reports by trainee, which must contain the following:

Class/Lab

- Date training occurred
- Type of Training and Curriculum topic
- Number of training hours provided
- Trainee and Trainer(s) name(s)
- Class size

CBT

- Date system was last accessed for a specific course
- Type of training and course title
- Number of hours designated to complete a course
- Trainee Name

5. **Tracking Trainee's Progress**

The Contractor must track each trainee's status in either ETP's Online Class/Lab tracking system or in a tracking system (utilizing a computer generated spreadsheet), created by the Contractor during the duration of the Agreement. The items to be tracked should include:

- Name and Job number of each trainee who started training
- Type of training and course title
- Training date and the number of hours provided
- Actual training hours scheduled to and attended by each trainee.

6. **Audits**

Each year, the ETP Audit Unit selects a sample of completed projects for audit in accordance with Government Auditing Standards. The audit is conducted anytime up to four years from the date of termination of the Agreement, or three years from the date of the last payment by ETP to the Contractor, or three years from the date of resolution of appeals, audits, claims, exceptions, or litigation, whichever is later. All records must be retained within the control of the primary Contractor and be available for review at the Contractor's place of business within the State of California. For a complete list of documents that should be available for audit, you can request a copy from your ETP Analyst.

ETP ATTENDANCE ROSTER (SINGLE DAY)

Class/Lab OR Productive Lab (PL) (1:10 ratio)

Contractor Name:		Roster #:
Agreement #:	Training Site:	Training Date:

Type of Training: (check one based on the Curriculum)			Training Hours:Minutes	
<input type="checkbox"/> Advanced Technology(AT)	<input type="checkbox"/> Computer Skills	<input type="checkbox"/> Management Skills	Start Time:	:
<input type="checkbox"/> Business Skills	<input type="checkbox"/> Cont. Improvement	<input type="checkbox"/> Manufacturing Skills	End Time:	:
<input type="checkbox"/> Commercial Skills	<input type="checkbox"/> Literacy Skills	<input type="checkbox"/> Other: _____	Total Hrs:Min:	:

Course Topic(s):	
-------------------------	--

<u>No. of Trainees</u>	<u>Job No.</u>	<u>Trainee Name</u> (Print or Type)	<u>Trainee Signature</u>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

Note 1: Lunch breaks and commuting time are not to be included in the hours/ minutes of class.

Note 2: The ETP trainer to trainee ratio for PL & AT training is 1:10; New-Hire ratio is 1:15; the ratio for all other Class/Lab training is 1:20.

Print Instructor Name 1	Print Instructor Name 2
Instructor Signature 1	Instructor Signature 2
Training Vendor Name 1	Training Vendor Name 2

ETP Attendance Roster (Multiple Day)

Class/Lab (1:20 ratio) **OR** **Productive Lab (PL)** (1:10 ratio)

Roster #:

Contractor Name: **Agreement No.:**

# of Trainees	ETP Type of Training: (check one based on the Curriculum)			TRAINING DATES			
	<input type="checkbox"/> Advanced Technology <input type="checkbox"/> Computer Skills <input type="checkbox"/> Management Skills <input type="checkbox"/> Business Skills <input type="checkbox"/> Cont. Improvement <input type="checkbox"/> Manufacturing Skills <input type="checkbox"/> Commercial Skills <input type="checkbox"/> Literacy Skills <input type="checkbox"/> Other: _____			START AND ENDING TIME			
				HOURS/MINUTES TRAINING			
	Job No.	Trainee Name	Trainee Signature <small>(Trainee signs only once, on first day of training)</small>	TRAINEE INITIALS: <small>Trainee must initial below on each date they attend training:</small>			
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Note 1: Lunch breaks and commuting time are not to be included in the hours/ minutes of class.
Note 2: The ETP trainer to trainee ratio for PL & Advanced Technology training is 1:10; New-Hire ratio is 1:15; the ratio for all other Class/Lab training is 1:20.

Date	Trainer Name	Trainer Signature	Course Titles	Trainer must initial on each day they provided training

If External Instructor(s), enter Training Vendor Name(s) w/date:

Multi-Day Roster (01/07/11)

Computer-Based Training (CBT) Attendance Roster (09/03 Rev.)

Contractor Name: _____

Agreement #: _____

Job #: _____

Type of Training: <i>(per Chart 1)</i>					
Required CBT Hours: <i>(per Chart 1)</i>					
Trainee Name	Course(s) Completed	Total Hours To determine, add the "Standard Hours to Complete Course" for all courses identified in "Course(s) Completed" column	% of Required Hours Completed To determine, divide hours in "Total Hours" column by the "Required CBT Hours"	Date Completed	Trainee Signature: <i>By my signature, I certify that I have completed the CBT course(s) as identified.</i>
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
Course Title -and- (Standard Hours to Complete Course) <i>Standard Hours to Complete Course = course hours identified in the curriculum</i>					
a)	i)		q)		
b)	j)		r)		
c)	k)		s)		
d)	l)		t)		
e)	m)		u)		
f)	n)		v)		
g)	o)		w)		
h)	p)		x)		

Authorized Employer Signature:	Date:
<i>By my signature, I certify that these trainees have achieved competency in the skills covered by the identified training.</i>	

COMPUTER-BASED TRAINING (CBT) ATTENDANCE ROSTER INSTRUCTIONS

Form use:

- This form is a CBT attendance record used to record trainees completion of CBT courses and to certify trainee competency in the skills covered by the identified training course.
- This form must be kept on-site by the contractor, and it must be available to ETP Staff as needed.
- Contractor is responsible for maintaining sufficient documentation (i.e. computer/software generated reports, manual login/logout sheets, proof of course completion) to substantiate that training has been provided as indicated on the CBT Roster. This documentation must be made available for ETP staff as needed.

Signatures:

- Trainee signature and date must be provided (in ink) to certify that the identified training has been completed as indicated.
- Authorized employer signature and date must be provided (in ink) to certify that training has been completed, and trainees have acquired competencies in the skills covered by the training.

Complete the form in the following manner:

Enter: - **Contractor Name**
- **Agreement Number**
- **Job Number** - This form is to be used for a single Job. It may not be used for multiple Job Numbers.

Enter: - **Type of Training** - as identified on Chart 1 (e.g., Computer Skills)
- **Required CBT hours** - as identified on Chart 1.

Enter: - **Trainee Name**
- **Course(s) Completed** - Using the letter assigned to each course in the "Course Title" section, identify each course (by letter) that a trainee has completed.
- **Total Hours** - to determine, add the "*Standard Hours to Complete Course*" for all courses identified in the "Course(s) Completed" column.
(*Standard Hours to Complete Course* = number of course hours identified in curriculum.)
- **% of Required Hours Completed** - To determine, divide hours in "Total Hours" column by the "Required CBT Hours"
- **Date Completed** – the date that all training is completed.
- **Trainee Signature** – certifying identified training course(s) have been completed

Enter: - **Course Title** -and- (*Standard Hours to Complete Course*) – list each course (letter each course). Next to each course title, identify the *Standard Hours to Complete the Course* (number of hours identified in the curriculum). For example: PowerPoint (2 hrs). If you need more space, attach a separate paper.

Enter: **Authorized Employer Signature and Date** - certifying trainees have attained competency in the skills covered by the training.

Computer-Based Training (CBT) Attendance Roster (09/03 Rev.)

For Variable Reimbursement Projects

Contractor Name: _____

Agreement #: _____

Job #: _____

Type of Training: <i>(per Chart 1)</i>	
--	--

Trainee Name	Course(s) Completed	Total Hours To determine, add the "Standard Hours to Complete Course" for all courses identified in "Course(s) Completed" column	Date Completed	Trainee Signature: <i>By my signature, I certify that I have completed the CBT course(s) as identified.</i>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Course Title -and- (Standard Hours to Complete Course)

Standard Hours to Complete Course = course hours identified in the curriculum

a)	j)	s)
b)	k)	t)
c)	l)	u)
d)	m)	v)
e)	n)	w)
f)	o)	x)
g)	p)	y)
h)	q)	z)
i)	r)	aa)

Authorized Employer Signature:	Date:
<i>By my signature, I certify that these trainees have achieved competency in the skills covered by the identified training.</i>	

COMPUTER-BASED TRAINING (CBT) ATTENDANCE ROSTER

For Variable Reimbursement Projects

INSTRUCTIONS

Form use:

- This form is a CBT attendance record used to record trainees completion of CBT courses and to certify trainee competency in the skills covered by the identified training course.
- This form must be kept on-site by the contractor, and it must be available to ETP Staff as needed.
- Contractor is responsible for maintaining sufficient documentation (i.e. computer/software generated reports, manual login/logout sheets, proof of course completion) to substantiate that training has been provided as indicated on the CBT Roster. This documentation must be made available for ETP staff as needed.

Signatures:

- Trainee signature and date must be provided (in ink) to certify that the identified training has been completed as indicated.
- Authorized employer signature and date must be provided (in ink) to certify that training has been completed, and trainees have acquired competencies in the skills covered by the training.

Complete the form in the following manner:

Enter: - **Contractor Name**
- **Agreement Number**
- **Job Number** - This form is to be used for a single Job. It may not be used for multiple Job Numbers.

Enter: - **Type of Training** - as identified on Chart 1 (e.g., Computer Skills)

Enter: - **Trainee Name**
- **Course(s) Completed** - Using the letter assigned to each course in the "Course Title" section, identify each course (by letter) that a trainee has completed.
- **Total Hours** - to determine, add the "*Standard Hours to Complete Course*" for all courses identified in the "Course(s) Completed" column. (*Standard Hours to Complete Course* = number of course hours identified in curriculum.)
- **Date Completed** – the date that all training is completed.
- **Trainee Signature** – certifying identified training course(s) have been completed

Enter: - **Course Title -and- (Standard Hours to Complete Course)** – list each course (letter each course). Next to each course title, identify the *Standard Hours to Complete the Course* (number of hours identified in the curriculum). For example: PowerPoint (2 hrs). If you need more space, attach a separate paper.

Enter: **Authorized Employer Signature and Date** - certifying trainees have attained competency in the skills covered by the training.

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ETP Online System
(www.forms.etp.ca.gov)

The ETP Online System is an interactive site for submitting forms, viewing reports, and doing different ETP processes over the Internet. The ETP Analyst will provide information to access the system, including username and password. ETP uses a Secure Sockets Layer (SSL) Encryption Technology on the ETP forms and reports to insure that the information entered online will not be compromised. The data entered on our system is encrypted while in transit from the Contractor's computer to our servers.

To ensure optimal performance with the ETP system, we only allow Netscape Navigator 3.0 or higher and Internet Explorer 4.0 or higher browsers. ETP also recommends that the ETP website is viewed with a display capable of 800x600 resolution. There are several internet settings ETP recommends to ensure the strongest security on your web browser. Additional information regarding Browser Configuration is available on our website.

You will be able to access the system once you receive your username and password. To change the password provided by ETP staff, there is a "Change Password" feature under the FORMS menu.

Once the Agreement is approved by the Panel, you will receive five copies of the Agreement. The five copies must be signed by the Signatory and returned to ETP before the Agreement can be executed. Until the five signed copies of the Agreement have been returned to ETP, you will not be able to certify or enroll trainees. Further, you will not be able to submit invoices until the Agreement has been executed.

IMPORTANT: If you have any questions regarding the Agreement, you must contact the ETP Analyst assigned to your contract either by phone or by selecting the "Email Us" feature on the ETP Online Main Menu.

On-line Enrollment

Trainee Social Security Numbers (SSNs) are required to verify the employment and wage requirements, by accessing a wage data base compiled by the Employment Development Department (EDD). The only method of access is through the SSNs. Also the demographic information must be entered during on-line enrollment.

Disclosing Confidential Information

As explained above, ETP requires contractors to enter the SSNs and demographic information for each trainee at the time of enrollment. This is confidential information that may be on file with the employer. However, its release should be authorized in advance, in writing, by the trainee.

Contractors bear the sole responsibility for ensuring that a written release or other form of authorization is on file for each trainee, as may be required for submission of the SSNs and other demographic information.

When confidential information is collected by a state agency directly from an individual, disclosure is protected under the Information Practices Act of 1977 (IPA). The IPA provides notification guidelines for the purpose of obtaining written authorizations for release from the affected individuals. The IPA guidelines may be useful in developing a written authorization for release. They appear in California Civil Code Section 1798.17, and are summarized below:

- Explain whether submission of the information is mandatory or voluntary, and state the consequences of not authorizing the submission (e.g., training costs will not be reimbursed by ETP)
- Explain the principal purpose for submitting the information (e.g., the SSNs will be used by ETP to establish whether the requirements for cost reimbursement have been met)
- Explain that the SSNs will not be disclosed by ETP, and will be maintained in confidence using electronic and other safeguards.
- Explain that the demographic information will only be disclosed by ETP in the form of aggregate statistical data
- Explain that the information will be submitted to ETP by the employer based on the employee/trainee personnel files, which are available for their inspection
- Identify an employer contact person who is available to answer questions about submission of the information to ETP

This summary of IPA guidelines is offered to contractors by way of example only. Contractors must prepare a written release or other form of authorization based on their own needs, and methods of collecting the SSNs and demographic information that is submitted to ETP.

Confidentiality Safeguards

In obtaining a written authorization for release of confidential information, contractors may want to inform trainees of the administrative, technical and physical safeguards used by ETP to ensure that SSNs and demographic information are maintained in confidence. These safeguards are set forth in detail below:

Email Guidelines: Under Public Records Act, ETP's internet system automatically deletes messages after 90-days, with minor exceptions such as a "litigation hold." The guidelines inform employees that they can no longer auto-archive email messages, which eliminates excessively long email storage. They also inform that electronic transmissions, including email, are not private or confidential once released; there is no expectation of privacy.

Employee Confidentiality and Privacy Policy: In this policy, ETP informs its employees that they may be handling sensitive personal information including SSNs, demographic data, personnel data and Unemployment Insurance data. ETP explains that violating the policy can result in disciplinary action, including termination. ETP requires every employee to sign every employee to sign an acknowledgement at the bottom of the policy stating that they read and understood the confidentiality safeguards set forth therein.

Website Privacy Policy: In this policy, ETP recognizes that because privacy is a fundamental right, it will strictly comply with applicable state and federal privacy laws when collecting personal information. ETP also states that it will apply security controls when storing data. ETP also commits to not distribute or sell personal information with minor exceptions such as complying with Public Record Act requests. In this policy, ETP also assures the public that it will not store personally identifiable information any longer than required for State of California record retention purposes.

Wage Database Protocol: ETP protects against unauthorized access to the EDD wage database in several ways. For one thing, access is pass-word protected and limited to

designated staff, primarily in the Fiscal and Audit Unit. Said designations are periodically reviewed by management as to the continued need to access. Also, staff is not designated for access until they have been trained in use of the database, with an emphasis on maintaining the confidential nature of the information stored therein.

ETP ONLINE PROCESSES

From the ETP Online main menu, click on “FORMS” to access the different ETP processes:

A. CERTIFICATION

Prior to enrollment, the following trainees must be certified online by completing the following electronic forms:

- **Retrainee** - With the Governor’s signing of Assembly Bill AB 2570 (which streamlines some of the Employment Training Panel program requirements), effective 01/01/2009, contractors will no longer be required to submit enrollment certifications for re-trainees employed less than 90 days prior to the start of training. (i.e., Form ETP 83). This change will be in effect until further notice.

- **Unemployed** – For New Hire projects

Within two working days from the entry date, you can view eligibility status of the certified trainees on the “REPORTS” menu by selecting “ETP 82 Listing”, “ETP 83 Listing”, or “Trainee Certification” for New Hire Projects.

B. CERTIFICATION STATEMENT (CS)

All participating employer must be approved by ETP before their employees/trainees can be enrolled online. For eligibility determination, a Certification Statement (CS) must be completed by the participating employer and the CS information entered on the following electronic forms:

- **ETP 100E** – For Retrainees (prior to enrollment)
- **ETP 100F** – For Welfare to Work and SET (prior to enrollment)
For New Hire (prior to submission of final payment)

Once the CS information is entered online, an alert will show on the system if the proposed participating employer is approved. All Certification Statements entered online must be kept on file at the Contractor’s facility and are subject to review by ETP staff.

The system will also show if substantial contribution will be assessed to the participating employer. If you disagree with the substantial contribution, you need to contact your ETP Analyst as soon as possible and provide information why a substantial contribution should not be assessed.

If the CS is not approved online, the ETP Analyst will automatically be notified and he/she will get in touch with you to request additional information to justify the data submitted (i.e. high turnover rate, percentage of out-of-state competition, union support letter).

Until the CS for a potential participating employer has been approved by ETP, you may not be eligible for reimbursement for training provided to any employee of the company. Any training provided prior to the approval of the CS will be at your own risk.

C. **ENROLLMENT**

Enrollment is the process of submitting information online for trainees participating in the Agreement. A trainee is eligible to be enrolled at the start of training, but should be enrolled once the number of class/lab, videoconference, and CBT hours listed in Chart 1, Column 10, of the Agreement have been completed.

Prior to enrollment, you are required to enter the trainee's workplace on the 'Workplace Address' Form under the "FORMS" Menu. At enrollment, you will be required to pick the appropriate location for each trainee.

For your convenience, ETP has provided an Enrollment Data Collection form (ETPENR) as a helpful sheet to collect enrollment information from your trainees. The fields appear in the same order as the enrollment screen to aid in data entry speed. You can only edit trainee information within 30 days of enrollment. Changes beyond this time frame must be requested to your ETP Analyst in writing. Once a trainee is enrolled, requests for changes to a trainee's occupation and/or job number must be discussed with the ETP Analyst.

Enrollment Limitations:

- A trainee cannot be enrolled in the same job number more than once within the same project.
- A trainee can be enrolled in another job number within the same project, but only after final reimbursement has been approved for the trainee on the original job number.
- Concurrent enrollments are not allowed. (Trainees cannot be enrolled in more than one Agreement or Job number at the same time.)
- Job number changes are not allowed on variable reimbursement projects.

Trainee listing by job number can be viewed online by selecting "Trainee Status" under the "REPORTS" menu. All information entered for each trainee during enrollment, including reimbursement and trainee status can be viewed on this report.

D. **DROP**

Enrolled trainees who did not complete the requirements of the Agreement must be dropped online. If a trainee for whom you have received progress payments is dropped, the ETP system will subtract the reimbursement amount from your next invoice. The list of pending drops to be adjusted on the next invoice can be viewed online by selecting "Pending Drops" under the "REPORTS" menu.

E. **PROGRESS PAYMENTS**

You may submit an invoice for progress payments as the trainees meet the performance benchmarks specified in the Agreement. Refer to Columns 10 through 12 of Chart 1, Exhibit A, of the Agreement to determine the reimbursement amount and performance to be met for each progress payment. There is a limit of one progress payment within a 15 calendar day period.

- PAY 1 (Column 10): Upon completion of the required training hours for enrollment.
- PAY 2 (Column 11): Upon completion of the total class/lab, VC, and CBT training hours.

- PAY 3 (Column 12): For New Hire projects only (reimbursable upon placement of trainees in employment with qualified employers).

A listing of all invoices submitted online, including the approved date and amount paid, can be viewed online by selecting “Invoice Status” under the “REPORTS” menu.

F. **FINAL PAYMENT**

After the trainee completes training and retention period, and meets all other criteria set forth in the Agreement, you are eligible to receive the per trainee final payment amount shown in Column 13, Chart 1, of the Agreement. Only trainees who have been invoiced for Progress Payments will appear on the Final Payment screen. There is a limit of one final payment invoice within a 30 calendar day period.

To assist the ETP Fiscal Unit in the timely processing of final payment invoices, you may want to submit with your invoice one of the following:

- DE-6 Quarterly Report of Wages - Copies of the DE-6 for the quarter which includes the payroll period immediately after the employment retention period, or
- Payroll Records - Copies of payroll ledgers, time sheets, or personnel records which verify the wages received for the payroll period immediately after the retention period, or
- Check Stubs - Copies of payroll check stubs or remittance advice which verify the wages, hours and rate after the employment retention period.

Within 30 days after the end term of your Agreement, all active trainees must either be dropped or placed on the ETP online system. To change the status to “placed”, a final invoice must be submitted for the remaining active trainees who completed all the Agreement requirements.

All payments received for trainees who did not meet the requirements under the Terms and Conditions of the Agreement shall be considered unearned and must be returned to ETP with statutory interest.

Considerations For Final Payment:

1. SPECIAL REVIEW - This option in the Final Payment Process will provide a tool for Contractors to submit verifiable information directly to the Fiscal Unit regarding trainees who may qualify for reimbursement based on special circumstances allowed in ETP policies or regulations, but do not meet standard performance criteria to qualify for immediate payment online.

If a trainee is rejected for final payment, but you feel that the trainee is qualified for payment based on special circumstances, you need to do the following steps:

- Select the Special Review option in Step 3 of the Final Payment process online.
- Notify the Fiscal Unit of the facts that support your request for special review.
- Specify a contact person and a phone number for possible follow-up questions.
- Complete a check box to indicate that additional documentation will be submitted to request your request for special review.

ETP will send a written notice of determination within 30 days upon submission of the information online. Payments for trainees approved for reimbursement will be manually added to the next available Final invoice. If additional documentation is provided, notice of ETP determination will be provided within 30 days of receipt of the information.

Trainee status submitted for special review can be viewed online by selecting "Special Review Listing" under the "REPORTS" menu.

2. VOLUNTARY TERMINATION – This regulation provides for reimbursement to contractors under specified conditions where a trainee voluntarily terminates his/her employment after completing training, but before the end of the retention period. Trainee must complete a new employment retention period specified in the agreement with the subsequent single employer and retention must be completed within the contract term. Retention period cannot be combined with multiple employers (e.g., 40 days with employer A and 50 days with employer B). Employment with the subsequent employer need not begin immediately after the voluntary termination.

To request final reimbursement under this regulation, the Contractor must submit a Voluntary Termination Certification (VTC) for each affected trainee with a request for payment to the ETP Fiscal Unit:

- On the VTC, trainee must certify that he/she voluntarily left employment and must contain, at a minimum the following information: name, Social Security Number, date trainee completed training, and date of voluntary termination. The VTC must also include the signature of the original employer certifying that the information provided is true and accurate.
- If available, the VTC should also include other applicable information such as the name and address of the new employer; and the trainee's occupation with the new employer.
- If the trainee's signature was not obtained, submit a VTC certifying that the trainee voluntarily left employment with a brief explanation of the circumstances involved and include the minimum information specified above. If available, include a copy of a resignation document or personnel action form documenting the voluntary termination.
- For trainees who have a break in employment before completing the retention period, due to FMLA or an AOG, you need to inform the ETP Fiscal Unit of the circumstances in writing.

EMPLOYMENT TRAINING PANEL TRAINEE RECORD (ETP 104)

Enrollment Data Collection Form

Agreement Number

1) California Employer Account Number <i>(training agency/consortia retrainees only)</i>	<input type="text" value="-"/>
2) Social Security Number	<input type="text" value="- -"/>
3) Employee ID <i>(optional)</i>	<input type="text"/>
4) Last Name	<input type="text"/>
5) First Name	<input type="text"/>
6) Middle Initial	<input type="text"/>
7) Date Hired	<input type="text" value="/ /"/>
8) Job Number	<input type="text"/>
9) Workplace Address	<input type="text"/>
10) Site Number <i>(optional)</i>	<input type="text"/>
11) Zip Code	<input type="text"/>
12) Age Group <i>(please check one)</i>	<input type="checkbox"/> Less Than 25 - 1 <input type="checkbox"/> 45 - 54 - 4 <input type="checkbox"/> 25 - 34 - 2 <input type="checkbox"/> 55 - 64 - 5 <input type="checkbox"/> 35 - 44 - 3 <input type="checkbox"/> 65 and Older - 6
13) Ethnicity <i>(please check one)</i>	<input type="checkbox"/> White - 1 <input type="checkbox"/> Asian - 5 <input type="checkbox"/> Black - 2 <input type="checkbox"/> Pacific Islander - 6 <input type="checkbox"/> Hispanic - 3 <input type="checkbox"/> Filipino - 7 <input type="checkbox"/> Native American - 4 <input type="checkbox"/> Other - 8
14) Education <i>(please check one)</i>	<input type="checkbox"/> Eighth Grade or Less - 1 <input type="checkbox"/> Some College - 5 <input type="checkbox"/> Some High School - 2 <input type="checkbox"/> College Graduate - 6 <input type="checkbox"/> High School Graduate - 3 <input type="checkbox"/> Post-College Graduate - 7 <input type="checkbox"/> GED - 4
15) Sex	<input type="checkbox"/> Male - <i>M</i> <input type="checkbox"/> Female - <i>F</i>
16) Veteran <i>(optional)</i>	<input type="checkbox"/> Yes - <i>Y</i> <input type="checkbox"/> No - <i>N</i>
17) Disabled <i>(optional)</i>	<input type="checkbox"/> Yes - <i>Y</i> <input type="checkbox"/> No - <i>N</i>

ETPENR (06/06 Inet)

Amendments and Modifications

As training is implemented, it may become necessary to revise certain components of the Agreement. Any proposed changes to your Agreement must be discussed with the ETP Analyst, who will provide technical assistance on completing the on-line amendment/modification process. Due to several Amendment restrictions on variable reimbursement projects, any proposed changes for this type of project must be discussed with the ETP Analyst.

You must receive written approval from ETP before any Agreement change may be implemented. Any changes implemented without ETP approval are at your own risk and any costs attributable to the training activities will be your liability until the Amendment has been executed.

Upon completion of the on-line Agreement Revision Request (ETP 301R), continue to follow the on-line instructions. Or you may submit a hard copy, please submit your request to the appropriate ETP Field Office Manager.

ETP will **not approve substantive retroactive** Amendment requests.

Due to several Amendment restrictions on variable reimbursement projects, any proposed changes for this type of project must be discussed with the ETP Analyst.

Upon completion of the on-line Agreement Revision Request (ETP 301R), continue to follow the on-line instructions. Or you may submit a hard copy, please submit your request to the appropriate ETP Field Office Manager

Rosa Hernandez, Manager
1100 J Street, 4th Floor, Sacramento, CA 95814

Creighton Chan, Manager
1065 East Hillsdale Blvd., Suite 415, Foster City, CA 94404

Wally Aguilar, Manager
4640 Lankershim Blvd., Suite 311, North Hollywood, CA 91602

Diana Torres, Manager
5353 Mission Center Road, Suite 110, San Diego, CA 92108

Agreement Revision (ETP301R)

Contact Information

Name of Requestor:

Address:
 ,

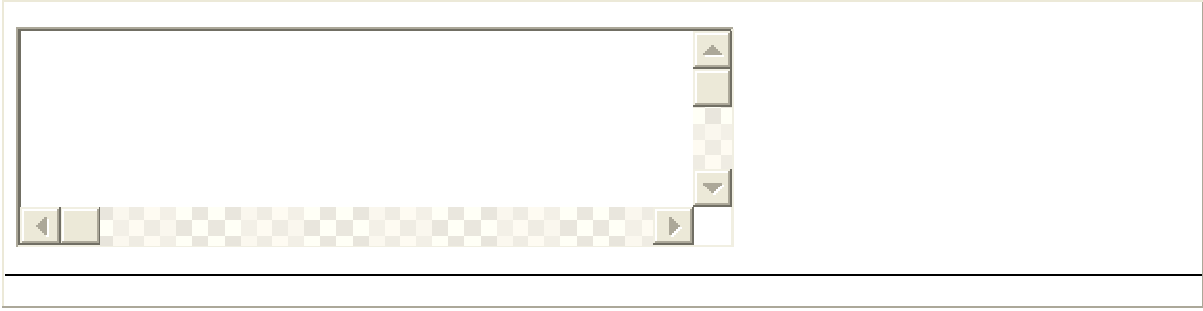
Telephone Number:

Email Address:

Request to Revise the Agreement *(check all that may apply)*

- Change in Contractor Name to
- Revise Contractor Information (address/phone/fax)
- Revise Contract Representative Information (name/title/phone/fax/email) to
- Revise Term End Date to mm/dd/yyyy
- Revise an Exhibit
- Revise Standard Contract Language
- Curriculum Changes
- Revise Trainee Wages
- Revise Training Hours / Range of Hours
- Revise Type of Training
- Revise Occupational Titles
- Delete Job Number(s)
- Add New Job Numbers(s)
- Revise Number to Train / Funding Between Job Numbers
- Other

Reasons for / Details of Request:



**AMENDMENT/MODIFICATION REQUEST
CONTRACTOR INSTRUCTIONS**

1. Complete all Contact information
2. Check all requested revisions that apply and include a corresponding justification and detail of change in the Reasons for / Details of Request section below (attach additional pages as needed).
3. IF THE REQUESTED CHANGES AFFECT ANY OF THE FOLLOWING, TAKE THE ACTION INDICATED:
 - ◆ **Chart 1** - Copy Chart 1 from your executed or amended Agreement. Edit the Chart to show the changes and attach a copy of the edited Chart 1 –or- you may complete and attach an ETP006 Training Plan Worksheet to indicate the changes.
 - ◆ **Curriculum** - Attach a copy of the entire curriculum, including all revisions (for training agencies submit a copy of the approval documents).
 - ◆ **Additional types of training** - when adding new Types of Training, submit an explanation of how the new training supplements, rather than displaces current training resources, as well as how the new type of training fits the intent of the initial proposal.
 - ◆ **Additions to training locations (for a training agency only)** – submit a copy of certification or approval. See [Training Agency Certification guidelines](#) or www.i-train.org.
 - ◆ **Increase the number of trainees** - attach a revised training schedule identifying how training and the retention period will be completed during the term of the Agreement.
 - ◆ **Decrease/delete training hours** – the justification must explain how the amended hours are sufficient for trainees to obtain the skills they need for the company to meet the intent of the original Training Plan.
 - ◆ **Union** – If trainees are represented by a union, submit a letter of concurrence from the union supporting the requested changes.
4. **If submitting electronically continue to follow the on-line instructions**
5. **If submitting via hard copy print and send your request** to the appropriate ETP Field Office Manager:

Wally Aguilar, Manager
4640 Lankershim Blvd, Suite
311
North Hollywood, CA 91602

Rosa Hernandez, Manager
1100 J Street, 5th Floor
Sacramento, CA 95814

Diana Torres, Manager
5333 Mission Center Rd.,
Ste.110
San Diego, CA 92108

Creighton Chan
1065 East Hillsdale Boulevard, Suite
415
Foster City, CA 94404

Appeal Process

You may dispute any final adverse staff decision made on behalf of the Panel through a formal administrative appeal process.

1. The first level of appeal is to the Executive Director, and must be submitted within 30 days of receiving the final adverse decision. It must include the following:
 - a) A statement setting forth the facts and issues in dispute and all evidence supporting the appeal, and
 - b) All documents and other written materials supporting the appeal.
 - c) The Executive Director will issue a written determination within 60 days of receiving the appeal.
2. The second level of appeal is to the Panel, and must be submitted within 10 days following receipt of the Executive Director's written decision. The Panel shall take one of the following actions:
 - a) Refuse to hear the matter, giving written reasons; or
 - b) Conduct an evidentiary hearing before the full Panel, or
 - c) Create a subcommittee of the Panel to conduct the evidentiary hearing.
3. If there is no hearing, the Executive Director's determination becomes the Panel's final ruling. If there is a hearing, the Panel will adopt a final ruling based on the evidence, which will either affirm, modify, or reverse the Executive Director's determination. There is a right to judicial review in Superior Court, which must be initiated within 60 days from receipt of the final ruling.

See Title 22, California Code of Regulations, [Section 4450](#) for more information on the Appeal Process.