

Employment Training Panel



Contractor's Guide

Single Employer Contract

January 2010

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Introduction

Part I

Contract Development

This portion of the Guide is designed to assist you, the prospective Contractor, in developing for 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 Single Employer Guide.

Part II

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, procedures, and supplements the information and assistance provided by the 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 Supplemental Application Information Package is comprised of several parts: Supplemental Application Information Cover Sheet (ETP 004); Supplemental Application Information Checklist (ETP 005); your company/organization background history; an explanation of the need for training; a training plan; 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 application paperwork. Once you have completed your application and provided all required information, the 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 package submission deadlines, are available on the website.

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

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 items and conditions as approved by the Panel. The full template and a sample contract formatted for single employers may be accessed by the links below. There are separate templates for Small Business Agreements with 100 or fewer employees in California, but no more than 250 worldwide (SB 100); and for 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 Single Employer**](#)

[**Sample Small Business**](#)

[**Sample 75,000 or Less**](#)

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.

ETP Definitions

ETP100, Exhibit D, Definitions

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).]

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).]

High Unemployment Area: A county or other region of California that has an unemployment rate exceeding the state average by at least 25%, using the unemployment rate set by 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.]

In-Kind Contributions: The costs incurred by an 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. [Section 4400(ee).]

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.

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 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 by Job Number to determine the average cost per-trainee and for other purposes related to payment disbursement.

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 document

attendance at each class/lab training session. For CBT, the supervisor must also sign a hard-copy record documenting that the trainee completed the standard number of hours needed for proficiency in the course. ETP reserves the right to 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 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.]

Trainee Eligibility: In general, trainees are only eligible to participate in ETP-funded training (if they are unemployed New-Hire training) or employed for at least 90 days (Retraining), with wages reported in California. 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 decline to fund training for an employer with a Turnover Rate that exceeds 20%. Or, the Panel may withhold the Final Payment (25%) unless there is a reduction in Turnover Rate over the last 12 months of this Agreement. 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.

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 with 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 2010

COUNTIES	NEW HIRE MINIMUM WAGE	RETRAINEE MINIMUM WAGE
Alameda, Contra Costa, Los Angeles, Marin, Orange, San Francisco, San Mateo, Santa Clara, Santa Cruz	\$12.40	\$14.87
Sacramento	\$12.20	\$14.64
San Diego	\$11.92	\$14.30
Ventura	\$11.29	\$13.63
All Other Counties	\$11.16	\$13.63

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) see page 15

Trainee Eligibility

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

"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."

SUPPLEMENTAL APPLICATION INFORMATION

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. **Describe the need for training.**

Describe how the company currently operates, what changes have or will take place within your company, and how training will facilitate these changes. Explain your company's training goals and how ETP-funded training will help meet these goals. **Explain the need for each type of training included in your curriculum and which occupations will receive each type of training.**

Following are some suggestions:

- Your company wishes to improve its competitive position in the marketplace and employee job security through training, which will generate productivity and product quality enhancements and customer satisfaction. Explain your goals, the types of training that will help you meet those goals, and what each type of training will accomplish.
- Your company is becoming a high performance workplace and new processes and skill requirements are in place or are being incorporated (e.g. teambuilding, problem solving, frontline decision making, continuous improvement, cross-training, more complex job skills, greater attention to customer demands).

“High performance workplace” means a workplace where frontline workers are equipped with problem solving and decision-making skills that result in increased productivity.

- Your company is producing new products and/or services. Explain current products/services, new products/services, what new job skills are required, how these changes will result in increased sales, competitiveness, job security and/or increased employment.
- Your company needs to retrain workers because current jobs are being eliminated or there are substantial changes in the skills required for trainees to remain employed. Explain what trainees currently do, followed by the new skills, new equipment, systems, or work processes that trainees must learn

3. **Describe how the ETP funding will supplement your current training budget**

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, and the company’s commitment to training.

- What types of training (by occupations) have you provided with your current budgeted training dollars?
- What is your 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?

4. **Identify your company’s California turnover rate (%) during the last calendar year for full-time workers at the site(s) requesting training.**

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

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 full-time employees of the company 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%, explain the circumstances.

An employer may apply for a modification to the 20 percent turnover rate requirement. Evidence to support a modification must be included in the Supplemental Application. In some cases, a turnover rate that exceeds 20% may be; in other instances, the employer may negotiate with ETP to determine an acceptable turnover rate that the Contractor must meet by the end of the Agreement. If the company does not meet the determined percentage, reduced earnings could result.

Circumstances for modification that may be considered:

- An employer has experienced and provides evidence of a singular reduction in its workforce (an anomaly);
- Industry data supports a higher rate; or
- Proposed training will significantly decrease the turnover rate.

5. 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.

6. **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.

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	<p>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.</p> <p>The dollar amount of commission, or commission plus wages, must be equivalent to the applicable ETP minimum wage.</p>
Health Benefits	Yes	<p>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.</p> <p>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.</p>
Overtime	No	<p>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.</p> <p><u>The employee's regular wage alone must</u> meet the applicable ETP minimum wage requirement.</p>
Tips	No	<p>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.</p> <p>The total dollar amount of cash tips plus the employee's regular wage must meet the applicable ETP minimum wage requirement.</p>
Mandatory Service Charges (Banquet Tips)	Yes	<p><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.</p> <p>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)</p>

ITEM	ALLOWABLE	CRITERIA
		exempt from sales tax.)

7. Contractor in-kind contribution (all proposals except SET Small Business Owner):

All employers receiving training funds must provide a contribution towards the cost of the project. This “in-kind” contribution refers to costs incurred by a Contractor, over and above ETP funds, that are directly attributable to the ETP training project and demonstrate the Contractor’s commitment to the program. Contributions may be monetary or non-monetary. Excess “administration costs” cannot be included.

- Single-employer Contractors with 100 or fewer full-time employees in California, but no more than 250 worldwide must provide a contribution that equals at least 50 percent of the ETP funding amount
- All other single-employer Contractors must provide a contribution equaling at least 100 percent of the ETP funding amount.

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 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);
- Supplemental or ongoing training that is not directly related to the ETP training;

- Substantial contributions for repeat projects; or
- Excess administration costs.

8. **Trainers and Training Locations**

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 all videoconference training sites.

9. **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)?
- Will training result in higher wages (i.e. occupations being trained have demonstrated wage progressions, trainees will move into jobs with career paths)?

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 payment 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. Max to Retain: The number of trainees to be retained in the Job Number may exceed the number identified in Column 4, provided (a) trainees receive at least the minimum number of training hours in the Job Number, and (b) there are sufficient funds available in the Job Number.
7. There are few restrictions on Amendments. However, using Variable Reimbursement eliminates the need for most common Amendment / Modification requests to redistribute trainees and increase or decrease training hours. This should reduce the administrative paperwork.

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 conducted in a non-productive environment or simulated work setting, generally away from the trainee's work station, under the direction and supervision of a laboratory trainer. The trainer's time during laboratory training must be dedicated exclusively to the instruction of trainees.

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.

Videoconference training is live, interactive instruction provided by a trainer through a video communications session between two or more locations, but not more than three locations, during the same hours.

- The Contractor may designate any number of company sites for videoconference training. These sites will be listed in the Agreement. However, any one training session is limited to not more than three sites at one time, while also maintaining the 1:20 trainer to trainee ratio.

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**

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):

The Dawson Company
Computer Skills Training Curriculum

Sample “Menu” Curriculum with Advanced Technology (AT) and Computer Based Training (CBT)

Champion Manufacturing
“Menu” Training Curriculum

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 if 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
FISCAL YEAR 2008 - 2009

The Panel targets training in California counties and cities that have unemployment rates at least 25% higher (7.00 percent) than the state unemployment rate (8.75 percent as of July 18, 2008). These proposals should focus on the “working poor” defined as workers who have full-time jobs and fairly stable employment, but earn low wages (less than the ETP minimum) and lack the essential job skills necessary to improve their employment opportunities. HUA training may be approved under both the regular economic development category for employers with out-of-state competition, and also under the Special Employment Training (SET) category for those companies lacking out-of-state competition. Trainees may or may not be “working poor”.

For the state fiscal year 2008 – 2009 there are two major groupings of High Unemployment Areas (HUAs):

(1) counties with unemployment rates at least 25% higher than the state average; and (2) cities with unemployment rates at least 25% higher than the state average.

1) Counties with rates 25% higher than the state average include but are not limited to:

COUNTIES WITH RATES 25% HIGHER THAN STATE AVERAGE	
Alpine	San Benito
Colusa	San Joaquin
Fresno	Shasta
Glenn	Stanislaus
Imperial	Sutter
Kern	Tehama
Kings	Trinity
Lake	Tulare
Madera	Yuba
Merced	

2) If a county's unemployment rate does not qualify, but a city within that county does meet the criteria at the time the ETP application is received, then it will be considered a high unemployment area. Cities that are considered areas of high unemployment include but are not limited to:

COUNTIES WITH RATES LESS THAN 25% HIGHER THAN STATE AVERAGE BUT WITH CITIES THAT HAVE RATES 25% HIGHER THAN STATE AVERAGE	
COUNTY	CITY/AREA
Alameda	Cherryland Oakland
Butte	Gridely Magalia Oroville Palermo South Oroville CDP Thermalito
Calaveras	Angels City San Andreas
Contra Costa	Bay Point Bayview Mountain Crockett Moraga Pittsburg Richmond Rollingwood San Pablo
Del Norte	Crescent City
El Dorado	Placerville South Lake Tahoe
Los Angeles	Baldwin Park Bell Bell Gardens Commerce Compton Cudahy East Compton CDP East Lost Angeles CDP El Monte Florence-Graham Hawthorne Huntington Park Inglewood Lake Los Angeles Lancaster Lennox Lynwood Maywood Palmdale Paramount South Gate Valinda

COUNTIES WITH RATES LESS THAN 25% HIGHER THAN STATE AVERAGE BUT WITH CITIES THAT HAVE RATES 25% HIGHER THAN STATE AVERAGE	
COUNTY	CITY/AREA
	Walnut Park West Compton CDP Westmont Willowbrook
Monterey	Castroville Gonzales Greenfield Kings City Las Lomas Salinas
Nevada	Nevada City
Placer	Lincoln
Riverside	Banning Beaumont Blythe Cabazon Calimesa Coachella Dessert Hot Springs East Hemet CDP El Cerrito Glen Avon Hemet Highgrove Homeland Idyllwild Pine Cove Indio Lake Land Village Mecca Moreno Valley Murrieta Hot Springs Perris Romoland Rubidoux San Jacinto Sun City Winchester
Sacramento	Florin Foothills Farms Galt North Highlands Parkway South Parkway CDP Rio Linda

COUNTIES WITH RATES LESS THAN 25% HIGHER THAN STATE AVERAGE BUT WITH CITIES THAT HAVE RATES 25% HIGHER THAN STATE AVERAGE	
<i>San Bernardino</i>	Adelanto Barstow Bloomington Hesperia Highland Joshua Tree Lenwood Muscoy Rialto San Bernardino Twentynine Palms Twentynine Palms Base Victorville
<i>San Diego</i>	Imperial Beach National City
<i>San Luis Obispo</i>	Oceano
<i>San Mateo</i>	East Palo Alto North Fair Oaks CDP
<i>Santa Barbara</i>	Isla Vista Lompoc Montecito
<i>Santa Clara</i>	Gilroy San Martin
<i>Santa Cruz</i>	Freedom Interlaken Watsonville
<i>Siskiyou</i>	Weed
<i>Tuolumne</i>	Jamestown
<i>Ventura</i>	Fillmore Santa Paula
<i>Yolo</i>	West Sacramento

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.

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

COUNTIES	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	\$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	\$10.98	
San Diego	\$10.73	
Ventura	\$10.22	
All Other Counties*	\$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:

	<i>Workers Who Earn at Least the State Average Hourly Wage</i>	<i>Workers in High Unemployment Areas</i>	<i>Small Business Owners</i>	<i>Workers with Multiple Barriers to Employment</i>
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. ETP may waive or modify this requirement on a case by case basis, for good cause.

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			
TYPE OF TRAINEES	*CLASS/LAB/ VIDEOCONFERENCE	*ADVANCED TECHNOLOGY CLASS/LAB	*CBT
NEW HIRES (Cost per trainee is capped at \$4,854)	\$17	N/A	\$8
RETRAINEES (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 sections currently identified as priorities in the Strategic Plan include manufacturing and high technology (including high tech services, biotechnology, and multimedia entertainment), agriculture, healthcare, transportation and good movement, construction, and clean technology (i.e., clean tech services, clean tech consulting businesses). Priority industries are identified, via NAICS codes. (a) Priority industry (b) Small business (100 or fewer, full-time employees) in a priority industry, including a priority small business served under a MEC or entrepreneurial agreement.	(a)\$18 (b)\$26	(a)\$26 (b)\$26	

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)	\$22	N/A	
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)	\$20	N/A	
CRITICAL PROPOSAL RETRAINING Single employers may earn up to 25% over the standard fixed-fee rate on a case-by case basis considering they type of training and any special circumstances specific to the project.	\$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. Excess administration costs cannot be included.

4. **Concurrent Enrollment**

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

5. **Work Sharing**

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

6. **Adjustments to Fixed Fee Funding**

- a. **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).

8

Application

To complete the application for ETP funding, submit a **hardcopy** of your completed Supplemental Application Information with original signatures to:

**Attn: The Application Review Unit
Employment Training Panel
1100 J Street, 4th Floor
Sacramento, CA 95814**

The Supplemental Application Information Package must include:

1. **Supplemental Application Information Package Cover Sheet** (ETP 004).

Complete all relevant items and have the **Agreement signatory** sign and date the form.

2. **ETP Supplemental Application Information Package Checklist** (ETP 005).

Submit a copy completed by the ETP Analyst.

3. **All documents marked on the Checklist.**

- a. An Application **template** will be provided to you on a disk or via e-mail. Include all documents that have been checked off by the ETP Analyst. Attach the cover pages provided in this SECTION. **Please do not send the Supplemental Application Information Package in binders or folders, and avoid using staples.**
- b. Informational items may be entered on the template itself.
- c. Documents that must be on letterhead and/or that require signatures may be completed on the template, but originals must be mailed to the Application Review Unit.

A completed Supplemental Application Information Package must be submitted within one year of the Pre-Application determination date issued by the Application Review Unit in Sacramento. The Supplemental Application Information Package may be returned to you if any of the items are missing. Monthly deadlines are posted on ETP's website at:

www.etp.ca.gov

Panel Meetings

Application Package Deadlines

ETP Supplemental Application Information Package Cover Sheet (ETP 004)

Reference Number: _____

Applicant's Legal Name:	_____
Address:	_____
Applicant's Authorized Representative:	_____
Title:	_____
Telephone:	_____
Fax:	_____

This Supplemental Application Information Package Cover Sheet (ETP 004) and all items on the Supplemental Application Information Package Checklist (ETP 005) below must be completed. Based upon the ETP trainee eligibility criteria delineated in SECTION 3 (Training Plan) and SECTION 6 (Special Programs), enter the following:

Number of New-Hire Trainees:	
Number of Retrainees:	
Number of Special Employment Training (SET) trainees:	
Number of High Unemployment Area/Working Poor (HUA) Trainees:	
Total Number of Trainees in All Categories:	
Total ETP funding requested for the proposed training:	\$
Proposed start date of ETP training (month, day, year):	

To the best of my knowledge, the foregoing information and my responses to the questions are accurate and correctly reflect our participation in the ETP-funded training.

Signature of the Agreement Signatory	Title
Print Name	Date

Employment Training Panel Application Checklist (ETP 005)

Reference Number:

Applicant's Legal Name:	
ETP Contract Analyst:	
Date of Site Visit:	

<u>Submit</u>	<u>Received</u>	
		<u>TERMS AND CONDITIONS (SECTION 2)</u>
		Agreement Signatory
		<u>TRAINING PLAN (SECTION 3)</u>
		Applicant's Background, Need for Training, Turnover Rate
		Training Plan Worksheets
		Wages, Occupations, Benefits, In-Kind Contribution
		Training Sites (cities and counties)
		<u>CURRICULUM (SECTION 4)</u>
		Videoconference Training Sites
		Advanced Technology Justification
		<u>SUBAGREEMENTS & ANCILLARY INFORMATION (Section 5)</u>
		Subagreements
		List of Subcontractor(s) (ETP 100D)
		Agency Agreement
		Union Support Letter(s)
		Justification for Waiver(s) to ETP Policies or Procedures
		Special Information (specify):

		<u>SPECIAL PROGRAMS (SECTION 6)</u>
		High Unemployment Areas/Working Poor (Regular and SET)
		SET Frontline Workers who Earn at Least the State Average Hourly Wage
		SET Frontline Workers with Multiple Barriers to Employment

Terms and Conditions

(See SECTION 2)

Terms and Conditions

Provide the following information for the authorized signatory and contract contact person.

Signatory:

Title:

Address:

Phone:

Fax:

E-Mail:

Contract Contact Person:

Title:

Address:

Phone:

Fax:

E-Mail:

Training Plan

(See SECTION 3)

Contractor's Background, Need for Training, Supplemental, Turnover Rate

At a minimum, include the following information:

1. Company's Legal name and website.
2. Name, address, phone, fax, and email address of the company contact person.
3. Parent or holding company. Indicate the prospective ETP Contractor's relationship to the parent company (a division, wholly owned subsidiary, subsidiary, branch, etc.).
4. Headquarters location and other sites in California and worldwide.
5. The number of full-time company employees including the parent company (1) worldwide -and - (2) in California and (3) at the training site(s).
6. Company history, year founded, by whom, how long in business.
7. What the company does, manufactures, provides, and produces.
8. Company's customers (types of businesses or industries).
9. Locations where training will take place (include addresses and counties).
10. Describe how the company currently operates, what changes have or will take place within the company, and how training will facilitate these changes.
11. Explain your company's training goals and how ETP-funded training will help meet those goals.
12. If new equipment/technology is involved, specify the type of equipment; if/when it will be installed; the company's dollar investment; if some training is included with the new equipment; and how the equipment/technology impacts current employees.
13. Justify the need for each type of training (all proposals). Identify the types of training to be provided, who will be trained, and explain why the skills training is necessary.
14. Describe how the training supplements your current training (retraining only). (Refer to Section 3, Application, Number 3).
 - Include a statement that ETP funding will not displace employer's resources for training.
 - Set out employer's current training budget or percentage of payroll dedicated to training, and general information on expenditures. If the employer does not have a training budget, state this, and explain the employer's current training efforts.
 - Describe the types of training the employer has provided in the past. Was the training job-specific or organization-wide? Describe the employer's current training efforts.
 - Describe the anticipated effect of Panel support and the employer's commitment to training their workers after the completion of ETP-funded training.
15. Identify your company's California turnover rate (____%) for the last calendar year for full-time workers at the site(s) where training will take place.

TRAINING PLAN WORKSHEET (ETP 006)
 (one page for each training group; make copies as needed)

Contractor Name: _____

Reference Number: 07-0000

JOB #1____ Number to Be Retained: ____.	Class/Lab and Videoconferencing Retrainee @ \$15.00 New Hire @ \$17.00		CBT @ \$8.00/hr		Advanced Technology @ \$22.00		Total Hours & Cost per Trainee
Type of Training:							
Menu Curriculum		+		+		=	
(Business Skills)		+		+		=	
(Computer Skills)		+		+		=	
(Management Skills)							
Total Hours by Column:	_____ Hours	+	_____ Hours	+	_____ Hours	=	_____ Hours per Trainee
Hours x Funding per Hour:	_____ x \$15/\$17= \$_____	+	____ x \$8 = \$	+	____ x \$22= \$	=	\$_____ Cost per Trainee*
TOTAL funding for JOB #1: \$ _____ (Cost per Trainee) x _____ (Number of Trainees) = \$ _____.							
Trainee Occupations for this Job #:							
Trainee Minimum/Maximum Wage Range after 90-day Retention for this Job #: from \$ _____/hr. to \$ _____/hr.							
Will employer-paid health benefits be added to trainees' wages in this Job #? Yes _____ No _____.							

Trainee Occupations, Wages, and Benefits

List all occupations / job titles, number of trainees in each occupation, lowest to highest base wage (without benefits) each occupation will receive at the end of the 90-day retention period, if trainees are covered by collective bargaining agreement, the prevalent wage for all trainees, hourly health benefits (if used), and any other wages used to meet the ETP minimum (add rows as needed):

Occupations / Job Title	Number of Trainees	Minimum Wage (without benefits)	Maximum Wage (end of retention)	Union (Collective Bargaining Agreement)
		\$ _____	\$ _____	
		\$ _____	\$ _____	
		\$ _____	\$ _____	
		\$ _____	\$ _____	
Total		\$ _____	\$ _____	
Prevalent Wage <u>all</u> Occupations				
Health Benefits (Medical, Dental, Vision) Dollar Amount				
Other company benefits (list type)				
Miscellaneous Wages (Commission, Bonus)				
Hours in Work Week				

Managers and Supervisors

- Total number of Manager and Supervisors: _____
- Percent of total trainees: _____%
- Justify training managers and supervisors: _____

High Unemployment/Working Poor Agreements (HUA)

List trainees in this category separately.

- Occupations.
- Number of trainees in each occupation.
- Trainee wages before training (\$ _____ per hour). Trainee wage at the end of retention (\$ _____ per hour).

Contractor's in-kind contribution for this training plan

- Trainee wages during training: \$_____
- Other contributions (list one total amount and all categories covered, excess administration costs cannot be included in this figure): \$_____

Trainers

Location of Training

Videoconference training sites

High Cost Per Trainee

Curriculum

(See SECTION 4)

List all types of training that will be provided during your ETP Agreement. Follow each type of training with the courses that will be covered, and bullet each course with the most prominent topics that will be discussed during class/lab training hours.

COMPANY NAME
Menu Curriculum

Class Lab Hours
(Range of hours)

Trainees will receive any of the following:

BUSINESS SKILLS

✚ Course/Topic

COMMERCIAL SKILLS

✚ Course/Topic

COMPUTER SKILLS

✚ Course/Topic

CONTINUOUS IMPROVEMENT

✚ Course/Topic

HAZARDOUS MATERIALS

✚ Course/Topic

MANAGEMENT SKILLS

✚ Course/Topic

MANUFACTURING SKILLS

✚ Course/Topic

LITERACY SKILLS

✚ Course/Topic

COMPUTER BASED TRAINING (CBT)

✚ Course/Topic

ADVANCED TECHNOLOGY

✚ Course/Topic

Computer-Based Training (CBT): Provide the standard number of hours to complete each course.

Advanced Technology (AT): Provide specific AT curriculum and a letter of justification to support funding at \$22/training hour.

Subagreements & Ancillary Information

(See SECTION 5)

SUBCONTRACTOR(s)/SUB-TIER SUBCONTRACTOR(s) (ETP 100D)

List any Subcontractor(s)/sub-tier Subcontractor(s) participating in the Agreement for:

Contractor:
Reference No: _____ Agreement Number: _____

PRINT OR TYPE

Representative's Name: _____
Title: _____
Organization: _____
Address: _____
City, State, Zip: _____
Contact Person/Title: _____
Telephone No.: _____
Cost of Service: _____
Description of Service: _____

Representative's Name: _____
Title: _____
Organization: _____
Address: _____
City, State, Zip: _____
Contact Person/Title: _____
Telephone No.: _____
Cost of Service: _____
Description of Service: _____

Representative's Name: _____
Title: _____
Organization: _____
Address: _____
City, State, Zip: _____
Contact Person/Title: _____
Telephone No.: _____
Cost of Service: _____
Description of Service: _____

Training and Administrative Subagreements

Prepare subagreements for training and administrative vendors.

In addition to all company-specific terms and conditions between the Contractor and subcontractor, all ETP subagreements must include:

- The name, title, address, and phone number of the signatory authority for the Contractor and subcontractor.
- The subagreement term dates.
- A detailed explanation of the services to be provided.
- The amount of the subagreement.

Note: Administrative subagreements written for more than 40 percent of the primary Contractor's total allowable administrative funding shall be performance-based, and the subcontractor shall not earn final payment for services until trainees complete all training and the retention period. The sum total of all administrative services provided by subcontractor(s) may not exceed 15 percent of allowable training costs for retraining and 25 percent for new-hire training. These administrative subagreements must include the following statement:

“Earnings for administration under this subagreement are contingent upon the Contractor's successful performance under the ETP Agreement.”

- The following six standard ETP paragraphs included.
 1. The Employment Training Panel (ETP) is not a party to this Agreement nor is Subcontractor a beneficiary in any way under the ETP Agreement. ETP is not obligated in any manner for any liability that may arise out of this Agreement. No third party relationship is intended or created with ETP under this Agreement.
 2. Subcontractor agrees that ETP has the right, during normal business hours, to examine or audit any and all records, books, papers and documents related to the delivery of services under this Agreement to the extent ETP deems necessary. This disclosure provision shall survive termination of this Agreement.
 3. Subcontractor agrees that ETP has the right, during normal business hours, to freely observe and monitor the delivery of services under this Agreement with or without the Subcontractor's presence. In particular, Subcontractor agrees that ETP has the right to interview trainees, trainers and training personnel.
 4. Subcontractor agrees to maintain all records and other writings that pertain to the delivery of services under this Agreement for a period of no less than four (4) years from termination of the ETP Agreement, or three (3) years from fiscal closeout of final invoicing under the ETP Agreement, whichever is later. This recordkeeping provision shall survive termination of this Agreement.

5. This Agreement shall be governed by the laws of the State of California. If litigation, arbitration or other proceedings arise in connection with this Agreement, the exclusive venue and place of jurisdiction is the County of Sacramento in the State of California. This governing law provision shall survive termination of this Agreement.
6. In the event of any conflict or inconsistency between the terms of this Agreement and the ETP Agreement, the latter shall govern and prevail.

Union Letters

Submit signed letter(s) on Union Letterhead to the ETP Analyst

Justification for Modifications to ETP Policies or Procedures

(Turnover Rate, Percent of Managers, etc.)

Request:

Rationale:

Special Information

(Advanced Technology, Trainer to Trainee Ratio, etc.)

Issue:

Rationale:

Special Programs

(See SECTION 6)

Special Program Information

High Unemployment Areas (HUA)/Working Poor (Regular and SET)

Required Information

Explain how prospective trainees lack essential job skills necessary to improve their employment opportunities. Include any pertinent information about limited education and/or limited English-speaking skills.

Special Employment Training (SET) for Frontline Workers

1. Frontline workers who earn at least the State average hourly wage

Required Information:

Describe how your business is difficult to serve under the Panel's standard project format, and that the project contains elements unique to the Panel's experience. Priority will be given a proposal that: 1) can serve as a model for the development of future projects; 2) involves a business that the Panel has not historically been able to serve directly; or 3) includes new and unique methods of instruction/training delivery.

2. Frontline workers who have multiple barriers to employment

Required Information:

Provide a signed statement on company letterhead identifying at least two barriers to employment affecting trainees who will be considered eligible for training. Explain how training will help trainees overcome the identified barriers.

Part II

Contract

Administration

9

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, there must be an internal tracking system that supports the information on the rosters.
- Approximately 30 days after the start of training, the first monitoring visit will be conducted. Subsequent visits will be scheduled every five to six 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
 - 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 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 should 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.

DAILY ATTENDANCE ROSTER

Contractor Name:		Agreement No.:	
Training Date:	Training Site:	Start Time:	End Time:

Type of Training/Course Topic	Class/Lab Hours

No.	Trainee Name (print or type)	Trainee Signature/Excused Absence (ink only)	Job No.	Make-up
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

Print Instructor Name (Company Name):
Instructor Signature:

NOTE: ETP does not reimburse for lunch periods or travel.
 (VSA Roster Rev. 7/13/98)

CLASS TRAINING ROSTER (Multiple Dates)

Agreement No.: _____

Contractor: _____

TYPE of training: _____

JOB NO	TRAINEE NAME	TRAINEE SIGNATURE <i>(Trainee signs <u>only once</u>, on first day of training.)</i>	HOURS/MINUTES of class meeting :																
			CLASS MEETING DATES:																
			TRAINEE INITIALS: <i>Trainee must initial below on each date they attend training:</i>																

Trainer completes all information below prior to submitting this roster:

COURSE TITLE(s) <i>List each training course that Trainer will provide.</i>	TRAINER NAME <i>Print or type name.</i>	TRAINER SIGNATURE <i>Trainer signs <u>only once</u>. This signature covers all training courses identified sequentially on the roster as being provided by that Trainer.</i>	DATE

Class.roster
02/00

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)	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 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

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) <i>Standard Hours to Complete Course = course hours identified in the curriculum</i>		
a)	h)	o)
b)	i)	p)
c)	j)	q)
d)	k)	r)
e)	l)	s)
f)	m)	t)
g)	n)	u)

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.

11
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 an e-mail of the Agreement for signature. Print and have the Signatory sign two copies and return to ETP before the Agreement can be executed. Until the two copies of the signed 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 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

ETP Online System (continued):

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

“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.”

B. 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 as a helpful sheet to collect enrollment information from 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 14 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.
- 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.

ETP Online System (continued):

C. **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.

D. **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.

E. **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.

ETP Online System (continued):

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 support 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.

ETP Online System (continued):

- 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 - M <input type="checkbox"/> Female - F
16) Veteran <i>(optional)</i>	<input type="checkbox"/> Yes - Y <input type="checkbox"/> No - N
17) Disabled <i>(optional)</i>	<input type="checkbox"/> Yes - Y <input type="checkbox"/> No - N

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:
 ,

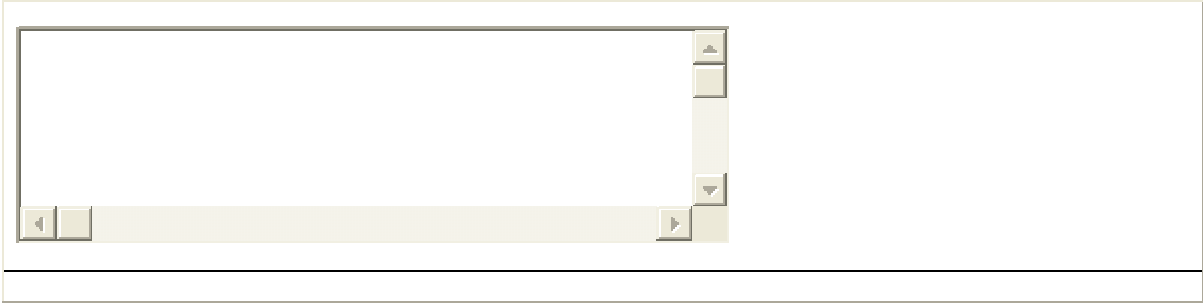
Telephone Number:

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.