TO: Local OJT/NEG Coordinators

SUBJECT: Program Eligibility Requirements, Review of Businesses, Notice of Obligational Authority Request Process, Accrued Expenditure Reports, and Questions and Answers.

ACTION: Local OJT/NEG Coordinators are responsible for ensuring the Local Area’s OJT/NEG program complies with the guidance provided in this letter.

Program Eligibility Requirements

1. Pool of Eligible Businesses
   - The OJT/NEG program provides funding for OJT with private for profit and not-for-profit businesses. They cannot, however, be used to fund OJTs with:
     i. Gambling establishments, swimming pools, aquariums, zoos, and golf courses; or,
     ii. Businesses that have relocated all or part of their business within the previous 120 days where the relocation action has resulted in the loss of employment of any employee at the original location.
   - NEG/OJT funds cannot be used to support OJT opportunities with public entities.

2. Pool of Eligible Participants
   - OJT/NEG Participants must:
     i. Be enrolled in the WIA Dislocated Worker Program; and,
     ii. Have a date of dislocation of January 1, 2008 or later; and,
     iii. Be long term unemployed. For purposes of this initiative, the term “long term unemployment” is defined as being unemployed 27 weeks or more.

Review of Businesses

There are two pieces to the review of businesses being considered for an OJT. The first is the Responsibility Questionnaire, which is completed by the business. The second is the due diligence process, which is completed by the local area and the New York State Department of
Labor (NYSDOL). The two pieces are related in that the due diligence process includes a review of the Responsibility Questionnaire. Each of these pieces is discussed in more detail below.

1. Responsibility Questionnaire for business
   a. As outlined in Workforce Development Systems Technical Advisory (TA) 10-15 Local Workforce Investment Area (LWIA) On-the-Job-Training Policy (08/25/10), it has been determined by NYSDOLs Counsel’s Office that the Responsibility Questionnaire must now be used for all grants, contracts and subcontracts under WIA. The questionnaire can be found as part of TA 10-15.
   
   b. Please note that if an organization has submitted a Responsibility Questionnaire within the last 12 calendar months, all that is needed is an attestation that the information presented in the form remains true, accurate and complete (see attachment A).

2. Due Diligence for business
   a. Due diligence must be conducted for all businesses using the guidelines outlined in TA 10-15. This includes ensuring the checks performed at the local level and the checks performed at the state level have been completed. Please refer to TA 10-15 for a list of the required checks.
   
   b. Requests for state level checks should be submitted to OJTDueDiligence@labor.ny.gov with the NYSDOL Regional Business Services Associate listed in the CC line of the request. The subject line should read “OJT/NEG Due Diligence Request – [Business Name].” Upon receipt of the request, NYSDOL will send a confirmation email to the requesting Local Area.
   
   c. Due to the confidential nature of the state level check, NYSDOL will provide an email response of “Found to be Responsible,” “Issues Pending,” or “Not Found to be Responsible” for each entity, rather than providing any specifics for the categories of information. These responses will be provided within three business days from the date of the confirmation of receipt.
   
   d. This review provides a snapshot of the organization at the point in time the review takes place. The information checked during the review is updated on a quarterly basis. For this reason, the review is considered valid for a three month period beginning on the date the review is completed. After this three month period, the organization must undergo a new due diligence review if it wishes to enter into a new contract.
   
   e. To assure due diligence can be completed as quickly as possible, requests for OJT/NEG must be submitted using the OJT Due Diligence Request Form (see attachment B) and must contain:
      i. Business name (including DBA)
      ii. Business address
      iii. FEIN
iv. Business Contact information including phone number and e-mail address  
v. Industry/Type of Business  
f. It is very important to remember that you can still work with the business while you are awaiting the results of the due diligence process. All recruiting/candidate selection/interviewing activities should be taking place concurrently.

Funding

1. Notice of Obligational Authority (NOA) Request process  
a. As the last step in the process, OJT/NEG funds must be requested for each participant. To do this, send a completed OJT/NEG NOA Request form (see attachment C) to the OJT/NEG email box, ojt-neg@labor.ny.gov, using the subject line “OJT/NEG NOA Request – [Individuals name].”  
b. Requests will be reviewed as they are received. If approved, the requesting local area will be given confirmation via that same email box. This confirmation will allow the local area to execute the OJT contract with the business. It is anticipated that this process will take no more two business days.  
If denied, program staff will respond to the requesting local area to discuss the reason for denial and work to put the request in order so it can be approved.  
c. Initially NOAs will be issued to appropriate local areas on a bi-weekly basis. The frequency will be adjusted as required depending on volume of requests received.

2. Accrued Expenditure Report (AER)  
a. Funding used under the OJT/NEG program must be reflected on your monthly AER. To do this, an OJT/NEG specific AER has been created (see attachment D). These reports must agree with the records maintained by the LWIA.  
b. Each completed report is to be submitted to NYSDOL by the 15th day of the month following the month reported. Completed forms should be e-mailed to dews.aers-taa@labor.state.ny.us with a cc to the Local Area’s FOTA and State Representatives.  
In addition, one copy of the reports should then be printed and signed by an authorized individual for the LWIA. The signed hard copy of the reports should be sent to:

Sheila Maddox  
NYSDOL, Building 12, Room 290  
Gov. Averill Harriman State Campus  
Albany, NY 12240

Questions and Answers

All questions regarding this program should be directed to the ojt-neg@labor.ny.gov. Questions will be answered by direct email as they are received. They will also be compiled
and posted on the Department webpage. The online Q&A will be updated on a weekly basis as needed.

Attachment A – Responsibility Questionnaire Update Attestation Form
Attachment B – OJT Due Diligence Request Form
Attachment C – OJT/NEG NOA Request Form
Attachment D – OJT/NEG AER Form